

# MONMOUTHSHIRE COUNTY COUNCIL REPORT

<b>SUBJECT:</b>	<b>Taxi and Private Hire Policy and Conditions 2026</b>
<b>DIRECTORATE:</b>	<b>Social Care, Safeguarding and Health</b>
<b>MEETING:</b>	<b>Taxi and Regulatory Committee</b>
<b>Date to be considered:</b>	<b>9<sup>th</sup> December 2025</b>
<b>DIVISION/WARDS AFFECTED:</b>	<b>All Wards</b>

## 1. PURPOSE:

- 1.1 To consider proposed amendments to the Council's Taxi and Private Hire Policy and Conditions 2026, further to the recently completed consultation with the trade.

## 2. RECOMMENDATIONS:

- 2.1 Consider the responses following the consultation and the advice provided in 3.4 by Licensing.
- 2.2 Members approve the new policy and conditions to come into force on 1<sup>st</sup> January 2026, attached as Appendix A.

## KEY ISSUES

- 3.1 At the Taxi and Regulatory Committee held on 16<sup>th</sup> September 2025, Members agreed for a consultation to take place on the revised Taxi and Private Hire Policy and Conditions 2026. Certain concerns were noted which warranted further consideration. In response to the concerns raised by Members, the following points have been addressed as summarised below –

### Councillor Alistair Neill

Q1. Will we retrospectively check existing drivers against the new policy, when issued?

Q2. Do we continue to check suitability following grant of a licence?

1. The policy would have immediate effect on the date implemented by Monmouthshire County Council (MCC). Any licences granted before the amended policy takes effect would retain existing licence conditions. Any changes to licence conditions provided within the new policy would apply on grant/renewal of any licence after the date the new policy was implemented. Whilst the policy does include standard licence conditions within it, the policy and licence conditions are separate things. The policy is much wider than licence conditions and sets out how MCC consider applications, deals with complaints etc.
2. Following the grant of a licence, the licensing authority is still responsible for ensuring that drivers remain 'fit and proper'. Some of the measures that are taken consist of Disclosure and Barring Service (DBS) checks on drivers every 6 months, and yearly for vehicle proprietors and operators. All complaints or information received are investigated, where relevant multi agency groups meet to discuss any safeguarding/safety issues. Regular spot checks on vehicles are conducted, which include working in partnership with Passenger Transport Unit, checking vehicles who carry out school contracts at schools. Operator bases are checked to ensure adequate booking details are in place

and compliance of conditions. Enforcement and inspections that have been conducted are all considered to assess if drivers remain 'fit and proper.'

#### Councillor Christopher Edwards

Q1. In relation to overseas criminal record checks or certificates of good conduct will the licensing section provide the risk assessment, or will it be the duty of the Committee?

Q2. Is the onus on the drivers to report medical changes during the licence period, what emphasis do we put on this requirement?

Q3. Questioned when suspensions would be relevant for use on NR3S?

Q4. CCTV how long will data be stored is there a maximum time.

1. Licence Officers would present all the evidence available and provide that to Committee for Members being the decision makers to risk assess the applicant should any documentation not be available.
2. The policy requires a licensed driver who is aware of a change in their medical condition that may affect driving to report this to the Licensing Section. Please refer to page 110, driver licence condition 19. If a driver failed to report the changes in their medical condition and retrospectively the Licensing Section found this matter out, they would be in breach of this condition. It would not look favourably for the driver, and the question would be raised whether the driver is still 'fit and proper' It may also result in the suspension/revocation of the licence if deemed appropriate.
3. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority/committee to suspend a driver's licence for any reasonable cause. Where it is considered appropriate to suspend, driver details will be entered onto NR3S register but not the reasons for the suspension as that will be held by the Licensing Section. Suspensions may be given as a result of safeguarding, public safety or road safety etc.
4. The policy does not mandate the use of CCTV in vehicles, however the policy has been amended for anyone intending to install CCTV to comply with it as stated in Annex 13. The requirement to download data is also stated within this Annex. As this authority does not mandate all vehicles to have CCTV there is no requirement for the licensed vehicle owner to produce a download policy. Please refer to page 130 of the policy. The systems used override footage, the length of time the recordings are held is recommended in our policy to be at least 28 days. There is no maximum time as the system overrides previous data, over time. The key thing to remember is the recordings are securely recorded and encrypted therefore only accessible for legitimate reasons by the data controller as stipulated in the policy. The ICO oversee this and any concerns or complaints of data misuse are to be reported to the ICO.

#### Councillor Tony Easson

Q1. What are the recordings used for?

Q2. In the new policy under language proficiency, is Welsh language a requirement?

1. All recordings are securely recorded. The use of CCTV and recordings can improve driver and passenger safety in licensed vehicles by:
  - Deterring the occurrence of crime
  - Reducing the fear of crime
  - Assisting the police/local authority with investigations
  - Assisting insurance companies in investigating motor vehicle accidents.

Images should be captured at all times when the vehicle is in use when carrying passengers. Audio recordings may only be used when the driver or passenger activates the panic button/switch. An LED light will illuminate when audio recording is activated, this will be visible to the driver and passengers. This is compliant with ICO requirements who banned continuous audio recordings in public/passenger carrying vehicles.

2. The policy states 'English or Welsh' therefore there is no requirement to have both languages. In Wales if an applicant intends to apply for a licence through Welsh language or English both are acceptable. English proficiency, and if able Welsh too, is required for passenger communication and safeguarding purposes. For example, a passenger may request assistance, or a child may disclose a safeguarding concern to a driver and the driver must be able to understand the passenger to fulfil their duties to report safeguarding concerns. If a driver is struggling with the proficiency of the English Language when conducting the Torfaen Training testing, they would be offered English language classes/support separately by this training body.

#### Councillor Armand Watts

Q1. Do overseas checks apply to anyone who is not British?

Q2. What if there is no response from their Embassy, takes a long time or they fear contacting a Country they have fled and requested further clarification from Welsh Government?

1. To clarify the amendments to the overseas criminal record check apply to any applicants for a Hackney Carriage/Private Hire Vehicle drivers licence that have spent 6 months or more (whether continuously or in total), residing outside the United Kingdom while aged 18 or over. Therefore, this applies to British and non-British citizens.
2. Welsh Government has issued guidance, namely '[Taxi and private hire vehicles: licensing guidance](#)'. It would not be appropriate or practical for the Welsh Government to provide specific guidance tailored to each Country. Each nation will consider what criminal records it holds and is willing to share or not, their handling of criminal records and the ability to share these may also change over time. The Welsh Government has included the following addition to the 'overseas criminal record check' of this guidance to assist local authorities:

***"In the event that an applicant is not able to obtain a criminal record check or a certificate of good conduct, local authorities should risk assess the applicant taking into consideration the reason/s for not producing either of those documents; the length of time overseas; the length of time residing in the United Kingdom; and any additional information such as employment references."***

This guidance was amended to assist applicants and local authorities as it was recognised that it is not always possible to obtain an overseas criminal record check or a certificate of good conduct. There are many reasons why an applicant may not be able to produce these documents. Section 51(1)(a) Local Government (Miscellaneous Provisions) Act 1976 states **a local authority may not grant a licence unless it is satisfied the person is 'fit and proper'**

All applicants are required to demonstrate they have the right to work in the United Kingdom, this is overseen by the Home Office and not to be determined by the local authority. One of the tools used to ensure the applicant is 'fit and proper' is a criminal record check. Any applicant residing in the UK will require

a DBS, but for some applicants, who may have resided in other countries, the overseas criminal record check or certificate of good conduct is a tool to help local authorities satisfy themselves the applicant is 'fit and proper' or not.

There may be a range of reasons why an applicant refuses or is unable to obtain an overseas criminal record check or certificate of good conduct. The guidance issued by Welsh Government suggests in such circumstances, the local authority should risk assess the applicant, particularly considering **the reason/s for not producing either of those documents; the length of time overseas; the length of time residing in the United Kingdom; and any additional information such as employment references.** Each application should be considered on its own merit, but these factors should assist a local authority when considering if the applicant is 'fit and proper' or not to be granted a licence. This guidance has been replicated in MCC' proposed Taxi and Private Hire Policy and Conditions 2026.

#### Councillor Jane Lucas

Q1. Questioned when forward facing cameras would be applicable?

Q2. Audio in use or not and how will passengers know?

Q3. Use of interpreters at Committee?

1. To clarify the difference between the two types of systems is referenced at the start of the new Dashcam guidance. Dashcams are external facing images only. CCTV is inward facing images
2. CCTV images may switch to sound if panic button is pressed. If CCTV is in operation signage will be placed on the vehicle stating this.
3. It was explained in Committee that dependent upon each case, it will be decided if an interpreter is required. It was recognised that having language proficiency to be able to converse with passengers may not be the same for someone in a more formal setting at Committee.

#### Councillor Jayne McKenna

Q1. Questioned gap in medical from initial medical to age 45?

Q2. Questioned the testing of vehicles licensed by other local authorities?

1. The DVLA set the age of group 2 medical checks for HGV and PSV drivers at the age of 45, the Welsh Government currently recommend matching this as the DVLA are the experts overseeing group 2 medical standards.
  2. Monmouthshire's policy states vehicles between 1 years old and under 5 years will be tested annually. Vehicles over 5 years and under 10 years will be tested every 6 months and vehicles over 10 years will be every 4 months. Monmouthshire works closely with Gwent Licensing Partners. Welsh Government are also currently working towards an all Wales national standards to create fairness for drivers and reach consistent safety checks throughout Wales.
- 3.2 Consultation on the Taxi and Private Hire Policy and Conditions 2026 (attached to this report as Appendix A) took place between 22<sup>nd</sup> September – 31<sup>st</sup> October 2025.
- 3.3 The Licensing Section has received three responses to the policy from members of the taxi trade, which is attached as Appendix B.

- 3.4 Licensing's advice in relation to the consultation responses is as follows. For ease of reference, the titles and numberings relates to those used by the respondents;

### **Response 1**

#### 1. Safeguarding and Criminal History Verification

- 1.1 The policy does not exempt overseas checks. This policy states the process of measures that need to be taken if unable to get such a check, please refer to item 2 of the response given to Councillor Armand Watts above.
- 1.2 All drivers are required to carry out an Enhanced DBS check, the overseas check will be required if a person have spent 6 months or more (whether continuously or in total), residing outside the United Kingdom while aged 18 or over. There are no exemptions to an Enhanced DBS check.
- 1.3 All drivers conduct safeguarding training with refresher training upon renewal. No exemptions are given regarding this safeguarding training. Once licensed drivers are monitored. Please refer to item 2 of the response given to Councillor Alistair Neill above.
- 1.4 The reasons why English is essential please refer to item 2 of the response given to Councillor Tony Easson above. Other comments are not pertinent to the consultation of the policy and is instead a separate matter that is currently being investigated with the licensing officers and the individual licence holder.

#### 2. CCTV – Technological Neutrality

The policy does not state what technology should be used for a CCTV system. It does request that whatever technology is used it is windows compatible. This is to enable a local authority to view a download/footage upon a request.

#### 3. Roof Sign – Submitted below.

#### 4. Data Protection – Operator Responsibilities.

It is the responsibly of vehicle proprietors to comply with the UK General Data Protection Regulations. It is the Information Commissioners Office (ICO) who will assess the different operating modes of a company on their own merit. The ICO provide a [data protection fee self assessment](#) The ICO will check if an individual company should pay a fee and register with them. As the ICO is carrying out the data protection assessment it is not a matter for local authorities to check this. The ICO is an independent regulator. The policy provides guidance on this.

#### 5. Fare Policy

This issue falls outside the scope of the policy change implementation and will be addressed as a separate request.

### **Formal objection: proposed rooflight clause**

Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 states  
**47Licensing of hackney carriages.**

*(1)A district council may attach to the grant of a licence of a hackney carriage under the Act of 1847 such conditions as the district council may consider reasonably necessary.*

*(2) Without prejudice to the generality of the foregoing subsection, a district council may require any hackney carriage licensed by them under the Act of 1847 to be of such design or appearance or bear such distinguishing marks as shall clearly identify it as a hackney carriage.*

*(3) Any person aggrieved by any conditions attached to such a licence may appeal to a magistrates' court.*

The change to the policy requests the following

**The rooflight must be illuminated (glow when dark) whenever the driver is available for immediate hire within the Council area. The rooflight shall display static (not scrolling) legible wording, namely "Taksi" face-forwards and "Taxi" rear-facing, other wording or phone numbers are prohibited on this rooflight. The wording must be a minimum of 6cm in height and 20cm in length. The vehicle taxi meter must be connected to the rooflight at all times, with the rooflight not illuminated when the vehicle is hired.**

The policy proposal considers this reasonably necessary. The wording being static and of a minimum font will ensure a person can instantly recognise they are hailing and/or boarding a taxi. The request to not having any other wording is again to have an instant recognition that it is a taxi and to not get distracted by any other information on the roof light. Other local authorities have insisted on colour coded taxis upon use of Section 47 of the Act. This is not requested in changes to the policy but instead request a more formal display of the roof light.

#### Introduction and Immediate Effect

The requirement to not have a scrolling roof light is for reasons given in the paragraph above. It is to prevent any forms of advertisement of company or other messages before recognition it is a taxi.

If the policy is adopted to come into effect on 1<sup>st</sup> January 2026: Those vehicles currently licensed will retain the conditions they were issued with at that time. All new or renewal applications after the 1<sup>st</sup> January 2026 will be issued a licence subject to the new policy. As such, there is no grandfather rights. Each application is classed as a fresh application be it new or renewal.

#### Legitimate expectation and reliance

The request to remove advertisement on the roof sign and to restrict it to no other wording than Taksi/Taxi is for reasons given above. The vehicle owners are still able to advertise on the vehicle itself their company details as there is no change to Annex 16 of the policy.

#### Ultra Vires and absence of statutory wording

There is no ultra vires as we are legally able to make changes in accordance with Section 47 of the Local Government (Miscellaneous Provisions) Act 1976 as stated above. The layout, wording size and restriction to the use of the words Taksi/Taxi only is to prevent advertisement and the word Taksi/Taxi to be of such a size so small that it is not instantly recognizable.

#### Procedural fairness and consultation defects

The consultation has been carried out for this policy change during the period 22<sup>nd</sup> September – 31<sup>st</sup> October 2025. All licence holders were notified if proposed changes along with information being placed on the website. It will not be an instant change. It will however affect all new and renewal application received after 1<sup>st</sup> January 2026 should the policy be adopted.

#### Proportionality and economic impact

The proposal is considered proportionate as it deals with the roof sign only and does not require vehicles to be changed to taxi style vehicles or to be colour coded. It would be up to individual businesses if they chose to be licence holders within the County as that would be their individual choice and business needs.

#### Arbitrary and Retrospective Effect

The policy proposal is not to penalise historic licence holders. The proposal to improve the recognition by means of an improved roof sign which is clear and indicates it is a taxi at all times when being hailed/used. This will assist in public safety as users will instantly recognise it is a licensed taxi.

#### Technical and operational superiority of digital signage

The wording of Taxis/Taxi will remain in place at all times so will always be recognisable as a taxi. The roof light will not be illuminated if containing passengers and is hired. The illumination of the roof light does not detract that it is a taxi.

#### Conclusion

The reason for the change is as stated above.

#### **Response 2**

Page 33 of the policy states;

Roof-mounted signs on Private Hire vehicles are not seen as best practice even if they indicate 'pre-booked only'. This because as any roof-mounted sign is liable to create confusion with a Hackney Carriage which also has a roof mounted sign. This has been retained from the current policy to the proposed policy. As such we have not permitted the use of roof signs for private hire vehicles and the comments made will be addressed separately. Further guidance on private hire vehicle roof sign can be seen in [Section 64 of the Transport Act 1980](#)

#### **Response 3**

The proposed changes are in red and has to go as a complete document in order for the changes to be relevant to the licences it is affecting. All licensed drivers have to abide by the policy and are aware of this. The policy is in sections



pertinent to the form of licence. With some licence holders operating all forms of the licences so essential aware of each element required of them.

- 3.5 The current Taxi and Private Hire Policy and Conditions was adopted by Monmouthshire on 1<sup>st</sup> April 2023. The [Department for Transport \(DfT\) Taxi and Private Hire Vehicle Standards](#) was published in July 2020. The [Dft also published best practice standards for England](#) in November 2023. However, the DfT standards have effect in Wales even though responsibility for taxi and private hire vehicle policy has been devolved to the Welsh Government. Should the Welsh Government introduce legislation to regulate on these matters, the DfT standards would cease to apply. As a result Wales follows the vehicle standards issued by Dft and referral is also made to the best practice standards.
- 3.6 Monmouthshire County Council and all other licensing authorities in the UK will be expected to meet the minimum requirements of the DfT Statutory & Best Practice for taxi and private hire licensing, or explain why they do not.
- 3.7 The Welsh Government published the [Taxi and private hire vehicles guidance](#) in March 2021, which is constantly being updated the most recent being May 2025. The recommendations form the basis for further development by Welsh Government into national standards. Welsh Government within this guidance updated the CCTV policies and looked at overseas criminal record checks for over 18 year olds.
- 3.8 Since the adoption of the current Taxi and Private Hire Policy and Conditions in 2023 the Institute of Licensing has updated the determining factors in [assessing the suitability of applicants and licensees in the hackney carriage and private hire industry in 2024](#).
- 3.9 Monmouthshire's Policy is subject to a review every 5 years or can be subject to interim reviews should the need arises. Due to changes above, in particular the suitability test in assessing if a person is fit and proper to hold a licence, such an interim review is recommended. The review will increase public safety, consistency of standards across Wales, harmonised enforcement, increased accessibility of vehicles and better standards of customer service. It is recommended the policy be subject to consultation.
- 3.10 A review of the policy was conducted with Licensing Officers of Monmouthshire, Torfaen, Caerphilly, Blaenau Gwent and Newport and Welsh Government.
- 3.11 The revision of the policy (attached as Appendix A) is highlighted in red, which includes the following:



- The Institute of Licensing guidance on determining the suitability of hackney carriage and private hire applicants and licence holders
- Overseas criminal record checks
- Medical changes – Drivers to be able to use those registered with the General Medical Council who has access to NHS Summary Medical Records, with the vision section being able to use an optician/optometrist registered with the General Optical Council.
- Equality changes as result of the Taxis and Private Hire Vehicles (Disabled Persons) Act 2022.
- National Register for Revocations and Refusals to now include Suspensions, where appropriate.
- Changes to roof lights to ensure clarity and safety in recognising a licensed vehicle.
- An update of the CCTV and Dashcam policy.

#### **4 REASONS**

- 4.1 The report highlights the requirement to amend Monmouthshire County Council's existing Taxi and Private Hire Policy and Conditions. These changes form the basis for further development by Welsh Government into national standards.

#### **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 'Integrated Impact Assessment Document' is attached as Appendix C.

#### **7. CONSULTEES:**

Newport City Council, Blaenau Gwent County Borough Council, Torfaen County Borough Council, Caerphilly County Borough Council and Welsh Government. Those licensed under the Hackney Carriage Private Hire licensing regime (three response received).

#### **8. BACKGROUND PAPERS:**

[Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire industry 2024](#)

[The Department for Transport "Taxi and Private Hire Vehicle Licensing Best Practice Guidance" Authorities in England \(November 2023\)](#)

[The Department for Transport "Statutory Taxi and Private Hire Standards" July 2020](#)

[Welsh Government – "Taxi and private hire vehicles: Licensing Guidance" March 2021](#)

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