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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 14 March 2016

Notice of meeting / Hysbysiad o gyfarfod:

Licensing and Regulatory Committee

**Tuesday, 22nd March, 2016 at 10.00 am,
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA**

AGENDA

Item No	Item	Pages
1.	Apologies for absence	
2.	Declarations of interest	
3.	To confirm and sign the minutes of the previous meeting	1 - 4
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5.	To agree fees in relation to Premises Licences under the Gambling Act 2005 for 21st May 2016 - 20th May 2017.	129 - 134
6.	To consider an application for a Block Street Trading Consent to trade in Caldicot Castle and Country Park	135 - 162
7.	To note the date and time of the next meeting as Tuesday 3rd May 2016 at 10.00am	

Paul Matthews

Chief Executive / Prif Weithredwr

MONMOUTHSHIRE COUNTY COUNCIL
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Chapman
R. Edwards
D. Evans
L. Guppy
J. Higginson
J. Marshall
J. Prosser
B. Strong
F. Taylor
P. Watts
A. Webb
M. Hickman

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Aims and Values of Monmouthshire County Council

Sustainable and Resilient Communities

Outcomes we are working towards

Nobody Is Left Behind

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

People Are Confident, Capable and Involved

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

Our County Thrives

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Cymunedau Cynaliadwy a Chryf

Canlyniadau y gweithiwn i'w cyflawni

Neb yn cael ei adael ar ôl

- Gall pobl hŷn fyw bywyd da
- Pobl â mynediad i dai addas a fforddiadwy
- Pobl â mynediad a symudedd da

Pobl yn hyderus, galluog ac yn cymryd rhan

- Camddefnyddio alcohol a chyffuriau ddim yn effeithio ar fywydau pobl
- Teuluoedd yn cael eu cefnogi
- Pobl yn teimlo'n ddiogel

Ein sir yn ffynnu

- Busnes a menter
- Pobl â mynediad i ddysgu ymarferol a hyblyg
- Pobl yn diogelu ac yn cyfoethogi'r amgylchedd

Ein blaenoriaethau

- Ysgolion
- Diogelu pobl agored i niwed
- Cefnogi busnes a chreu swyddi
- Cynnal gwasanaethau sy'n hygyrch yn lleol

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Licensing and Regulatory Committee held
at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th February, 2016 at 10.00 am**

PRESENT: County Councillor L. Guppy (Chairman)
County Councillor B. Strong (Vice Chairman)

County Councillors: R. Chapman, R. Edwards, D. Evans, J. Prosser,
F. Taylor, P. Watts, A. Webb and M. Hickman

OFFICERS IN ATTENDANCE:

Linda O'Gorman	Principal Licensing Officer
Pat Perkins	Legal Assistant
David Jones	Head of Community Protection
Paula Harris	Democratic Services Officer

1. Apologies for absence

We received apologies from Councillors J. Higginson and J. Marshall.

2. Declarations of interest

There were no declarations of interest.

3. To confirm and sign the minutes of the previous meeting

We confirmed and signed the following minutes of the Licensing and Regulatory Committee & Sub Committee:

- 10th November 2015

4. Proposal for Taxi and Private Hire Policy and Conditions 2016

The Principal Licensing Officer presented the Proposal for Taxi and Private Hire Policy and Conditions 2016. The purpose was for the Licensing and Regulatory Committee to consider the proposed 'Taxi and Private Hire Policy Conditions 2016'. Prior to the policy to coming into force on 1st April 2016.

Members were invited to comment and ask questions, during discussion the following points were noted:

The amount of information was quite overwhelming and it was asked how unique our standard was. In answer to this we were told that we are commensurate with several other authorities and we have a number of extras, such as horse and cart.

The dual language signage of Welsh and English was confirmed as being required to comply with the Welsh Language Act. We were reassured that we are able to source help with Welsh translation within the 5 local authorities and that the licensing department has one fluent Welsh speaker.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Licensing and Regulatory Committee held at County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th February, 2016 at 10.00 am

Monitoring infringements would be a high priority, the Officers were keen to investigate any complaints received by members of the public or County Councillors. The Council has written in that they would not accept electronic cigarettes being used in vehicles.

Issues with disabilities have been recognised in the policy, the onus has been put back with the taxi drivers to respect the rights of all of their passengers.

It was asked that when the policy is finalised, would hard copies of the document be available, and the officers advised that hard copies would be available on request.

The Chair thanked the Officers for bringing the report to the Committee and praised the comprehensive content. All recommendations were accepted unanimously.

5. Review Of Annual Licensing Fees For Financial Year 2016/2017

We received a report inviting members to approve the fees set out in Appendix A of the report, entitled "Schedule of Licence Fees for 2016-17", subject, where relevant, to any required public notice. Any objections, duly made, regarding fees for the grant of licences for hackney carriage and private hire vehicles be brought back to Committee at the earliest opportunity for due consideration. Members were invited to comment and ask questions, during discussion the following points were noted:

Legally, fees are unable to generate profit, we can only charge in line with cost recovery.

It was asked if the new sport grounds certificates involves local football clubs and we were advised that it only applied to locations with 10,000+ capacity, this would only apply to Chepstow Race Course at present.

Councillor Chapman asked that Mike Moran contact him regarding safety issues at Abergavenny Thursday ground. **(ACTION D.J.)**

Guidance was sought on the impact of street trading fees. We were told that the fees would remain on the fee list for items which do not fall within the category of waived fees. This would be discussed in more detail in the following item on the agenda.

The Chair thanked the Head of Public Health & Culture for bringing the report to the Committee.

All recommendations were approved unanimously.

6. Draft Street Trading Policy and Conditions 2016

The Committee considered proposals to update the Authority's Street Trading Policy and Conditions 2016 as presented by the Senior Licensing Officer.

Members were asked to determine whether fees should be retained or if fees in whole, or in part, should be waived for fetes, carnivals and similar community based, charitable and non-commercial events, as referred to in Section 9 of the Draft Street Trading Policy and Conditions 2016 attached as Appendix A.

It was asked that Members approved the revised policy and conditions for Street Trading, attached to the report as Appendix A.

MONMOUTHSHIRE COUNTY COUNCIL

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It was asked if Town Teams get charged for holding events and were advised that everyone would be treated the same, although Licensing have been working with the Town Teams and advising them to pay for an annual block to avoid contacting Licensing for each event.

A Member asked if mobile businesses were treated the same and we were advised they would have to have a different type of consent.

A Clarification was sought on part of Exemption 4.g of policy 'The use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, or in or over a highway.' We were told that reference had to be made legally as the trading took place on a public street.

We were told that we have struggled with 'what is a charity' and have kept the exemption in the policy so that we can charge if necessary.

Members thanked the officers for clarification and welcomed the balanced offered. Members hoped that by having the option to waive fees, this may encourage new fledgling events as well as non-commercial, charitable events.

It was agreed that item 9 will now read:

A fee will not be required for fetes, carnivals and similar charitable and non-commercial events in certain exceptional circumstances, and at the approval of the Licensing and Regulatory Committee. In such circumstances, each Application will be treated on its own merit.

Upon a vote, recommendation 2.1 was agreed and recommendation 2.2 was agreed with the new wording.

7. To note the date and time of the next meeting

- Tuesday 22nd March 10am
- Tuesday 22nd March 1pm - Special

The meeting ended at 11.23 am

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MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Proposal for Taxi and Private Hire Policy and Conditions 2016

DIRECTORATE: Chief Executives

MEETING: Licensing and Regulatory Committee

Date to be considered: 22nd March 2016

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider the proposal for Taxi and Private Hire Policy Conditions 2016, further to the recently completed consultation with the trade.

2. RECOMMENDATION(S):

- 2.1 Members approve the new policy and conditions to come into force on 1st April 2016 for hackney carriage / private hire licensees (attached as Appendix A), except for the age policy of vehicles, whereby a decision is to be made as per 2.2 below.
- 2.2 Members determine and approve one of the following options in relation to age policy of vehicles;
- (a) The proposed age policy: New vehicle to be granted a licence if under 5 years and will not be relicensed over 10 years. Older vehicles may be licensed in exceptional circumstances e.g. specialist, stretched limousines and historic vehicles. Vehicles currently licensed with MCC during the period 1/4/2015 – 31/3/16 which are 8 years or over may continue with their licence to up until to 2 years with effect from 1st April 2016. Testing of the vehicles to be conducted once a year after the vehicle is a year old, vehicles over 5 years to be tested twice a year and vehicles over 8 years to be tested three times a year.
 - (b) As 2.2(a) above but with a longer phasing in period from 1st April 2016 – to be agreed.
 - (c) As 2.2.(a) above with the addition that Wheelchair Accessible vehicles will not be relicensed over an extended period than the proposed 10 years – to be agreed.
 - (d) As 2.2 (c) above but with a longer phasing in period from 1st April 2016 – to be agreed.
 - (e) As 2.2.(a) above with a longer period (greater than 10 years) before a vehicle will not be relicensed – to be agreed.
 - (f) As 2.2 (e) above but with a longer phasing in period from 1st April 2016 – to be agreed.
 - (g) As 2.2(a) above but with no limitation on relicensing i.e. new vehicles to be granted a licence if under 5 years.
 - (h) To retain the existing licensing regime with no age restrictions, with testing of vehicles to be conducted once a year after the vehicle is a year old, vehicles over 5 years to be tested twice a year and vehicles over 10 years to be tested three times a year.

3. KEY ISSUES

- 3.1 At the Licensing and Regulatory Committee held on 9th February 2016, Members provisionally approved the revised Taxi and Private Hire Policy and Conditions 2016, subject to consultation with the taxi trade. Consultation was also conducted with the public and the Passenger Transport Unit who deal with children and adult transport, which includes disabled access. If no responses to the consultation were received the policy would come into force with effect from 1st April 2016. It was further agreed that should a response be received it would be deferred back to the Licensing and Regulatory Committee on 22nd March 2016 for a decision. Responses have been received on this Policy and as such the matter is referred back to Committee for a decision.
- 3.2 It was agreed that consultation on the policy would take place between 9th February 2016 and 18th March 2016. Due to the submission of circulation of Committee reports, the details within this report refer to responses received up until 14th March 2016, further responses received before the expiry date of the consultation on 18th March 2016 will be presented at the Licensing and Regulatory Committee on 22nd March 2016.
- 3.3 The Licensing Section has received 13 responses to the policy. 11 of those responses were from the taxi trade, with 2 from members of the public. 12 of those responses were against the age restriction on vehicles, with 1 requesting the age policy be introduced (Attached to this report as Appendix B). A summary of the responses are as follows:-
- (a) Against age policy as vehicles can have low mileage even if they are old vehicle.
 - (b) Regular testing of vehicles would be more appropriate as to roadworthiness, than putting on an age restriction.
 - (c) Cost of replacement vehicles to comply with age restriction would put businesses out of action and people would lose their jobs.
 - (d) Disabled fleets would be lost as they would no longer comply, due to age restriction.
 - (e) School transport provisions would be lost as vehicles would no longer comply, due to age restriction.
 - (f) A member of the public felt that there were not enough taxis in the Abergavenny area and putting an age restriction on them would minimise taxis further.
 - (g) A member of the public felt that it is not environmentally friendly to encourage short use of vehicles if age policy is in place.
 - (h) A referral was made to an extract from the Department of Transport document – Taxi and Private Hire Vehicle Licensing Best Practice Guidance dated March 2010 as follows:
“Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit is beyond which a local authority will not licence vehicles may be arbitrary and inappropriate. But greater frequency of testing may be appropriate for older vehicles – for example, twice yearly tests for vehicles more than five years old”
 - (i) An extract was submitted from the High Court Decision made against Newport City Council as a result of a Judicial Review dated 27/11/2009, when Newport tried to adopt age policy of vehicles as follows:
“Extract:- For the reasons given, I have concluded that the defendant’s decision to impose age restrictions for licensed hackney carriages and private hire vehicles made on 18 March must be set aside. The failure to take account of the 6 monthly plating tests together with other matters to which I have referred

mean that this is not a case in which it would be appropriate to deny the claimant a remedy in the exercise of discretion.”

(j) London age limit on taxis is 15 years due to emissions.

(k) A member of the trade had concerns that his van conversion would no longer comply under the new policy.

3.4 At the Licensing and Regulatory Committee held on 9th February 2016, it was recommended that an age policy of vehicles be introduced in order to ensure the standard of the vehicles are of a high standard. The recommendation tallies with that currently being used by Torfaen Council and Blaenau Gwent, and it was further noted that Newport Council were also looking to introduce an age policy guideline. The age restriction was to ensure that passengers have a comfortable and pleasant journey in a vehicle. It was recognised that unless an age restriction of a vehicle was in place a vehicle may be tired or worn and of a dirty interior along with the vehicle appearance of an aged vehicle. The vehicle may have rusted bodywork but may still pass the current test of a vehicle. The policy also recognised that older vehicles may be licensed in special circumstances e.g. if they are specialist, stretched limousines and historic vehicles.

3.5 With reference to the responses made in 3.3 above.

- 241 vehicles are licensed within Monmouthshire County Council, 104 of these vehicles are over 10 years old and 60 of those vehicles aged over 10 years old has a Passenger Transport Unit contract.
- 14 vehicles licensed within Monmouthshire County Council has wheelchair access, 7 of these vehicles are aged over 10 years old.
- Concerns over the Environment in 3.3(g) and 3.3(j) above. London transport will not licence vehicles to travel within their low emission zones if the vehicle when registered as new was before 1st January 2002 as it is felt the vehicle would not meet the Euro 3 emissions standards. European Regulation Number 443/2009 sets an average CO₂ emissions target for new passenger cars of 130 grams per kilometre. The target is gradually being phased in between 2012 and 2015. A target of 95 grams per kilometre will apply from 2021. Car manufacturers in the United Kingdom voluntarily agreed to put a more “consumer-friendly,” colour-coded label displaying CO₂ emissions on all new cars beginning in September 2005, with a letter from A (<100 CO₂ g/km) to F (186+ CO₂ g/km). The goal of the new “green label” is to give consumers clear information about the environmental performance of different vehicles.
- The Department of Transport document referred to in 3.3(h) is a guidance document that was issued in 2010 and it does not prevent Local Authorities adopting their individual policies as they seem fit.
- The Judicial High Court ruling against Newport City Council referred to in 3.3 (i) was a decision made on the conduct on how Newport tried to introduce the age policy and it was deemed that there was an element of bias when reaching their decision as a Councillor failed to acknowledge that his brother was a taxi driver within Newport. The case further highlighted the process of introducing the policy was flawed in that (a) consultation must be at a time when proposals are still at a formative stage, (b) sufficient reasons must be given for any proposal to enable intelligent consideration and response. This High Court case does not prevent Local Authorities to introduce an age policy and Authorities have continued to do so since this case in 2009.
- Concerns were raised in 3.3(k) that a van would no longer comply under the new Policy. The Policy states in Appendix D, item 10 that goods vehicle, which has been converted to carry passengers must obtain a M1 or M2 certificate from VOSA to ensure the vehicle is suitable to carry

passengers. Safety of passengers is paramount and vehicle adaptations must not prevent this. The van in question would be required to obtain a certificate of M1 or M2 category and is not an automatic exclusion from trading.

- 3.6 Since the Licensing and Regulatory Committee held on 9th February 2016, the Taxi and Private Hire Policy and Conditions 2016 has had minor changes to improve the understanding of the proposal within it and these changes have been highlighted in blue (attached as Appendix A).
- 3.7 This Licensing Authority welcomes the consultation responses, which will be duly considered prior to adoption of this Policy.

4. REASONS

- 4.1 No objections were received on any elements of the Taxi and Private Hire Policy and Conditions 2016, except for the age policy and as such it is recommended that all other elements be approved in 2.1 above.
- 4.2 Comments received by the trade will be considered and Members determine the age policy of vehicles in 2.2 above.

a. RESOURCE IMPLICATIONS

- 5.1 All Licensing fees and charges are recovered on a cost recovery basis.

b. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

- 6.1 The 'Future Generations' template was considered in the Licensing and Regulatory Committee dated 9th February 2016. It was recognised at this hearing that the updated policy will enhance our corporate safeguarding role, together with improving the passenger experience.

7. CONSULTEES:

Consultation with the taxi trade, members of the public, Licensing Authorities of Torfaen, Blaenau Gwent, Caerphilly and Newport and Monmouthshire County Council's Passenger Transport Unit.

8. BACKGROUND PAPERS:

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976.

Current Policy and Conditions for Hackney Carriages and Private Hire Licensing of Torfaen County Borough Council, Newport City Council, Blaenau Gwent County Borough Council, Caerphilly County Borough Council and Scarborough Borough Council.

9. AUTHOR:

Linda O'Gorman

Principal Licensing Officer

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monmouthshire
sir fynwy

Monmouthshire County Council's Draft Taxi and Private Hire Policy and Conditions 2016

Revision 9th February 2016

Further information can be obtained from:

Licensing Section

Monmouthshire County Council

The Drama Centre

Pen-y-Pound

Abergavenny

NP7 5UD

Tel: 01873 735420

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Website: www.monmouthshire.gov.uk/licensing

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1. INTRODUCTION

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

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

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

Aims of Licensing

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

Objectives

1.4 The LA's objectives are:

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

About the Policy

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

2. DRIVERS

Dual Driver Licences

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

The Knowledge Test

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

Conditions

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

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

Grant and renewal of licences

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

The Driver's Badge

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

Cautions, Warnings, Convictions and Endorsements

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

Licence Fees

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

3. VEHICLES

Hackney Carriage and Private Hire Vehicle Licences

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

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

- New applications
- The replacement of a vehicle
- Vehicles over 1 year from date of registration and under 5 years – annual tests
- Vehicles over 5 years from date of registration and under 8 years – 6 monthly tests
- Vehicles 8 years and over – 4 monthly tests
- At the request of the LA where deemed necessary

Vehicle Age Restriction

- 3.8 The age of the vehicle will be determined primarily by its date of registration, or if imported the date of manufacture.
- 3.9 New vehicle licences will only be granted on vehicles that are less than 5 years old. A new licence will not be granted on vehicles over 5 years old.
- 3.10 Vehicles over 10 years old will not be re-licensed.
- 3.11 With effect from 1st October 2015, vehicles are permitted to sub contract to vehicles licensed outside of the County in accordance with The Deregulation Act 2015 (Commencement No. 1 and Transitional Saving Provision) Order 2015. Vehicles used as part of a sub-contract by a vehicle proprietor licensed with MCC must not sub-contract to a vehicle that is over 10 years old.
- 3.12 Older vehicles may be licensed in exceptional circumstances e.g. if they are specialist, stretched limousines and historic vehicles. The vehicle must be in very good condition, the interior and exterior condition must be of high standard.
- 3.13 Those vehicles currently licensed with MCC during the period 1st April 2015 – 31st March 2016, which are 8 years and above may continue with their licence up until 2 years with effect from 1st April 2016.

Limitation of numbers

- 3.14 No powers exist for Licensing Authorities to limit the numbers of Private Hire vehicles which they licence. The present legal provisions on restricting the

numbers of Hackney Carriage Vehicles are set out in Section 16 of the Transport Act 1985. This provides that the grant of Hackney Carriage licence may be refused, for the purpose of limiting the number of licensed Hackney Carriages “if but only is, the Local Authority is satisfied that there is no significant demand for the services of Hackney Carriage (within the area to which the licence would apply) which is unmet.”

- 3.15 Many local Licensing Authorities, including Monmouthshire, do not impose any quantitative restrictions for Hackney Carriages and the DfT regards this as best practice. Should an Authority elect to impose restrictions on number, the DfT guidance states that such a decision should be reconsidered frequently, taking into account whether the restrictions should continue. It is suggested that the matter should be approached in terms of the interests of those who use the services of such vehicles.
- 3.16 Where quantitative restrictions are imposed, vehicle licence plates can command a premium. This tends to suggest that there are people who want to enter the market and provide a Services to the public but are being prevented from doing so by the limitation of numbers. It may be difficult to justify a quantitative control in such circumstances.
- 3.17 If the Local Authority takes the view that a quantity restriction can be justified in principle, the DfT Guidance advises that the level at which the limit should be set be addressed by means of a survey, which would necessarily involve costs.
- 3.18 The Council has not at this time decided to set a limit on the number of Hackney Carriages which it licence: no evidence has been provided of any difficulty arising from this stance.

Intended Use Policy

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

5-8 Passenger Vehicle Inspection

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

Vehicle Licence Plates

- 3.21 In accordance with Section 48(6)(a) relating to Private Hire Vehicles and Section 47(1) relating Hackney Carriages of the LG(MP)A, the vehicle licence plate approved by the LA. Two external plates shall be affixed to the front and rear of the vehicle, directly above, below, to the left or right hand side of the vehicle registration number plate. The plates shall be maintained in a good condition and clear and visible. The plates must be securely fixed onto the vehicle by either nuts and bolts, self tapping screws or rivets, or indirectly by means of the bracket supplied by the Council. The interior plate shall be fixed onto the front window in such a position as to be easily observed by the passengers.
- 3.22 The LA recognises that because of the nature of their business, some owners of these vehicles may wish to apply for exemption from displaying the private hire licence plate. Details of vehicles, make, model and registration numbers must be provided to the LA together with clear reasons for this exemption request whereupon a decision shall be made by the Head of Regulatory Services or the Principal Licensing Officer acting under delegated powers, the matter may also be deferred to the Licensing and Regulatory Committee if a decision cannot be reached. The licence plate need not be displayed on a licensed car if the vehicle is in connection with a funeral and/or being used in connection with a wedding.
- 3.23 All decisions will authorise specific occasions and each application shall be treated on its own merit. However the following conditions shall always apply to such vehicles:
- (a) The private hire licence plate must be kept within the vehicle at all times and be made available for inspection;
 - (b) The licence plate shall be affixed to the vehicle at all times than that specified in the authorisation letter;
 - (c) The driver shall at all times whilst working wear the driver's badge above any outer clothing and in such a position that is clearly visible to the public;

- (d) The authorisation letter must be kept in the vehicle at all times and available for inspection; and
 - (e) The internal plate issued by the LA must be displayed onto the front window in such a position as to be easily observed by passengers.
- 3.24 The loss or damage of a vehicle licence plate shall immediately be reported to the LA so that a replacement can be obtained. Until a new licence plate is issued the vehicle shall not be used for the carriage of fare paying passengers.
- 3.25 On revocation, suspension or expiry of the vehicle licence, the plates must be returned to the Council within 7 days (Section 58 LG(MP)A), unless a suspension notice has been issued. It is an offence to transfer a plate without prior consultation with the Licensing Section. If you do not return the plate to the Licensing Section, you could be liable to prosecution. Any authorised officer of the Council or the Police is entitled to remove and retain the said plate [immediately](#).
- 3.26 The vehicle licence plates remain the property of the LA and shall not be copied or used in a fraudulent manner.

Taxi Meters

- 3.27 Any new taximeter shall be fitted with an appropriate device bearing the words “FOR HIRE” on each side thereof and in plain letters at least two inches in height, of the appropriate device, so that the words are conveniently legible. The fitting of the taximeters can use the Meter Calibration Centre’s attached as [Appendix H](#)
- 3.28 The taximeter shall not begin operation until the hirer’s journey has commenced.
- 3.29 Prior to hiring no fares shall be recorded on the face of the meter.
- 3.30 Meters shall be used for charging all journeys that start and finish within the County.
- 3.31 In the case of journeys ending outside the County, a fare greater than that shown on the meter may be charged but only where an agreement to pay more than the metered fare has been made in advance of the hiring commencing. In cases where such an agreement has not been made with the hirer, only the metered fare may be charged.
- 3.32 If a hackney carriage is used under a contract for private hire, the meter shall be used and a fare not greater than that shown on the meter may be charged.

In addition the meter may only be engaged from the point in the controlled district where the hirer commences his/her journey.

- 3.33 The taximeter must be programmed with the current tariff as approved by the Council, and when the taximeter is in action there shall be recorded on the face of the meter, in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is so authorised to charge.
- 3.34 The word "FARE" or similar, shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon.
- 3.35 The taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- 3.36 The taximeter and all fittings thereof shall be so affixed so the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them, except by breaking, damaging or permanently displacing the seals or other appliances.
- 3.37 The illuminated roof sign shall be wired to the taximeter so as to enable it to be extinguished during the carrying of a fare for which the meter is in operation.
- 3.38 The proprietor of a Hackney Carriage shall cause the current table of fares, fixed by the Council, to be exhibited inside the carriage in clearly distinguishable letters and figures, together with a notice displaying the limitations on the fare rates and charges to be made.
- 3.39 The proprietor of a Hackney Carriage shall not tamper with, or permit any person to tamper with, any taximeter which the carriage is provided, with the fitting thereof or with the seals affixed thereto.

Trailers

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

Horse Drawn Carriages and Non-Motorised Vehicles

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

Advertising

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

Replacement Vehicles

- 3.43 There is no statutory mechanism to change a vehicle once the licence has been issued. The LA however recognises that proprietors may wish to change their vehicle during the period of licence. As such it is necessary for the proprietor to surrender the licence (which include the licence plates) in respect of the original vehicle. Upon receipt of a new application and appropriate fee, the LA will issue a new licence (inclusive of licence plates) in respect of replacement vehicle.
- 3.44 This approach will also be taken in respect of vehicles that have been involved in an accident where a temporary replacement vehicle is required. Regardless of the period of time the replacement vehicle is to be used for, the procedure as outlined above must be undertaken for the replacement vehicle, and again when the original vehicle is returned to service.
- 3.45 If a vehicle is provided on a temporary basis from a leasing/hire company, it will be necessary to provide a hiring agreement specifying the length of the hire; this is to ensure the vehicle licence holder has a proprietorship interest in the vehicle.

Conditions

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

Hackney carriage fare table

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

CCTV In Vehicles

- 3.51 MCC recognises that an in-vehicle CCTV system may provide a safer environment for the benefit of the drivers and passengers by deterring and preventing the occurrence of crime; reducing the fear of crime; assisting the Police in investigating incidents of crime. As such MCC permits the use of CCTV in private hire / hackney carriage vehicles subject to conditions as attaches as [Appendix L](#)

Licence Fees

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

4 NON-STANDARD VEHICLES

Contract Vehicles

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

Stretched Limousines and Novelty Vehicles

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

Conditions

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

Executive and other vehicles

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

5 OPERATORS

Operator's Licence

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

Conditions

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

Licence Fees

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

6 PRINCIPLES WHEN CONSIDERING APPLICATIONS AND REVIEWS OF EXISTING LICENCES

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

Protection of the Public

- 6.2 The purpose of hackney carriage and private hire licensing is to protect and ensure the safety of the travelling public; there are many instances where it would be inappropriate to grant a licence. Notwithstanding this, it is important that the nature of these instances, and possible threat that they may pose to the public, is balanced against the potential loss of livelihood if an application were to be refused, or a licence or revoked or suspended.
- 6.3 The LA makes decisions on the balance of probabilities rather than beyond reasonable doubt.
- 6.4 The public needs to be protected and the three main concerns are:
- Dishonesty or evidence of dishonesty
 - Offences of violence
 - Sexual Offences
- 6.5 There are, however other causes that need to be considered:
- Drug related offences
 - Drunkenness
 - Offences of damage (criminal damage)
 - Offences that are contraventions of licensing laws or conditions
 - Offences of obscene material
 - Offences involving discrimination
 - Major and Minor Motoring/Traffic Offences
 - Persistent criminality
 - Incidents of domestic nature
 - Other offences and special circumstances

The above list is not exhaustive.

- 6.6 All convictions (spent or otherwise), including additional information received on a DBS disclosure, criminal/motoring convictions, court martial, cautions, fixed penalty notices or other penalty notices, Criminal Behaviour Orders or other similar orders, breach of licensing conditions, formal warnings or reprimands, charges or matters awaiting trial etc. shall all be taken into account when determining whether or not an applicant or licence holder is a fit and proper person to hold a driver's licence. Each application will be determined on its merit, however, the following principles will also be used in determining whether or not an applicant or an existing driver/operator is fit and proper to hold or continue to hold a driver's licence.

6.7 Due to potential risks to the public, applications from persons with a persistent record of criminality, where the record suggests a persistent lack of regard for the wellbeing of others or for their property rights, would normally be refused.

6.8 The LA may take into account

- How relevant the offence(s) are to the licence being applied for;
- How serious the offence(s) were;
- When the offence(s) were committed;
- The date of conviction and age of applicant at time of conviction;
- Sentence imposed by the court;
- Whether they form part of a pattern of offending;
- Any other factors that might be relevant.

Violence

6.1 Licensed drivers have close regular contact with the public. A serious view will be taken with those who have a conviction(s) or other matter(s) to be considered involving violence. An application will normally be refused or existing licence suspended or revoked if the applicant / licence holder has a conviction for an offence that involved the loss of life.

6.2 In other cases anyone of a violent disposition is unlikely to be licensed until at least 3 years free of such conviction(s) or other matter(s) to be considered. However, given the range of the offences that involve violence, consideration must be given to the nature of the offence.

6.3 Unless there are exceptional circumstances, an application will normally be refused or existing licence suspended or revoked where the applicant / licence holder has a conviction for an offence such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Or any similar offences or offences which replace the above.

6.4 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matters(s) to be considered for an offence listed below and the conviction(s) or other matters(s) to be considered is **less than 10 years** prior to the date of the application:

- Actual bodily harm which is racially/religiously aggravated;
- Arson;
- Assault Police;
- Common assault which is racially/religiously aggravated;

- Criminal damage which is racially/religiously aggravated;
- Grievous bodily harm with intent;
- Malicious wounding or grievous bodily harm which is racially aggravated;
- Possession of firearm;
- Resisting arrest;
- Riot;
- Robbery;
- Violent disorder;
- Similar offences or offences which replace the above.

6.5 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matters(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 3 years** prior to the date of the application:

- Affray
- Assault occasioning actual bodily harm;
- Common assault;
- Criminal damage;
- Obstruction;
- Possession of a weapon (or imitation weapon) or any other weapon related offence other than a firearm;
- S5 Public Order Act 1986 offence (harassment, alarm or distress);
- S.4 Public Order Act 1986 offence (fear of provocation of violence);
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
- Similar offences or offences which replace the above.

6.6 An application will normally be refused if an applicant has more than one conviction or other matter to be considered in the last 10 years for an offence of a violent nature.

Sex and indecency offences

6.7 As licensed drivers often carry unaccompanied and vulnerable passengers, a firm line is to be taken with those who have convictions or other matters to be considered for sexual offences. An application will normally be refused or existing licence suspended or revoked for convictions or other matters to be considered for the more serious sexual offences. For other offences, applicants will be expected to show a substantial period free of conviction or other matter to be considered for such offences before an application will be approved.

6.8 Unless there are exceptional circumstances, an application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence such as:

- Assault by penetration;
- Exploitation of prostitution;
- Indecent assault;
- Offences involving children or vulnerable adults;
- Possession of indecent photographs, child pornography etc;
- Rape;
- Sexual assault;
- Trafficking for sexual or other exploitation;
- Similar offences or offences that replace the above.

6.9 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 7 years** prior to the date of application:

- Indecent exposure;
- Soliciting (kerb crawling);
- Similar offences or offences which replace the above.

6.10 In addition to the above the Licensing Authority is unlikely to grant a licence to any applicant who is currently on the Sex Offenders Register.

6.11 An application will normally be refused if an applicant has more than one conviction or other matter to be considered for a sexual offence.

Dishonesty

6.12 An applicant or existing licence holder is expected to be a trustworthy person. They deal with cash transactions and valuable property which may be left in their vehicles. Licence holders are required to deposit such property with police within 24 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and maybe vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken by any conviction involving dishonesty.

6.13 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matters(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 3 years** prior to the date of the application:

- Benefit fraud;

- Burglary;
- Conspiracy to defraud;
- Forgery;
- Fraud;
- Handling or receiving stolen goods;
- Obtaining money or property by deception;
- Other deception;
- Taking a vehicle without consent;
- Theft;
- Similar offences or offences which replace the above.

Drugs

- 6.14 A serious view is taken of any drug related offence. The Licensing Authority will consider the nature and quantity of the drugs involved within the following offences:
- Cultivation of a controlled drug;
 - Importation of a controlled drug;
 - Production of a controlled drug;
 - Supply of a controlled drug;
 - Or similar offences.
- 6.15 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matters(s) to be considered for any of the above offences and has not been free of conviction(s) or other matters to be considered for **at least 5 years**.
- 6.16 An application will normally be refused or an existing licence suspended or revoked where the applicant has more than one conviction or other matter to be considered for offences related to the possession of drugs and has not been free of conviction or other matter to be considered for **at least 5 years**.
- 6.17 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has an isolated conviction or other matter to be considered for an offence related to the possession of drugs within **the last 3 years**. Consideration should be given to the nature and quantity of the drugs involved.
- 6.18 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required. If the applicant was an addict then they would normally be required to show evidence of **3 years** free from drug taking.

Driving Offences involving the loss of life

- 6.19 A very serious view is to be taken of any applicant or existing licence holder who has a conviction or other matter to be considered for a driving offence that resulted in the loss of life.
- 6.20 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matters(s) to be considered for any of the offences listed below and has not been free of conviction(s) or other matters to be considered for **at least 7 years**.
- Causing death by careless driving whilst under the influence of drink or drugs;
 - Causing death by dangerous driving;
 - Or any similar offence.
- 6.21 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matters(s) to be considered for any offences listed below and has not been free of conviction(s) or other matters to be considered for **at least 5 years**.
- Causing death by careless driving;
 - Causing death by driving: unlicensed, disqualified or uninsured drivers.

Drink driving/driving under the influence of drugs

- 6.22 A serious view will be taken of a conviction(s) or other matter(s) to be considered for driving or being in charge of a vehicle while under the influence of alcohol / drugs. A single conviction or other matter to be considered may not result in an application being refused or an existing licence being suspended or revoked, provided that **at least 3 years** have elapsed since the ending of the disqualification. A conviction or other matter to be considered for 'refusing or failing to provide a specimen' will be treated in the same way.
- 6.23 Applicants with more than one conviction or other matter to be considered for driving or being in charge of a vehicle under the influence of alcohol / drugs or refusing or failing to provide a specimen are unlikely to be granted a licence unless a period of **10 years** has elapsed after the restoration of the driving licence following the last conviction or other matter to be considered.

Motoring Convictions

Major Traffic Offences

- 6.24 For the purposes of this Policy the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving whilst disqualified by order of the Court
BA30	Attempting to drive whilst disqualified by order of the Court
DD40	Dangerous Driving
DD90	Furious Driving
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

- 6.25 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction or other matter to be considered for a major traffic offence and has not been free of conviction or other matter to be considered for **at least 6 months**.
- 6.26 An applicant with more than one Major Traffic Offence, within the last 5 years will normally be refused and no further application should be considered until a period of **at least 3 years** free from such convictions or other matters to be considered have elapsed.
- 6.27 If any conviction or other matter to be considered for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled 'disqualification'.

Disqualification from driving

- 6.28 The Licensing Authority will treat a period of disqualification as being that which a driver would have been eligible to serve, and may disregard the decision of a court to waive or reduce a disqualification period either on the grounds of exceptional hardship under S.35 of the Road Traffic Offenders Act 1988 or for “special reasons” under S.34 of the Road Traffic Offenders Act 1988.
- 6.29 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of less than 56 days unless a period of **at least 6 months** has elapsed from the end of the disqualification period.
- 6.30 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of up to 12 months unless a period of **at least 12 months** has elapsed from the end of the disqualification period.
- 6.31 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of up to 12 months or more unless a period of **at least 18 months** has elapsed from the end of the disqualification period.
- 6.32 The Licensing Authority will not normally grant an application for a private hire or hackney carriage driver’s licence from a person who has been disqualified from driving for a period of 5 years or more, unless a period of **at least 7 years** has elapsed from the end of the disqualification period.

Minor Traffic Offences

- 6.33 Other Traffic Offences not listed within this policy will be treated as ‘Minor Traffic Offences’. A minor driving offence is one that incurs between 1 and 3 penalty points.
- 6.34 Where an applicant / licence holder has one conviction or other matter to be considered for a minor driving offence, this will not usually result in a refusal or suspension / revocation.
- 6.35 More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions or other matters to be considered for the same offence e.g. speeding. A licensed driver may be referred to the Licensing and Regulatory Committee where there are more than two offences.

Minor Traffic Offences not declared by driver

- 6.36 Where an applicant has failed to disclose one or more of the offences mentioned above on their application form but such offences are subsequently uncovered during a DVLA check or by any other means, the LA shall determine whether to issue the licence subject to a warning regarding future conduct or to refuse to grant the licence. A key consideration in reaching this determination will be whether there was a premediated intent to deceive.
- 6.37 Existing drivers are under a legal obligation to declare to the LA all offences committed. Failure to do so may result in a review of the licence.

Outstanding charges or summonses

- 6.38 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but in the interest of public safety the matter will be considered and may be deferred for determination until proceedings are concluded.

Non-conviction information

- 6.39 If an applicant or existing licence holder has been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing or suspending / revoking the application / licence.

Repeat offending

- 6.40 While it is possible that an applicant may have a number of convictions or other matters to be considered that individually meet the above guidelines, an application will normally be refused where an applicant has a record of repeat offending which shows a lack of regard for the well being of others or for property, unless a period of **at least 10 years** has elapsed since the most recent conviction or other matters to be considered.

Breach of Legislation, Byelaw or Licence Condition

- 6.41 An applicant who has a conviction or other matters to be considered for a breach of legislation, byelaw or licence condition is unlikely to be granted a licence unless a period of **at least 12 months** has elapsed since the most recent breach.
- 6.42 An existing licence holder found to be in breach of legislation, byelaw or licence condition is on the first occasion, likely to be warned in writing as to future conduct, provided that the breach did not compromise the safety of passengers or that the public were not put at risk.

- 6.43 Where an existing holder is found to have more than one breach of licensing legislation, byelaw or licence condition, or a single serious breach, the Licensing and Regulatory Committee may suspend or revoke the licence.
- 6.44 The above is irrespective of any legal proceedings which may be pending or have been taken.

Warnings and Penalty Points

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

Failure to comply with a reasonable request from an authorised officer

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

Failure to comply with dress code

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

Failure to report/declare a conviction/caution

- 6.49 [The failure to report/declare a conviction will normally be dealt with by issuing a written warning in addition to any further actions that may be warranted by the nature of the offence on the first occasion.](#) Subsequent offences may lead to a review of the licence. Failure to report a conviction will carry an additional weighting to the actual offence committed in any decision that may be made by the LA.

Failure to respond to interview request

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

Failure to report an accident

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

Failure to show a duty of care

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

Defective vehicles

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

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

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

Refusal to carry a passenger in a hackney carriage vehicle

- 6.57 In these circumstances the driver will be invited to state the reasons for the refusal. If the LA is satisfied that the driver had a justifiable reason then no action will be taken.
- 6.58 If, however, there appears to be no acceptable justification for the refusal, a first offence will normally be dealt with by the issue of a written warning. Subsequent or repeated offences may, however, be dealt with by way of a review of the licence **and/or** prosecution.

Unauthorised ranking

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

Private Hire Vehicle plying for hire

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

Exceeding the permitted number of passengers

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

Unauthorised Advertising on Vehicles

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

Failure to display vehicle licence plates or wear badges

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

Failure to produce insurance

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

Rude or aggressive Behaviour

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

Offence of knowingly or recklessly making a false statement or omitting any material from the application form or any associated document submitted with it.

- 6.67 The LA considers this to be a serious offence as it is dishonest. In most cases the LA will take formal action against the offender and in any event each case will be treated on its own merit.

Offence of an unlicensed driver to drive a licensed vehicle

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

Penalty points on a Driver's Licence

- 6.69 Where a driver accumulates 6 or more points upon his/her [DVLA](#) driving licence as a consequence of motoring offences, the licence may be reviewed to determine whether the driver is showing a disregard for the safety of the public and law. Each case will however be treated on its own merits.

Smoking in vehicle

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

Discrimination

- 6.72 [Discrimination of any form is unacceptable. An allegation of discrimination will be regarded as extremely serious and may be reported to the police. The LA may then review the licence to establish whether the licence holder remains a fit and proper person to hold such a licence.](#)

General

- 6.73 It shall be noted that these Principles are not exhaustive. In addition the principles listed in this section do not preclude the imposition of higher penalty.
- 6.74 The LA recognises that some of the offences listed above are legislative offences, breaches of conditions and breaches of Byelaws that have their own separate procedures and penalties.
- 6.75 Where the LA has serious concerns for the public's safety, an immediate revocation of a driver's licence may be necessary.

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

- 6.76 Under the 1974 Act, criminal convictions can become spent after a certain period of time, and once spent, for many purposes, can be disregarded completely.
- 6.77 The possibility of rehabilitation and the length of time before rehabilitation occurs depends on the sentence imposed, and not the offence committed.
- 6.78 When considering an application, if the Licensing Authority is satisfied that justice cannot be done except by taking into account, all warnings, cautions, convictions, additional information on the DBS disclosure or information provided by the Police, including a person's spent convictions when determining whether or not an applicant or driver is a fit and proper person to hold a licence, it may take such information into account. The rehabilitation periods to which reference is most commonly made are set out below.

Summary of Rehabilitation Periods Applicable to Certain Sentences

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

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

For Non - Custodial Sentences	
Sentence	'Buffer' period will apply from end of sentence
Community order (& Youth Rehabilitation Order)	2 Year
Sentence	Period
Fine	1 Year (from date of conviction)
Absolute discharge	None
Conditional discharge, referral order, reparation order, action plan order, supervision order, bind over order, hospital order	Period of Order

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

7. RIGHT OF APPEAL

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

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

7.2 The statutory rights of appeal in connection with

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

- Private Hire Vehicle Licences

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

- 7.3 An appeal against the refusal to grant a Hackney Carriage Proprietor's Licence (the Public Health Act 1875) however lies directly to the Crown Court but an appeal against a failure to renew or suspend or revoke a Hackney Carriage Proprietor's Licence is to the Magistrates' Court.
- 7.4 Where an appeal is the Magistrates' Court applicants must lodge an appeal within a period of 21 days from the day on which the applicant was notified by the LA of any decision.
- 7.5 Section 52 of the Road Safety Act 2006 gives the LA the power to suspend or revoke a driver's licence **with immediate effect** where they are of the opinion that the interests of public safety require such a course of action. The driver may still appeal against this decision but it shall be noted that as this decision is immediate the driver is unable to drive in the appeal period.

Hearings

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

Hearing Procedure

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

8. COMPLAINTS AND ENFORCEMENT

Inspections

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

Complaints against Officers of the Licensing Authority

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

Complaints against Drivers/Operators

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

- In cases of proven, repeated and persistent breach of conditions – consider a written warning or a review of the licence.

APPENDIX A

DUAL DRIVER REQUIREMENTS

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

REQUIREMENTS

Disclosure and Barring Service (DBS) Enhanced Check

2. This check assists the LA in determining whether or not the applicant is a fit and proper person to hold a licence. **DBS disclosure applications must be completed through MCC's LA and disclosures must be less than 3 months old at the time of application.** In the event the applicant has already furnished such information to the Council or from another bona fide recognised body, it may be accepted providing the check has been conducted 3 months preceding their application and the DBS is enhanced and also the enquiry has requested details under the Education Act 2002, Protection of Children and Vulnerable and other relevant information. **With regard to the disclosure results or information contained in disclosures, the Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002 amends the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in relation to hackney carriage and private hire drivers. This amendment includes the addition of drivers to the list of expected trades and allows the LA to take into account all convictions (spent or otherwise); other relevant information disclosed at the Chief Officer of Police's discretion; Simple Cautions; Fixed Penalty Fines and Criminal Behaviour Orders, etc.**
3. With regard to the employment of Foreign Nationals, the LA recognises that the DBS disclosure will only provide information from the time the applicant has resided in the UK. In such circumstances and where there is a need to check any potential criminal record, **which will also include persons who have spent more than 6 months living outside the UK or EU country, the LA will seek guidance from the DBS on how to obtain further information. Where the information is not listed in the disclosure, then the applicant may be required to obtain a Certificate of Good Conduct from his or her Embassy. Any costs incurred in this process will be borne by the applicant.** MCC shall, however, take all reasonable and proportionate steps to ensure that a foreign national driver is a fit and proper person. Each case shall be judged on its merits.

Immigration Checks Policy

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

Data Protection Mandate (DPM)

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

Medical Certification

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

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

DVLA Driving Licence

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

Driver Tests

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

Section 1 – Basic Skills assessment covering Literacy and Numeracy.

Section 2 – Verbal Communication and Comprehension Test

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

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

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

Safeguarding Children and Vulnerable Persons Training

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

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

14. New applicants will be required to conduct the training at their own expense prior to submitting an application.
15. Drivers and Operators licensed (new and renewal applicants) between 1st April 2015 – 31st March 2016, will be required to conduct this training within 9 months, commencing 1st April 2016.
16. All drivers and Operators will be required to conduct refresher training and submit the required certificate as confirmation the training has been conducted prior to submitting a renewal application.

Disability Awareness

17. The council requires all operators and drivers to be compliant with the provisions of the Equalities Act 2010, which has specific sections on private hire and hackney carriages not discriminating on the grounds of disability, including the requirement to carry assistance dogs of disabled people.
18. The council supports any form of transport that provides a service for disabled persons and encourages operators and proprietors to provide a 24 hour service for disabled persons. The council strongly encourages the provision of wheelchair accessible vehicles in private hire and the hackney carriage trade.
19. Drivers and operators are expected to have knowledge in safe methods of conveying disabled persons, wheelchair bound or not.
20. The council encourages all drivers to attend training on dealing with disabled people; this does not only include people in wheelchairs but knowledge of the needs of people with a wide range of disabilities.
21. 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.
22. 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.
23. The council may review the licences of any driver/operator who is found to be deficient in disability awareness following a complaint. The lack of training/knowledge on the part of the driver/operator will not be accepted as a defence to the allegation.

Photographs

24. One recent colour passport sized photograph (as required for passport photographs). The photograph must:
 - Be in sharp focus and clear;

- Have a strong definition between the face and background;
- Be printed professionally (Photographs printed at home are not likely to be of an acceptable quality);
- Show full head, without any head covering, unless it is worn for religious beliefs or medical reasons; and
- Show nothing covering the face.

Notes

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

APPENDIX B

DUAL DRIVERS CONDITIONS

Badge and Identification

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

Conduct of Driver

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

Acceptable Standards of Dress

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

Medical Condition

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

Smoking

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

Vehicle

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

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

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

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

Fares

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

Change of Details

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

Convictions

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

The Carriage of Animals

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

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

Equality Act 2010

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

Accidents

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

APPENDIX C

HACKNEY CARRIAGE BYE LAWS

Interpretation

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

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

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage , or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire,
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided

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

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

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

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

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

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

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

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

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

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

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

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

Penalties

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

Repeal of Byelaws

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

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

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

APPENDIX D

HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE SPECIFICATION & CONDITIONS

Age of Vehicle

1. On a new application for a vehicle licence, the vehicle must be less than 5 years old. The maximum age of a vehicle that may continue to be licensed is 10 years from the date of first registration.
2. Older vehicles may be licensed in exceptional circumstances e.g. if they are specialist, stretched limousines and historic vehicles. The vehicle must be in very good condition, the interior and exterior condition must be of high standard. The decision to licence a vehicle over the age of 10 years will be considered by the Licensing and Regulatory Committee.
3. With effect from 1st October 2015, vehicles are permitted to sub contract to vehicles licensed outside of the County in accordance with xxxx. vehicles used as part of a sub-contract by a vehicle proprietor licensed with MCC must not sub-contract to a vehicle that is over 10 years old.
4. Those vehicles currently licensed with MCC during the period 1st April 2015 – 31st March 2016, which are 8 years and above may continue with their licence up until 2 years with effect from 1st April 2016.

Testing of Vehicles

5. Vehicles will be tested in an appointed garage by the LA. Vehicles under the age of 1 year from the date of registration will not require test. Vehicles over 1 year from date of registration and under 5 years will be tested annually. Vehicles over 5 years from date of registration and under 8 years will require a test every 6 months. Vehicles over 8 years old from date of registration will require a test every 4 months.
6. The exemption from the requirement to obtain a M.O.T. Certificate will only apply following submission of the Certificate of Testing by an appointment garage authorised by MCC and the issue of the licence.
7. Certificates that are received after a period of 10 days from the date of issue, cannot be accepted, after that time a vehicle must be retested, paying a retest fee where necessary.

Type of Vehicle

8. Private Hire vehicle shall not resemble a London type hackney carriage.
9. All vehicles shall be of sufficient capacity to carry at least four but no more than eight passengers in addition to the driver. Babies and young children count in respect of seating capacity.
10. Before being licensed a vehicle must meet the technical standard of either;
 - (i) A European Whole Vehicle Type approval
 - (ii) A British National Type Approval or
 - (iii) A British Single Vehicle Approval pre 31st December 2009
 - (iv) A British Individual Vehicle Approval from 1st January 2010

Only vehicles in category M1 or M2 (passenger carrying vehicles), will be licensed by MCC. Vehicles in category N1 or N2 (goods vehicles) that have been converted will not be licensed unless an Individual Vehicle Approval to M1 or M2 has been issued by VOSA. More information on vehicle categories can be found at www.dft.gov.uk

11. The engine capacity of the vehicle shall not be not less than as recorded on the original registration document (V5), other than in cases approved by the Licensing and Regulatory Committee.
12. Tinted glass on the vehicle shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regs.

Vehicle Insurance

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

Requirements for Vehicle

15. It is essential that vehicles are easily accessible to members of the public. In addition, vehicles must comply with the following requirements:
- a. Vehicles shall be right hand drive and have at least four doors. All windows must be sufficiently transparent so as not to compromise road safety or prevent clear vision into the vehicle.
 - b. Display a 'No-Smoking' sign in each compartment of the vehicle in which people can be carried. This sign must show the international 'No-Smoking' symbol at least 70mm in diameter.
 - c. Road wheels must be fitted with the manufacturer's recommended tyre type and size. All tyres must be either all cross ply or all radials and have a minimum tread depth of 1.6mm across 75% of the tyre (remould tyres are not acceptable unless they are clearly marked showing that they comply with British Standards and current legal requirements).
 - d. A spare tyre of the same type as fitted to the road wheels; a jack and wheel brace must be carried where originally fitted by the manufacturer except where a gas based tyre repair kit is supplied as standard by the manufacturer.
 - e. Space-saver wheels specifically manufactured for use on that type of vehicle will be accepted for vehicles however the following conditions will apply:
 - Drivers shall only use space-saver wheels strictly in accordance with the manufacturer's recommendations;
 - Drivers having to use the space-saver wheel must go directly to the nearest garage to have the puncture repaired, or a new tyre fitted; and
 - Once such a spare wheel is fitted, drivers must adhere to the authorised speed limit. Upon completion of a journey fare-paying passengers must not travel in the vehicle whilst any licensed vehicle has a space-saver wheel fitted.
16. A watertight permanent roof. A factory-fitted sunroof is permitted (e.g. sunroof fitted when new by the manufacturer).
17. Luggage storage must be provided for the number of passengers carried, the minimum space required shall be such as to allow a folded wheelchair to be carried. Luggage shall be stored separately from the passenger compartment without obstructing any emergency exits and must be safely secured to the satisfaction of the Licensing Authority. It is recognised that it may not always be

possible to store luggage separately from the passenger compartment in some wheelchair accessible vehicles. Where this is the case, luggage must be safely secured to the satisfaction of the Licensing Authority.

18. Roof rack and boxes may only be used when excess luggage is to be carried, the weight carried must be within the manufacturer's specification.
19. 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.
20. Rear seat belts (irrespective of age of vehicle). All seatbelts shall be fitted in accordance with manufacturer's technical requirements.
21. Nearside and offside exterior rear view mirrors.
22. (Hackney Carriages only) A sign mounted on the roof, or just above the windscreen so as to be clearly visible at all times when the vehicle is available for hire. The sign shall have the word "Taksi" facing toward the front of the vehicle and "Taxi" facing towards the rear of the vehicle and shall be illuminated when plying for hire. The sign must be maintained and in good working order at all times irrespective of whether or not the vehicle is in use after dark.
23. (Private Hire Vehicles only) The vehicle shall not display any roof sign, advertising material (including internet), name plates or notices which consists of the word "Taksi", "Taxi" or "Cab" or similar wording.
24. Sufficient means by which a passenger can communicate with the driver.
25. A fully serviced fire extinguisher (preferably with a gauge) shall be fitted in such a position to be readily available for use. The registration number of the vehicle shall be marked upon the extinguisher at all times. The extinguisher must be serviced in accordance with manufacturer's instructions and always replaced after use or in accordance with any date specified by the manufacturer. Only use the fire extinguisher for minor fires. In all other circumstances, stop the vehicle and escape, retiring to safe distance without straying onto the carriageway.
26. An approved first aid kit that must be placed in such a position so as to be readily available for immediate use in an emergency. The first aid kit shall contain adequate first aid provisions. It shall be noted that due to health and safety legislation, it is advisable not to include ointments or painkillers in the first aid kit. Where the LA has any concerns regarding the contents or state of the first aid

kit, the driver may be asked to replace the kit with immediate effect. **The registration number of the vehicle shall be marked upon the first aid kit at all times.**

27. A clean and smart appearance, both externally and internally. All seats shall be comfortable, properly cushioned or covered and maintained in a good condition with no signs of wear and tear.
28. **Proper carpet, mat or other suitable covering for the floor maintained in a good condition.**
29. **The rear door/boot lid supporting arms/gas struts shall be well maintained and easily capable of supporting the door/lid.**

Seating Arrangements

30. The maximum number of passenger seats (including any secured wheelchair) permitted is 8. In the interests of passenger safety and comfort, all passengers must be able to enter and exit the vehicle in safety. So as not to impede access, every seat must be unobstructed and be easily accessible to passengers without the need for seats to be moved or tilted and without the need for more than one passenger to move. These requirements apply to all vehicles. MCC require further seating safety for 5-8 passengers.
31. All licensed vehicles shall comply with the following minimum standards for seating and internal space:
 - a) All seats shall be designed to carry the weight of an average adult passenger.
 - b) Seats shall have a minimum width of 400mm per passenger. With a bench seat for 3 passengers, the minimum of 1200mm shall be measured at the narrowest point e.g. between the armrests.
 - c) There must be a minimum of 200mm legroom for all passenger seats measured from the front edge of the seat to the rear of any seat, dashboard or internal panel in front.
 - d) There must be a minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.
 - e) Seats shall face forwards or rearwards to the direction of travel. They may not be sideways facing to the direction of travel.
 - f) **All seat belts shall be of good condition and in working order.**

Applications for vehicles that do not comply with the above conditions

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

Alteration to the Vehicle

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

Transfer of Ownership

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

Taxi Ranks

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

Wheelchair accessible vehicles

37. Where a private hire vehicle or hackney carriage is licensed as wheelchair accessible it should only be driven by a licensed driver who has a knowledge of conveying wheelchair bound passengers. Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements for handling and securing wheelchairs.

38. Before any movement of the vehicle takes place the driver must ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and the brakes of the wheelchair have been applied and the electric motor switched off. A separate, approved, occupant restraint system must also be used.
39. All drivers must ensure that:
 - a) Any wheelchairs, equipment and passengers are carried in such a manner that no danger is likely to be caused to those passengers or to anyone else, in accordance with Regulations. Section 100 of the Road Vehicles Construction and Use Regulations 1986.
 - b) They do not discriminate against any passenger who is disabled.
 - c) If their vehicle is not wheelchair accessible and they are approached or hailed by a passenger requiring to be carried seated in a wheelchair they must either:
 - Divert the passenger to a wheelchair accessible vehicle on the rank if one is available or,
 - Where possible use their phone or radio to contact an operator of a wheelchair accessible vehicle to arrange to collect the passenger as soon as possible.
40. It is the driver's responsibility to ensure that disabled passengers are not left unattended during access or egress to or from the licensed vehicle.

APPENDIX E

APPROVED GARAGES FOR VEHICLE TESTS

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

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

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

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

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

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

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

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

IMPORTANT – Vehicles under 1 year old from the date of first registration do not require a test, **vehicles over 1 year from first registration must be tested annually, vehicles over 5 years from first registration must be tested every 6 months, vehicles over 8 years from first registration must be tested every 4 months.** You are responsible for making arrangements with the appropriate garage for the test to be undertaken. Prior to expiry.

APPOINTED TEST GARAGES

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

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

W G AUTOSERVICES
UNIT 9
PILL FARM INDUSTRIAL EST
CALDICOT NP26 5XE
1291 430075

TEL: 01291 430075
£50.00

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

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

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

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

AUTOSMART
LLANISHEN GARAGE
CHEPSTOW
MONMOUTHSHIRE
TEL: 01600 860870
£35.00

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

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

EASY CAR CARE CENTRE
BULWARK ROAD
BULWARK
CHEPSTOW
TEL: 01291 624323
£40.00 PLUS VAT

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

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

APPOINTED TEST GARAGES – LIMOUSINES / SPECIALITY VEHICLES

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

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

APPENDIX F

HACKNEY CARRIAGE INTENDED USE POLICY

1. Introduction

- 1.1 The purpose of this policy is to set out how the Council will deal with the licensing, renewal and transfer of hackney carriage vehicles following the High Court Judgement – Newcastle City Council v Berwick upon Tweed [2008] EWHC 2369 (Admin). The council when considering new applications for hackney carriage proprietors licences will determine those applications in accordance with the principles contained within the judgement of the above case. The policy was approved at a meeting of Monmouthshire County Council's Licensing and Regulatory Committee on 17th June 2014
- 1.2 The Council will determine each application on its merits, but will place public safety above all other considerations.

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

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

3. Applications for the renewal of a hackney carriage licence

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

4. Applications for the transfer of a hackney carriage licence

- 4.1 Should the hackney carriage licence be transferred to another proprietor during the term of the licence, the new proprietor will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the

County of Monmouthshire. New proprietors should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information; the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.

- 4.2 New proprietors of licensed hackney carriages will be expected to have a bona fide intention to ply for hire within the County of Monmouthshire under the terms of the licence in respect of the vehicle being transferred.
- 4.3 If the new proprietor of a licensed hackney carriage is found to have a bona fide intention to ply for hire entirely or predominately within the County of Monmouthshire and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the Local Government (Miscellaneous Provisions) Act 1976. Where the new proprietor proposes to operate remotely from the County of Monmouthshire there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

5. Applications for the replacement of a hackney carriage licence

- 5.1 When a proprietor replaces a licensed vehicle, applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire entirely or predominately within the County of Monmouthshire will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire entirely or predominantly in the County of Monmouthshire if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.
- 5.2 Where a licence has been granted under the terms that the applicant intends to ply for hire entirely or predominantly within the County of Monmouthshire but is subsequently found not to be plying for hire entirely or predominantly in the County of Monmouthshire and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation

and public safety will be compromised) there will be a presumption that the licence will be revoked.

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

6. Reasons for Intended Use Policy

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

Request for Information – Intended Usage of Hackney Carriage

Local Government (Miscellaneous Provisions) Act 1976, Section 57

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

Forename(s):

Current Address:

Email: _____ Tel No: _____

PARTICULARS OF VEHICLE

Make: _____ Model: _____

Registration No: _____ Licence No: HV _____

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

DECLARATION OF INTENDED USE OF HACKNEY CARRIAGE, if licensed

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

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

OTHER RELEVANT INFORMATION

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

My reason(s) is / are:

Declaration

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

Signature: _____ Date: _____ / _____ / _____

FOR COUNCIL USE ONLY

Record of decision

Date: _____ / _____ / _____ Officer: _____

Decision: Granted / Refused

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

APPENDIX G

5-8 PASSENGER VEHICLE CHECK CRITERIA

Name of Applicant:.....

Address of Applicant:.....

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

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

	Pass	Fail
1. No seat should be required to be moved to allow any Passenger to enter or egress the vehicle.	<input type="checkbox"/>	<input type="checkbox"/>
2. All door handles must be of the same type and easily accessible and have an interior door release handle and clearly marked.	<input type="checkbox"/>	<input type="checkbox"/>
3. No access may be blocked by luggage.	<input type="checkbox"/>	<input type="checkbox"/>
4. All seats are constructed to seat adults and do not have a weight limit	<input type="checkbox"/>	<input type="checkbox"/>
5. All seats must be fitted with approved seat belts.	<input type="checkbox"/>	<input type="checkbox"/>
6. All seats face forward or backwards to the direction of travel	<input type="checkbox"/>	<input type="checkbox"/>
7. There must be a clear passageway to each row of seats If only one door is normally used this must be on the nearside (similar to buses).	<input type="checkbox"/>	<input type="checkbox"/>
8. If the vehicle is an Estate Car or a Multi Purpose Vehicle as described on the Vehicle Registration Document (V5), it must be fitted with a grille or a similar device sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat:	<input type="checkbox"/>	<input type="checkbox"/>

Officer name:

Signature:.....

Date:

APPENDIX H

METER CALIBRATION CENTRES

Contact Radio Communications Ltd

Unit 19
Leeway Court
Leeway Industrial Estate
Newport
Gwent
NP9 OSJ

Tel : 01633 270005
Fax : 01633 271305

G. W. Taximeter Services

Unit 4
Hunters Industrial Estate
Seawall Road
Tremorfa
Cardiff
CF24 5TH

Tel/Fax : 029 20472464

APPENDIX I

TRAILERS

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

APPENDIX J

HORSE DRAWN CARRIAGES

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

Horse drawn carriages

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

Proprietor/Driver Conditions

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

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

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

Horse(s)

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

Carriages

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

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

Harness, Equipment and Tack

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

Pedicabs, rickshaws and similar non-motorised vehicles

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

APPENDIX K

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE ADVERTISING

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

APPENDIX L

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

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

Introduction

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

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

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

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

General Requirements

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

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

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

http://www.ico.gov.uk/upload/documents/library/data_protection/detailed_specialist_guides/ico_cctvfinal_2301.pdf

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

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

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

Automotive Electromagnetic Compatibility Requirements (EMC)

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

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

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

Camera Design Requirements

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

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

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

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

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

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

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

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

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

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

Camera Activation Methods

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

Audio Recording

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

Image Security

Images captured must remain secure at all times.

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

Retention of CCTV images

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

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

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

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

Notification to the Information Commissioner's Office

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

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

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

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

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

Using a third party service provider (data processor)

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

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

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

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

Use of information recorded using in-vehicle CCTV

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

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

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

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

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

Signage

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

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

Signs should:-

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

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

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

Note

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

APPENDIX M

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

Executive Vehicles

1. The following conditions apply to these vehicles:

Limitations of Use

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

Dress Code

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

Appearance and Mechanical considerations

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

Stretched Limousines

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

Limitations of Use

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

Dress Code

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

Vehicle Design

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

17. The maximum length of the “stretch” conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 3048mm (120”)
18. The vehicle shall have at least two doors for use of persons conveyed in the limousine and a separate means of ingress and egress for the driver.
19. For the purpose of calculating the seating capacity of a vehicle the minimum width of passenger seat is 400mm. In the case of an ‘L’ shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

Transport of Passengers

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

Additional Documentation required

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

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

Appearance and Mechanical considerations

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

Fire Engines and Novelty Vehicles

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

Limitations of Use

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

Dress Code

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

Vehicle Design

39. The vehicle shall have at least two doors for use of persons conveyed in the vehicle and a separate means of ingress and egress for the driver.
40. For the purpose of calculating the seating capacity of a vehicle the minimum width of passenger seat is 400mm. In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.
41. Where the seating arrangements have been changed from the original specification then those seats shall be securely anchored to the floor of the vehicle.
42. The vehicle will have a speed limiter fitted to restrict its maximum speed to 56 m.p.h.
43. All external "lockers" of the vehicle shall be secured to prevent access by passengers or members of the public.
44. All "blue" lights, siren, flashing lights, reflective tape, ladders and lettering which may give the public the impression that the vehicle is a fire engine or emergency vehicle are to be permanently removed.

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

Transport of Passengers

46. As these vehicles are regularly used to carry young persons, for the safety of the passengers and driver, passengers shall not be carried in the front of the vehicle.
47. The transport of children under the age of 16 must be accompanied by at least one responsible adult.
48. All passengers shall remain seated whilst the vehicle is in motion and in accordance with Construction and Use Regulations, where seat belts are fitted they must be worn.
49. Additional foot-steps shall be carried and used on the vehicle to facilitate access and egress from the passenger compartment of the vehicle.
50. Passengers shall be advised at the time of booking and again on the day of hire that they must not embark or disembark from the vehicle without assistance from the operator/crew.

Additional Documentation required

51. The following documentation in original form shall be produced (where available) upon application and prior to licensing:
- A single vehicle approval (SVA) certificate (pre 31st December 2009) or a **British Individual Vehicle Approval (BIV) certificate (from 1st January 2010)**. Please Note: a Minister's Approval Certificate is not acceptable.
 - DVLA Registration Document (V5)
 - Insurance covering Hire and Reward and Public Liability.
 - Where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
52. The LA recognises that an applicant may not always be in possession of a SVA or BIV. However, every effort shall be made to locate these documents to satisfy the LA that the vehicle is safe and roadworthy. Failure to produce any of the above documentation may affect any application made.

Appearance and Mechanical considerations

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

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

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

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

APPENDIX N

CONDITIONS OF OPERATOR'S LICENCE

Operator Base

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

Drivers

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

Vehicles

7. The operator shall not operate a private hire vehicle without the vehicle being licensed by the LA.
8. The operator must examine the vehicle licences to ensure their validity and that they are compliant with the criteria set within this Policy.
9. There shall be sufficient off-street parking made available for the number of vehicles to which the application relates. The operator shall provide details upon request of the location of all such off-street parking. At no time shall an operator allow vehicles to park illegally at or near the base whilst working as a private hire vehicle.

10. The operator must ensure that all vehicles operated by him/her which are fitted with a taximeter have meters which have been sealed and have used the approved Meter Calibration Centres approved by the LA.

Advertising of Business

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

Change of Details

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

Roadworthiness

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

Accidents

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

if deemed necessary by an authorised officer, the vehicle shall be re-inspected by a Licensing Officer and a new Certificate of Testing produced prior to the suspension being lifted.

Insurance

20. The operator shall ensure that Public and Employer Liability Insurance are in force throughout the validity of the Licence for each operating base open to the public. This Certificate must be available for inspection upon request.
21. The operator shall ensure that all the vehicles named on the operator's licence are covered by appropriate insurance. Where an insurance cover note is in place, the operator must ensure that the driver on expiry of that cover note advises the LA of the new period of cover. It is the responsibility of both the operator and driver to ensure that they have the correct insurance cover in place to cover the number of passengers that they are entitled to carry. The operator must therefore monitor insurance on a regular basis and personally examine the insurance certificate to satisfy themselves as to their validity.

Bookings

22. The operator shall maintain records of all bookings in such a manner, whether written or on computer, which enables them to be examined or audited. These records shall be available for inspection by authorised officers upon request.
23. The operator shall record the following:
 - The place at which the booking was received.
 - Whether the booking was made by telephone, in person or other means (to be stated).
 - The name of the hirer.
 - The date of the journey.
 - The address or other place from which it is to commence.
 - The address or place of destination.
 - The requested time, if any, from the hirer's address or other place.
 - The plate number of the vehicle.
 - The driver call sign.
 - The badge number of the driver undertaking the hiring.
 - If the booking was one accepted by another operator, the name and address of that operator
 - The agreed fare, if not calculated by means of a taximeter in the allocated vehicle.
 - Remarks (if any)
24. All records shall be kept by the operator for a minimum of 12 months following the date of the last entry. If the operator uses a computerised record system, hard copies of all records must be maintained in the same way as written records and made available for inspection by authorised officers upon request.

25. The operator shall also keep records of all private hire vehicles and shall record the following:
- Owners and drivers of vehicles
 - Registration and Plate Number of Vehicles
 - Insurance Certificate/Cover Note
 - Road Fund Expiry date
 - Radio Call sign
 - Remarks (if any)
26. Every contract for hire of a licensed private hire vehicle is deemed to be made with the operator who accepted the booking for that vehicle whether or not he himself provided the vehicle.
27. All drivers and operators (including existing licence holders) will be required to attend a training session on safeguarding children and vulnerable persons. New applicants will be required to conduct the training at their own expense prior to submitting an application. Drivers and Operators licensed (new and renewal applicants) between 1st April 2015 – 31st March 2016, will be required to conduct this training within 9 months, commencing 1st April 2016. All drivers and Operators will be required to conduct refresher training and submit the required certificate as confirmation the training has been conducted prior to submitting a renewal application.
28. Operators are expected to take their duties with regard to safer recruitment of drivers and the safeguarding of the public seriously. To aid in this duty, an operator shall record any customer complaint or concerns raised by other drivers they receive regarding the attitude or behaviour of a driver. The operator is expected to make such records available to an authorised officer or Police officer upon request. These records should:
- Be kept securely and remain confidential for a minimum period of 3 years and confidentially destroyed thereafter;
 - Include the name, address and contact number of the complainant;
 - Record the details of the complaint;
 - Record details of the driver to which the complaint relates;
 - Record the action the operator has taken.
29. Where 3 or more substantiated complaints are received regarding a particular driver in a rolling 12 month period, the operator shall be expected to notify the LA without delay. If any complaints/concerns are received regarding sexual or inappropriate words/behaviour by drivers, these complaints must be reported to the LA without delay, regardless of the number of previous complaints.

Standard of Service

30. The operator shall provide a prompt, efficient and reliable service to members of the public at all times.

31. The operator shall ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall (unless delayed or prevented by sufficient cause) punctually attend at the appointed time and place. Where possible the operator shall contact the customer to inform of any potential delays.
32. The operator shall keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access whether for the purposes of booking or waiting.
33. The operator shall ensure that the premises is not overcrowded at any time and shall manage queues so as to avoid nuisance and/or crime and disorder. In addition, the operator shall ensure that there are sufficient seating facilities.
34. The operator shall ensure the operation of the business does not cause a nuisance to nearby properties.
35. The operator shall ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.
36. The operator shall monitor the dress code of all drivers to ensure compliance with the dress code condition in this Policy.

Notices

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

The Principal Licensing Officer
Licensing Section
Monmouthshire County Council
The Drama Centre
Pen-y-Pound
Abergavenny
NP7 5UD
E-Mail licensing@monmouthshire.gov.uk
Tel: 01873 735420

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

Convictions

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

Lost/Found Property

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

APPENDIX O

CRITERIA FOR REVOCATION

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

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

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

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

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

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

Nature of the grounds for revocation

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

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

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

Time period that has elapsed since the revocation was imposed

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

Revocation on Medical Grounds

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

Revocation on Criminal Grounds

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

Right of Appeal

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

APPENDIX P

PENALTY POINTS

Date of Issue: ____/____/____

Time: _____

Location: _____

HV / PH: _____

Reg No: _____

Firm: _____

Driver: _____

Badge No: _____

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

Total Number of Points issued _____

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

Notes following inspection: _____

Signature of Authorised Officer: _____

Signature of Driver/Proprietor/Operator: _____

Date: ____/____/____

16-2-16

Leigh Beech
Licencing Dept.

I hereby write this
Letter to object to the New Law
that is Taken effect from 1/4/16
regarding the Age of vehicle's.

Yours
Sincerely



O'Gorman, Linda

RESPONSE 2

From: Beach, Leigh
Sent: 19 February 2016 15:42
To: O'Gorman, Linda
Subject: FW: Taxi and Private Hire Policy and Conditions 2016

FYI

From:
Sent: 12 February 2016 12:56
To: Beach, Leigh <LeighBeach@monmouthshire.gov.uk>
Subject: RE: Taxi and Private Hire Policy and Conditions 2016

Just a quick email to voice my opinion of the conditions, i am all for the age of the vehicle being introduced, i see a lot of licenced vehicles and the appalling condition of a lot of them is nothing to be desired and i am very suprised it hasnt been introduced years ago, and as for the dress code its appalling to see the untidy dress code of most of the drivers in my area.

From:
Sent: 21 February 2016 18:58
To: Licensing
Subject: Consultation taxi conditions

Attachments: IMAG0043.jpg; IMAG0044.jpg; IMAG0351.jpg

To licencing,

With reference to the conditions with regards to taxis 2016 I would like to put my point across about the age of vehicles.

I don't see how refusing to license vehicles over a certain age will be of any benefit what so ever.

Firstly, as you are aware taxis/mini bus's have several mot's per year by a Monmouthshire approved garage so it seems to be a pointless exercise really.

Secondly, wether or not a vehicle is new , nearly new or several years old the age is negligible as there are new or nearly new vehicles on the road being used as taxis / mini bus's that have 4x as many miles on them than a vehicle lets say like mine ! 11 years old with only 87,700 which gets oil changes every 8 weeks regardless of mileage, full services 2x a year & maintained to very high standards. I run my vehicle on nothing less than khumo tyres and carry out repairs before they need attention.

There are taxis in the area of which I operate that are 4-5 years old and have in excess of 200,000 miles on them and are not serviced & maintained as well as my 11 year old vehicle.

Also if this rule or rules were to be applied do you realize how many people you would put out of work thus forcing people in to unnecessary unemployment.

If you feel the need to put me and my business partner out of work we will look forward to the rest of our working lives on benefits.

I really could do with having a break from working the hours I do .

Please find attached some pictures of my vehicle.

Regards

From:
Sent: 29 February 2016 22:18
To: Licensing
Subject:

With reference to the Consultation on Monmouthshire county council Taxi & private hire policy & conditions 2016 we would like to put our thoughts across.

Firstly we would like to point out the (age) of a vehicle is not relevant to our industry because of we know there are companies within the monmouthshire area that run new or fairly new vehicles with excess 200,000 miles on the clocks. Yet we have a ford focus and ford transit that are 11 & 14 years old the transit has less than 90,000 miles on it and is of solid structure and maintained to very high standards, oil changes done every 8 weeks regardless of miles completed, repairs are carried out before they even need doing and also is mot'd every 4 months by a monmouthshire county council approved garage, The focus is the same only with 128,000 miles on the clock we run the vehicles on nothing less than Kuhmo tyres.

So to bring this rule in to force is just pointless and contradicts the the monmouthshire county council MOT procedure.

(Van Conversions) It would appear that this is now an issue after [redacted] has started up as we are the only company to have a Mini bus "Van conversion" which may we add was inspected by Mr Martin Redwood taxi licencing who inspected the vehicle before the plate were issued and pointed out what it was he wanted us to complete before we had it plated as a Mini bus " Van Conversion" all work was completed and re-inspected by Mr Martin Redwood who was more than pleased with all work carried out on the vehicle and issued the plates for us to use straight away as a taxi. so by the time the plate is due to expire we would have used this vehicle as a mini bus "Van Conversion" and have had no issues as to date yet for a year . If a customer or customers felt at any point that this vehicle was unsafe as a mini bus "Van Conversion" they would not use us to transport them to wherever they have booked us for. Again they can see that Monmouthshire county council have authorized this vehicle to be used as a taxi and Again is mot'd every 4 months by a monmouthshire county council approved garage thus another contradiction in itself to monmouthshire county councils mot procedure.

May we point out that ALL mini bus's are "converted vans" at some point whether they are purchased as vans or mini bus's and in some cases so are cars eg: Peugeot partners as you can buy a Peugeot partner as a van or as a car, A Transit / Tourneo, Peugeot E7, Mercedes Vito again as vans / mini bus's.

We feel that this rule should not be applied as we had all work carried out before this rule was put forward. If this was an issue at any point then plates should NEVER have been issued in the first place.

section 6,2 Protection of the public , Again if this vehicle was or is a hazard to the public monmouthshire county council should never have allowed us to use it as a taxi/mini bus/ van conversion.

And this could now end our livelihoods forcing us into unnecessary unemployment.

This rule should have been marked out clearly before.

Regards

From: Redwood, Martin
Sent: 08 March 2016 11:03
To: O'Gorman, Linda
Subject: FW: Vehicle Age limit Response

From:
Sent: 08 March 2016 10:57
To: Redwood, Martin <MartinRedwood@monmouthshire.gov.uk>
Subject: Age limit

Dear Martin,

I am writing to you regarding the new proposal for taxi age limit. My car will be 10 years old on 31/07/2016 and has 131000 miles with a full main

dealer service record (every 10,000 miles).

Since I have owned the car it has never failed any taxi tests and runs extremely well.

I was hoping to keep the car till the spring of 2017 which I believe I could as my licence is due on 10/6/16 this is before the car reaches 10 year old.

I have been looking on the internet and any car under 5 years will cost £10,000 plus. This Would be a lot to pay for a taxi and would effect me

bidding for future school contracts as having such a new car and expected to have a back up vehicle of the same age would not viable for my business.

Just some of my thoughts for the council to consider.

Many thanks

7th March 2016

Monmouthshire County Council
 Licensing Section
 The Drama Centre
 Pen-y-Pound
 Abergavenny
 NP7 5UD

Dear Sir/Madam

RE: Response to Monmouthshire County Council Draft Taxi and Private Hire Policy and Conditions 2016

I have been looking into to how this would affect my business. We are a small company trying hard to expand and the implementation of these proposed conditions would cause us great distress and unnecessary expense, I have outlined these below;

I currently buy vehicles with around 20,000 miles on and then sell them at 140,000. To stick to my current budget I would need to look into buying cars with higher mileage on and keep them for longer, I would be looking at a car with 100,000 plus miles on the clock and keep them until they have major problems.

- 1) We currently have a wheelchair vehicle that I could not replace as the cost of them is far too high, leaving a gap in the availability of wheelchair accessible vehicles in the County.
- 2) We would need to hand back at least half of our licenses which result in less money for the council.
- 3) Price on school contracts would have to be raised to enable us to continue with the contracts for PTU.
- 4) We currently have an older car for weekend evening work that is still in great shape for its age and the way people treat it on the weekends would make me very reluctant to buy a newer car.

Some of the things that have been happened to us this year alone;

- 1) 14 people have been sick
- 2) 19 people have ran off and not paid
- 3) 3 people have wet them self
- 4) One lady had bowel problems and mess all over back seats
- 5) One group that I picked up pulled the roof lining off the minibus and thought the disabled lift was a toilet and pee over the back seats and two was sick and then when the vehicle had stop kick side door off and ran away and the police was not interested

If this does come into force I believe that;

- 1) We will have more broken down taxis with passengers left stranded
- 2) There will be less taxis on the road and driver being laid off
- 3) Customers can't always get taxi now so if we have to half the fleet this will be a bigger problem for the public
- 4) If we think there will be any of the issues i.e. sick, muddy, risk of damage we will not pick them up
- 5) There will be a rise in unlicensed cars on the weekends that licencing can't seem to cope with now

That the fare would need to be raised and go back to being raised every two years to sustain the turnover of fleets. I have ask about a meter increase and the Licensing Officer commented that the cost of fuel had come down but you could propose it through your Taxi Association Representative.

- 6) ! But there are licensing fee increases on badges and plates every year and with all the new tests etc the cost now for a new drivers badge is around £500.00 these cost need to come from somewhere this would also affect PTU as all future tenders would be at a higher price than what we are currently charging or we would lose out to operators who are licenced in Newport and do not have these age limits imposed on them so will be far more competitive. Certainly does not agree with the local jobs for local people ideal!!

I really think this is a bad idea it will put my business at risk and push me into buying vehicles on finance with our current turnover the business would fold within a year.

We urge the authority to think about the impact on the trade and on the authority itself if they go ahead with the rule of age limits.

Yours sincerely

From:
Sent: 11 March 2016 08:00
To: Licensing
Cc:
Subject: Taxi and Private Hire Policy and Conditions 2016 -Revision

Hi

Please can I confirm as an interested party my objection to the proposed changes. In Abergavenny there aren't enough taxis as it is, often when I try and call to book one the same day there is none available which inhibits taking the train as the station is so far away from our house, unless we drive and park at the station - not great for holidays.

Although my wife is Welsh we have recently moved away from Runnymede, Surrey where the council there has just voted to allow older cars to act as taxis as long as they have passed stringent roadworthy tests - the exact opposite of what you're trying to do!

What we want is less regulation, not more from our local government - please rethink this policy change. Perhaps this is an EU directive? :-{

To Whom It May Concern:

We, as an operator strongly oppose the proposal regarding the change in legislation for vehicles licensed by Monmouthshire County Council. With a fleet of 18 vehicles, 4 of which are fitted with ramps for disability access, only 2 of our vehicles will meet the requirements.

With the number of operators rapidly growing in the Chepstow area, there is not sufficient trade to enable the revenue that will be needed to upgrade our fleet accordingly. Also, with the changes made to the way contracts are awarded, being awarded to the lowest bidder, we are not able to achieve sufficient revenue by this means either.

To replace our vehicles, along with licensing fees, it will cost us around £208,000. This is not something we will be able to achieve, even with the 2 years' grace given on existing licensed vehicles.

We have vehicles that have been adapted for some of our disability contracts, i.e seats removed to allow sufficient space should the child experience a fit. The cost for us to replace these vehicles like for like would be astronomical. We have also recently purchased vehicles to accommodate the needs of some the children who have an issue with confined spaces, namely a Ford Galaxy, to provide maximum comfort to them during their journey.

In just the last 6 months we have purchased and plated 7 new vehicles, only 2 of which we will be able to continue using should this proposal be passed. The test and licencing fees alone were around £1617 plus the purchase of the vehicles. To have to then pay this out again to replace them after less than a year is not justifiable.

I'm sure will not be the only operator in this situation and fear that by allowing this proposal to go through, many businesses will struggle to continue offering their services effectively. If this is the case, there will be insufficient vehicles to cover the contracts awarded by MCC.

Kind Regards

From:
Sent: 07 March 2016 16:55
To: Licensing

I am writing to you to express my disagreement towards the proposal of age restrictions on taxis. I have three vehicles which are all in good condition and are M.O.T. three times a year. All three of my vehicles are over 10 years old ,what your proposing would mean I would have to get three new vehicles, which would put me out of business and also make two of my staff members redundant, including myself meaning I wouldn't be able to support my family pay my mortgage and there for lose my house. I'm not just speaking for myself but also on behalf of other taxi firms in Abergavenny/Monmouthshire.kind regards

9th March 2016

Monmouthshire County Council
Licensing Section
The Drama Centre
Pen-y-Pound
Abergavenny
NP7 5UD

Dear Sir/Madam

Proposed Change to Hackney/Private Hire Conditions

I would like my objection to the proposed change in the age limits of vehicles to be logged and taken into consideration by the councillors before agreeing to them.

We have been operating for 48 years and employ 25 staff both full and part time, so we are an important employer and service provider to our local area. Our fleet is made up of new, nearly new and some older but well maintained vehicles. All our vehicles hold stringent tests every day from the driver level up to management and the testing stations. All drivers have to complete daily/shift walk around checks, which are observed by management then any defects either dealt with ourselves if it is a small issue eg bulbs. If a defect has been recorded that we cannot sort in our own workshop it is booked in with the garage that holds our maintenance contract for the works to be completed and reported back as satisfactory. We have in addition to this 6 weekly maintenance checks on all our vehicles also with this contract, then at 10,000 mile intervals they all have a service this is all in addition to the Tests set by MCC also with the same garage to ensure all our vehicles are roadworthy at all times.

To set age limits is arbitrary to say the least, there is no technical evidence to suggest that a judgement on the suitability of a vehicle by age.

We are a rural community that does not have the demand that an urban area would have, thus not justifying purchasing new vehicles.

Judgement must be made on quality of vehicle and the maintenance program that operators should follow.

If this rule goes ahead it would have a massive financial and economic effect on us.

- We will remove a third of our fleet of vehicles that are currently used for home to school contracts for MCC PTU department as there is just not enough revenue from them to justify new or nearly new vehicles. At present we would aim to buy good quality, low mileage vehicles at a good price to fulfil the contract term. Most of these vehicles do not do any other work as there is no demand for them.
- We are very reluctant to use new or nearly new vehicles for weekend/evening work due to the abuse that they receive, for instance sick, food and drink that passengers hide from the drivers spilt, doors and wing mirrors being pulled off, to name a few problems.
- New or nearly new disabled access vehicles are way above what we could afford buy based on the demand, so again good quality, low mileage vehicles for these passengers are sourced. Without this a lack of operators will have a direct impact on these vulnerable passengers.
- We will have inevitable job losses or worse we could go out of business all together with 25 job losses and grave financial implications for us as we are committed to contracts already.
- This will cause undue stress and worry to our business that is already struggling with the high level of licensing requirements and timescales for recruiting staff, huge competition from owner drivers that do not commit to such stringent maintenance programs or have the overheads of a small business that employs staff.

We urge the councillors to consider that wider implications of this condition coming in to force not just for small businesses, but for the council revenue and expenditure too.

Yours sincerely

Monmouthshire County Council (SOUTH)
Taxi and Private Hire Trade

RESPONSE 10

3rd March 2016

Monmouthshire County Council
Licensing Section
The Drama Centre
Pen-y-Pound
Abergavenny
NP7 5UD

Dear Sir/Madam

RE: Response to Monmouthshire County Council Draft Taxi and Private Hire Policy and Conditions 2016

This reply has been collated by the Taxi Association Representatives for Monmouthshire South following a meeting held with the Trade on Friday 19th February 2016 to discuss the above draft conditions, we invited the Licensing Officer to attend to answer any questions that may arise but our invitation was declined on the basis that they are needed to appear impartial, we feel however this is not adequate consultation with the trade.

Also have the council given adequate consultation at local level regarding these significant proposed changes as advised in the Dft best practices guide.

Extract:- CONSULTATION AT THE LOCAL LEVEL

12. It is good practice for local authorities to consult about any significant proposed changes in licensing rules. Such consultation should include not only the taxi and PHV trades but also groups likely to be the trades' customers. Examples are groups representing disabled people, or Chambers of Commerce, organisations with a wider transport interest (eg the Campaign for Better Transport and other transport providers), womens' groups or local traders
(See attached full Dft Taxi and Private Hire Vehicle Licensing: Best Practices Guidance for Local Authorities***)***

While the overall general change to conditions were supported there was a unanimous objection to the implementation of Age Limits for Hackney and Private Hire vehicles within the county.

We would like to ask Monmouthshire County Council why they feel there is a need to include age limits on Private Hire and Hackney vehicles as the conditions do not clarify this point, we would also appreciate to see the technical evidence to support this decision.

As a trade we have based our costs on the current conditions, the implementation of age limits would raise the costs beyond what is sustainable for many.

We have all signed, agreed and paid for licences as drivers for the next 3 years and operators for the next 5 years under these current conditions. Any change in these conditions without our consent would be in breach of contract, unless it was to accommodate changes in the law.

The Dft best practice states the following;

Age Limits. It is perfectly possible for an older vehicle to be in good condition. So the setting of an age limit beyond which a local authority will not license vehicles may be arbitrary and inappropriate. But a greater frequency of testing may be appropriate for older vehicles - for example, twice yearly tests for vehicles more than five years old.

As a trade we believe this to be true as have Monmouthshire Licensing in the past so we are unsure why this recommendation is being ignored.

It would be fair to agree that a vehicle used as a taxi for 10 years would be past its day and would not be fit for purpose. But if we bought a 10 year old vehicle that had had one careful owner from new and had 70,000 miles on the clock with full service history, then it would have many more miles and years left, so how can an age limit work?

Good practices could be adopted that would be far more beneficial, for instance Daily Driver Defect Reporting and Maintenance schedules. (See example attached)

If vehicles are on the road that are not safe and fit for purpose then how are they leaving the testing stations?

An area that would be hit hard would be Monmouthshire County Council Home to School Transport contracts whereby vehicles are purchased at reasonable prices but are usually older but have lower mileages to enable operators to keep the costs down. Many of these vehicles do not do other work so the full cost of them would need to be assigned to each contract, resulting in the need for price increases beyond what the authority could afford.

With most companies in our area running at least 30% of their fleet approaching or over the 10 year limit it would put a lot of businesses in immediate danger due to not having the funds available to update their fleets at such short notice. On one evening one of the drivers took a record of all taxis and PHV's entering in and out of Chepstow Bus Station for a period of an hour, of the 30 vehicles witnessed only 5 of them would be licenced under the new conditions.

As a rural area on average a single shift taxi/phv would cover 30000 miles per year increasing to 50000 for a double shift. So if we bought our 70000 mile 10 year old car we could easily expect to get another 5 years work from it. The difference in cost to an operator would be substantial with most new Saloons costing about £33000 and a good used vehicle used coming in at around £6000.

See attached photos of licenced vehicles over the age limits proposed that would now be deemed as not fit for purpose!! *This list is not exhaustive but a demonstration of vehicles over the proposed age limits....*

A decision from the High Court when Newport City Council tried to include age limits to their conditions (see attached High Court Judicial Review proceedings)

Extract:- For the reasons given, I have concluded that the defendant's decision to impose age restrictions for licensed hackney carriages and private hire vehicles made on 18 March must be set aside. The failure to take account of the 6 monthly plating tests together with the other matters to which I have referred mean that this is not a case in which it would be appropriate to deny the claimant a remedy in the exercise of discretion.

The age limits in London is 15 years and this is due to emissions.

We urge the authority to think about the impact on the trade and on the authority itself if they go ahead with the rule of age limits.

We can see that the following could happen;

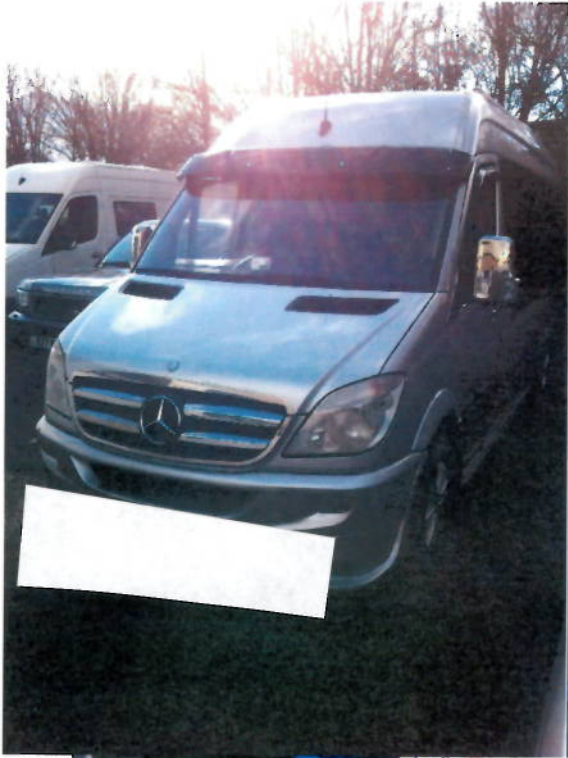
- Operators will cut their fleets
- PTU will need to go to other authorities to fulfil the home to school contracts
- Operators move away from Monmouthshire as a licensing authority and use Newport City Council.
- Businesses will close
- Local jobs for local people will be jeopardised
- Licensing will lose revenue from the trade

Yours sincerely

This letter is a trade view, we will all however put our personal objections in to support this;

Signed and agreed by

This is a 10 year old Mercedes Bus recently bought by one of the operators to extend his business into the custom coach area. This vehicle is immaculate inside and out with sound mechanical background including full service history. The operator paid £13000.00 plus £3000.00 on upgrades they have also spent a huge amount on marketing including a new website bringing the total outlay investment at £19000.00+. To purchase the same vehicle new you would expect to pay in the region of £76000.00



This is an 11 year old vehicle licenced recently under the current conditions, extra expense was undertaken by the operator to bring the vehicle in line with these. This vehicle is again immaculate inside and out with very good mileage and of sound mechanical condition.



This vehicle is a current 10 year old licensed vehicle that has undergone the appropriate local authority tests to ensure it is fit for purpose it is clean, rust free and of good mechanical condition.



All vehicles are to be checked before the start of shift. If minor defects cannot be rectified by the driver then the workshop needs to be informed and the vehicle should not be driven until defect is FULLY rectified. It is the drivers' responsibility to check and report defects.

It is a disciplinary offence to not follow this procedure.

DRIVERS' VEHICLE DEFECT REPORT

Date:	Drivers name:	
Vehicle Reg Number:	Odometer Reading Start:	Odometer Reading End:

DAILY/SHIFT CHECK (TICK OR CROSS)

Fuel/oil/waste leaks		Wipers		Mirrors	
Water Levels		Washers		Steering	
Tyres and wheel fixing		Horn		Heating/Ventilation	
Brakes		Glass		Lights	
Doors and exits		Reflectors		Body interior	
Indicators		Body exterior		Excessive Engine Exhaust Smoke	
Fire Extinguisher		First-Aid Kit		Battery	

REPORT DEFECTS HERE:

Write NIL if no defects found

Drivers signature:

Rectified by:

Signature:

Date:

SERVICE CHECKLIST

REG NUMBER	MAKE / MODEL	SPEEDO READING	CHASSIS NUMBER

INSIDE THE VEHICLE

CHECK THE OPERATION OF ALL SWITCHES	
CHECK OPERATION BRAKE & CLUTCH ADJUST HANDBRAKE	
OUTSIDE THE VEHICLE	
LUBRICATE DOOR LOCKS & HINGES (NOT STEERING LOCK)	
CHECK TYRE PRESSURES & WEAR INCLUDING SPARE	
CHECK & ADJUST FRONT / REAR ALIGNMENT	
UNDER THE BONNET	
CH CHANGE OIL & FILTER (ALL VEHICLES)	
RE REPLACE FUEL FILTER CHECK FUEL PIPES	
RE REPLACE AIR FILTER	
RE CHECK & RESET VALVE CLEARANCE (ENGINES WITHOUT HYDRAULIC)	
RE REPLACE SPARK PLUGS	
CHECK RESET CONTACT SET (IF APPLICABLE)	
CHECK RESET ENGINE TIME SPEED (ALL ENGINES)	
CHECK RESET C/O PETROL ENGINES (WITH CATALYST)	
CHECK RESET ENGINE TIMING (PUMP TIMING)	
CHECK V BELTS FOR DAMAGE & TENSION	
CHECK OPERATION THERMO VALVE HEATER & RADIATOR HOSES	
RADIATOR UNIT FOR LEAKS	
CHECK & CHANGE ANTIFREEZE	
CHECK & TOP UP FLUID LEVELS (CLUTCH & BRAKES)	
CHECK & TOP UP TRANSMISSION LEVELS	
CHECK & TOP UP AUTOMATIC TRANSMISSION LEVELS	
CHECK & TOP UP FRONT / REAR DIFFERENTIALS	
LUBRICATE SUSPENSION STEERING JOINTS & PROP SHAFTS	
CHECK DRIVE SHAFT BOOTS (REPLACE IF DAMAGED)	
CHECK STEERING LINKAGES FOR DAMAGE & SECURITY	
CHECK FRONT / REAR SUSPENSION FOR DAMAGE & SECURITY	
CHECK EXHAUST FOR LEAKS & SECURITY	

CHECK FRONT BRAKE PADS / DISCS, CHECK REAR BRAKE SHOES / DRUMS / DISCS / PADS FOR WEAR (REPLACE IF REQUIRED)	
ROTATE WHEELS / TYRES CHECK FOR ABNORMAL WEAR	
CHECK CONDITION OF H/T CABLES	
ROAD TEST	
CHECK ENGINE PERFORMANCE TRANSMISSION BRAKES & INSTRUMENTS	
EVERY 40,000 MILES (ADDITIONAL TO REGULAR SCHEDULE)	
ITEMS ADVISED TO BE CHANGED EVERY 40,000 MILES	
DRIVE BELTS TIMING BELTS	
REAR AXLE / FRONT BRAKE FLUID	
COOLANT / ANTIFREEZE DRAIN & REPLACE 30% STRENGTH	
EXTERIOR BODY & TRIM (OPTIONAL TRIM)	
CHECK BODY CORROSION UNDERBODY CONDITION	
EXTERIOR MIRRORS & TRIM	
NOTES	

From: Redwood, Martin
Sent: 04 March 2016 10:49
To: O'Gorman, Linda
Subject: FW: Age Limits:

-----Original Message-----

To whom it may concern,
Re: Proposed Vehicle Age Limits.

My Mercedes car is 10 years old this year and when I bought it, it was with the intention that it would last until my retirement at the age of 66 (exactly 5 years from yesterday).
There were no rules on age of car just that I will have to have it MoT'ed every 4 months after the age of 10.
Also when I signed my taxi operator licence for 5 years there were no rules on age so I do believe these rules cannot be retrospective.
My bus is 8 years old and I have no intention of replacing that in two years time because it has only done 130k miles and the car has only done 150k.

As you know from our experience with the problems that we had with rogue traders I could just go and sign up with an authority that does not have a 10 year limit as it would be a lot cheaper than changing cars because as my work is internet based it does not matter where I am registered.

My vehicles are also used for weddings and people like my Mercedes Car and Minibus but I could not afford to replace like with like.

Taking all of these points into consideration I hope you will voice my objections to this policy.

Winn, Samantha

From: [redacted]
Sent: 13 March 2016 20:59
To: Licensing
Subject: Consultation on Monmouthshire County Council's Taxi and Private Hire Policy and Conditions 2016

Dear Council,

I hear that vehicles will need to be no more than 10 year's old for renewal and no more than 5 years old for new contracts.

This is not environmentally friendly as it encourages a short use of vehicles. It is also financially very difficult for taxi drivers. Would it not be better to ensure that vehicles are regularly serviced?

Sincerely,

**All Account Work Welcomed
Wheelchair Vehicles Available**

Dear Sir/ Madam,

9th March 2016

With reference to Monmouthshire County Council's proposed new 5 year age limit on Hackney & Private Hire Vehicles, I feel I must strongly object to this proposal as I can see that it will no doubt cause a number of operator's, myself included a great deal of hardship and could well cause myself to cease operating as an employer, thus putting my seventeen staff out of work.

All my vehicles as all vehicles operated under Monmouthshire County Council ruling are judged fit for purpose depending on the 4, 6, 12 monthly tests set by yourselves depending on vehicle age.

I do not have the resources to purchase new vehicles or indeed vehicles that are under three years of age.

Monmouthshire County Council have steadily increased their charges for plating of vehicles, drivers, licences, as well as increased cost for insurance, drivers medical, tests and all other costs involving the running of a taxi operation. The last meter rise that Monmouthshire County Council granted was in April 2011, Five years ago and now you wish to increase our expenditure even further.

The national minimum wage in that year 2010 to 2011 was £5.93 and now in 2016 the rise to the National living wage is set at £7.20 per hour, it appears to me we are fighting a losing battle and therefore I feel as stated that I must strongly object to your proposals.

Yours Sincerely







MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Gambling Act 2005 – Premises Licence Fees

DIRECTORATE: Chief Executives

MEETING: Licensing & Regulatory Committee

Date to be considered: 22nd March 2016

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To agree the fees to set for this Authority in relation to Premises Licences under the Gambling Act 2005 for 21st May 2016 – 20th May 2017.

2. RECOMMENDATION(S):

- 2.1 It is recommended that:-

- (i) the fees and charges detailed in Appendix A of the report be approved and have effect from 21st May 2016; and
- (ii) The fees are subsequently reviewed annually.

3. KEY ISSUES

- 3.1 This Authority has a statutory duty under the Gambling Act 2005 to set fees for Premises Licences in accordance with the Gambling (Premises Licence)(England and Wales) Regulations 2007. The fees for these licences are to be reviewed and set annually on the 21st May each year. Premises Licences will include Betting Shops, Tracks, Adult Gaming Centres, Family Entertainment Centres and Bingo Premises. A fee assessment has not been carried out for Casinos as the Authority carried a resolution not to allow Casinos within its County at Full Council on 19th November 2015.
- 3.2 The general functions of the licensing authority in dealing with Gambling Premises Licences has been delegated to the Licensing and Regulatory Committee. This was agreed in the Gambling Act 2005 Statement of Licensing Policy approved at Full Council on 19th November 2015.
- 3.3 Licensing Authorities do not have the power to set fees for Permits which will be set by Central Government.
- 3.4 The Gambling (Premises Licence Fees) (England and Wales) Regulations 2007 provided for the following types of fees to be determined by licensing authorities:
- Licence application fee
 - First annual fee
 - Annual fee
 - Notification of change of circumstances fee
 - Application to vary a licence fee
 - Application to transfer a licence fee
 - Fee for a copy of a licence
 - Application for re-instatement of a licence fee
 - Provisional statement application fee

The Authority currently licence eleven premises under the Gambling Act 2005 consisting of nine betting premises, one track betting and one adult gaming centre all of whom will be required to pay an annual fee.

- 3.5 The European Services Directive, along with other regulations, statutory guidance and case law underline that fees must be set on a “reasonable” cost recovery basis only and cannot be set in such a manner as to generate a profit or act as an economic deterrent to traders. In determining reasonable costs the Authority may take account of costs averaged over a reasonable period (up to three years). However, The Regulations referred to in 3.4 above has stipulated a maximum figure a local authority is permitted to charge for the licensing of premises under the Gambling Act 2005.
- 3.6 An assessment of the cost and the maximum amount a local authority can charge for premises licences has been undertaken and this is shown in Appendix B attached to this report. As a result of this assessment this report proposes that the fees commencing the 21st May 2016 be set as stipulated in Appendix A.

4. REASONS:

- 4.1 The Authority has a duty to set fees and the charges set out represent a cost recovery within the Government’s maximum levels.

5. RESOURCE IMPLICATIONS:

- 5.1 The fees in Appendix A are set out to ensure the recovery of reasonable costs.

6. CONSULTEES:

None

7. BACKGROUND PAPERS:

Gambling Act 2005.

Gambling Commission Guidance issued under Section 349 of the Gambling Act 2005.

8. AUTHOR:

Linda O’Gorman

Principal Licensing Officer

CONTACT DETAILS:

Tel: 01633 644214

Email: lindaogorman@monmouthshire.gov.uk

APPENDIX A

Gambling Act 2005 – Premises Licence Fees 21st May 2016 - 20th May 2017

Application Fee		
	Bingo Premises Licence	£2168.00
	Adult Gaming Centre Premises Licence	£1629.00
	Betting Premises (Track) Licence	£1867.00
	Family Entertainment Centre Premises Licence	£1221.00
	Betting Premises (Other) Licence	£1822.00
Application Fee for Premises with a Provisional Statement		
	Bingo Premises Licence	£1200.00
	Adult Gaming Centre Premises Licence	£1200.00
	Betting Premises (Track) Licence	£ 950.00
	Family Entertainment Centre Premises Licence	£ 950.00
	Betting Premises (Other) Licence	£1200.00
Annual Fee		
	Bingo Premises Licence	£1000.00
	Adult Gaming Centre Premises Licence	£1000.00
	Betting Premises (Track) Licence	£1000.00
	Family Entertainment Centre Premises Licence	£ 750.00
	Betting Premises (Other) Licence	£ 600.00
Transfer Application Fee		
	Bingo Premises Licence	£1200.00
	Adult Gaming Centre Premises Licence	£1200.00
	Betting Premises (Track) Licence	£ 950.00
	Family Entertainment Centre Premises Licence	£ 950.00
	Betting Premises (Other) Licence	£1200.00
Variation Application Fee		
	Bingo Premises Licence	£1750.00
	Adult Gaming Centre Premises Licence	£1000.00
	Betting Premises (Track) Licence	£1250.00
	Family Entertainment Centre Premises Licence	£1000.00
	Betting Premises (Other) Licence	£1500.00
Provisional Statement Application Fee		
	Bingo Premises Licence	£2164.00
	Adult Gaming Centre Premises Licence	£1625.00
	Betting Premises (Track) Licence	£1864.00
	Family Entertainment Centre Premises Licence	£1218.00
	Betting Premises (Other) Licence	£1819.00
Application for Reinstatement Fee		
	Bingo Premises Licence	£1200.00
	Adult Gaming Centre Premises Licence	£1200.00
	Betting Premises (Track) Licence	£ 950.00
	Family Entertainment Centre Premises Licence	£ 950.00
	Betting Premises (Other) Licence	£1200.00
Change of Circumstances Fee		£ 50.00
Duplicate Licence Fee		£ 25.00

APPENDIX B

	MAXIMUM PERMITTED FEES ALLOWED	MON C.C. EXISTING FEES ENDING 20 TH MAY 2016	MON C.C. FEE CALCULATION	MON C.C. PROPOSED FEE FROM 21 ST MAY 2016
Application Fee				
Bingo Premises Licence	£3,500	£2,163	£2,168	£2,168
Adult Gaming Centre Premises Licence	£2,000	£1,625	£1,629	£1,629
Betting Premises (Track) Licence	£2,500	£1,863	£1,867	£1,867
Family Ent Centre Premise Licence	£2,000	£1,219	£1,221	£1,221
Betting Premises (Other) Licence	£3,000	£1,818	£1,822	£1,822
Application Fee where Provisional Statement Previously Issued				
Bingo Premises Licence	£1,200	£1,200	£2,103	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,564	£1,200
Betting Premises (Track) Licence	£950	£950	£1,802	£950
Family Ent Centre Premise Licence	£950	£950	£1,156	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,757	£1,200
Annual Fee				
Bingo Premises Licence	£1,000	£1,000	£1,988	£1,000
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,449	£1,000
Betting Premises (Track) Licence	£1,000	£1,000	£1,687	£1,000
Family Ent Centre Premise Licence	£750	£750	£1,041	£750
Betting Premises (Other) Licence	£600	£600	£1,642	£600
Transfer Application Fee				
Bingo Premises Licence	£1,200	£1,200	£1,953	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,475	£1,200
Betting Premises (Track) Licence	£950	£950	£1,652	£950

Family Ent Centre Premise Licence	£950	£950	£1,068	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,607	£1,200
Variation Application Fee				
Bingo Premises Licence	£1,750	£1,750	£2,164	£1,750
Adult Gaming Centre Premises Licence	£1,000	£1,000	£1,625	£1,000
Betting Premises (Track) Licence	£1,250	£1,250	£1,864	£1,250
Family Ent Centre Premise Licence	£1,000	£1,000	£1,218	£1,000
Betting Premises (Other) Licence	£1,500	£1,500	£1,819	£1,500
Provisional Statement Application Fee				
Bingo Premises Licence	£3,500	£2,160	£2,164	£2,164
Adult Gaming Centre Premises Licence	£2,000	£1,622	£1,625	£1,625
Betting Premises (Track) Licence	£2,500	£1,860	£1,864	£1,864
Family Ent Centre Premise Licence	£2,000	£1,215	£1,218	£1,218
Betting Premises (Other) Licence	£3,000	£1,815	£1,819	£1,819
Application for Reinstatement Fee				
Bingo Premises Licence	£1,200	£1,200	£2,052	£1,200
Adult Gaming Centre Premises Licence	£1,200	£1,200	£1,574	£1,200
Betting Premises (Track) Licence	£950	£950	£1,751	£950
Family Ent Centre Premise Licence	£950	£950	£1,167	£950
Betting Premises (Other) Licence	£1,200	£1,200	£1,706	£1,200
Change of Circumstances Fee	£50	£50	£119	£50
Duplicate Licence Fee	£25	£25	£32	£25

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MONMOUTHSHIRE COUNTY COUNCIL REPORT

SUBJECT: Application for an Annual Block Street Trading Consent for Caldicot Castle & Country Park

DIRECTORATE: Chief Executives

MEETING: Licensing and Regulatory Committee

Date to be considered: 22nd March 2016

DIVISION/WARDS AFFECTED: All Wards

1. PURPOSE:

- 1.1 To consider an application for a Block Street Trading Consent to trade in Caldicot Castle and Country Park. (Plan attached to this report as Appendix A)

2. RECOMMENDATION(S):

It is recommended that:-

- 2.1 Members consider and determine the application form attached to this report as Appendix B and C.
- 2.2 Members consider and determine the permission to allow the sale of “Re-Enactment Equipment.”
- 2.3 Members consider and determine the permission to allow the sale of knives.

3. KEY ISSUES

- 3.1 An application was received on 3rd March 2016 from Mr Michael Booth, Castle Manager for Caldicot Castle and Country Park, which is attached to this report as Appendix B. A further request was made by Mr Booth to amend the application to increase the number of trading pitches inside the castle wall to 70 pitches (Block I) by e-mail on the 7th March 2016, attached to this report as Appendix C. As such, the application request is to trade on Monday to Sunday between the hours of 08:00hrs until 22:00hrs. The location and number of pitches requested in the application form inside the grounds of Caldicot Castle and Country Park are as follows:-

- Block A (50 pitches)
- Block B (60 pitches)
- Block C (100 pitches)
- Block D (50 pitches)
- Block E (150 pitches)
- Block F (100 pitches)
- Block G (75 pitches)
- Block H (25 pitches)
- Block I (70 pitches)

The total pitches requested for Caldicot Castle and Country Park is 680 pitches.

- 3.2 The applicant has further stated that if the consent is granted he will ensure pitch holders will comply with the Council’s conditions for the consent. The applicant has stated within Section 2 of the application form that each person requesting a pitch will be required to complete an “Application for a Day Market Pitch”, which will be issued by Caldicot Castle and Country Park, attached as Appendix D.

- 3.3 The application was forwarded to the consultees (Appendix B and Appendix C), these being Heddlu Gwent Police, Monmouthshire Planning Department,

Monmouthshire Environmental Health Department and the Local Ward Member. No objections were received on this application.

3.4 Section 13 of the Street Trading Policy adopted by this Authority on 9th February 2016 states;

An Authorised Officer will approve the application if it:-

- Meets the criteria and
- There are no reasonable and appropriate objections.

And further states, "Except where objections are received for safety reasons the Head of Regulatory Services can determine the application or defer the matter to the Licensing and Regulatory Committee."

3.5 No objections were received against this application, however a query was raised with the applicant as to the type of goods that would be sold when selling re-enactment equipment, which he stated in part 2 of his application form, in order to assess whether the type of goods meet the criteria of the Street Trading Policy referred to in 3.4 above. The applicant informed Licensing by e-mail on the 3rd March 2016 that re-enactment equipment could include, knives, swords, bayonet, replica weapons, armour & associated clothing and further stated that when they host food festivals that have a number of trade stands that may have chef's knives for sale. Again, the purpose of use for these knives is a specialist market. (Attached to this report as Appendix E)

3.6 Section 8 of the Street Trading Policy referred to in 3.4 above states;
A Street Trading Consent will **not** normally be granted for the sale of the following items:-

- Firearms and replica firearms
- Knives
- Offensive weapons and replica weapons

Under the Criminal Justice Act 1988 (as amended by the Offensive Weapons Act 1996 and the Violent Crime Reduction Act 2006), it is an offence to sell to a person under the age of 18: any knife, knife blade or razor blade, any axe, any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person. The prohibition does not apply to either a folding pocket knives if the cutting edge of the blade is less than three inches or 7.62 cm or replacement cartridges for safety razors, where less than 2mm of the blade is exposed.

3.7 The Head of Regulatory Services has decided in this instance to defer the matter to the Licensing and Regulatory Committee for a decision, due to the application being not meeting the criteria as stated in 3.4, 3.5 and 3.6 above.

3.8 Under Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III there is no right of appeal against the refusal to grant or renew a consent or against the revocation or variation of a consent.

3.9 As there is no statutory right of appeal the applicant has the right to seek judicial review. As a judicial review is largely about the decision making process, it is difficult to see how any judicial review application could be made, when the applicant understands the reasons for the Members decision. If reasons are not given then there is de facto denial of judicial review.

3.10 A District Council are under no duty to grant a street trading consent and need not specify statutory grounds for refusal. However in the case of R v The Mayor and Commonalty and Citizens of the City of London ex parte Matson, the Court highlighted the need for decision makers to give reasons in the interests of fairness and to enable judicial review proceedings to become available.

4. REASONS

4.1 To determine the application for a Block Street Trading Consent for Caldicot Castle and Country Park.

5. RESOURCE IMPLICATIONS

5.1 All Licensing fees and charges are recovered on a cost recovery basis.

6. WELLBEING AND FUTURE GENERATIONS IMPLICATIONS

6.1 The 'Future Generations' template is attached as Appendix F.

7. CONSULTEES:

Heddlu Gwent Police
Planning Department, Monmouthshire County Council.
Environmental Health Department, Monmouthshire County Council
Local Ward Member

8. BACKGROUND PAPERS:

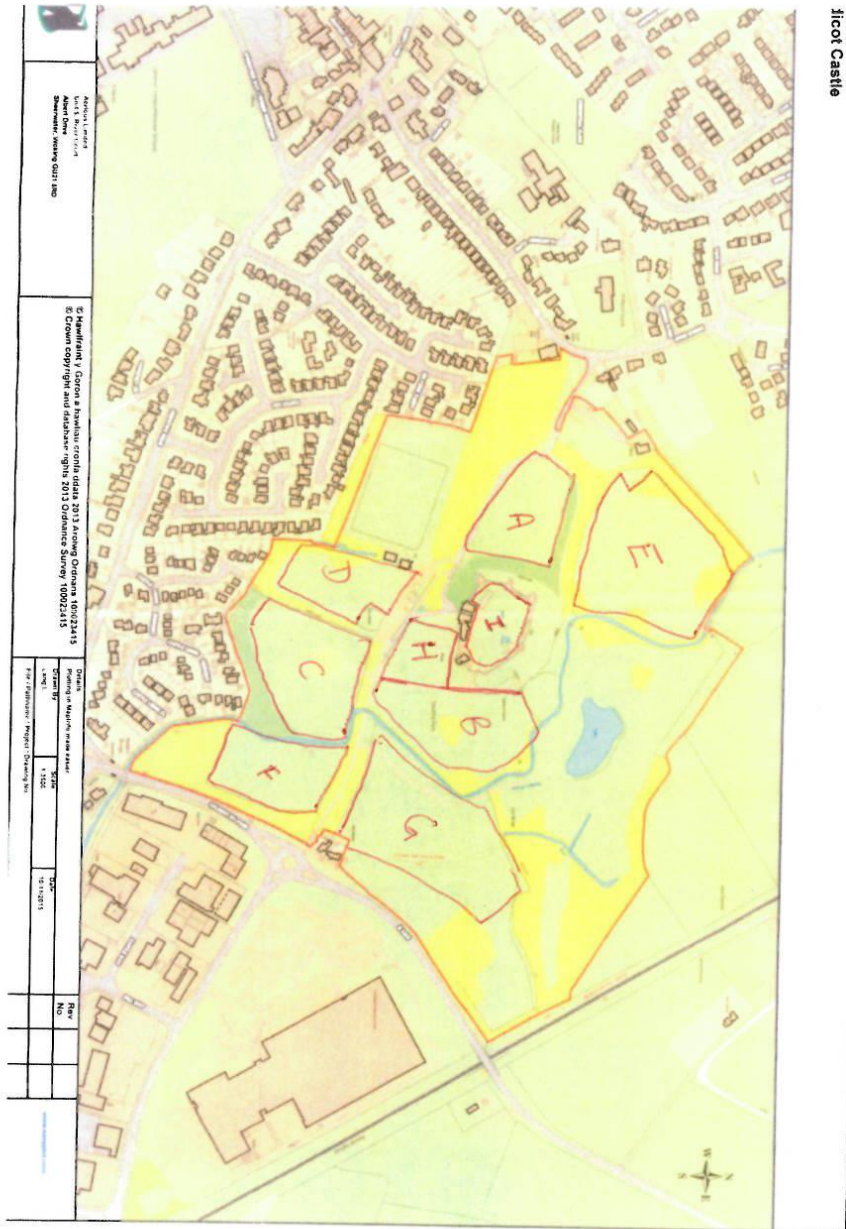
Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 Part III
Monmouthshire Street Trading Policy, approved 9th February 2016

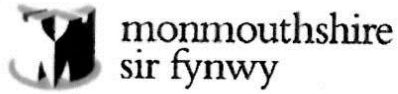
9. AUTHOR:

Linda O’Gorman
Principal Licensing Officer

CONTACT DETAILS:

Tel: 01633 644214
Email: lindaogorman@monmouthshire.gov.uk





MONMOUTHSHIRE COUNTY COUNCIL,
 LICENSING SECTION, THE MELVILLE
 CENTRE, PEN-Y-POUND ROAD,
 ABERGAVENNY NP7 5UD.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982
APPLICATION FOR A BLOCK STREET TRADING
CONSENT

1. APPLICANT DETAILS	
Full Name:	Mr Michael Booth
Current Residential Address:	Caldicot Castle & Country Park Church Road Caldicot Monmouthshire NP26 4HU
Telephone Number:	
Mobile Number (optional):	
Email (optional):	
Date of Birth: (DD/MM/YYYY)	
National Insurance Number:	
Are you entitled to work in the UK	Yes
Do you have any unspent convictions? (If yes please state details)	No
Have you previously had any Street Trading Consent revoked or surrendered? (If yes please state details)	No

2. TRADING DETAILS	
Please state number of pitches	650 maximum on any day
Address of the precise location of where the pitches will be located: (Please include names of streets)	Caldicot Castle and Country Park (map attached) Block A : 50 pitches Block B : 60 pitches Block C : 100 pitches Block D : 50 pitches Block E : 150 pitches Block F : 100 pitches Block G : 75 pitches Block H : 25 pitches Block I : 40 pitches
Do you have permission from the owner of the land where you wish to trade? (If yes please ensure that you submit a copy of the written permission)	Not required
Please provide contact details for the owner of the land: (Please include name, address and telephone number)	Monmouthshire County Council
Please provide details of the type of articles which you propose the pitches will sell:	Produce inc. Breads, Pies, Pastries, Cakes, Preserves, Oils, Vinegars, Fruit, Vegetables, Herbs, Plants and Flowers, Meat, Fish and other Hot and Cold Food and Drinks. Crafts inc. Cider, Wines & Beers – Subject to separate Alcohol Licences. Other Crafts inc Re-enactment equipment, Pottery, Jewellery, Prints & Paintings, Wooden Goods, Needlecraft, knitted & Fabric Goods, vintage goods inc. China & Clothing. Other goods deemed appropriate in line with street trading policy and conditions.
Please provide details on how you will ensure compliance of pitch holders with the Council's Street Trading Conditions. (Use a separate sheet if necessary). See enclosed Monmouthshire County Council's Street Trading Policy.	Individual stall holders will be required to complete the Caldicot Castle & Country park "Application for Day Market Pitch" (attached) which has been designed with the County Council's Street Trading Policy and Conditions in mind. Compliance with the Street Trading Policy and Conditions set out in the "Application for

	Day Market Pitch" will be verified and confirmed prior to consent being granted. Set up and trading to be checked daily by a member of the Caldicot Castle Events Team.
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3. TYPE OF CONSENT BEING APPLIED FOR	
Please state which type of street trading consent you wish to apply for: (Please note that first time applications for Block Street Trading Consents will take a maximum of 60 days to be determined and will normally be heard at the Licensing and Regulatory Committee for determination)	Block Annual Street Trading Consent <input checked="" type="checkbox"/>
	Block Daily Street Trading Consent <input type="checkbox"/>
Are there any other consent holders in the vicinity? (If yes please give further details)	No

4. TRADING DATES AND TIMES	DAY	TIMES From/To
Please give details of day and times in which you wish to trade: (Trading in Alcohol will require an additional licence under the Licensing Act 2003, as will Hot Food and Drink after 11p.m. up to 5a.m.). If a day consent please state the date you require : _____	Monday:	08.00hrs – 22.00hrs
	Tuesday:	08.00hrs – 22.00hrs
	Wednesday:	08.00hrs – 22.00hrs
	Thursday:	08.00hrs – 22.00hrs
	Friday:	08.00hrs – 22.00hrs
	Saturday:	08.00hrs – 22.00hrs
	Sunday:	08.00hrs – 22.00hrs

5. FEES	
10% Administration Fee (See attached notes for fees payable – this fee is non refundable)	£693 (Full Payment – Journal Transfer) The full payment is required within 21 days of written acceptance from Monmouthshire County Council or an invoice will be arranged if requested by the applicant to enable direct debit payments. The street trading consent will not be issued until the fee has been paid in full or an invoice has been issued to the applicant.

6. ADDITIONAL DOCUMENTATION
To apply for a Street Trading Consent you MUST submit the following documents to support your application <ul style="list-style-type: none"> 10% of the full fee

- Copy of Ordnance survey map of at least 1:1250 scale, clearly showing the proposed site position by marking the site boundary line with a red line. Available online including from www.planningportal.gov.uk/planning/applications/plans (Google or bing style maps are not acceptable)
- Written permission from the land owner (If applicable)
- Proof of Food Registration (If applicable). Information available at <http://www.monmouthshire.gov.uk/food-safety/food-premises-registration/>
- Licence under the Licensing Act 2003 (If applicable)
- One Passport-type photograph of the applicant.

7. DECLARATION

The Local Government (Miscellaneous Provisions) Act 1982 offences are as follows:

A person who engages in street trading in a consent street without being authorised to do so or being authorised by a consent, trades in that street

- (i) From a van, cart, barrow or other vehicle, or
- (ii) From a portable stall.

Without first having been granted permission to do or so contravenes a condition imposed shall be guilty of an offence. It shall be a defence for a person charged with such an offence to prove that he took all reasonable precautions and exercised due diligence to avoid commission of the offence. Any person who in connection with an application for a consent makes a false statement which he knows to be false in any material respect, or which he does not have reason to believe to be true, shall be guilty of an offence.

PLEASE NOTE: The Council's Licensing Committee is, with specific exceptions, a public forum. Not all applications require consideration by the Committee. Where our processes, as defined by relevant legislation, policies and guidance, require your application for a licence/permit/consent to be considered by the Licensing Committee, the identifying details you provide in your application may appear on documents which are considered by the Committee and are therefore available to the public. The personal information you provide will be used only for purposes related to the assessment of your application and future management of any licence/permit/consent granted. If you believe there is a legitimate reason for non-publication of your personal data, please provide those reasons with your application so that they can be considered in advance of preparation of Committee papers.

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information, see [NFI information on MCC website](#) or contact the Audit Manager on 01633 644258

I declare that I have read and understood the Standard Conditions and any additional conditions which may apply. I believe that all of the above particulars are correct and to the best of my knowledge. I understand that the 10% administration fee I pay will not be refundable if the application is withdrawn or if the consent is granted and I do not take it up.

Applicant Signature:

Print Name: MICHAEL BORTH Date: 3 March 2016

GENERAL

Where an application has been approved the following also will be required prior to the issue of Street Trading Consent:-

- **An original copy of a certificate of insurance covering the street trading activity for third party and public liability risks up to £5million**
- **Copies of gas, electrical safety certificates for each equipment and recent records of periodic inspection reports.**

The Street Trading Consent will specify the location, times and days for which it is valid and the type of goods to be sold. Consent Holders must follow the terms of their Street Trading Consent. Failure to do so may result in the Street Trading Consent being revoked or not renewed, or in a prosecution.

The granting of a Street Trading Consent does not in any circumstances exempt the Consent Holder from the need to obtain any other licence or permission that may be required or from obligation to comply with all other general or local legislation. There may be additional costs involved in obtaining these additional licences or complying with other legal requirements.

It is the obligation of the Consent Holder to familiarise themselves and their employees with this legislation. The council may revoke a Street Trading Consent for any failure to comply with any other general or local legislation.

A Consent Holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent, but it may be surrendered to the council at any time.

The Council reserves the right to revoke a Street Trading Consent at any time without compensation.

Please send completed application to:-

Licensing Section
Monmouthshire County Council

The Melville Centre
Pen-y-Pound Road
Abergavenny
NP7 5UD

Telephone: 01873 735420

Email: licensing@monmouthshire.gov.uk

Street Trading Fees

Type of Street Trading Consent	Full Fee	10% Admin Fee
Block Annual Street Trading Consent	£693	£69.30
Block Daily Street Trading Consent	£122 per day	£12.20

Payment can be made as follows:-

cheque/postal order should be made payable to Monmouthshire County Council and returned to, Licensing Section, Monmouthshire County Council, Melville Theatre, Pen-y-Pound, Abergavenny, NP7 5UD.

If you wish to pay by BACS you may do so by using the following information (quoting your licence number as a reference)

Bank: Barclays Bank plc

Sort Code: 20-18-15

Account Number: 13996565

Account Name: Monmouthshire Main ACC

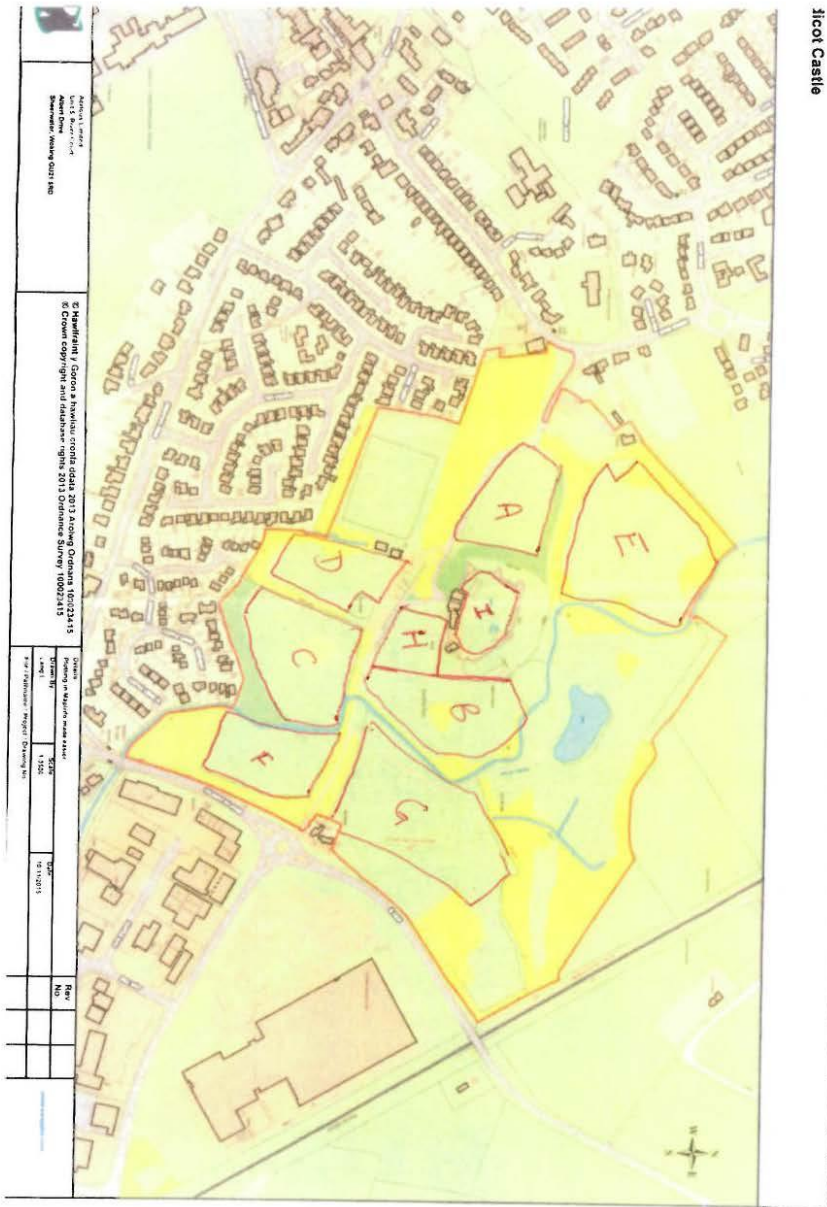
(If you do pay by BACS you will need to inform the licensing office that the payment has been made, you can do so by emailing licensing@monmouthshire.gov.uk quoting your licence number)

You can also make a payment by telephoning our payments line on 01873 735420 (quoting your licence number as a reference).

APPLICANT CHECKLIST

<input type="checkbox"/> Signed Street trading application form
<input type="checkbox"/> 10% Administration Fee
<input type="checkbox"/> Copy of a map, site position marked by red line
<input type="checkbox"/> Permission from the land owner (if applicable)
<input type="checkbox"/> Food Registration (if selling food)
<input type="checkbox"/> Licence under the Licensing Act 2003 (if applicable)
<input type="checkbox"/> One passport type photograph of you

Wicot Castle



Author: Landmark Advertiser: Wicot Castle Salesperson: Wicot Castle Ltd		© Harpenden, Gordon & Partners, 2013. All Rights Reserved. 13/02/2013 © Crown copyright and database right. 2013 Ordnance Survey 100025413		Scale: 1:5000 Drawing No: 13/02/2013		Date: 13/02/2013		Rev: 01	
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APPENDIX C

From: Booth, Michael
Sent: 07 March 2016 10:14
To: O'Gorman, Linda
Subject: RE: Application for a Block Street Trader

Hi Linda, can I ask for a minor change to the list of areas used by traders marked on the map please? Inside the castle walls I would like to ensure we have ability to have 70 stalls – sounds a lot, but they could be quite small stands on occasion!

Many thanks

Mike

Mike Booth
Castle Manager

Caldicot Castle & Country Park

APPENDIX D



Caldicot Castle & Country Park
Church Road, Caldicot, Monmouthshire, NP26 4HU
Application for Day Market Pitch

Surname of Applicant (BLOCK CAPITALS) (Mr//Ms/Mrs/Miss)_____		
Forename(s) _____		
Current Address: _____ _____		
Tel No: _____	Mobile No: _____	Email: _____
Trading Name: _____		
Pitch Location: _____		Ref. No: _____
Council Stall(s): _____	Council Tables: _____	Power supply required: Yes/No
Alcohol Licence Required YES/NO		If Yes, Checked Licence in place by (initials):
Electrical Safety Certificates/Periodic Inspection Reports		Checked by (initials):
Own power supply: Yes/No	Gas Safety Certificates	Checked by (initials):
Traders own Stall:	Length:___ Width___ Height:___	Condition checked by (initials)
Trading from vehicle: Yes/No	Reg No: _____ Length:_____ Width_____ Height:_____	
Date of Trading: _____	Hours of Trading: _____ to _____	
Page 148		
Names and Addresses of Assistants:		

APPLICANTS DECLARATION

- a) I declare to the best of my knowledge and belief, the answers given are true.
- b) If a day market pitch agreement is granted I undertake to pay the appropriate fee and comply with the conditions attached to the agreement and also comply with applicable legislation and to any orders made thereunder. I understand that failure to comply by me or any of my assistants employed by me, with or without payment, will render both me and my assistants liable to prosecution and may result in the revocation of my agreement.

APPLICANTS ARE ADVISED THAT TO MAKE, KNOWINGLY OR RECKLESSLY, A FALSE STATEMENT OR OMIT ANY INFORMATION FROM THIS APPLICATION IS A CRIMINAL OFFENCE.

DATE ____/____/____	Signature of applicant_____
---------------------	-----------------------------

DATE ____/____/____	Signature of applicant_____
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OFFICE:

Current Insurance Certificate checked	Checked (initials)
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Risk Assessment received	Checked (initials)
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Food Stalls

(a) Evidence of Level 3 Food Hygiene Rating Scheme provided. (b) Proof of Registration with appropriate Local Authority as Food Business (c) Trader issued with a copy of Monmouthshire County Council's "outdoor Events in Monmouthshire – Guide for Food Traders" and "Event Check List"	Confirmed (initials)
--	----------------------

Day Market Pitch authorised: _____ Date _____

Caldicot Castle & Country Park

Church Road, Caldicot, Monmouthshire, NP26 4HU

Day Market Pitch Conditions

Introduction

The following conditions shall apply to all traders/stall holder applicants and have been designed to ensure compliance with the policies and priorities of Caldicot Castle & Country Park and the terms of the Block Street Trading Consent granted by Monmouthshire County Council's Licensing and Regulatory Committee on 22nd March 2016.

Standard Conditions for all traders/stall holders

General Conditions

1. The holder of this Consent (hereinafter referred to as 'the holder', which expression where appropriate, includes joint holders of this Consent) and any person employed by him to assist him in his trading shall produce it or a photocopy of it on demand when so required by a Police Officer or a duly authorised officer of Monmouthshire County Council (hereinafter referred to as 'the Council')
2. A Street Trading Consent does not relieve the Consent Holder, or any person employed to work on the stall, of any obligation to comply with all other general or local legislation and conditions.
3. A consent holder shall not assign, underlet or part with his interest or possession of a Street Trading Consent.
4. In accordance with Monmouthshire County Council's byelaws adopted on 11th February 1999 for the employment of children made under Sections 18(2) and 20(2) of the Children and Young Persons Act 1933
 - No child under the age of 14 may engage in street trading and a child aged 14 or over may not engage in street trading unless (i) he is employed to do so by his parents, in connection with their retail business and under their direct supervision; and (ii) he has been granted a licence to do so ('a street trader's consent') by the authority and is acting in compliance with the terms of that licence.
 - The Authority shall not grant a street trader's licence to any child if it has reason to believe that the employment of the child in street trading would be prejudicial to his health, welfare or ability to take full advantage of his education or the child's street trader's licence has been revoked.
 - A street trader's consent granted to a child shall prohibit the holder from engaging in street trading on a Sunday and shall (i) be valid for not more than 12 months and shall expire on 31 December, (ii) prohibit the holder from touting or importuning to the annoyance or obstruction of any member of the public in any street or public place, and (iii) require that the child notify the authority within one week of any change of address.
 - The Authority may suspend or revoke a street trader's consent granted to a child if it has reason to believe that the holder's continued employment in street trading would be prejudicial to his health, welfare, or ability to take full advantage of his education, or if the holder is (i) found guilty of an offence connected with street trading, (ii) commits any breach of these Byelaws or the terms of his street trader's consent, (iii) uses the consent as a means for begging, immorality or any other improper purpose; or (iv) fails to notify the authority within one week of any change of address.
5. Trading may only take place on the days and during the times specified on the Street Trading Consent, unless special authorisation has been given by Monmouthshire County Council.
6. Consent Holders shall not trade outside the designated trading area.
7. The Consent Holder shall pay the street trading fee.

8. The Consent Holder shall at all times maintain a valid insurance policy covering the street trading activity for third party and public liability risks up to £5 million. The Consent Holder must produce a valid certificate for this insurance at any time on the request of an authorised council officer.
9. The Consent Holder shall have written permission from the owner of the land to trade on private land which is not part of the highway.
10. The sale of the following goods are not permitted firearms and replica firearms, knives, offensive weapons and replica weapons, tobacco products, fireworks, articles that would typically be sold in sex shops, animals and legal highs. This list is not exhaustive and the Council has the right to refuse the sale of any goods.
11. The holder shall not cause any obstruction of the street or nuisance or danger to persons using it and shall not permit persons to gather around him or any vehicle, stall or other mode used in connection with the trading so as to cause a nuisance, or danger to any persons lawfully using the street.
12. The holder shall not do or suffer anything to be done in or on the street which in the opinion of the Council may be or become a danger, nuisance or annoyance to or cause damage or inconvenience to the Council or to the owners or occupiers of any adjacent or neighbouring premises or to members of the public.
13. The holder shall indemnify and save harmless the Council and their agents, servants, contractors and workmen from and against all proceedings, damages, claims or expenses in respect of an injury to a third party or damage to property which may be sustained by the Council or any person or persons body or company whatever arising out of or in any way connected with his trading and the provision of facilities under this consent.
14. The holder shall not make any excavations or indentations of any description whatsoever in the surface of the street or places or fix any equipment of any description in the said surface.
15. The holder shall not place on the street any advertisement, furniture or equipment other than as permitted by this Consent and he must maintain the same in a clean and tidy condition and not place them so as to obstruct the entrance to or exit from any premises.
16. If a stationery vehicle is used in connection with the street trading, any exhaust fumes therefrom shall be discharged vertically into the atmosphere, and oil drip trays shall be placed thereunder so as to protect the surface of the street.
17. Other than street trading primarily involving the sale of ice cream, no electronic amplifying equipment shall be used.
18. The holder of a consent for trading in hot foods shall at all times carry on the vehicle a 4.5 kilo Dry Powder Fire Extinguisher.
19. Where the holder trades from a stationery vehicle, that vehicle shall in all respects, comply with the Motor Vehicle Construction and Use Regulations. Motor vehicles shall be capable of their own propulsion and shall not be towed into trading positions.
20. The Consent Holder will vacate the pitch upon request, and for as long as necessary to enable highways inspections, repairs to street works and highway improvements to be undertaken, or if the pitch is required to facilitate temporary traffic and/or pedestrian management arrangements. No compensation will be paid to the Consent Holder for lost trading days as a result of the above or for any loss of business as a result of unforeseen occurrences on the highway network.
21. The siting of the street trading vehicle or stall shall not impede the access of emergency vehicles. The street trading activity shall not obstruct any street furniture, signs or lighting.
22. Where the mode of trading is from a stall, the construction and size thereof shall be subject to the approval of the Council.
23. The holder shall keep his vehicle or stall or other mode used for trading, and trading location and the immediate area in a clean and tidy condition during the permitted hours and also leave the same in a clean and tidy condition and unobstructed at the end of each period of trading each day of such trading.
24. The holder shall provide at his own cost and expense, litter bins or similar receptacles for the deposit of litter resulting from his street trading activities and remove them and their contents at the end of each period of trading on each day of such trading.

25. The holder shall retain with his vehicle or stall or other mode used for trading, any water used or waste produced until the end of each period of trading on each day of such trading and then remove it or dispose of it lawfully elsewhere, and in particular shall not deposit any such waste near or into the street, drain or channel.
26. The Consent holder shall comply with all requirements of the Council in respect of street trading.
27. No street trading shall be undertaken in breach of food hygiene, health and safety, public health or planning legislation and the requirements of Monmouthshire County Council shall be complied with in respect of such matters.
28. The use of generators is not permitted, unless permission has been specifically granted by an Authorised Officer.
29. The holder shall not assign, underlet or part with his interest or possession under this Consent or any part thereof, but he may surrender it to the Council at any time.
30. This Consent may be revoked by the Council at any time and the Council shall not in any circumstances whatsoever be liable to pay compensation to the holder in respect of such revocation.
31. The Council may vary, amend or add to the conditions of this Consent at any time.
32. Where however, planning permission is required in respect of the trading activities covered by this Consent, and such permission has not been obtained, this Consent shall not entitle the Consent holder to carry out such trading activities during any period required to be covered by such planning permission (to carry out such trading activities in such circumstances will be a criminal offence).
33. The Consent holder must obtain planning permission, where it is required, in respect of the trading activities covered by this Consent. Failure to do so will result in the Consent being revoked.
34. Consent Holders and their employees should have access to suitable and sufficient sanitary accommodation at all trading times.
35. Consent Holders and their employees shall not trade under the influence of any illegal or intoxicating substance.

APPENDIX E

Good morning Linda. Thank you for your email raising concerns regarding sales of goods at Caldicot Castle & Country Park. We hold a large number of events each year at the castle that involves multi-period re-enactment groups who undertake static displays of living history and demonstrations. Each group operate a membership, training and hold public liability insurance. As part of the larger events there is associated trade stalls selling a wide range of goods – both to the re-enacting groups and to the public. These sales are, in the main, of a gift & souvenir nature. However, this also includes items contained within the Prohibited Goods list, which would be specifically for the use in re-enacting. This could include, knives, swords, bayonet, replica weapons, armour & associated clothing. These items will often be crafted / bespoke to fit exactly with the time period for the re-enactment group. All traders at such shows apply in advance for a pitch & provide evidence of public liability insurance. These traders are drawn from those that have attended other shows and /or been to Caldicot Castle in the past and are known within the re-enactment movement. In addition, we host food festivals that have a number of trade stands that may have chef's knives for sale. Again, the purpose of use for these knives is a specialist market.

If you would like further clarification, please do not hesitate to contact me

Kind regards

Mike

Mike Booth
Castle Manager

From: O'Gorman, Linda
Sent: 03 March 2016 12:06
To: Booth, Michael
Subject: Application for a Block Street Trader

Mike

Thank you for submitting your application for Block Street Trading. I note in Section 2 of the application form that the goods you intend to permit to sell states re-enactment equipment. I refer you to item 8 of the Street Trading Policy and Conditions 2016 attached which states:-

1. Prohibited Goods

A Street Trading Consent will **not** normally be granted for the sale of the following items:-

- Firearms and replica firearms
- Knives
- Offensive weapons and replica weapons
- Tobacco products
- Fireworks
- Articles that would typically be sold in sex shops
- Animals
- Legal Highs

The above list is not exhaustive and the Authority has the right to refuse any item for sale it deems necessary.

Can you please provide further information on the sale of re-enactment goods. As discussed, applications for block street trading will be heard at the Licensing and Regulatory Committee.

Regards

Linda O'Gorman

Principal Licensing Officer / Prif Swyddog Trwyddedu

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Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

Name of the Officer completing the evaluation Linda O’Gorman Phone no: 01633 644214 E-mail: lindaogorman@monmouthshire.gov.uk	Please give a brief description of the aims of the proposal Application for an Annual Block Street Trading Consent for Caldicot Castle and Country Park
Name of Service	Date Future Generations Evaluation form completed 14/03/2016





NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc


1. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal.

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs	This Block Consent puts the onus on Caldicot Castle & Country Park to ensure trading conditions are adhered to. Hope is, to encourage more events and trading.	
A resilient Wales		

Well Being Goal	Does the proposal contribute to this goal? Describe the positive and negative impacts.	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)		
A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood	Consent should increase usage of the park's outside space, encouraging outdoor activity.	
A Wales of cohesive communities Communities are attractive, viable, safe and well connected	The block consent will seek to encourage more use of the Castle and grounds.	
A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing		
A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation	The application if granted will allow greater use for community events and encourage local participation.	
A more equal Wales People can fulfil their potential no matter what their background or circumstances		

2. How has your proposal embedded and prioritised the sustainable governance principles in its development?

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p>	<p>Block trading consents provide a mechanism for others to take responsibility of certain trading, which provides a longer term solution to enforcement.</p>	
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>Block trading would be administered by Caldicot Castle & Country Park, demonstrating the service's willingness to work with others.</p>	
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>Consultation conducted with various Council departments and Gwent Police.</p>	
 <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p>	<p>Should a consent be granted the traders will be provided with conditions and this will be monitored by Caldicot Castle & Country Park.</p>	

Sustainable Development Principle	Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why.	Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts?
 <p>Considering impact on all wellbeing goals together and on other bodies</p>	<p>Street Trading can have a very positive impact on the community.</p>	

3. **Are your proposals going to affect any people or groups of people with protected characteristics?** Please explain the impact, the evidence you have used and any action you are taking below. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or alanburkitt@monmouthshire.gov.uk

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Age	Non applicable		
Disability			
Gender reassignment			
Marriage or civil partnership			

Protected Characteristics	Describe any positive impacts your proposal has on the protected characteristic	Describe any negative impacts your proposal has on the protected characteristic	What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?
Pregnancy or maternity			
Race			
Religion or Belief			
Sex			
Sexual Orientation			
Welsh Language			

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	N/A		
Corporate Parenting	N/A		

5. What evidence and data has informed the development of your proposal?

Block street trading applications allow community events to take place without the need of applying for individual applications. It allows the organiser to manage all stall holders within their event.

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

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As 5 above.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

What are you going to do	When are you going to do it?	Who is responsible	Progress
Application to be considered by the Licensing and Regulatory Committee	22 nd March 2016	Linda O’Gorman	

8. MONITORING: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	22 nd March 2016
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9. VERSION CONTROL: The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration

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