

Pecyn Dogfennau Cyhoeddus

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Am unrhyw ymholiad yn ymwneud â'r agenda hwn cysylltwch â Rebecca Barrett
(Rhif Ffôn: 01443 864245 E-bost: barrerm@caerphilly.gov.uk)

Dyddiad: Dydd Gwener, 30 Mehefin 2017

Annwyl Syr/Fadam,

Bydd cyfarfod **Pwyllgor Tacsï a Chyffredinol** yn cael ei gynnal yn **Ystafell Sirhywi, Tŷ Penallta, Tredomen, Ystrad Mynach** ar **Dydd Iau, 13eg Gorffennaf, 2017** am **10.15 am** i ystyried materion a gynhwysir yn yr agenda canlynol.

Yr eiddoch yn gywir,

Chris Burns
PRIF WEITHREDWR DROS DRO

A G E N D A

Tudalennau

- 1 I dderbyn ymddiheuriadau am absenoldeb.
- 2 Datganiadau o Ddiddordeb.

Atgoffi'r Cynghorwyr a Swyddogion o'u cyfrifoldeb personol i ddatgan unrhyw fuddiannau personol a/neu niweidiol mewn perthynas ag unrhyw eitem o fusnes ar yr agenda hwn yn unol â Deddf Llywodraeth Leol 2000, Cyfansoddiad y Cyngor a'r Cod Ymddygiad ar gyfer Cynghorwyr a Swyddogion.

I dderbyn ac ystyried yr adroddiad(au) canlynol:-

- 3 Trefn Arfaethedig ar gyfer Diddymu mewn Argyfwng Trwyddedau Gyrwyr Tacsï.

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A greener place Man gwyrddach

Correspondence may be in any language or format | Gallwch ohebu mewn unrhyw iaith neu fformat



4	Gweithredu Deddf Cydraddoldeb 2010 o ran Cerbydau Hygyrch i Gadeiriau Olwyn.	9 - 12
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Cylchrediad:

Cynghorwyr J. Bevan, P.J. Bevan, W. David, M. Davies, K. Etheridge, Ms J. Gale, D.C. Harse, M.P. James, D.W.R. Preece (Cadeirydd), Mrs D. Price, J. Ridgewell, J. Simmonds (Is Gadeirydd), R. Whiting, L.G. Whittle a W. Williams

A Swyddogion Priodol



TAXI AND GENERAL COMMITTEE – 13TH JULY 2017

SUBJECT: PROPOSED PROCEDURE FOR EMERGENCY REVOCATION OF TAXI DRIVER LICENCES

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To recommend to Members a procedure for the urgent suspension or revocation of hackney carriage / private hire drivers licences where information is received of a serious nature that may affect public health and safety.

2. SUMMARY

- 2.1 This Authority must satisfy itself that applicants and holders of existing licensed Hackney Carriage / Private Hire Vehicle Driver's licence are a fit and proper person. Under the current policy licensed drivers whose suitability is called into question are referred to a Taxi and General Sub Committee hearing where Members determine suitability and can apply additional conditions, suspend or revoke licences.
- 2.2 This system works well in general but there are occasions where urgent action may be required which in the interest of public safety cannot be delayed whilst due process is followed to arrange a sub Committee hearing. This report therefore recommends an emergency procedure where swift action can be taken in limited and very serious circumstances.

3. LINKS TO STRATEGY

- 3.1 The Licensing function is a statutory duty of the authority and contributes to the Prosperous, Healthier, and Safer Caerphilly Priorities single integrated plan, Caerphilly Delivers.
- 3.2 The Licensing Service also contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities.

4. THE REPORT

- 4.1 The Local Government (Miscellaneous Provisions) Act 1976 ["the Act"] sets out the licensing regime in respect of hackney carriage and private hire vehicle drivers. Within Caerphilly County Borough Council drivers are issued with dual badges, entitling them to drive either category of vehicle.

- 4.2 The Council may come into possession of information that raises concerns as to whether a person holding a taxi driver's licence remains a fit and proper person. For example, information may be received that a driver has been charged with a criminal offence.
- 4.3 Section 61 of the Act sets out that a council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:
- (a) That he has since the grant of the licence –
 - (i) Been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this part of this act: or
 - (b) Any other reasonable cause.
- 4.4 Historically authorities were able to suspend the driver's licence under s.61 in order to allow a full investigation into the matter to be conducted and to consider at a later date what action, including revocation, should be taken. However, following the judgement in a High Court case (R(Singh) v Cardiff Council) this practise has been considered unlawful. A suspension may be considered suitable if action short of revocation would be appropriate in the circumstances and is a sufficient sanction in the interests of the public.
- 4.5 The Judge in the case said that the aim of suspension is to protect the public not to punish the driver. Suspension should have a positive aim i.e. be a corrective measure directed at the driver. Examples of corrective measures may be such that the driver's licence is suspended until they have attended a training course such as speed awareness, safeguarding, drink driving awareness, etc. Suspension alone may be sufficient to allow the driver to consider their actions and as such will not re-offend.
- 4.6 In the event that a decision is taken to suspend, revoke or refuse to renew a licence a notice must be served on the driver advising them of the decision and the reason why. The driver will have 21 days in which to lodge an appeal against this decision and the suspension, revocation or refusal to renew will not have effect until such time as the appeal has been determined.
- 4.7 The Act was amended by sec 52 of the Road Safety Act 2006 so as to add a provision whereby if it appears that the interest of public safety requires the suspension or revocation of a licence, it shall have immediate effect. A notice must be given to the driver which includes a statement that the suspension or revocation has immediate effect and an explanation of the reason for the decision. The driver has a right of appeal to a Magistrates court within 21 days of receiving the notice but is not entitled to drive a taxi until such time as any appeal is determined.
- 4.8 The Council adopted a Fitness Criteria for Drivers and Operators policy in December 2014 which sets out the Council's anticipated responses to a range of offences including dishonesty, road traffic incidents etc. The policy was amended in 2016 and is also reproduced as an appendix in the overarching Hackney Carriage and Private Hire Drivers Policy and Conditions document approved by Members in December 2016. In addition to the approval officers were authorised to amend the policy for any minor administrative purposes and in order to keep up to date with changes in legislation or statutory guidance, with any significant changes to be brought before the Licensing Committee for consideration. These criteria determine to a great extent those matters that are required to be heard by the Taxi and General Sub Committee.

- 4.9 In practice however there may be a period of two weeks or more between receipt of information and consideration by the Sub Committee due to administrative arrangements in organising the hearing and notification to the persons concerned. These timescales can cause difficulties where there are serious urgent public safety concerns. Best practice suggests the issues should be considered within 24 to 48 hours and any decision to suspend or revoke should take immediate effect. The driver would not then be permitted to drive a licensed vehicle unless the decision is overturned on appeal to the Magistrates Court. A potential risk to public safety from driving a licensed vehicle and transporting the fare paying public is removed.
- 4.10 The Local Government Association Taxi and PHV, Licensing Councillor's handbook (revised in December 2016) advises that if allegations of a serious nature (a list of which is included in the procedure at Appendix 1 but is not exhaustive) are received the Council should have in place procedures which allow for a rapid response. In serious cases it is not appropriate to wait for a Subcommittee to be convened.
- 4.11 It is therefore proposed that the Committee adopt a Rapid Response Procedure and a draft procedure is set out in Appendix 1 for Members' consideration. The Procedure requires determination by the Head of Public Protection or Trading Standards, Licensing and Registrars Manager supported by officers from the Licensing Section and Legal Services (where appropriate). All details relating to the allegation, the identity of the driver and the determination shall be excluded from the public domain as the matter may be the subject of formal proceedings at a later stage.
- 4.12 The Terms of Reference for the Taxi and General Committee includes the authority to discharge on behalf of the Council all matters relating to the grant, refusal, issue, revocation, cancellation and suspension of licences or permits including Hackney Carriage and Private Hire Drivers. All matters arising from the exercise of the Committee's Terms of Reference are delegated to Directors, Heads of Service and other relevant officers and as such there is no requirement to amend the Terms of Reference in respect of the Rapid Response Procedure.
- 4.13 In considering the proposed process in Appendix 1, the Committee should be satisfied that any decision adopted in this authority is based on the following factors:
- is in line with best practice,
 - is in the interest of public safety,
 - the licence holder is treated fairly and given an opportunity to discuss the matter
 - decision making process is clear and transparent.
- 4.14 If the recommended Rapid Response Procedure is adopted, the existing policy documents detailed in paragraph 4.8 will be updated and amended as required to incorporate the new policy.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that there is an emphasis on prevention as the process ensures that a number of checks and safeguards are in place before a licence is granted and the recommendation enables swift action to be taken for serious issues. The proposed policy is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders.
- 5.2 The Council has a mandatory obligation to licence those persons who seek to drive hackney carriages or private hire vehicles and to ensure that those drivers are fit and proper persons to do so, that they comply with all regulations, conditions and byelaws which may have an effect on them or the public. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service.

6. EQUALITIES IMPLICATIONS

- 6.1 The Council ensures that it treats all individuals and organisations, those currently licensed, those who are renewing or making new applications for licenses, with equal respect both when corresponding with those individuals and organisations, and during the licensing approval process. Adopting the policy will increase transparency and openness for everyone involved and will improve consistency of approach and fairness.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications resulting from this proposal.

8. PERSONNEL IMPLICATIONS

- 8.1 Officers from Licensing, and the Head of Service for Public Protection would be required to take part in an emergency meeting together with a representative from Legal Services where appropriate as indicated in Appendix 1. It is however expected that such instances would be few in number and that the majority of issues with existing drivers would continue to be referred to the relevant Sub Committee.

9. CONSULTATIONS

- 9.1 All responses from consultations have been incorporated in the report.

10. RECOMMENDATIONS

- 10.1 That Members approve the proposed Rapid Response Procedure detailed in Appendix 1.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To protect public safety by enabling swift action to be taken when serious issues regarding the fitness of licensed drivers of Hackney Carriages and Private Hire Vehicles are notified to the authority.

12. STATUTORY POWER

- 12.1 Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847. Road Traffic Act 2006.

Author: Myra McSherry, Licensing Manager, mcshema@caerphilly.gov.uk
Consultees: Cllr Denver Preece Chair, Licensing Committee
Cllr Julian Simmonds, Vice Chair, Licensing Committee
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection
Robert Hartshorn, Head of Public Protection
Gail Williams, Interim Head of Legal Services/Monitoring Officer
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Lisa Lane, Corporate Solicitor
Sue Ead, Solicitor, Legal Services
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Background Papers:

Local Government Association Taxi Handbook 2016: <https://www.local.gov.uk/taxi-and-phv-licensing-councillors-handbook-england-and-wales>

Fitness Criteria for Drivers and Operators.

Hackney Carriage and Private Hire Drivers Policy and Conditions

Appendices:

Appendix 1 Rapid Response Procedure following Notification of Serious Issues Relating to Licensed Hackney Carriage/Private Hire Vehicle Driver

**Rapid Response Procedure
Following Notification of Serious Issues Relating to Licensed Hackney Carriage /
Private Hire Vehicle Driver.**

Procedure

1. Notification of a serious issue to be considered under this procedure will only be accepted from the Police or a qualified medical officer. The following list is not exhaustive or exclusive, but serious issues could include:

- (i) Charges / investigations of allegations of rape,
- (ii) other sexual related incidents,
- (iii) violent attacks
- (iv) charges of driver causing motoring accidents involving loss of life or serious injury
- (v) charges of dangerous driving including driving under the influence of alcohol or drugs
- (vi) medical related issues which means the driver cannot meet the DVLA Group 2 standard.

2. Reports of a serious issue received from a member of the public will always be referred to the Police and be recorded by the Council. No action will be taken in respect of these reports until such time as they are verified by the Police. Less serious matters may be referred to the Taxi and General Sub Committee for determination.

3. Following receipt of information from Police or Medical Practitioner the following steps are to be followed

4. Driver(s) will be contacted by an officer of the Licensing section, advised of the allegation and requested to attend a meeting details of which are set out in paragraph 9 at the Council offices within a period of 24/48 hours (excludes weekends and bank holidays) from the initial contact in order to put forward their case.

5. If the information relates to more than one driver each shall be dealt with independently of any other. Every effort must be made to contact the driver whether by telephone call, voice mail, text, home visit (always by two officers and if relevant in the presence of a police officer) or a combination of methods. All attempts to communicate with the driver must be documented.

6. Prior to the meeting being held any comments made by the driver in the presence of officers must be documented and will be presented to the meeting.

7. If a driver refuses to attend the meeting the matter will be dealt with in their absence and the decision making process will not be delayed.

8. The meeting must be documented and all reasons and decisions are to be recorded in writing.

9. The meeting will be attended by:

a) The Head of Public Protection or Trading Standards, Licensing and Registrars Manager.

b) Licensing Officer

c) A representative of the legal department, if appropriate.

d) The driver and any representative he/she may wish to accompany him

10. A Licensing officer shall notify the meeting of any pertinent details including details of the information received and any comments made by the driver.

11. The driver shall be given every opportunity to explain any relevant circumstances.

12. Notes will be made regarding the reason for non-attendance of any party.

13. The driver must be served with a notice immediately advising him/her of the decision which will be made by the person present at the meeting as listed in 9 (a) and that in the case of suspension or revocation **that it has immediate effect**. The notice must also advise them of the appeal rights within 21 days of being served with the notice. The driver must also surrender his/her badge

14. Where a driver's licence has been revoked through this procedure, a new application will only be considered where there has been a change of circumstances. Determination of a new application will take account of the period of the licence remaining when it was revoked and dependant on the requirements in respect of medicals, DBS and DVLA checks etc.

15. All details pertaining to the allegation shall be excluded from the public domain as the matter may be subject to formal procedures at a later stage.

Gadewir y dudalen hon yn wag yn fwriadol



TAXI AND GENERAL COMMITTEE – 13TH JULY 2017

SUBJECT: IMPLEMENTATION OF EQUALITY ACT 2010 IN RESPECT OF WHEELCHAIR ACCESSIBLE VEHICLES

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To advise members of the commencement of sections of the Equality Act 2010 relating to licensed wheelchair accessible vehicles and to seek approval to implement the relevant sections of the Act.

2. SUMMARY

- 2.1 The Equality Act 2010 sets out sections in respect of wheelchair accessible vehicles which commenced on the 6 April 2017. The effect of these sections is to require the Licensing Authority to determine whether they wish to maintain a list of designated wheelchair accessible vehicles. Where a licensing authority implement such a list duties are placed on the drivers of these vehicles as set out in the report below.

3. LINKS TO STRATEGY

- 3.1 Licensing of Hackney Carriages and Private Hire vehicles and associated conditions contribute to the Healthier, Safer, and Prosperous themes of the Single Integrated Plan, Caerphilly Delivers.
- 3.2 Implementation of the requirements set out in the Equality Act in respect of wheelchair accessibility would contribute to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2015. The authority focuses on public safety and strives to address all aspects of the licensing of drivers to ensure they are fit and proper persons and to promote them as professional individuals. Implementation of the requirements would contribute to the following Well-being Goals
- *A prosperous Wales*
 - *A healthier Wales*
 - *A resilient Wales*
 - *A more equal Wales*
 - *A globally responsible Wales*

4. THE REPORT

- 4.1 Sections 165, 166 and 167 of the Equality Act 2010 commenced on the 6 April 2017, these sections can have a direct affect for the licensing authority and the drivers of designated licensed wheelchair accessible vehicles. It is intended that these sections ensure that wheelchair users are better informed about the accessibility of designated hackney carriages and private hire vehicles in their area and can be confident of receiving the assistance they need to travel safely.

- 4.2 Section 167 of the Act permits but does not require Licensing Authorities to maintain a designated list of wheelchair accessible hackney carriages and private hire vehicles. Whilst there is no legal obligation to maintain such a list the Government strongly recommends that Local Authorities do so. Where a designated list is not available the requirements of section 165 do not apply and drivers of wheelchair accessible vehicles may refuse the carriage of wheelchair users, refuse to provide them with assistance and may charge them extra.
- 4.3 The Department for Transport (DfT) has set out statutory guidance regarding the implementation of these sections of the Act. The guidance also recommends the processes that a Local Authority should consider in order to ensure that the requirements of the Act are implemented effectively in their area.
- 4.4 The DfT proposal for implementation is as follows:
- To review the guidance and compare it with existing local policies
 - Prepare a draft list of designated wheelchair accessible vehicles
 - Set out its policy for exempting drivers from the duties required by the Act on medical and physical condition grounds
 - Inform vehicle proprietors that vehicles will be placed on the list and the duties that will be placed on drivers
 - Drivers apply for exemptions where necessary
 - Licensing Authority issue exemptions where appropriate
 - A list of designated wheelchair accessible vehicles is published and the duties on drivers take effect.
- 4.5 Section 165 sets out the duties placed on drivers of designated wheelchair accessible hackney carriages and private hire vehicles. The duties are:
- To carry the passenger whilst in the wheelchair.
 - Not make any additional charge for doing so
 - If the passenger chooses to sit in a passenger seat to carry the wheelchair.
 - To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - To give the passenger such mobility assistance as is reasonably required.
- 4.6 Mobility assistance is defined in the Act as assistance:
- To enable the passenger to get into or out of the vehicle;
 - If the passenger wishes to remain in the wheelchair, to enable the passenger to get into or out of the vehicle while in the wheelchair;
 - To load the passenger's luggage into or out of the vehicle;
 - If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- 4.7 Where a Local Authority determine that they will provide a designated list of wheelchair accessible vehicles they must implement a policy and necessary procedures to exempt those drivers with certain medical or physical conditions that would prevent them from complying with the duties associated with them driving a designated vehicle. Section 166 of the Act prescribes the form of exemption notice that an exempted driver must display when driving a designated vehicle.
- 4.8 The authority currently has about 30 licensed vehicles that would be classified as wheelchair accessible. The publication of a list of such vehicles may encourage an increase in applications for such vehicles to be licensed.

- 4.9 Members are asked to determine whether or not this Council should implement section 167 of the Equality Act 2010 to make and publish lists of licensed designated wheelchair accessible vehicles. Where Members determine that this Council should adopt these requirements, officers shall report back to this committee with proposals for an exemption policy and procedural documentation for consideration.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle in the Act in that there is an emphasis on the promotion of fair and equal treatment for potential passengers and drivers. Implementation of the sections of the Equality Act set out in the report contributes to a number of the Well-being goals and supports the objectives of other stakeholders.
- 5.2 The Council has a mandatory obligation to licence those persons who seek to drive hackney carriages or private hire vehicles and to ensure that those drivers are fit and proper persons to do so, that they comply with all regulations, conditions and byelaws which may have an effect on them or the public. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service.

6. EQUALITIES IMPLICATIONS

- 6.1 Adoption of the relevant sections of the Equality Act and publication of a list of wheelchair accessible vehicles would improve information available for wheelchair users who wish to use Licenced vehicles and provide clarity for both users and licensed drivers. The Council ensures that it treats all individuals and organisations who are applying for or who hold driving licences, with equal respect both when corresponding with those individuals and organisations during any licensing process.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications associated with this report.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 That Members consider and approve:
- a) the implementation of the requirements of sections 165, 166 and 167 of the Equality Act 2010.
 - b) that officers prepare a policy for the committee's consideration, in respect of the exemption criteria and procedures for those drivers who could not comply with the duties set out in the Act on medical or physical condition grounds.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To assist passengers in wheelchairs in their use of designated hackney carriages and private hire vehicles and that their use is protected.

12. STATUTORY POWER

- 12.1 Equality Act 2010, Part II of the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847.

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Consultees: Cllr, Denver Preece Chair, Licensing Committee
Cllr, Julian Simmonds, Vice Chair, Licensing Committee
Cllr, Eluned Stenner Cabinet Member for, Environment and Public Protection
Robert Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Sue Ead, Solicitor, Legal Services
Lisa Lane, Corporate Solicitor
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Background Papers:

Department for Transport – Access for wheelchair users to taxis and private hire vehicles – GOV. UK
<https://www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles>



TAXI AND GENERAL COMMITTEE – 13TH JULY 2017

**SUBJECT: HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER
MEDICAL EXEMPTION POLICY**

REPORT BY: CORPORATE DIRECTOR, SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To seek approval for the implementation of a policy in respect of exempting hackney carriage and private hire vehicle drivers from legal requirements on medical grounds.

2. SUMMARY

- 2.1 Drivers of hackney carriages and private hire vehicles are required to be licensed to transport the fare paying public. They are under legal obligations to carry assistance dogs and / or passengers in wheelchairs (if driving a wheelchair accessible vehicle).

3. LINKS TO STRATEGY

- 3.1 The policy in respect of exempting hackney carriage and private hire drivers from legal obligations on medical grounds will contribute to the Well-being Goals within the Well-being of Future Generations Act (Wales) 2016. The policy strives to address the licensing of drivers to ensure they are fit and proper persons. Adoption of the policy will contribute to the following Well-being Goals:

- *A prosperous Wales*
- *A healthier Wales*
- *A globally responsible Wales*
- *A more equal Wales.*

4. THE REPORT

- 4.1 This report recommends the implementation of a policy which sets out the requirements and procedure to be observed when exempting licensed drivers from obligations to carry assistance dogs and / or passengers in wheelchairs.
- 4.2 The Equality Act 2010 (The Act) (sections 168-171) specifically requires drivers to carry guide dogs (and other assistance dogs) at no extra cost and to allow the dog to remain with its owner. Individual drivers may apply to the Council for an exemption certificate where they have specific medical conditions either in the short or longer term. Exemptions are not permitted on religious or cultural beliefs. Assistance dog owners have a responsibility to ensure that the dog is clearly identifiable as an assistance dog through the use of appropriate harnesses and / or identification cards.

- 4.3 Sections 165 of the Act has recently been enacted which requires drivers of licensed wheelchair accessible vehicles to carry passengers in wheelchairs and provide assistance to those passengers. The requirements of this section do not apply to drivers who have a valid exemption certificate (issued under section 166 of the Act) and are displaying a valid exemption notice in the prescribed manner.
- 4.4 Councils can exempt drivers where it is appropriate to do so, on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with those duties.
- 4.5 The policy in Appendix A sets out the legal obligations and the procedures to be followed in respect of any requests for exemptions received from licensed drivers.

5. WELL-BEING OF FUTURE GENERATIONS

- 5.1 This report and associated proposals contributes to the Well-being Goals as set out in Links to Strategy above. It is consistent with the five ways of working as defined within the sustainable development principle of the Act. The policy is integrated in that it contributes to a number of the Well-being goals and supports the objectives of other stakeholders. The Council has a mandatory obligation to licence those persons who seek to drive hackney carriages or private hire vehicles and to ensure that those drivers are fit and proper persons to do so, that they comply with all regulations, conditions and byelaws which may have an effect on them or the public. The prime focus for the Council is to ensure public safety and to address all aspects of the licensing of drivers and to promote them as professional individuals.

6. EQUALITIES IMPLICATIONS

- 6.1 The Council ensures that it treats all individuals and organisations who are applying for or who hold driving licences, with equal respect both when corresponding with those individuals and organisations during any licensing process. The policy if approved will give clarity for passengers and drivers on the exemptions that are available on medical grounds.

7. FINANCIAL IMPLICATIONS

- 7.1 There are no financial implications associated with this report or the proposed policy.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications associated with this report or the proposed policy.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 That Members approve the implementation of:
- (a) the Drivers Exemptions Policy attached at Appendix A.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To provide a clear policy regarding the obligations placed on hackney carriage and private hire drivers in respect of the carriage of assistance dogs and the transport of wheelchair passengers.
- 11.2 To ensure that any request by hackney carriage and private hire vehicle drivers for exemption from the obligations of the relevant sections of the Equality Act 2010 are considered fairly and consistently.

12. STATUTORY POWER

- 12.1 Part II of the Local Government (Miscellaneous Provisions) Act 1976, Equality Act 2010.

Author: Myra McSherry, Licensing Manager, mcshema@caerphilly.gov.uk
Consultees: Cllr Denver Preece Chair, Licensing Committee
Cllr Julian Simmonds Vice Chair, Licensing Committee
Cllr Eluned Stenner Cabinet Member for Environment and Public Protection
Dave Street, Corporate Director, Social Services
Robert Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Sue Ead, Solicitor, Legal Services
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager

Appendices:
Appendix A Proposed policy in respect of hackney carriage and private hire driver's exemptions regarding the carriage of wheelchair passengers and assistance dogs.

PROPOSED POLICY

APPENDIX A

Caerphilly County Borough Council

POLICY – EQUALITY ACT 2010, EXEMPTION FROM REQUIREMENTS TO CARRY WHEELCHAIR PASSENGERS OR ASSISTANCE DOGS

The Policy was approved by the Licensing Committee on XXX.

Further information can be obtained from:

Licensing Section, Penallta House, Tredomen Park, Ystrad Mynach, Hengoed

Email: licensing@caerphilly.gov.uk

Website: www.caerphilly.gov.uk

Introduction

Caerphilly County Borough Council is committed to an accessible public transport system in which disabled people have the same opportunities to travel as other members of society. Hackney Carriages and Private Hire vehicles are a vital link in the transport chain and it is important that people who use wheelchairs or guide, hearing or other assistance dogs can have confidence that drivers will accept them and their wheelchair or assistance dog and carry them at no extra charge.

The Equality Act 2010 (The Act) requires that employers and service providers must make 'reasonable adjustments' or changes to take account of the needs of disabled employees and customers.

Section 165 of the Act, places the following duties on drivers of designated wheelchair accessible Hackney Carriages and Private Hire Vehicles;

- To carry the passenger while in the wheelchair;
- Not to make any additional charge for doing so;
- If the passenger chooses to sit in a passenger seat, to carry their wheelchair;
- To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance as is reasonably required

In addition, Sections 168 to 171 place the following duty on drivers of Hackney Carriages and Private Hire vehicles;

- To carry the passenger's assistance dog, allowing it to remain with the passenger and not make any additional charge for doing so.

A driver who fails to comply with any of the above is guilty of an offence and may receive a fine if convicted.

Medical Exemption

In some circumstances a driver of a designated Hackney Carriage or Private Hire vehicle may be unable to fulfil the requirements of the Equality Act 2010 for medical reasons, either in the short or longer term.

Section 166 of the Act allows licensing authorities to exempt drivers from the duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for them to comply with the duties.

Exemptions are not permitted on religious or cultural beliefs.

Medical Exemption Certificate

An application form for medical exemption must be submitted by a licensed driver to the Council with a statement of fitness completed by their physician / GP.

Upon the receipt and consideration of the application and statement of fitness a senior Licensing Officer will consider the information provided. A medical exemption certificate will be issued where in the opinion of the officer there is clearly a sound medical reason to do so. In the event that the senior officer is not of the opinion that there is a sound medical reason the matter will be referred to the relevant licensing sub-committee. Please refer to the Appeals Process set out below.

Dependant on the Doctor's findings a medical exemption certificate may be issued on a temporary or permanent basis. The cost of obtaining a Statement of Fitness from a Doctor shall be borne by the driver.

Where the Doctor has indicated that the medical condition is of a temporary nature, on expiry of the certificate a further doctor's statement of fitness will be required if the conditions persists.

Medical Exemption Notice

Where a medical exemption certificate has been issued to a driver he shall also be issued with a medical exemption notice. The notice is not transferable between drivers and shall only be displayed in the vehicle being driven by the subject of the notice.

The notice shall be displayed:

- a) On the nearside of and immediately behind the windscreen of the taxi facing outwards; and
- b) In a manner that readily permits its removal

So that

- c) Its front is clearly visible from the outside of the taxi; and
- d) Its back is clearly visible from the driver's seat of the taxi.

A clear plastic adhesive pouch will be provided for the display of the notice and it is recommended that it shall be displayed in the interior of the vehicle in the bottom passenger-side of the windscreen in order that it can be clearly seen by any potential passenger approaching the vehicle.

Appeals Process

Where an application has been referred to the relevant licensing sub-committee for consideration and the committee find that there is no sound medical reason to issue a medical exemption the driver would have the right of appeal to a Magistrate's Court within 21 days from the date of refusal.



TAXI AND GENERAL COMMITTEE – 13TH JULY 2017

SUBJECT: HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE POLICY REVISION

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To propose that the policies and conditions applicable to hackney carriages and private hire vehicles be reviewed and to recommend that all stakeholders are consulted on the development of a revised and updated policy.

2. SUMMARY

- 2.1 Current policies and conditions in respect of hackney carriages and private hire vehicles do not reflect up to date vehicle developments and technologies. The report sets out a range of issues which impact on the public, the taxi trade and national strategies and proposes a full review of the current requirements in respect of licensing vehicles as taxis and private hire vehicles.

3. LINKS TO STRATEGY

- 3.1 The Hackney Carriage and Private Hire Vehicle Policy revision contributes to the Healthier, Safer, and Prosperous themes of the Single Integrated Plan, Caerphilly Delivers.
- 3.2 The review of the arrangements and specification of hackney carriage and private hire vehicles licensed by this Council contributes to the following Well-being Goals within the Well-being of Future Generations Act (Wales) 2015:
- A prosperous Wales
 - A resilient Wales
 - A healthier Wales
 - A more equal Wales
 - A Wales of cohesive communities.

4. THE REPORT

- 4.1 The Authority has a statutory duty to administer certain licences, registrations and permits including the licensing of vehicles as hackney carriages and private hire vehicles. Currently licensing of these vehicles is covered by a number of topic specific policies and guidance. The intention is to review all of the policies, guidance and procedures associated with the licensing of hackney carriage and private hire vehicles and to produce a consolidated policy.

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

Licensing seeks

- (i) To ensure the safety of the public affected by the operation of hackney carriage and private hire services.
- (ii) To ensure the safety and comfort of users of hackney carriages and private hire vehicles.
- (iii) To encourage the provision of high quality and accessible hackney carriages and private hire vehicles.

- 4.3 A comprehensive review allows for consideration of a range of issues affecting the taxi trade and the general public including vehicle costs and overheads, public expectations, air pollution, safety of drivers and passengers and the provision of clear and transparent information for all stakeholders.

- 4.4 The vehicle specification currently referred to as 'conditions of application', was developed several years ago and although subject to minor amendments has not been subjected to a full review to ensure that it is appropriate and up to date to reflect modern trends and developments. This report is primarily aimed at examining the vehicle specification in addition to licensing conditions and obligations. A draft policy is set out at Appendix 1 and sets out options for members' consideration in respect of a number of issues raised below. The draft policy and options are intended as a starting point for consultation and discussion with stakeholders.

4.5 **Conditions**

- 4.5.1 Licences are granted subject to conditions, the current conditions have also been reviewed and both current and proposed conditions are attached as appendices to the draft policy. The Hackney Carriage Byelaws in relation to hackney carriages only have not been amended or reviewed and will be deemed to form a part of the vehicle policy if adopted.

4.6 **Passenger Accessibility**

- 4.6.1 The current vehicle specification in respect of passenger accessibility requires that:

- (i) The vehicle must be constructed and the doors open sufficiently wide as to allow easy access to and egress from the vehicle and cause no inconvenience to passengers.
- (ii) Height (inside) from the top of the seat cushions to the roof at the lowest part must not be less than thirty-two inches to restrain the number of passengers permitted to be carried in the vehicle.
- (iii) Knee Space must be adequate between the rear of the front seat and the squab of the back seat.
- (iv) Seats (width), the width of the back seat from the squab to the front edge must not be less than eighteen inches.
- (v) Rear Seat (length), the length of the rear seat measured in a straight line lengthwise on the front of the seat must allow adequate sitting accommodation to the extent of at least sixteen inches.
- (vi) There is reasonable access to the seating area.

- 4.7 In recent years there has been a marked increase in the range of vehicles that can carry in excess of four passengers. In the main these vehicle have two additional seats located in the rear of the vehicle which can only be accessed by way of moving or folding a seat or seats. Concerns have been expressed in the past that these vehicles are not suitable to carry more than 4 passengers because of the restricted accessibility, lack of unrestricted egress from vehicles in an emergency, loss of luggage space and impaired comfort for the passengers.

- 4.8 The current wording of vehicle specification only requires reasonable access which can be a subjective assessment which results in many vehicles of this type being referred to the relevant committee for determination. On first licensing many proprietors will apply to carry four passengers in order that they can comply with any contractual arrangements they may have, but lodge an appeal to the sub-committee so as to increase the capacity to six or more.
- 4.9 During the period of October 2015 to the 1 April 2017 twenty three vehicles have been presented to the committee for consideration of the accessibility and comfort of the additional seats in the very rear of vehicles. All twenty three vehicles have been granted licences permitting an increased number of passengers.
- 4.10 An alternative method for determining the seating capacity of a vehicle is to take account of the number of seats as set out on the VOSA V5C document (commonly referred to as a log book), this will provide the number of passengers allowed in addition to the driver, providing that each passenger seat has a dedicated seatbelt. The benefits of moving to the seating capacity authorised by VOSA would be as follows:
- (i) Reduce the number of visits the proprietor would be obliged to make to the licensing office
 - (ii) Reduce the cost to the proprietor in respect of paying for replacement plates where the numbers are increased
 - (iii) Reduce the time proprietors are obliged to take to resolve an issue
 - (iv) Reduce the impact on licensing sub-committee in not having to inspect vehicles
 - (v) Reduce the impact on officers (licensing, committee clerks and legal) time in inspecting vehicles and preparing information for the licensing sub-committee.
 - (vi) Provide clarity for applicants and Members.

4.11 **Wheelchair Accessible Vehicles**

- 4.11.1 In February 2017 Transport Minister Andrew Jones said “We want to build a country that works for everyone, and part of that is ensuring disabled people have the same access to services and opportunities as anyone else – including when it comes to travel. People who use wheelchairs are often heavily reliant on taxis and private hire vehicles and the change to the law will mean fair and equal treatment for all.” The change in the law referred to was in respect of the Equality Act in making it an offence for drivers of wheel chair accessible vehicles (WAVs) to discriminate against wheelchair users.
- 4.11.2 There is no mandatory requirement for vehicles being presented for licensing to this authority either as hackney carriages or private hire vehicles to be wheelchair accessible. At the time of writing this report approximately 7 % of all CCBC licensed vehicles were wheelchair accessible. In many Authorities it is a mandatory requirement that all hackney carriages are wheelchair accessible vehicles, this may be too onerous in this area which does not have the same demands for wheelchair accessibility as in other areas. However Members may wish to encourage a greater percentage of licensed wheelchair accessible vehicles within this area by gradually increasing the number of accessible vehicles by way of a mandatory requirement either for all new hackney carriages or as a percentage of a proprietor’s fleet irrespective of whether the fleet comprises of either solely hackney carriages or private hire vehicles, or a combination of both.
- 4.11.3 A mandatory requirement that all new hackney carriages should be wheelchair accessible may place an onerous financial burden on proprietors.
- 4.11.4 An option to require a percentage of a proprietor’s fleet to be wheelchair accessible would increase availability of such vehicles. A minimum 25 percentage of a proprietor’s fleet requirement (excluding single vehicle proprietors), would result in a potential 18% increase with numbers of wheelchair accessible vehicles increasing from 27 to 74.

4.11.5 Members should be aware that seven proprietors currently have one or two wheelchair accessible vehicles, and a further four proprietors have more wheelchair accessible than non-wheelchair accessible vehicles.

4.12 Vehicle Specification - Age Restriction

4.12.1 Licences are currently granted in the first instance in respect of vehicles that are less than 5 years old. On 16 July 2015 the Licensing Committee adopted a requirement that vehicles could be licensed indefinitely but that those vehicles over 10 years of age are required to be tested on a six monthly basis. The DFT Best Practice guide recommends that vehicles over 5 years of age should be subject to six monthly testing.

4.12.2 At the time of writing this report the authority has 30 licensed vehicles that are over ten years of age. Over the past two years 70 tests have been conducted in respect of these vehicles of which 7 failed. The average mileages of these vehicles is approximately 254,000 (averaging 25,500 miles per year), with some vehicles exceeding 403,000 miles (average 40,300 miles per year). As this matter was considered in 2015 it is not proposed that consideration be given to changing testing frequencies at this time. However as the taxi fleet ages Members may wish to reconsider this issue at a future date.

4.13 Taxi Meters

4.13.1 Hackney Carriages are required to be fitted with a taximeter for the calculation of fares based on the maximum tariff approved by the Council. This Authority's table of fares has a range of fares dependant on the time of day, date or number of passengers that are being carried. Vehicles with the capacity to convey 5 to 8 passengers can when carrying between 5 and 8 passengers select a higher tariff for a journey than that which can be selected for a vehicle with a maximum capacity of 4 passengers.

4.13.2 Where a vehicle is required to transport 5-8 passengers the driver must manually select the higher tariff. This manual type of meter is open to abuse in that the driver may mistakenly or deliberately select a higher tariff irrespective of the number of passengers being conveyed which could result in public confidence being undermined.

4.13.3 Calendar controlled taximeters are pre-programmed with dates and times and the meter automatically adjusts to the correct tariff but are not compatible with the current fare structure in respect of the carriage of more than 4 passengers. There has been no request for a change of tariff and that is not being advocated in this report. However members may wish to see a move towards calendar meters as a means of reassuring the public that they are being correctly charged for fares within this area.

4.13.4 Amending the table of fares so as to segregate the higher charges in respect of 5-8 passengers would create an additional tariff which would enable the introduction and implementation of calendar controlled meters. Although the calendar meter has to be overridden by the driver to select the different tariff it would be obvious to fare paying passengers that this was the case as the carriage of up to 4 passengers would normally be automatically displayed.

4.13.5 Members may wish to consider the introduction of calendar controlled meters for all new hackney carriages. In the event of any future requests for a change to the table of fares Members may consider the implications of the additional passenger tariff. In many authorities the carriage of 5 or more passengers are often charged as 'extras' i.e. an additional charge per passenger above four.

4.14 Vehicle Specification – Emissions

4.14.1 Department for Transport Best Practice Guidance acknowledges that vehicle licensing policies should support local environmental policies and acknowledges that this is significant in designated Air Quality Management Areas. At the time of developing this policy there are two such areas in that air quality standards in respect of Nitrous Oxides (NOx) are being breached, these are Caerphilly town centre and Hafodyrnyns.

- 4.14.2 Approximately 90% (365) of all licensed vehicles (408) in Caerphilly are diesel with 10% (43) being petrol operated. At this time there are no alternative powered licensed vehicles such as hybrids, all electric or LPG. Of those licensed diesel vehicle 49% (178) are over 5 years old. It is widely acknowledged that older diesel cars produce more emissions.
- 4.14.3 The annual UK government legal objective for nitrogen dioxide is exceeded in the Caerphilly town centre and the A472 through Hafodyrnys. There are also a number of locations where the short term hourly UK government legal objective for nitrogen dioxide is exceeded.
- 4.14.4 Many large cities are considering introducing emission based policies in respect of their taxi licensing scheme as part of an over-arching, holistic Low Emission Strategy to improve air quality in their area. A low emission taxi scheme within this Council's area to encourage uptake and embed knowledge and confidence in such vehicles would contribute to an improvement in the Air Quality Management Areas within this Authority.
- 4.14.5 Although cities such as London, Bristol and York are requiring that all new hackney carriages licensed for the first time must be zero emission capable this may not be appropriate in those local authority areas where the average journey distance exceeds those that would be expected in cities. However steps can be adopted which would assist in reducing the level of nitrous oxides (NOx) and particulate (PM) emissions.
- 4.14.6 Strategies to address this issue could include any or all of the following:
1. Refusal to issue new licences for diesel vehicles from a particular date.
 2. Existing licensed diesel vehicles not to be renewed after a lead in period. Such a lead in period to be determined by the local authority. After that period there would be no diesel vehicles licensed by this authority.
 3. Licence fees in respect of hybrid and ultra-low emissions vehicles be reduced or waived. Please see paragraph below regarding the potential cost implications in respect of the licensing budget.
 4. Requiring licensed vehicles to display stickers (such as in rear windscreens) advising motorists not to leave engines idling.
 5. Require that hackney carriages waiting at authorised taxi ranks, and outside of schools not to leave their engines idling.
- 4.14.7 The main obstacle proprietors would have to overcome if they wished to consider changing existing vehicles for hybrid or all electric vehicles would be the lack of rapid charging points within the Authority's area at the current time. Members will be aware that there is a national move towards increasing the number of electric charging points and as such Members are asked to consider the proposal with a view to promoting low emission vehicles as the preferred option for the future.
- 4.14.8 The Council is entitled to set fees that cover the reasonable costs of providing the licensing service. The cost of purchasing ultra-low emission vehicles may be considered by the trade to be prohibitive and as such the authority may wish to reduce the licensing financial burden on the trade in respect of such vehicles. The DfT Best Practice Guide published in March 2010 urges authorities to look carefully at the costs (financial or otherwise), arising from licensing policies and that they should consider whether those costs are commensurate with the benefits a policy is intended to achieve.
- 4.14.9 Members may wish to consider reducing or waiving the licence fee in respect of ultra-low level emission vehicles as an incentive for proprietors to move towards such vehicles. It is not possible to quantify the potential impact on the licensing budget at this stage but it is anticipated that a move to ultra-low emission vehicles would initially be very slow. If a reduction or waiver of fees was adopted it would be appropriate to review that decision after a 'pilot' period.

4.14.10 Any reduction in fee income would impact on the licensing budget but would be offset by a reduction in older less efficient vehicles and potential improvements in air quality. There would be limited financial gains for the taxi trade such as reduced road tax for new ultra-low emission vehicles. Charges are being introduced in some areas for older vehicles entering air quality management areas as a strategy to improve air quality, thereby increasing the financial burden experienced by taxi proprietors who may enter those areas. Within the next 12 months, the Welsh Government is expected to consult on the details for a proposal for a Clean Air Zone Framework for Wales

4.14.11 The availability of low emission larger minibus type vehicles may be limited and as such these vehicles may require to be exempted from any requirement to have non-diesel licensed vehicles in the future.

4.15 **Window Tints**

4.15.1 A meeting of the Licensing Committee on the 24 September 2015 resolved that the transmission of light through all rear vehicle windows should comply with the Construction and Use Regulations as set for the front driver and passenger windows which set the limit at 70% of light transmission. The object of this requirement was the protection of the driver and passengers in that any activity in the vehicle could be viewed externally. However since the 1st January 2016 vehicles have increasingly been brought before the licensing committee for assessment of the depth of window tinting in respect of visibility of the occupants of the vehicle. Fourteen vehicles have been considered of which eleven had a light transmission level of as low as 35% however the sub-committee determined that occupants were still visible. Three have been refused licences, the rear windows of two being changed so as to comply with the Council's policy. One had a depth of tint which obscured the view of occupants; this was appealed to the Magistrates Courts who overturned the decision of the sub-committee.

4.15.2 It is therefore proposed that Members consider reducing the minimum light transmission levels to 35% which is the level at which occupants are still visible and that vehicles where the light transmission is below 35% are still required to be assessed by the licensing sub-committee on their suitability to be licensed.

4.16 **Advertising**

4.16.1 The current restrictions on advertising material allows for hackney carriage or private hire vehicle company details, to be displayed on windows or bodywork of a vehicle. Advertising material which obstructs the driver's view, whilst driving is not permitted.

4.16.2 Members may consider that allowing any advertising material on windows is contradictory to the Council's intentions in respect of the visibility and safety of passengers and drivers and as such may wish to consider a change to the conditions of application and vehicle inspection standard to rescind the allowance for company advertising material on vehicle windows.

4.16.3 This report is not recommending the removal of any business advertising but that it be repositioned in such a manner so as not to cause any obstruction to the driver's view whilst driving or to a person being able to view the interior of the vehicle.

4.16.4 Proprietors can use their vehicles as an advertising medium on behalf of third party goods or services which can provide an additional source of income dependant on the extent of the advertising i.e. whole vehicle, side panels, etc. Such third party advertising material may be subject to regular change; as such it would be particularly onerous for vehicle proprietors to obtain council approval on each occasion as currently required. A more effective approach would be to set out in policy a requirement that the proprietor shall notify the Council of the content of any third party advertising, where such advertising may be displayed and the constraints on the advertising content. Constraints could include prohibiting adverts

promoting alcohol, adult entertainment, gambling, new psychoactive substance – NPS (commonly referred to as legal highs), nicotine inhaling devices – NIDs (commonly referred to as e-cigarettes), or credit providers. In principle any advertising must comply with the Advertising Standards Association (ASA) codes of practice. Any request for deviation from the policy would be subject to the express permission of the licensing committee.

4.17 CCTV in Vehicles

4.17.1 It is commonly recognised that an in-vehicle CCTV system can 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 and assisting the Police in investigating incidents of crime. There is no mandatory requirement for hackney carriages and private hire vehicles to install CCTV cameras within their vehicles, however where such CCTV is installed it must comply with the requirement set out by the Information Commissioners Office. Previously we have made guidance on the use of CCTV cameras in vehicles available to the trade however it is recommended that conditions should be added to vehicle licence requiring that where CCTV is used in vehicles that is set to record the interior of the vehicle then conditions must be complied with, this will ensure compliance in respect of Data Protection. A number of proprietors install cameras to record the exterior of the vehicle which would not be affected by these conditions provided that this camera was not used to record the interior of the vehicle.

4.18 Private Hire Vehicle - Door Signs

4.18.1 Members of the public are often unaware of the distinction between a hackney carriage and private hire vehicle. As members are aware a hackney carriage can be flagged down in a street, can wait on a taxi rank and can take bookings, whilst a private hire vehicle can only be used for pre-booked journeys that have been arranged with their operator.

4.18.2 Members may wish to introduce a mechanism whereby the distinction is clear to the travelling public and to prevent the commission of offences. A common practice in many authorities is that all hackney carriages are liveried in that they all have similar paintwork i.e. black and white in Cardiff. However this would have a substantial financial impact on those proprietors in having vehicles resprayed / wrapped (application of a coloured film to the exterior of the vehicle), changes to log books etc. An alternative would be to require private hire vehicles to display signage such as a door sign, provided as part of the licensing process, which clearly states they are available for pre-booked journeys only. Such signs can be of two types such as adhesive or magnetic for each of the two front doors.

4.19 Vehicle Inspection Standard

4.19.1 Members will be aware that following final determination on the vehicle policy the current vehicle inspection standard may be amended to take account of any changes arising from policy requirements.

5. WELL-BEING OF FUTURE GENERATIONS

5.1 The Authority has a duty to improve the social, economic, environmental and cultural well-being of Wales. The proposals in this report contribute to the Well-being Goals as set out in Links to Strategy above. They are consistent with the five ways of working as defined within the sustainable development principle in the Act and support the objectives of other stakeholders.

5.2 The Council has a mandatory obligation to licence hackney carriages and private hire vehicles to those proprietors who seek to provide 'taxi services' and to ensure that they comply with all conditions and controls which may have an effect on them or the public. The prime focus for the Council is to ensure public safety and to provide an efficient and effective licensing service. The policy proposes a number of changes including strategies to address emission levels and an increase in the number of wheelchair accessible vehicles. These proposals

would contribute to a Healthier Wales and contribute towards a globally responsible Wales. The policy promotes public safety whilst taking into account the financial commitments of vehicle proprietors

6. EQUALITIES IMPLICATIONS

- 6.1 There are no potential equalities implications of this report and its recommendations on groups or individuals who fall under the category identified in Section 6 of the Council's Strategic Equality Plan. There is no requirement for an Equalities Impact Assessment Questionnaire to be completed for this report. The Council ensures that it treats all individuals who are renewing or making new applications for licenses, with equal respect in line with the Council's Strategic Equality Plan 2016 to 2020. Proposals to increase the number of wheelchair accessible vehicles available for hire would improve accessibility for residents and visitors to the county borough.

7. FINANCIAL IMPLICATIONS

- 7.1 Options for reducing or waiving licence fees for low emission vehicles would potentially lead to a reduction in income for the Licensing service. It is not possible to quantify such a reduction at this time but applications for such vehicles are not expected to be high in number in the short term. The current annual vehicle Licence fee is £190. Further consideration can be given to this in the follow up report after consultation with the trade and other stakeholders. The reductions in Licensing income may also be balanced overtime by the benefits of improving air quality and reductions in costs in other areas.

8. PERSONNEL IMPLICATIONS

- 8.1 There are no personnel implications.

9. CONSULTATIONS

- 9.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

10. RECOMMENDATIONS

- 10.1 That Members approve a consultation exercise on the content of the draft policy and for further reports outlining the responses received to be submitted to this Committee for consideration at a later date.

11. REASONS FOR THE RECOMMENDATIONS

- 11.1 To update and widen the scope of the Council's policy in respect of hackney carriages and private hire vehicles and keep up to date with wider environmental and technical changes.
- 11.2 To enhance public protection, provide greater clarity of requirements and to facilitate and promote a safe and professional taxi service.
- 11.3 To seek the views of all stakeholders on the range of proposals outlined in the report and draft policy to be in a position to update members after consultation.

12. STATUTORY POWER

- 12.1 Local Government Act 1972; Local Government (Miscellaneous Provisions) Act 1976; Local Government (Miscellaneous Provisions) Act 1982; this is a Council function.

Author: Myra McSherry, Licensing Manager
Consultees: Cllr Denver Preece Chair, Licensing Committee
Cllr Julian Simmonds, Vice Chair, Licensing Committee
Cllr Eluned Stenner, Cabinet Member for Environment and Public Protection.
Dave Street, Corporate Director, Social Services
Robert Hartshorn, Head of Public Protection
Jacqui Morgan, Trading Standards, Licensing and Registrars Manager
Mike Eedy, Finance Manager
Sue Ead, Solicitor, Legal Services
Anwen Rees, Senior Policy Officer (Equalities and Welsh Language)
Shaun Watkins, HR Manager
Mary E Powell, Fleet Manager
Kathryn Peters, Corporate Policy Manager
Ceri Edwards, Environmental Health Manager

Appendices:
Appendix 1: Draft Hackney Carriage and Private Hire Vehicle Policy and Conditions 2017



CAERPHILLY COUNTY BOROUGH COUNCIL'S

Draft Hackney Carriage and Private Hire Vehicle Policy and Conditions 2017

Adopted on:

Implemented:

Further information can be obtained from:
Licensing Section

Tel:

Email:

Website: www.caerphilly.gov.uk/licensing

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1. PART 1

1.1 INTRODUCTION

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

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

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	-	Equality Act 2010
LA	-	Licensing Authority of Caerphilly County Borough Council
LG (MP) A	-	Local Government (Miscellaneous Provisions) Act 1976
CCBC	-	Caerphilly County Borough Council
The Policy	-	Caerphilly Council's Taxi and Private Hire Policy
TPCA	-	Town Police Clauses Act 1847

1.2 Purpose of Licensing

1.2.1 The purpose of hackney carriage and private hire licensing is to protect the public whilst ensuring that they have reasonable access to suitable hackney carriages and private hire vehicles because of the part they play in local transport provision.

1.2.1 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 revoked or suspended.

1.2.2 When considering the suitability of vehicles to be licensed as hackney carriages or private hire vehicles the Council will take into account a number of factors, which include:

- Suitable in type, size and design for use as a licensed vehicle
- Vehicle manufactured or adapted to carry up to 8 passengers (excluding driver)
- Mechanical safety
- Cosmetic factors such as appearance, cleanliness and comfort
- Suitable and sufficient accommodation for passengers and luggage
- Compliance with statutory standards and Council policies

1.3 Objectives

1.3.1 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 carriages and private hire vehicles.
- To encourage the provision of high quality and accessible hackney carriages and private hire vehicles.

1.4 About the Policy

1.4.1 This Policy aims to:

- Set out the Licensing Authority's approach to regulation, enforcement and sanction of vehicles;
- 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 vehicles.

1.4.2 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.

1.4.3 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.

1.4.4 This Policy has been prepared in consultation with the licensed taxi trade and other stakeholders. 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.

1.4.5 Previously approved policies on the Exemption from Display of Licence Plates in Respect of Private Hire Vehicles and Intended Use are included within this policy.

1.4.6 This Policy was approved by the Taxi and General Licensing Committee on 'DATE'.

PART 2

2.1 LICENCE TYPES

2.1.1 Hackney Carriages

2.1.2 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 combination of taxi rank, 'no stopping except taxis' and taxi bays in the Authority, namely:

Caerphilly – Castle Street
Caerphilly – Station Terrace
Blackwood - High Street
Risca – Tredegar Street
Bargoed – Bus Station

2.2 Limitation on numbers of Hackney Carriage

2.2.1 The present legal provisions on restricting the numbers of hackney carriage are set out in Section 16 of the Transport Act 1985. This provides that the grant of hackney carriage licences may be refused, for the purpose of limiting the number of licensed hackney carriages if the Local Authority is satisfied that there is no significant unmet demand for the services of hackney carriages (within the area to which the licence would apply).

2.2.1 Caerphilly Council doesn't impose any quantitative restrictions for hackney carriages and the Department for Transport (DfT) regards this as best practice. Establishing that there is no significant unmet demand may only be evidenced by a comprehensive survey of the area and potential demand. Should a request for a restriction on numbers be requested the cost of such a survey should be borne by the taxi trade.

2.3 Private Hire Vehicles

2.3.1 Private hire vehicles may only be used to carry out journeys that have been pre-booked with a private hire operator, licensed by the same authority that licensed the vehicle and its driver. A private hire operator who has accepted a booking for a private hire vehicle may arrange for another operator to provide a vehicle to carry out the booking. The booking therefore may be sub contracted to a vehicle from another controlled district (implemented by section 55A Deregulation Act 2015).

2.4 Limitation on numbers of Private Hire Vehicles

2.4.1 No powers exist for Licensing Authorities to limit the numbers of Private Hire Vehicles.

2.5 Licence Conditions

2.5.1 Hackney Carriage and Private Hire Vehicle licences are issued subject to compliance with conditions attached to the licence and in respect of Hackney Carriages compliance with Byelaws. Conditions (proposed) applicable to both categories of licensed vehicle are attached at Appendix A. Current conditions and the Hackney Carriage Byelaws are attached at Appendix B for information.

3. PART 3

3.1 VEHICLE CRITERIA

3.1.2 Detailed information regarding vehicle criteria and mechanical requirements are contained in the Inspection Standard at Appendix I (CCBC Vehicle Inspection Standard). The general criteria set out below apply to both hackney carriages and private hire vehicles unless the vehicle category is specified.

3.1.3 In order to be licensed a vehicle must meet the technical standard of either:

- A European Whole Vehicle Type approval
- A British National Type Approval or
- A British Single Vehicle Approval pre 31st December 2009
- A British Individual Vehicle Approval from 1st January 2010

3.1.4 Only vehicles in category M1 or M2 (passenger carrying vehicles), will be licensed by the Council. 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

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

3.1.6 The vehicle shall be right hand driver and have at least four doors. Each passenger (not to exceed eight) must have a dedicated seat belt.

3.2 Windows – Light Transmission Levels

3.2.1 Safety of the travelling public and the driver is a priority for the Council, as such consideration is given to the percentage of light transmission through rear windows. The intention of the policy is that any activity within the vehicle is clearly visible from outside such as attacks on the driver by passengers in the rear. Determining the visibility may be subject to an objective and / or subjective assessment.

3.2.2 The addition of dark films or other material which obscures the vehicle windows will not be permitted at any time.

OPTIONS – Specific details to be determined after consultation with stakeholders.

The front windscreen, front passenger and drivers shall comply with the Construction and Use Regulations in that a minimum of 70% light transmission is required.

Rear Window light transmission levels:

OPTION A

A minimum of 70% light transmission is required in respect of all rear passenger windows, as required by the Construction and Use Regulations for front windscreen, front passenger and drivers windows.

OPTION B

Not less than 35% light transmission is permitted in respect of all rear passenger windows to ensure the visibility of all passengers in the rear of the vehicle from outside.

OPTION C

No restriction on the percentage of light transmission to rear windows.

There may be exceptions to these requirements in respect of Options A and B for executive, stretched limousines and novelty vehicles.

3.3 Vehicle Age Restriction

3.3.1 The age of the vehicle will be determined primarily by its date of registration, or if imported the date of manufacture.

3.3.2 New vehicle licences will only be granted on vehicles that are less than 5 years old. A new licence will not be granted in respect of vehicles over 5 years old. A vehicle over 5 years of age may be licensed for the first time in exceptional circumstances e.g. if they are specialist, stretched limousines and historic vehicles at the committee's discretion. Please see the section on Non Standard Vehicles.

3.4 Compliance with Disability Discrimination Act

3.4.1 This Council considers that access to transport is fundamental for all residents in promoting full and independent participation in society as a whole. People are living longer and there are likely to be higher levels of disability and as such the council must consider how the transport industry, including the provision of hackney carriages and private hire vehicles can assist in meeting these challenges.

3.4.2 The Disability Rights Commission (DRC) has issued guidance on ‘Avoiding Disability Discrimination in Transport - A Practical Guide for Taxi and Private Hire Services’ which is primarily aimed at the taxi trade. It is important to note that not all people with impairments require the use of wheel chair accessible vehicles, there are a wide range of other impairments which can affect accessibility as such it is important that a taxi fleet has a diverse range of vehicles.

3.5 Wheelchair Accessible Vehicles

3.5.6 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.

OPTIONS – Specific details to be determined after consultation with stakeholders.

OPTION A

No requirement that licensed vehicles shall be wheelchair accessible

OPTION B

Any application for a hackney carriage (not to replace an existing licensed vehicle) after a given date to be wheelchair accessible.

OPTION C

All hackney carriages to be wheelchair accessible by a given date.

OPTION D

A percentage of a proprietor’s taxi fleet must be wheelchair accessible.

3.6 Diesel Vehicles and Emissions

3.6.1 The DfT Best Practice Guidance acknowledges that vehicle licensing policies should support local environmental policies and that this is significant in designated Air Quality Management Areas. A number of strategies may be employed to improve air quality in designated areas, as diesel vehicles contribute to poor air quality the Licensing Authorities must consider the impact of the licensed taxi trade.

3.6.2 Approximately 90% (365) of all licensed vehicles (408) in Caerphilly are diesel with 10% (43) being petrol operated. It is widely acknowledged that diesel cars produce more toxic emissions than new generation vehicles and the older the diesel vehicle the higher the toxic emissions.

OPTIONS – Specific details to be determined after consultation with stakeholders. Strategies to address this issue could include one or more of the following

OPTION A

The vehicle must pass the emissions test relevant for that particular vehicle.

OPTION B

Refusal to issue new licences for diesel vehicles from a particular date.

OPTION C

Refusal to renew licences for older diesel vehicles with higher emissions.

OPTION D

Existing licensed diesel vehicles not to be renewed after a lead in period after which no new diesel vehicles licensed by this authority.

OPTION E

Licence fees in respect of hybrid and ultra-low emissions vehicles be reduced or waived (Trial / Pilot period only).

OPTION F

Licensed vehicles shall display stickers (such as on rear bumper or along the bottom of rear windscreens) which advise motorists not to leave engines idling.

OPTION G

Conditions attached to hackney carriages waiting at authorised taxi ranks shall switch off engines and not leave engines idling.

OPTION H

Conditions shall be attached to hackney carriages and private hire vehicle licences that if waiting outside of schools, education establishments, hospitals or any other establishment as identified by the Council, shall switch off engines and not leave engines idling.

3.7 Taxi Meters

3.7.1 Hackney Carriages are required to have a taxi meter calibrated to the Local Authority's table of fares in compliance with the Byelaws requirements regarding the use and display of meters are set out in Appendix B (Current Hackney Carriage and Private Hire Vehicle Conditions and Hackney Carriage Byelaws). A list of approved taximeter dealers is attached at Appendix D.

3.7.2 Type of meter to be installed:

OPTIONS – Specific details to be determined after consultation with stakeholders.

OPTION A

No restrictions on the type of meter to be installed in Hackney Carriages.

OPTION B

Calendar controlled meters be phased in subject to any future table of fares or clarification of tariffs on the existing table.

3.7.3 Private Hire vehicles are not required to install or use a taxi meter as journeys are pre-booked and the fare may be agreed at the time of booking. There is no restriction on the type of meters installed in private hire vehicles but where they are installed they should be calibrated to the table of fares adopted by the operator. Many will adopt the Council's table of fares but they are not obliged to do so. Any table of fares utilised by the operator must be notified to the Council.

3.8 Advertising

3.8.1 Advertising is permitted on licensed vehicles subject to the following:

OPTIONS – Specific details to be determined after consultation with stakeholders. Strategies to address this issue could include one or more of the following

OPTION A

Hackney Carriage and private hire vehicle company details may be displayed on windows of the vehicle (This excludes the front windscreen, driver and front passenger windows)

OPTION B:

B1. Private hire vehicle company details cannot be displayed on any window of the licensed vehicle. Advertising such details shall be restricted to any area of the vehicle below the window level.

Or

B2. Private hire vehicle company details cannot be displayed on any window of the licensed vehicle. Advertising material shall be restricted to any area of the vehicle below the window level but shall exclude the driver and front passenger door where signage advising 'pre-booked journeys only' may be required.

OPTION C

Hackney Carriage company or proprietor details cannot be displayed on any window of the licensed vehicle. Advertising such details shall be restricted to any area of the vehicle below the window level.

3.8.2 Proprietors may use their vehicle as an advertising medium on behalf of third party goods or services as a means of generating additional income.

OPTIONS – Specific details to be determined after consultation with stakeholders. Strategies to address this issue could include one or more of the following

OPTION A

Third party advertising shall only be permitted subject to the prior approval of the Council

OPTION B

(i) Advertising shall be permitted on the whole or any part of the exterior of a hackney carriage excluding all windows, without the prior approval of the Licensing committee provided that it complies with the Council's advertising criteria regarding content. The proprietor shall notify the Licensing office in advance of the advertisement content prior to it being displayed on the vehicle.

(ii) Advertising shall be permitted on the whole or any part of the exterior of a private hire vehicle excluding all windows, driver and front passenger doors, without the prior approval of the Licensing committee provided that it complies with the Council's advertising criteria regarding content. The proprietor shall notify the Licensing office in advance of the advertisement content prior to it being displayed on the vehicle.

3.8.3 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, nor shall the screen be distracting to other road users. The Council shall approve in writing the content of any material to be so displayed. 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.

3.9 Advertising Criteria

3.9.1 Advertising is vehicle specific and is not transferable between vehicles. Taxi business or third party advertising on hackney carriages or private hire vehicles shall not include any material relating to or promoting any of the following:

- Alcohol, sale or consumption
- Tobacco, sale or use of
- Illegal substances - drugs
- Any sexual content (which includes nudity and venues offering sales of adult items adult sexual entertainment)
- Gambling (which includes, gaming machines, lotteries, gambling premises, etc.)
- New psychoactive substance – NPS (commonly referred to as legal highs)

- Nicotine inhaling devices – NIDs (commonly referred to as e-cigarettes)
- Recruitment of new drivers
- Vehicle for sale
- Credit services
- Any other material as notified by the Council in writing.

3.9.2 Additional wheelchair accessible signs may be displayed on wheelchair accessible vehicles without any prior authorisation but must not exceed 300mm x 210 mm in size.

3.9.3 Any advertising must comply with the Advertising Standards Authority (ASA) codes of practice. Any request for deviation from the policy would be subject to the express permission of the licensing committee.

3.10 Accidents

3.10.1 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.

3.10.2 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 the Council's approved testing facility. Where the vehicle is deemed to be unsafe for conveying fare paying passengers the vehicle licence will be suspended immediately. Following its repair, the vehicle shall be re-inspected at the Council's approved testing facility and a new vehicle test certificate produced prior to the suspension being lifted.

3.10.3 Where a vehicle has been involved in an accident and only sustained minor damage not affecting mechanical safety, the vehicle may be inspected by an authorised officer of the Council.

3.11 Temporary Replacement Vehicles

3.11.1 A proprietor is required to notify the Licensing Authority of any incident causing damage to the vehicle or any repairs requiring the vehicle to be removed from the road. In circumstances where a licensed vehicle has been damaged and the proprietor's insurance company provide a replacement vehicle, the temporary replacement must be compliant with all licensing conditions required by this Council. Notification will be required from the hire company of the date the person has use of the vehicle and when the use terminates.

3.11.2 Where vehicles are 'off' the road at the time of the expiry of the licence it may have a detrimental effect on any licence renewal. Applications for renewal should be submitted prior to the expiry date of the vehicle with an accompanying letter setting out substantiating evidence that the vehicle is off the road and is either awaiting insurance assessment or repairs. Documentary evidence will be required of insurers involvement i.e. the name of relevant insurance companies involved, the circumstances of how the damage occurred (if not previously supplied), the potential timescale for repairs, where the vehicle is being repaired, receipts for works completed or any other relevant material.

3.12 Defective vehicles

3.12.1 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.

3.13 Use of Insurance 'write offs' as licensed vehicles.

3.13.1 The Council expects that proprietors would consider very carefully whether or not to purchase vehicles that have been subject to insurance claims. Such vehicles are often offered for sale as Cat C or Cat D. Category D vehicles may be accepted for licensing provided that they comply with all other requirements.

3.13.2 According to the ABI Salvage Code:

3.13.3 Cat A – so badly damaged that they should be crushed and even salvageable parts must be destroyed.

Cat B – signifies extensive damage, the body shell should be crushed although reclaimed parts may be used in road worthy vehicles.

Cat C – The vehicle is repairable but the repair cost exceeds the vehicles value and can re-appear on the road. Notification must be made to the DVLA as soon as a categorisation decision is made.

Cat D – The vehicle is repairable but the repair costs are significant compared to the vehicle value. These vehicles can re-appear on the road. No notification is required in respect of this category to either DVLA or VOSA.

3.14 CCTV In Vehicles

3.14.1 The Council 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 the use of CCTV is permitted in private hire / hackney carriage vehicles subject to conditions which are set out in Appendix A (Proposed Conditions re Hackney Carriages

and Private Hire Vehicles), guidance on the installation of CCTV is set out in Appendix E (Guidance on CCTV in licensed vehicles).

3.15 Non-standard Vehicles

- 3.15.1 Stretched limousines, executive, novelty or other unique vehicles may be licensed subject to compliance with mechanical safety standards and any guidance issued by the Council. Reasonable and proportionate conditions will be attached to the licences for such vehicles as necessary to ensure that they are suitable and safe to convey members of the travelling public.

3.16. Stretched Limousines and Novelty Vehicles

- 3.16.1 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 Council will licence them in line with criteria set out in this Policy. Please see the policy at Appendix C (Stretched Limousines and Novelty Vehicles) relating to these vehicles.
- 3.16.2 The application process shall be exactly the same as for standard vehicles except where specialist equipment is required to test the vehicle. Each application will be considered on its own merit and public safety will be of prime importance.

3.17 Horse Drawn Carriages and Non-Motorised Vehicles

- 3.17.1 Any hackney carriage licence granted for use with a horse drawn carriage or a non-motorised vehicle (e.g. Pedicabs, Rickshaws etc) will be subject to consideration by the relevant licensing committee and if approved would be subject to specialist conditions as determined by the committee.

3.18 Executive, Prestige Vehicles

- 3.18.1 It is recognised that there is a demand for categories of vehicles which offer exceptional features not normally found in standard licensed vehicles such as leather upholstery, conference seating, DVD facilities, privacy glass, uniformed drivers, etc. Such vehicles may be referred to as executive or prestige vehicles and are primarily used for carrying passengers on business contracts and special events. Guidance in respect of the criteria that the Council may consider in respect of 'executive' type vehicles is set out in Appendix F (Guidance – Exceptional Circumstances). Proprietors must note that there is no automatic exemption from any licensing requirement in respect of such vehicles and the obligation rests on the proprietor to put forward the grounds that the relevant committee may consider if members are to go behind their policy.

3.19 Trailers

3.19.1 Trailers can be used in connection with private hire bookings by either private hire vehicles or hackney carriages but cannot be used by hackney carriages when plying for hire (i.e. when waiting on a rank or being 'flagged down'). Conditions concerning the use of trailers are set out in Appendix A (Proposed Conditions re Hackney Carriages and Private Hire Vehicles).

3.19.2 Hackney carriage fare table

3.19.3 The Council fixes 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, which must be prominently displayed within the vehicle to enable passengers to clearly view it at all times.

3.19.4 Requests for any change to the table of fares shall be submitted to the Council. Clear reasons must be provided for any proposed increase, provision of financial evidence of overheads would be of assistance. The procedure for determining a new table of fares is set out in legislation. There is a requirement to 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 circulates within Caerphilly County Borough. 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.

3.20 Licence Fees

3.20.1 All licence fees are reviewed on an annual basis, the underlying principle in setting fees is that a Council must not use fees to make a profit or act as an economic deterrent to businesses operating in their area. Charges must be reasonable and proportionate to the cost of the processes associated with the licensing regime. There is a legislative requirement that fees in respect of vehicles must be advertised and are subject to a consultation period. Licence fees shall be published on the Council's web site.

PART 4

4.1 LICENSING REQUIREMENTS

4.2 Hackney carriage and private hire vehicle licences will remain in force for a period of one year unless the Council specifies a lesser period, revokes or suspends the licence.

4.3 Proprietors

- 4.3.1 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.
- 4.3.2 As part of the application process the Council will require proof of proprietorship by way of a bill of sale, a hire/purchase/lease agreement together with the registration document. The registration document in relation to those proprietors who have a fleet of 50 or more licensed vehicles may be substituted by a V5 online confirmation. In these instances sight of the letter confirming the V5 registration will be required prior to licensing.

4.4 Transfer of ownership

- 4.4.1 If a proprietor transfers his interest in a licensed vehicle to another person they must within 14 days after the transfer notify the Council in writing of the name and address of the person to whom the hackney carriage or private hire vehicle has been transferred. Any benefits accrued by the original owner in respect of grandfather rights etc, are not transferable and on renewal of the vehicle licence the proprietor will be subject to any licensing requirements in place at that time.

4.5 Converting vehicle to different licence type

- 4.5.1 If a proprietor wishes to convert an existing licensed vehicle from one category to another, i.e. private hire to hackney carriage or vice versa, they will be obliged to surrender the original licence and make a new application for the licence which they wish to convert the vehicle to. There is no refund of any portion of the licence fees paid in respect of the original licence and no discount on the fees due in respect of the new licence. Applications for the new licence will be treated as a new grant and the vehicle will be required to comply with the criteria for the initial grant of a licence. In the event that the vehicle cannot comply with any licensing criteria such as the age rule, the matter will be referred to the relevant committee for determination. The proprietor will be expected to set out their reasons as to why the committee should go behind its policy and the new licence granted.

4.6 Intended Use Policy

- 4.6.1 Applicants for the grant or renewal of hackney carriage licences will be expected to demonstrate a bona fide intention to operate predominantly within the administrative area of Caerphilly County Borough Council under the terms of the licence for which application is being made.

4.6.2 There will be a presumption that applicants who do not intend to predominantly operate within this area will not be granted a hackney carriage licence authorising them to do so. Even where the applicant intends to operate predominantly in this area, if the intention is to also trade 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) then, subject to the merits of the particular application, there will be a presumption that the application will be refused. The Intended Use Policy is attached as Appendix G (Policy – Intended Use) .

4.7 Vehicles

4.7.1 Vehicles must be suitable in type, size and design for use as a licensed vehicle. The Council will licence any vehicle up to a maximum of eight seats (excluding the driver) provided it complies with the Council's criteria.

4.7.2 Due to the different standards and requirements adopted by other Licensing Authorities, Caerphilly Council may not permit vehicles licensed with another Authority to be licensed with this authority.

4.8 Pre-assessments.

4.8.1 All vehicles to be licensed for the first time will be subject to a pre-assessment conducted by licensing officers. The pre-assessment will consist of checking the vehicle against the Council's policy and vehicle specification. This may include passenger facilities, accessibility, assessing the percentage of light transmission through rear windows, etc. Officers will not conduct any mechanical examination of the vehicle, but may note any issues of concern to be referred to the Council's approved testing facility for assessment.

4.9 Vehicle Inspection

4.9.1 All vehicles will be inspected by the Council's approved testing facility to ascertain if the vehicle complies with the vehicle inspection standard adopted by the Council. The compliance check reflects the vehicle inspection standard adopted by the Council as attached as Appendix I. The compliance check incorporates the requirements of an MOT and a number of other additional elements, as such satisfactory vehicles will be issued with a compliance and MOT certificate. Compliance certificates are only valid for licensing purposes for 14 days between the date of test and the application for licence.

4.9.2 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.

- 4.9.3 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 notice the vehicle licence will be deemed to be revoked.
- 4.9.4 Alternative inspection arrangements are necessary in respect of those vehicles with a wheel base in excess of 3.9 metres (measured between front and rear axles). The alternative arrangements are subject to discussion with the licensing office.
- 4.9.5 The testing frequency is dependent on age of the vehicle which is determined primarily by its date of registration, or if imported the date of manufacture. A compliance check pass certificate is required on the following occasions:
- New applications
 - Renewal of a licence
 - Vehicles under 10 year from date of registration – annual tests
 - Vehicles over 10 years from date of registration – bi annual tests
 - And, at the request of the LA where deemed necessary

4.10 Hydraulic Lifts

- 4.10.1 Where a vehicle has been fitted with a purpose designed wheelchair lift it shall conform to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), a report must be supplied confirming that the lifting equipment is safe to use. The report must be submitted to the Licensing Section before a vehicle licence can be issued. Satisfactory LOLER reports are required every six (6) months, or until such time as the vehicle is no longer licensed as a Hackney Carriage/Private Hire vehicle.
- 4.10.2 Failure to produce satisfactory LOLER reports in a timely fashion will result in the vehicle being subject to a suspension notice under Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 and suspended until such time as a valid certificate is produced.

4.11 Exemption from any restriction or requirements

- 4.11.1 Vehicle proprietors may seek exemption from limitations as set out in the policy. Any request for exception or exemption from such limitations will be subject to the decision of a licensing committee. It is not possible to predict every exception or exemption which may be applied for, however in the main requests are made regarding the age of the vehicle on first licensing, depth of window tinting and display of plates. In order to assist a committee in its deliberations proprietors are advised to provide as much information as possible in support of their case, guidance as to the type of supporting information is available at Appendix F (Guidance - Exceptional Circumstances)

4.12 Display of Licence Plates

- 4.12.1 In accordance with Section 48(6)(a) relating to Private Hire Vehicles and Section 47(1) of the LG (MP) A relating to Hackney Carriages, the vehicles will carry licence plates approved by the LA. A licence plate shall be affixed to the rear of the vehicle directly above, below, or 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 nuts and bolts, self-tapping screws or rivets, or indirectly by means of a bracket supplied by the Council. Interior plates shall be fixed to the interior of the vehicle as prescribed by the Council and shall be easily observed by the passengers.
- 4.12.2 From time to time the Council may require additional licence indicators to be displayed on the vehicle. Directions will be provided as to how such materials are to be displayed and non-compliance will be considered to be a breach of the terms and conditions of the licence.
- 4.12.3 The loss or damage of a vehicle licence plate shall immediately be reported to the Council so that a replacement can be obtained. Proprietors must contact the police and advise that one or more of their plates have been lost or stolen and obtain a crime reference number. Replacements will not be issued unless a crime reference number is provided. Until a new licence plate is issued the vehicle should not be used for the carriage of fare paying passengers.
- 4.12.4 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). It would not be necessary to return the plates where a suspension was in place simply to allow the remedy of any minor fault. If plates are not returned to the Licensing Authority, the proprietor could be liable to prosecution. Any authorised officer of the Council or the Police is entitled to remove and retain the said plate.
- 4.12.5 The vehicle licence plates remain the property of the Council at all times and shall not be copied or used in a fraudulent manner.

4.13 Exemption from Display of Plates

- 4.13.1 The Council recognises that because of the nature of their business, some private hire vehicle proprietors may wish to apply for exemption from displaying the Council's licence plates. Details of vehicles, make, model and registration numbers must be provided to the licensing section together with clear reasons for this exemption request whereupon the matter will be referred to the committee for determination. Guidance on Exceptional Circumstances which may be taken into account is set out in Appendix F (Guidance Exceptional Circumstances). The policy is attached as Appendix H (Policy – Exemption from the requirement to display licence plates).

4.13.2 Where the relevant committee determines that an exemption may be granted the authorisation may specify times and occasions when the exemption will apply. Each application shall be treated on its own merit, however the following conditions shall always apply to any vehicle granted an exemption:

- (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 authorisation letter must be kept in the vehicle at all times and available for inspection; and
- (d) The internal plate or exemption notice issued by the LA must be displayed on the front window in such a position as to be easily observed by passengers.

4.14 Conditions and Byelaws

4.14.1 The fare paying public expect that licensed vehicles will be suitable for their needs, be maintained in a clean and safe condition. In order to be satisfied that vehicles comply with all expectations licences are issued subject to relevant conditions, hackney carriages are also subject to compliance with the Council's byelaws. The proposed conditions are set out in the attached Appendix A.

5. PART 5

5.1 COMPLAINTS AND ENFORCEMENT

5.1.2 Where evidence is obtained that proprietors or drivers have failed to comply with the terms of their licence, regulations or legislation, or act in a manner contrary to the behaviour expected of licence holders, formal action may be taken. Penalties include verbal and written warnings, suspension of licence, review of licence, revocation of licence and prosecution. Determination of the action to be taken will depend on the seriousness and potential impact on public safety of the offence. First offences may be treated more leniently where there are substantiated mitigating circumstances but a more serious view will be taken of subsequent or persistent contraventions.

5.2 OFFENCES OR BREACH OF CONDITIONS

5.2.1 Unauthorised Advertising on Vehicles

5.2.1.1 The proprietor will be required to remove unauthorised advertising immediately upon notification to do so and may be subject to further action.

5.3 Failure to produce vehicle insurance

5.3.1 Where a proprietor fails, for whatever reason, to produce valid insurance to the Council, a notice suspending the licence shall be issued. Suspensions will only be lifted upon receipt of proof of valid insurance.

5.4 Licence plates

5.4.1 External and internal licence plates are incorrectly affixed to the vehicle.

5.4.2 Licence plates are concealed from public view or are so damaged or defaced as to render them illegible.

5.4.3 Removal of licence plates from the vehicle at any time unless an authorisation of exemption has been granted.

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

5.5.1 Where a proprietor fails to attend a vehicle inspection or is un-cooperative during an inspection, this demonstrates a disregard for the enforcement authority, as such the proprietor may be subject to further action.

5.6 Smoking in vehicle

5.6.1 Proprietors shall take all steps to ensure that the driver does not smoke in a licensed vehicle or permits smoking in a licensed vehicle. Where a driver contravenes this legislation the proprietor/driver may be subject to further action.

6. PART 6

6.1 DETERMINATION OF APPLICATIONS AND REVIEWS

6.1.1 Non contentious applications will be determined by officers without recourse to the relevant licensing committee. The following matters will be referred to the relevant licensing committee for determination:

- Contentious applications
- Requests for exemption from specific elements of this policy
- Non-compliance with the terms and conditions attached to the vehicle licence
- Any other issues as appear appropriate to senior licensing officers.

6.1.2 Matters referred to the relevant licensing committee will be considered at a specifically convened hearing.

6.2 Hearings

6.2.1 Hearings of the relevant 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.

6.2.2 The 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 relevant parties or the public, or whether documents which are being considered by the committee should be excluded from publication and make a ruling accordingly.

6.2.3 The procedure to be followed at a hearing will be notified to attendees in advance of the hearing.

6.3 Right of Appeal

6.3.1 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

6.3.2 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.

6.3.3 The statutory rights of appeal in connection with 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.

6.3.4 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 is served with the decision of the Council in writing. This will normally occur at the same time as the verbal delivery of the decision however if the written determination is to be provided at a later date the Interpretation Act 1978 gives that service is deemed to be effected at the time that a letter would be delivered in the

ordinary course of the post. Therefore the 21 day period does not commence until service is deemed to be effected.

PROPOSED – LICENCE CONDITIONS

- A. Hackney Carriages
- B. Private Hire Vehicles

A. HACKNEY CARRIAGES

Please note that further conditions may be added following determination of the draft policy.

In these conditions, unless the subject or context otherwise requires:-

- ‘The Council’ means the Caerphilly County Borough Council.
 - ‘Authorised Officer’ means an Officer of the Council authorised by the Head of Public Protection of the Council for the purposes of these conditions.
 - ‘Hackney Carriage’ has the same meaning as in the Town Police Clauses Act 1847.
 - ‘The Vehicle’ means the hackney carriage in respect of which the licence is issued.
 - ‘Proprietor’ means any interested party or parties named in the licence who is concerned in the keeping, employing or letting on hire of the hackney carriage.
 - ‘Licence Plate’ means the plate issued by the Council for the purposes of identifying the vehicle as a licensed Hackney Carriage.
 - The Proprietor shall observe and perform the following terms and conditions in respect of hackney carriage licences.
1. The proprietor shall ensure that the fire extinguisher and first aid kit are maintained in good working order at all times and are readily available for use, they shall be permanently marked with the registration mark of the vehicle or the licence number.
 2. Any luggage carried in the vehicle must be stored in such a way as to prevent it from coming into contact with any passenger. (Such as provision of grilles / tonneau covers or other appropriate devices where access to the luggage area is not restricted such as in estate cars)
 3. The vehicle shall be fitted with a roof sign that has been wired to the taxi meter so as to enable it to be illuminated when available for hire and extinguished during the carriage of a fare for which the meter is in operation.
 4. The roof sign (or Top Light) shall be securely 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. The sign must be maintained and in good working order at all times.

5. There shall be adequate internal light to enable passengers to enter and exit the vehicle. Interior lights for the use of passengers shall be maintained in proper working order.
6. The exterior of the vehicle shall be maintained and kept in a good and clean condition which includes the quality of paintwork, physical condition including doors, wings and bumpers. It shall be free from rust, holes, damaged metalwork or any other visible damage.
7. The interior of the vehicle shall be kept in good condition, clean and free from any damage and contamination. The upholstery, door and head linings shall be kept in a clean condition without any tears, holes or other damage. Seats shall be properly cushioned and be undamaged. Floor coverings shall be regularly cleaned so as to prevent any accumulations of dirt or rubbish.
8. There shall be sufficient space for passenger luggage which shall be kept in a clean condition and shall not be used for storage/carriage of the driver's or proprietor's personal property other than that which may be required for the maintenance and cleaning of the vehicle.
9. Wheelchair accessible vehicles only, shall carry and maintain in good condition securing straps, ramps and steps, and any other relevant equipment complying with current British Standards to enable a person in a wheelchair to gain entry to and egress from the vehicle and to be properly secured when travelling.
10. The proprietor shall ensure that the driver complies with any reasonable request by the passenger in respect of reducing the volume or terminating any music or radio transmissions in the vehicle.
11. The proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided;
12. The proprietor of a hackney carriage shall cause the table of fares fixed by the Council to be exhibited inside the carriage, being clearly distinguishable letters and figures, together with a notice displaying the limitations on the fare rates and charges to be made;
13. The proprietor shall not tamper with or permit any person to tamper with the roof sign and the taxi meter with which the carriage is provided with the fitting thereof, or with any seals affixed thereto;
14. The proprietor of a hackney carriage, when standing or plying for hire, shall not by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose;

15. The proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for hackney carriage purposes issued in accordance with the requirements of Part VI of the Road Traffic Act 1972;
16. The proprietor shall provide proof that the vehicle is insured during the period of the licence on request of an authorised officer of the Council.
17. The proprietor shall, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Licensing Section of the Council;
18. The proprietor shall, during the period of the licence, keep in force the vehicle excise duty, unless an exemption is held.
19. The proprietor shall report to the Council within 72 hours, any accident to the vehicle, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Council will require any vehicle, which has been involved in an accident, to be inspected and tested by the Council's Approved Examiner.
20. The proprietor shall permit an authorised Officer of the Council or Police Officer to inspect and test a vehicle or any taxi meter affixed to such vehicle at all reasonable times.
21. Any alteration in the design of the vehicle, whether to the machinery or to the body, shall be reported to the Licensing Section of the Council.

Issue and Display Licence Plates

22. The external licence plate to be fixed and displayed on the rear of the vehicle immediately above or below the bumper or in such a position as agreed by the licensing authority, with the details of the licence plate facing outwards, and in such a place that the licence plate and vehicle registration mark is clearly visible.
23. The licence plates shall remain the property of the Council and shall be returned to the Licensing Section if the licence is suspended, revoked or expires.

Towing Trailers

24. The proprietor shall notify the Council in writing of any intention to use the vehicle for the towing of trailers and shall provide a copy of the vehicle's insurance, covering towing of trailers. The proprietor shall ensure that the driver has the appropriate category listed on their DVLA driving licence for this purpose.

25. 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.
26. The trailer shall be inspected by the Council's Approved Examiner's and a satisfactory inspection sheet lodged with the council prior to the trailer being used in conjunction with a licensed vehicle.
27. The proprietor shall obtain at their own cost from the Council a duplicate licence plate for display on the rear of the trailer in addition to the licence plate on the rear of the hackney carriage/private hire vehicle.

CCTV (Please refer to guidance on CCTV contained in the Council's policy)

The following conditions in respect of CCTV shall apply only if a CCTV system is installed in the vehicle.

28. The installation and operation of in-vehicle CCTV shall comply with the requirements of the Information Commissioner's CCTV Code of Practice.
29. 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.
30. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.
31. CCTV equipment shall be e-marked or CE-marked and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles.
32. 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.
33. 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.
34. CCTV equipment shall not obscure the view of the road through the windscreen.
35. CCTV 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.

36. Screens for the purposes of viewing captured images in the vehicle are not permitted.
37. Camera Activation Methods - may be via a number and combination of options, such as – door switches, time delay and drivers' panic button. Direct wired links to a taximeter is not permitted.
38. Audio recording is not permitted.
39. Image Security - Images captured must remain secure at all times. 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. [Advisory - 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.]
40. Retention of CCTV images - In-vehicle CCTV equipment 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.

41. In-vehicle CCTV equipment 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.
42. Signage - All licensed vehicles with in-vehicle CCTV must display clear and prominent signs advertising the use of in-vehicle CCTV. 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
43. Recording devices (often referred to as 'dashboard cams') used to record traffic and motoring incidents and telephones, or any other equipment which doesn't comply with the ICO guidance shall not be used to record the interior of the vehicle whilst carrying fare paying passengers (this includes passengers being carried as part of any contract).

Advertising

44. A wheelchair accessible sign may be displayed on a wheelchair accessible vehicle without authorisation but must not exceed 300mm x 210mm in size.
45. 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.
- 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.
46. Advertising approval is not transferable between vehicles. Where a vehicle is changed new approval must be obtained and all decisions will be based on the criteria laid down in this Policy.
47. 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.
48. All advertisements must conform with the standards of the Advertising Standards Authority in all matters relating to good taste, both in content and appearance and must not relate to matters concerning the following:
- Alcohol, sale or consumption
 - Tobacco, sale or use of
 - Illegal substances - drugs
 - Any sexual content (which includes nudity and venues offering sales of adult items and adult sexual entertainment)
 - Gambling (which includes, gaming machines, lotteries, gambling premises, etc.)
 - New psychoactive substance – NPS (commonly referred to as legal highs)
 - Nicotine inhaling devices – NIDs (commonly referred to as e-cigarettes)
 - Recruitment of new drivers
 - Vehicle for sale

- Credit services
- Any other material as notified by the Council in writing.

B. PRIVATE HIRE VEHICLES

Please note that further conditions may be added following determination of the draft policy.

In these conditions, unless the subject or context otherwise requires:-

- 'The Council' means the Caerphilly County Borough Council.
 - 'Authorised Officer' means an Officer of the Council authorised by the Head of Public Protection of the Council for the purposes of these conditions.
 - 'The Vehicle' means the private hire vehicle in respect of which the licence is issued.
 - 'Proprietor' means any interested party or parties named in the licence who is concerned in the keeping, employment or letting on hire of the private hire vehicle.
 - 'Licence Plate' means the plate issued by the Council for the purposes of identifying the vehicle as a licensed private hire vehicle.
 - The Proprietor shall observe and perform the following terms and conditions in respect of the private hire vehicle licence.
1. The proprietor shall ensure that the fire extinguisher and first aid kit are maintained in good working order at all times and are readily available for use, they shall be permanently marked with the registration mark of the vehicle or the licence number.
 2. Any luggage carried in the vehicle must be stored in such a way as to prevent it from coming into contact with any passenger. (Such as provision of grilles / tonneau covers or other appropriate devices where access to the luggage area is not restricted such as in estate cars)
 3. There shall be adequate internal light to enable passengers to enter and exit the vehicle. Interior lights for the use of passengers shall be maintained in proper working order.
 4. The exterior of the vehicle shall be maintained and kept in a good and clean condition which includes the quality of paintwork, physical condition including doors, wings and bumpers. It shall be free from rust, holes, damaged metalwork or any other visible damage.
 5. The interior of the vehicle shall be kept in good condition, clean and free from any damage and contamination. The upholstery, door and head linings shall be kept in a clean condition without any tears, holes or other damage. Seats shall be properly

cushioned and be undamaged. Floor coverings shall be regularly cleaned so as to prevent any accumulations of dirt or rubbish.

6. There shall be sufficient space for passenger luggage which shall be kept in a clean condition and shall not be used for storage/carriage of the driver's or proprietor's personal property other than that which may be required for the maintenance and cleaning of the vehicle.
7. Wheelchair accessible vehicles only, shall carry and maintain in good condition securing straps, ramps and steps, and any other relevant equipment complying with current British Standards to enable a person in a wheelchair to gain entry to and egress from the vehicle and to be properly secured when travelling.
8. The proprietor shall ensure that the driver complies with any reasonable request by the passenger in respect of reducing the volume or terminating any music or radio transmissions in the vehicle.
9. The proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided;
10. The proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for private hire vehicle purposes issued in accordance with the requirements of Part VI of the Road Traffic Act 1972;
11. The proprietor shall provide proof that the vehicle is insured during the period of the licence on request of an authorised officer of the Council.
12. The proprietor shall, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Licensing Section of the Council;
13. The proprietor shall, during the period of the licence, keep in force the vehicle excise duty, unless an exemption is held.
14. The proprietor shall report to the Council within 72 hours, any accident to the vehicle, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Council will require any vehicle, which has been involved in an accident, to be inspected and tested by the Council's Approved Examiner.
15. The proprietor shall permit an authorised Officer of the Council or Police Officer to inspect and test a vehicle or any taxi meter affixed to such vehicle at all reasonable times.
16. Any alteration in the design of the vehicle, whether to the machinery or to the body, shall be reported to the Licensing Section of the Council.

Issue and Display Licence Plates

17. The external licence plate to be fixed and displayed on the rear of the vehicle immediately above or below the bumper or in such a position as agreed by the licensing authority, with the details of the licence plate facing outwards, and in such a place that the licence plate and vehicle registration mark is clearly visible.
18. The licence plates shall remain the property of the Council and shall be returned to the Licensing Section if the licence is suspended, revoked or expires.

Towing Trailers

19. The proprietor shall notify the Council in writing of any intention to use the vehicle for the towing of trailers and shall provide a copy of the vehicle's insurance, covering towing of trailers. The proprietor shall ensure that the driver has the appropriate category listed on their DVLA driving licence for this purpose.
20. 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.
21. The trailer shall be inspected by the Council's Approved Examiner's and a satisfactory inspection sheet lodged with the council prior to the trailer being used in conjunction with a licensed vehicle.
22. The proprietor shall obtain at their own cost from the Council a duplicate licence plate for display on the rear of the trailer in addition to the licence plate on the rear of the hackney carriage/private hire vehicle.

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24. 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.

25. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle.
26. CCTV equipment shall be e-marked or CE-marked and be confirmed by the equipment manufacturer as being suitable for use in motor vehicles.
27. 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.
28. 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.
29. CCTV equipment shall not obscure the view of the road through the windscreen.
30. CCTV 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.
31. Screens for the purposes of viewing captured images in the vehicle are not permitted.
32. Camera Activation Methods - may be via a number and combination of options, such as – door switches, time delay and drivers' panic button. Direct wired links to a taximeter is not permitted.
33. Audio recording is not permitted.
34. Image Security - Images captured must remain secure at all times. 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. [Advisory - 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.]
35. Retention of CCTV images - In-vehicle CCTV equipment 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.

36. In-vehicle CCTV equipment 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.
37. Signage - All licensed vehicles with in-vehicle CCTV must display clear and prominent signs advertising the use of in-vehicle CCTV. 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
38. Recording devices (often referred to as 'dashboard cams') used to record traffic and motoring incidents and telephones, or any other equipment which doesn't comply with the ICO guidance shall not be used to record the interior of the vehicle whilst carrying fare paying passengers (this includes passengers being carried as part of any contract).

Advertising

39. A wheelchair accessible sign may be displayed on a wheelchair accessible vehicle without authorisation but must not exceed 300mm x 210mm in size.
40. 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.
 - 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.
41. Advertising approval is not transferable between vehicles. Where a vehicle is changed new approval must be obtained and all decisions will be based on the criteria laid down in this Policy.
42. 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.

43. All advertisements must conform with the standards of the Advertising Standards Authority in all matters relating to good taste, both in content and appearance and must not relate to matters concerning the following:

- Alcohol, sale or consumption
- Tobacco, sale or use of
- Illegal substances - drugs
- Any sexual content (which includes nudity and venues offering sales of adult items adult sexual entertainment)
- Gambling (which includes, gaming machines, lotteries, gambling premises, etc.)
- New psychoactive substance – NPS (commonly referred to as legal highs)
- Nicotine inhaling devices – NIDs (commonly referred to as e-cigarettes)
- Recruitment of new drivers
- Vehicle for sale
- Credit services
- Any other material as notified by the Council in writing.

APPENDIX B

CURRENT HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE CONDITIONS AND HACKNEY CARRIAGE BYELAWS.

Please note this Appendix is for information only.

- A. Hackney Carriage Current Conditions of Licence
- B. Private Hire Vehicle Current Conditions of Licence
- C. Hackney Carriage Byelaws

A. HACKNEY CARRIAGE CURRENT CONDITIONS OF LICENCE

In these conditions, unless the subject or context otherwise requires:-

'The Council' means the Caerphilly County Borough Council.

'Authorised Officer' means an Officer of the Council authorised in writing by the Head of Public Protection of the Council for the purposes of these conditions.

'Hackney Carriage' has the same meaning as in the Town Police Clauses Act 1847.

'The Vehicle' means the hackney carriage in respect of which the licence is issued.

'Proprietor' means any interested party or parties named in the licence who is concerned in the keeping, employed or letting on hire of the private hire vehicle.

'Licence Disc' and 'Licence Plate' means the disc and plate issued by the Council for the purposes of identifying the vehicle as a licensed private hire vehicle.

The Proprietor shall observe and perform the following terms and conditions in respect of hackney carriage licences.

1. General Conditions

- (i) the licence shall remain in force for a period of one year;
- (ii) the hackney carriage shall be subject to, with the exception of fares or distance specified in the Council's byelaws under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages in the district of Caerphilly County Borough Council, the provisions specified in the said byelaws, insofar as they do not conflict with these conditions, in which case the conditions shall prevail;
- (iii) the proprietor is advised that if the hackney carriage is suspended by an authorised Officer of the Council or Police Officer, for any reasons, the vehicle is not covered for MOT purposes under the Council's exemption certificate;

- (iv) the proprietor shall notify the Council, in writing, within seven days, if the information supplied in his application for a hackney carriage is altered for any reason. Failure to do so may result in the suspension of the licence;
- (v) should the proprietor of a hackney carriage transfer his interest in the vehicle to a person other than the proprietor whose name is specified in the licence, he shall, within fourteen days after the transfer, notify the Council in writing, of the name and address of the person or persons to whom the vehicle has been transferred. In so doing, the proprietor must also notify the Council of any transfer of ownership of the meter.
- (vi) The Council may decide to suspend, revoke or refuse to renew any licence in respect of a hackney carriage for any reasonable cause, including:-
 - (a) that the vehicle is unfit for use as a hackney carriage;
 - (b) any offence under or non-compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 on the part of the proprietor;
- (vii) any person who commits an offence against any of the provisions of these conditions or Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding one thousand pounds (£1,000).

2. **Conditions of Licence**

- (i) the proprietor shall ensure that the fire extinguisher and first aid kit fixed in the vehicle are maintained in good working order at all times and readily available for use;
- (ii) the proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided;
- (iii) the proprietor of a hackney carriage shall cause the table of fares fixed by the Council to be exhibited inside the carriage, being clearly distinguishable letters and figures, together with a notice displaying the limitations on the fare rates and charges to be made;
- (iv) the proprietor shall not tamper with or permit any person to tamper with the roof sign and the taxi meter with which the carriage is provided with the fitting thereof, or with the seals affixed thereto;
- (v) the proprietor of a hackney carriage, when standing or plying for hire, shall not by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose;
- (vi) the proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for hackney carriage purposes issued in accordance with the requirements of Paragraph VI of the Road Traffic Act 1972;

- (vii) the Council will require proof that the vehicle is insured during the period of the licence and on receipt of a notice, in writing, the proprietor shall produce, within seven days from the date of notice, a current insurance certificate/cover note for hackney carriage purposes to an authorised Officer of the Council at Pontllanfraith, Blackwood. Failure to produce proof of insurance, as above, will result in the suspension of licence;
- (viii) the proprietor is advised that, in any event, he should, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Council;
- (ix) the proprietor shall, during the period of the licence, keep in force a current vehicle excise licence.
- (x) the proprietor shall report to the Council within 72 hours, any accident to the vehicle, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Council will require any vehicle, which has been involved in an accident, to be inspected and tested by the Council's Approved Examiner. If the vehicle is unroadworthy and is therefore unavailable for testing following an accident, the licence will be suspended. If the Council's Approved Examiner is not satisfied as to the fitness of the vehicle before the expiration of two months from the date of notice of suspension or the proprietor fails to produce a current certificate issued by the Council's Approved Examiner confirming the vehicle's mechanical fitness, the licence will be revoked;
- (xi) the proprietor shall permit an authorised Officer of the Council or Police Officer to inspect and test a vehicle or any taxi meter affixed to such vehicle at all reasonable times. If the Officer is not satisfied as to the fitness of the hackney carriage or as to the accuracy of the taxi meter, he may by a written notice, suspend the vehicle and require the proprietor to produce the vehicle for further inspection and testing at such reasonable time and place as may be specified in the notice. The disc and plate shall, on suspension of the licence, be handed to or removed by the Officer but will be returned upon reinstatement of the licence. If the Officer or Council's Approved Examiner however is not satisfied as to the fitness of the vehicle before the expiration of two months from the date of the suspension notice, the licence shall be revoked;
- (xii) in the event of a vehicle licence being suspended under (x) and (xi) above, the licence disc and plates shall be immediately surrendered to the authorised Officer or Police Officer and shall be held by the Council, pending the testing of the vehicle;
- (xiii) the proprietor shall, on receipt of notice in writing from the Council, present the vehicle for inspection and testing to the Council's Approved Examiner. The separate occasions of inspection and testing shall not exceed three in number in any one period of 12 months and a test shall not be required within two months of a previous test when the vehicle was found to be satisfactory. This, however, does not include the inspection and testing of vehicles following an accident or vehicles which have been inspected in accordance with conditions (xi) above;

- (xiv) any alteration in the design of the vehicle, whether to the machinery or to the body, shall be reported to the Council, who may require the proprietor to submit the vehicle for further examination.

3. **Issue and Display Disc and Plates**

- (i) on the issue of a licence the proprietor shall pay to the Council, an appropriate refundable deposit in respect of the licence plates. These plates, together with the licence disc issued, shall be fixed and displayed on the vehicle as follows:-
 - (a) the licence disc to be fixed and displayed inside the vehicle in the lower left hand corner of the windscreen;
 - (b) the small licence plate to be fixed and displayed inside the front of the vehicle in full display of all passengers;
 - (c) the large licence plate to be fixed and displayed outside and on the rear of the vehicle immediately above or below the bumper or in such a position as agreed by the licensing authority, with the details of the licence plate facing outwards, and in such a place that the licence plate and vehicle registration mark is clearly visible.
- (ii) failure to display the licence disc and plates in accordance with the above, will result in the suspension of the licence;
- (iii) the licence disc and licence plates shall remain the property of the Council and in the event that the licence is suspended, revoked or expired, shall be returned to the Council within seven days from the date of the notice served on the proprietor by the Council. Failure to do so will result in legal proceedings being taken to recover the licence plates;
- (iv) the Licensee is advised that the refund of a deposit will only apply to the voluntary return of plates and will not include plates that have been returned following prosecution by the Council, for non-return of plates by the proprietor, or confiscation by an authorised Officer of the Council or Police Officer.

B. PRIVATE HIRE VEHICLE CURRENT LICENCE CONDITIONS

In these conditions, unless the subject or context otherwise requires:-

'The Council' means the Caerphilly County Borough Council.

'Authorised Officer' means an Officer of the Council authorised in writing by the Chief Trading Standards Officer of the Council for the purposes of these conditions.

'Hackney Carriage' means a vehicle licensed by the Council under the Town Police Clauses Act 1847, which may ply for hire from a designated stand or rank or in any street or public road.

'The Vehicle' means the private hire vehicle in respect of which the licence is issued.

'Proprietor' means any interested party or parties named in the licence who is concerned in the keeping, employing or letting on hire of the private hire vehicle.

'Licence Disc' and 'Licence Plate' means the disc and plate issued by the Council for the purposes of identifying the vehicle as a licensed private hire vehicle.

The Proprietor shall observe and perform the following terms and conditions in respect of private hire vehicle licences.

1. General Conditions

- (i) the licence shall remain in force for a period of one year.
- (ii) the proprietor is advised that the vehicle must at all times operate through a private hire vehicle operator licensed with this Council. The vehicle is not allowed to ply for hire on a street, public road or hackney carriage stand/rank in the same way as a hackney carriage;
- (iii) the proprietor is advised that if the private hire vehicle licence is suspended by an authorised Officer of the Council or Police Officer, for any reason, the vehicle is not covered for MOT purposes under the Council's exemption certificate;
- (iv) the proprietor shall notify the Council in writing within seven days, if the information supplied in his application for a private hire vehicle licence is altered for any reason, including any change of private hire vehicle operator. Failure to do so may result in the suspension of the licence;
- (v) should the proprietor of a private hire vehicle transfer his interest in the vehicle to a person other than the proprietor whose name is specified in the licence, he shall within fourteen days after the transfer, notify the Council, in writing, of the name and address of the person or persons to whom the vehicle has been transferred;
- (vi) the Council may decide to suspend, revoke or refuse to renew any licence in respect of a private hire vehicle for any reasonable cause, including:-
 - (a) that the vehicle is unfit for use as a private hire vehicle;

- (b) any offence under or non compliance with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 on the part of the proprietor.
- (vii) any person who commits an offence against any of the provisions of these conditions or Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding one thousand pounds (£1,000).

2. **Conditions of Licence**

- (i) the proprietor shall ensure that the fire extinguisher and first aid kit fixed in the vehicle are maintained in good working order at all times and readily available for use;
- (ii) the proprietor shall not allow a greater number of persons, exclusive of the driver, to be carried in the vehicle, than the number of persons specified in the licence and the licence plate provided;
- (iii) the proprietor shall, during the period of the licence, keep in force an appropriate policy of insurance for private hire purposes issued in accordance with the requirements of Paragraph VI of the Road Traffic Act 1972;
- (iv) the Council will require proof that the vehicle is insured during the period of the licence and on receipt of a notice, in writing, the proprietor shall produce, within seven days from the date of notice, a current insurance certificate/cover note for private hire purposes to an authorised Officer of the Council at Pontllanfraith, Blackwood. Failure to produce proof of insurance, as above, will result in the suspension of licence;
- (v) the proprietor is advised that, in any event, he should, following the expiry of an insurance certificate/cover note, produce a current insurance policy to the Council;
- (vi) the proprietor shall, during the period of the licence, keep in force a current vehicle excise licence;
- (vii) the proprietor shall report to the Council within 72 hours, any accident to the vehicle, causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of persons carried therein. The Council will require any vehicle, which has been involved in an accident, to be inspected and tested by the Council's Approved Examiner. If the vehicle is unroadworthy and is therefore unavailable for testing following an accident, the licence will be suspended. If the Council's Approved Examiner is not satisfied as to the fitness of the vehicle before the expiration of two months from the date of notice of suspension or the proprietor fails to produce a current certificate issued by the Council's Approved Examiner confirming the vehicle's mechanical fitness, the licence will be revoked.
- (viii) the proprietor shall permit an authorised Officer of the Council or Police Officer to inspect and test a vehicle at all reasonable times. If the Officer is not satisfied as

to the fitness or condition of the vehicle he may by a written notice, suspend the vehicle and require the proprietor to produce the vehicle for further inspection and testing at such reasonable time and place as may be specified in the notice. The disc and plate shall on suspension of the licence be handed to or removed by the Officer, but will be returned upon reinstatement of the licence. If the Officer or Council's Approved Examiner, however, is not satisfied as to the fitness of the vehicle before the expiration of two months from the date of the suspension notice, the licence shall be revoked.

- (ix) In the event of a vehicle licence being suspended under (vii) and (viii) above, the licence disc and plates shall be immediately surrendered to the authorised Officer or Police Officer and shall be held by the Council, pending the testing of the vehicle;
- (x) The proprietor shall, on receipt of notice in writing from the Council, present the vehicle for inspection and testing to the Council's Approved Examiner. The separate occasions of inspection and testing shall not exceed three in number in any period of 12 months and a test shall not be required within two months of a previous test when the vehicle was found to be satisfactory. This, however, does not include the inspection and testing of vehicles following an accident or vehicles which have been inspected in accordance with condition (viii) above;
- (xi) Any alteration in the design of the vehicle, whether to the machinery or to the body, shall be reported to the Council, who may require the proprietor to submit the vehicle for further examination.

3. **Issue and Display of Licence Disc and Plates**

- (i) on the issue of a licence the proprietor shall pay to the Council an appropriate refundable deposit in respect of the licence plates. These plates, together with the licence disc issued, shall be fixed and displayed on the vehicle as follows:-
 - (a) the licence disc to be fixed and displayed inside the vehicle on the lower left hand corner of the windscreen;
 - (b) the small licence plate to be fixed and displayed inside the front of the vehicle in full display of all passengers;
 - (c) the large licence plate to be fixed and displayed outside and on the rear of the vehicle immediately above or below the bumper or in such a position as agreed by the licensing authority, with the details of the licence plate facing outwards, and in such a place that the licence plate and vehicle registration mark is clearly visible.
- (ii) failure to display the licence disc and plates in accordance with the above, will result in the suspension of the licence;
- (iii) the licence disc and licence plates shall remain the property of the Council and in the event that the licence is suspended, revoked or expired, shall be returned to the Council within seven days from the date of the notice served on the proprietor

by the Council. Failure to do so will result in legal proceedings being taken to recover the licence plates;

- (iv) the Licensee is advised that the refund of a deposit will only apply to the voluntary return of plates and will not include plates that have been returned following prosecution by the Council, for non return of plates by the proprietor, or confiscation by an authorised Officer of the Council or Police Officer.

4. **Signs on Private Hire Vehicles**

- (i) in accordance with the Transport Act 1980, the proprietor shall not display or allow to be displayed on the vehicle or above the roof of a private hire vehicle:-
 - (a) any sign which consists of or includes the word “taxi” or “cab”, whether in the singular or plural, or “hire” or any word of similar meaning or appearance to any of those words, whether alone or as part of another word; or
 - (b) any sign, notice, mark, illumination or other feature, which may suggest that the vehicle is a taxi, i.e. hackney carriage.
- (ii) any person who knowingly drives a vehicle in respect of which the above is contravened or causes or permits the above to be contravened in respect of any vehicle, shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale under the Criminal Justices Act 1982, which is at present £1,000.

C. HACKNEY CARRIAGE BYELAWS

Please note that Hackney Carriage Byelaws are not subject to any change.

Made by Caerphilly County Borough Council under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875, with respect to Hackney Carriages in the County Borough of Caerphilly. Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Council of the County Borough of Caerphilly with respect to hackney carriages in Caerphilly County Borough.

INTERPRETATION

1. Throughout these byelaws:-
 - “THE COUNCIL” means the Council of the County Borough of Caerphilly
 - “TABLE OF FARES” means the table of fares fixed by the Council under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.
 - “THE COUNTY BOROUGH” means the County Borough of Caerphilly.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED

2. The proprietor of a hackney carriage shall:-
3. (a) cause to be affixed on the outside and inside of the carriage the plates and disc provided by the Council on which shall be marked the number of the licence granted in respect of such carriage in a manner as follows:
namely:-
 - i.* The exterior plate shall be fixed and displayed outside and on the rear of the vehicle and be at all times clearly visible from the rear and be maintained in a clean condition:
 - ii.* The interior plate shall be fixed on the inside of the carriage in such a position as to be easily observed by the passengers:
 - iii.* The licence disc to be fixed and displayed inside the vehicle on the lower left hand corner of the windscreen in order to be clearly visible from the front of the carriage by persons outside the vehicle.
- (b) the 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

4. 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 a 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 a proper carpet, mat or other suitable covering;
 - (f) Cause the fittings 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 and first aid kit which shall be carried in such a position as to be readily available for use;
 - (i) Provide and maintain an electric light in the interior of such carriage;
 - (j) Carry a spare wheel and tyre and suitable tools for the replacement of damaged or punctured tyres;
 - (k) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

5. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter 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 operation 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 tariff fixed by the Council:
 - (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.
6. Every proprietor of a hackney carriage shall cause the same to be provided with a roof sign so constructed as to comply with the following requirements, that is to say:-
- (a) The sign shall bear the words "FOR HIRE" in plain letters at least two inches in height;
 - (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE COUNTY BOROUGH IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY, AND WHAT BADGES

7. 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) As soon as the carriage is hired by distance, and before beginning the journey, 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 the hiring which is during the hours of darkness, this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time at the request of the hirer.
8. 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 fitting thereof, or with the seals affixed thereto.
9. 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.
10. 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.
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. The driver of a hackney carriage shall, when standing or plying for hire, and when hired, display on his person in such a manner as to be plainly visible, the hackney carriage driver's badge issued to him by the Council.
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.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE COUNTY BOROUGH; AND SECURING THE DUE PUBLICATION OF SUCH FARES

- 14. The proprietor or driver of a hackney carriage shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council's table of fares, for the time being in force, which it may not be possible to record on the face of the taximeter.
- 15. The proprietor of a hackney carriage shall cause the table of fares for the time being in force, to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 16. The proprietor or driver of a hackney carriage bearing the table of fares in accordance with the preceding 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 while 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 Council Offices, Ty Penallta, Tredomen Park, Ystrad Mynach, Hengoed and leave it in the custody of the officer in charge of the office on his giving receipt for it;
 - (b) be entitled to receive 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 who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefor.

REPEAL OF BYELAWS

19. The byelaws relating to hackney carriages which were made by the former Rhymney Valley District Council on the 7th day of January, 1975 and which were confirmed by the secretary of State on the 7th day of March 1975 are hereby repealed.

APPENDIX C



LIMOUSINE AND SPECIALIST VEHICLES – ADDITIONAL STANDARD CONDITIONS OF LICENCE

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory built vehicle and vehicles adapted or converted from their original purpose, to carry passengers for hire and reward, e.g. Fire Engines, Ambulances, etc.

The purpose of these conditions is to protect public safety. They apply in addition to the Authority's standard conditions for hackney carriage and private hire vehicles, with the exception that the vehicle will be exempted from the current age restrictions, may be left hand drive, may have darkened glass to the rear passenger windows, may have some side facing seats, and may not have seat belts for all passengers.

They also take account of the fact that stretched limousines and specialist vehicles will:

- i) travel generally at slower speeds than normal taxis
- ii) not normally overtake other vehicles
- iii) be easily recognisable by the hirer
- iv) be heavier and considerably longer than standard cars
- v) usually be adapted or converted by someone other than the original manufacturer.

1. GENERAL

- 1.1 These conditions apply to stretched limousines as defined in paragraphs 1.2, 1.3 and 1.4 below, where the vehicle is constructed or adapted to seat up to 8 passengers.
- 1.2 A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture.
- 1.3 An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford), Cadillac. However other specialist manufacturers may be included.
- 1.4 A specialist vehicle is a vehicle adapted by someone other than the original manufacturer to change the original use of the vehicle to allow it to carry passengers.
- 1.5 For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm (16 inches). 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.

2. CONDITIONS

- 2.1 The originals of the following documentation will be required by the Council before an application can be properly considered:
- (a) Completed importation documentation where applicable and single vehicle approval (SVA) certificate. (Note a Minister's Approval Certificate is not acceptable).
 - (b) DVLA Registration Document (V5).
 - (c) Valid Certificate of Insurance, with cover for hire and reward.
 - (d) Current MOT certificate issued by an approved Testing Station.
 - (e) Valid Road Vehicle Excise Licence disc.
 - (f) 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.
- 2.2 Prior to initial licensing, the vehicle shall be tested at the proprietor's expense, at a garage appointed by the Authority, to ascertain that the vehicle is in a safe and satisfactory condition for the carriage of passengers.
- 2.3 During the period of the licence, the vehicle shall be tested at the proprietor's expense, every 6 months, at a garage appointed by the Authority, to confirm its continued roadworthiness.
- 2.4 The Vehicle shall comply with the following:
- (a) Be equipped with a minimum of four road wheels and a full sized spare wheel.
 - (b) Be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed, evidence of which shall be provided.
 - (c) Seat belts, where fitted, must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
 - (d) 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").
 - (e) Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.
- 2.5 If alcohol is supplied to customers in the vehicle, a Premises Licence under the Licensing Act 2003 must be in place at the premises where the booking of the vehicle took place. No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol. All alcohol will be served in polycarbonate or similar glasses.
- 2.6 Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.

3. ADDITIONAL CONDITIONS FOR SPECIALIST VEHICLES

The following additional conditions shall also apply to specialist vehicles:

1. The driver shall hold a full driving licence suitable for the type of vehicle.
2. Whenever passengers are entering or leaving the vehicle, physical assistance shall be provided by the operator/crew to ensure their safety.
3. The vehicle will have a speed limiter fitted to restrict its maximum speed to 56 m.p.h.
4. Where appropriate, additional footsteps shall be carried and used on the vehicle to facilitate access and egress from the passenger compartment of the vehicle.
5. Where appropriate, all passengers shall be required to enter/leave the vehicle via the passenger doorway adjacent to the pavement.
6. Passengers shall be advised at the time of booking and again on the day of hire that they must not embark or disembark from the vehicle without assistance from the operator/crew.
7. Where the seating arrangements have been changed from the original specification then those seats shall be securely anchored to the floor of the vehicle.
8. Seat belts, where fitted, must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
9. Suitable signage shall be prominently displayed in the passenger compartment advising all passengers to wear seatbelts.
10. It is the driver's responsibility to ensure that all children under the age of 14 years are wearing seatbelts at all times when the vehicle is in motion.
11. All external "lockers" of the vehicle shall be secured to prevent access by passengers or members of the public.
12. The floor area of the vehicle shall be kept clear and unobstructed at all times.
13. All "blue" lights, siren, flashing lights, reflective tape, ladders and any lettering, which may give the public the impression that the vehicle is a fire engine, ambulance, etc, are to be permanently removed.
14. No person involved in the operation of the vehicle may wear a uniform or helmet that may lead a member of the public to believe that that person is a member of the Fire and Rescue or Ambulance Services.
15. The restrictions on access to certain groups of disabled persons shall be advertised to passengers at the time of booking and in any promotional literature and advertisements.
16. An audible alarm system shall be fitted to the rear passenger compartment doors and shall be in a working condition whenever the vehicle is carrying passengers.

APPENDIX D



APPROVED SUPPLIERS OF ELECTRONIC METERS FOR LICENSED HACKNEY CARRIAGES

SUPPLIER		APPROVED METER
1.	<p>South Wales Factors 143-145 Cowbridge Road West Ely, Cardiff (Mobile Service)</p> <p>Fax/Tel. No. 02920 560278 (Mobile) 07850 607403/07782 263983</p>	Hac, Viking 4, Euro MK 2 & Cygnus
2.	<p>Sovereign Automotive Limited 29 East Street, Epsom Surrey KT17 1BD</p> <p>Tel: 0800 011 3519 Fax: 01372 720828 Email: info@sauto.co.uk www.sauto.co.uk</p>	<p>Digitax</p> <p>Meters not fitted by this supplier.</p>
3.	<p>Contact Radio Communications Ltd. Unit 19 Leeway Court Leeway Industrial Estate, Newport</p> <p>Tel. No. 01633 270005 Fax No. 01633 271305</p>	Hac, Viking, Digitax, Cygnus, Aquila
4.	<p>Communications Specialists Unit 2, Viking Court, Viking Way Winchwen, Swansea SA1 7DA</p> <p>Tel. No. 01792/795517 Fax No. 01792/700141</p>	Cygnus, Digitax, Aquilla
5.	<p>Nick Gardner 131 Whitehouse Lane Bedminster, Bristol, BS3 4DN</p> <p>Tel. 0117 9669646</p>	Digitax
6.	<p>DHM The Old Drill Hall Pontmorlais West, Merthyr Tydfil CF47 8UT</p> <p>Tel. 01685 721005</p>	Digitax, Cygnus, Aquila, Viking

APPENDIX E

CCTV IN VEHICLES

Caerphilly County Borough Council Licensing 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 CCBC permits the use of CCTV in private hire / hackney carriage vehicles subject to compliance with the best practice guidance set out below.

BEST PRACTICE GUIDANCE - CCTV SYSTEMS IN LICENSED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES

Introduction

This guidance sets out to ensure that in-vehicle CCTV systems in licensed 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 should 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 should, as a minimum, meet the requirements set out in this guidance. Only in-vehicle CCTV systems meeting these requirements should be installed into licensed vehicles.

The installation and operation of in-vehicle CCTV must 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 F

CAERPHILLY COUNTY BOROUGH COUNCIL GUIDANCE AS TO EXCEPTIONAL CIRCUMSTANCES RE: DISPLAY OF PLATES, HEAVILY TINTED WINDOWS, AGE RESTRICTIONS

Caerphilly County Borough Council has adopted a vehicle policy and standard covering the age and specification of vehicles that can be considered suitable for licensing as hackney carriages or private hire vehicles. Where requests are received for vehicles to be exempt from policy limitations the Licensing Committee will consider the evidence and circumstances presented to them.

The following is simply a guide as to what may constitute exceptional circumstances, however the onus remains on the applicant to make the case before the committee. Applicants must note that each application is considered on its merits, any decision in respect of a particular vehicle does not set any precedent in respect of any other vehicles.

Exceptions to policy will not normally be granted where a vehicle is primarily used for routine work which is best described as an open service that is available to any member of the public booking a journey. A range of terms may be applied to vehicles used for 'non routine' work such as prestige, executive, limousine, exclusive, chauffeured, however none of these will confer an automatic right to exemption.

There are a diverse range of situations that could be considered as exceptional, the following list is not exhaustive and simply indicates potential circumstances that in the opinion of the Committee may merit exemption.

Types of situations / vehicles that may be considered as exceptional:

1. Solely contract work, for large companies, government agencies, TV studios, private schools, travel agencies, etc Essentially bookings for the vehicle not accepted from or for the general public.
2. Vehicle retained and used solely for specific celebratory events travel such as birthdays, graduations, anniversaries, attending horse races, or other one off celebratory occasions.
3. Vehicle solely used for specialist journeys such as transporting persons with special needs and requirements.
4. Vehicle is recognised as an exclusive brand and has been well maintained and is in pristine condition such as Rolls Royce, Bentley, Daimler, Jaguar, Aston Martin etc may be considered as suitable for exemption.
5. Vehicle has a combination of facilities that would not normally be found in vehicles used for routine work, such as exceptional high quality upholstery, wi-fi accessibility, conference seating, individualised media sources, refreshments, individual controlled ventilation, air conditioning, etc.
6. Difficulties can arise where the vehicle is required for a combination of the exceptional and the routine and the Council would have to consider how much weight they would give to each element of the use. For example occasional use for carrying a person with special requirements may not be sufficient grounds to grant an exemption where simple adjustments can be made such

as the provision of blinds on side windows when carrying that passenger. Infrequent exceptional use may not be sufficient to convince the committee that it would be possible to grant an exemption.

Evidence that would assist the committee in determining exceptional circumstances would be:

1. Contract documentation.
2. Logs of the amount of "exceptional" work .
3. Websites and advertising material employed by the applicant.
4. References, statements from customers.
5. Appearance and condition of vehicles, uniformed drivers, service enhancements.

Applicants should note that an exemption from the display of plates is only permissible in respect of private hire vehicles. An exemption is unlikely to be granted where any form of advertising is displayed on or in the vehicle, in particular where it indicates that it is a taxi or private hire vehicle, or that it is associated with a private hire vehicle operator.

Applications for exemption will be considered by the Licensing committee in the first instance. In the event that an exemption from the display of plates has been granted, the Council will issue a small double sided notice for display on the front windscreen in the bottom left hand corner (when viewed from inside). The notice will indicate the vehicle details, the start and end date of the exemption and contact details in the case of any query. Exemption will be subject to conditions requiring that the plates are carried in the vehicle at all times and are produced on request of the Police or an authorised officer of the Council.

Where a vehicle licence has expired and the proprietor later wishes to renew the licence detailed information will be required as to the reason for not renewing in a timely fashion. If the vehicle has been subject to mechanical failure or accidental damage, the proprietor should produce proof of repairs, insurance claims etc.



CAERPHILLY COUNTY BOROUGH COUNCIL

INTENDED USE POLICY FOR THE LICENSING OF HACKNEY CARRIAGES

1. INTRODUCTION

- 1.1 The purpose of this policy is to set out how the Council will deal with the licensing, renewal and transfer of hackney carriage vehicles following the High Court Judgement – Newcastle City Council v Berwick upon Tweed [2008] EWHC 2369 (Admin). The Council, when considering new applications for hackney carriage proprietors licences will determine those applications in accordance with the principles contained within the judgement of the above case as set out below in the reasons for the policy. The policy was approved at a meeting of Caerphilly County Borough Council's Licensing Committee on 11th December 2014, effective from 1st January 2015.
- 1.2 The Council will determine each application on its merits, but will place public safety above all other considerations.

2. APPLICATIONS FOR THE NEW GRANT OF A HACKNEY CARRIAGE LICENCE

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

3. APPLICATIONS FOR THE RENEWAL OF A HACKNEY CARRIAGE LICENCE

- 3.1 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to operate predominantly within the administrative area of Caerphilly County Borough Council under the terms of the licence for which application is being made.
- 3.2 There will be a presumption that applicants who do not intend to predominantly operate within the administrative area of Caerphilly County Borough Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of Local Government

3.3 Miscellaneous Provisions Act 1976 [LG(MP)A 1976] gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.

3.4 Even where the applicant intends to operate predominantly within the Caerphilly area, 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.

4. APPLICATION FOR THE TRANSFER OF A HACKNEY CARRIAGE LICENCE

4.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of a licensed vehicle who transfers his interest to another person must, within 14 days of the transfer, give written notice to the Council of the name and address of the new proprietor of the hackney carriage.

4.2 The Council has no power to refuse to register the new proprietor provided requisite notice has been given in accordance with section 49 of the LG(MP)A 1976, the Council will register the new proprietor of a licensed hackney carriage. This is a legal requirement.

4.3 New proprietors should note the obligation under section 73 of the LG(MP)A 1976 to give an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the LG(MP)A 1976.

4.4 New proprietors of existing licences will be expected to have a bona fide intention to predominantly operate within the administrative area of Caerphilly County Borough Council under the terms of the licence in respect of the vehicle being transferred.

4.5 Where the new proprietor of a licensed hackney carriage is found to have no intention to operate predominantly within the administrative area of Caerphilly County Borough Council and/or intends to trade in another authority's area also for a substantial amount of time and it appears that the purpose of the legislation and public safety will be compromised then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Caerphilly County Borough Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

5. REPLACEMENT VEHICLES

5.1 In respect of proprietors who wish to replace existing licensed vehicles unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of Caerphilly Council there should be no reason why they should not be granted a licence for a replacement vehicle. However, an applicant who obtained the first licence on the expressed intention of plying for hire entirely or predominantly within the administrative area of Caerphilly Council, and who on application to replace that vehicle with another discloses they no longer so intend, will effectively engage the presumption against grant of a licence.

6. REVOCATION OF LICENCE

6.1 Where a licence has been granted under the terms that the applicant intends to operate predominantly within the administrative area of Caerphilly County Borough Council but is subsequently found not to be operating predominantly within the Caerphilly area and to be trading in another authority's area for a substantial amount of time (and it appears that the

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

7. EXCEPTIONAL CIRCUMSTANCES

7.1 Each application will be decided on its merits. However the presumptions that intended use is to operate predominantly within the administrative area of Caerphilly County Borough Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor 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 public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

8. REASONS FOR POLICY

8.1 The Council wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgement in the case of Newcastle City Council v Berwick upon Tweed Council [2008]. The following statements were made in this judgement -

- a) *“It was the intention behind the licensing system that it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used”*
- b) *“A licensing authority, properly directing itself, is entitled and indeed obliged to have regard to whether in fact the applicant intends to use that hackney carriage predominantly, or entirely, remotely from the authority’s area”*
- c) *“It must be desirable for an authority issuing licences to hackney carriages to be able to restrict the issuing of those licence to proprietors and drivers which are intending to ply for hire in that authority’s area”*
- d) *“While I cannot at the moment conceive of it being rational to grant a licence to those who intend to operate their hackney carriages remotely from [the local authority’s area] I am not prepared to say that it is bound to be unlawful”*
- e) *“There will be proprietors who wish to use their vehicles in a number of different authorities’ areas and in that case no doubt there will be flexibility in the exercising of the discretion. Matters such as where the proprietor is based and where most of the business comes from will be material matters to consider”*

8.2 The Council is required to register the name of a new proprietor of a vehicle when a licence holder properly notifies it of the transfer of his interest in a vehicle to a new proprietor. This appears to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. The paragraph relating to ‘Application for the transfer of a hackney carriage licence’ is intended to put the Council in a position to respond responsibly to the transfer of a Caerphilly hackney carriage into the name of someone who operates outside of Caerphilly County Borough Council area or remotely from it.



CAERPHELLY COUNTY BOROUGH COUNCIL

POLICY FOR EXEMPTION FROM DISPLAY OF LICENCE PLATES IN RESPECT OF PRIVATE HIRE VEHICLES

1. INTRODUCTION

- 1.1 The purpose of this policy is to set out how the Council will deal with requests for exemptions from the display of licence plates in respect of private hire vehicles.

2. GENERAL POLICY

- 2.1 Where a private hire vehicle licence is issued under section 48 of the Local Government (Miscellaneous Provisions) Act 1976 [LGMP76] the Council, which issued the licence may, by giving a written notice to the proprietor of the vehicle, exempt that vehicle from the display of any licence plate.
- 2.2 Private hire vehicles may be used for a diverse range of purposes including late night transport of customers from town centres, transport of vulnerable persons and the transport of goods. Private hire operators offering services such as transporting wedding guests, mourners at funerals, business executives or offering uniformed chauffeur type services would generally seek to use more expensive 'prestige top of range' vehicles for this purpose.
- 2.3 The main purpose of the licensing regime is to ensure the safety of the fare paying public and as such licence plates are a clear indicator to the public that the vehicle and driver comply with a range of requirements and standards imposed by the licensing authority to ensure their safety. Any exemption from the display of such plates must be given very careful consideration and an exemption will only be granted under exceptional circumstances.

- 2.4 The Council will determine each request for exemption on its merits, but will place public safety above all other considerations. Exemptions will only be granted where the operator can clearly demonstrate a need due to the nature of their work and that the vehicle is in immaculate condition, of a superior standard and affords a high level of comfort and facilities for passengers.
- 2.5 Requests must be submitted on a form provided by the Council for the purpose and must be accompanied by any requisite documentation or information which will include the following:
- (a) Reasons as to why an exemption is being requested
 - (b) Evidence to support the nature and volume of work that necessitates such an exemption.
 - (c) Any information such as advertising, web sites, business correspondence that supports the nature of work commonly undertaken by the operator
 - (d) Details of the vehicle to include make, model, interior finishes. (The vehicle must be made available at a pre-determined time and place in order that it can be inspected.)
 - (e) Any additional features available in the vehicle such as conference seating, wi-fi, air conditioning, provision of refreshments, dvd facilities, etc.
 - (f) If offering uniformed chauffeur services the type of uniform that is to be worn.
 - (g) Whether or not exemption is required from the Council's vehicle standard in respect of darkly tinted windows to protect the privacy of particular types of clients.
- 2.6 Where an exemption is granted its validity shall be concurrent with the vehicle licence. The notice of exemption and licence plates must be carried in the vehicle at all times and made available at any time for inspection by an authorised officer of the Council or the police.
- 2.7 A discrete notice of exemption will be provided by the Council's licensing section. This notice must be displayed in the bottom left hand corner of the windscreen at all times that the exemption is valid. The discrete notice will be time limited and be concurrent with the vehicle licence.



Caerphilly County Borough Council

Hackney Carriage and Private Hire Vehicles

INSPECTION STANDARDS

A best practice guide which sets out the procedures and standards for those who carry out inspections, proprietors and the travelling public.

**Adopted: 11 December 2014
Implemented: 1 January 2015
Amended: Not Applicable**

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INTRODUCTION

This document is intended to provide comprehensive information regarding the licensing of hackney carriages and private hire vehicles. The information includes issues relating to vehicle specification and testing standards. It is primarily intended to set out the procedures and standards for those who carry out inspections of hackney carriage and private hire vehicles, vehicle proprietors, regulators and the travelling public who may find it useful as it details the standards that vehicles are subjected to.

Purpose

The aim of a local licensing authority is to protect the public. Caerphilly County Borough Council believes that the public should have reasonable access to safe and well maintained HC and PHVs and promoting the taxi trade as a professional public service provider forming a vital part of the Authority's transport infrastructure.

This standard is intended to be a working document and may therefore be subject to regular review and amendment. Although detailed in its content it is not exhaustive.

Equalities Statement

Caerphilly is an area of increasing diversity, which brings positive benefits to us all. It is crucial that the council reflects this diversity but also ensures that all our citizens have equal access to and equal outcomes from the services that are provided by the council. All staff must promote equal opportunities as part of their everyday work and work in a positive way to include people from different backgrounds, to that end all customers will be treated courteously and with respect both when corresponding with those individuals and organisations and during the licensing approval process itself.

All types of harassment, victimisation and bullying in the workplace and in the community are unacceptable and as such members of staff are as entitled as customers to be protected. Abuse or harassment of staff whether verbally or physically will not be tolerated.

In granting licences, the Council expects that applicants should take all reasonable and practical steps to prevent and eliminate unlawful discrimination and to promote equality of opportunity and good relations within and between staff, customers and visitors. This is irrespective of a person's ethnic origin, gender, age, marital status, sexual orientation, disability, religion, language or nationality.

Applicants for taxi licences should be aware that they have to be considered 'fit and proper persons' to hold such licences. Incidents of abuse or harassment towards any member of staff may jeopardise the licence, whilst complaints against staff will be thoroughly investigated.

Specification Of Vehicle Types That May Be Licensed

The legislation gives local authorities a wide range of discretion over the types of vehicle that can be licensed as HC or PHVs. Normally, best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicles as possible. The parameters for determining whether a vehicle is suitable to be operated as a HC or PHV are set out below. The intention being to keep it open where possible for the HC and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily taken into account.

Type Approval

From time to time Caerphilly Council is asked to licence, as a HC or PHV, a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the licensing criteria but nonetheless not be compliant with the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the "type approval" rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- European Whole Vehicle Type Approval;
- British National Type Approval; or

- British Single Vehicle Approval (before 29 April 2009) or:
- Individual Vehicle Approval(from April 2009)

Most Registration Certificates issued since late 1998 should indicate the approval status of the vehicle. Further Information about these requirements and the procedures for licensing and registering imported vehicles can be seen at: www.dft.gov.uk.

Please note that the reference to vehicle being up to 10 years old at date of first GB registration refers solely to the type approval NOT to the age of first licensing with Caerphilly County Borough Council. Vehicles must be under 4 years old at date of first registration when applying for an initial licence and vehicles may continue to be licensed until 10 years of age.

Definition of Motor Vehicles

Category	Definition
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers
M1	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver seat.

At least one of the above “type of approvals” must be produced prior to **any imported vehicle** being licensed as a Hackney Carriage or Private Hire Vehicle by Caerphilly County Borough Council

Voluntary Inspections

Vehicles that are already registered for use in the UK are not eligible for a Single Vehicle Approval, however, there are situations where evidence of compliance with the approval standard would be beneficial or be a requirement. An example would be where Caerphilly Council require evidence of compliance for a vehicle that has been modified since original registration, or where evidence of compliance is being used as part of a contractual agreement on a modified vehicle. To facilitate this requirement a non-statutory “Voluntary SVA” or “Voluntary IVA” test is available. The test criteria applied will be dependant on the vehicle/test required other than VAT is payable. If the vehicle is found to meet the requirements a letter of compliance is not acceptable for first licensing/registration purposes.

Fire Extinguisher

All vehicles should be equipped with a fire extinguisher of British Standard No BS5423 or EN3 of one of the following types – water,CO2 or foam, or dry powder and shall bear the manufacturers expiry date.

Vehicle Testing

1. All vehicles on initial application should be of such standard and condition so as to have passed the MoT and safety/cosmetic test as specified by the Council.
2. On subsequent applications vehicles should be inspected every twelve months at a place specified by the Council. This inspection will include the MoT and safety/cosmetic check as set by the Council.

Wheelchair Accessibility

1. Any vehicle presented for licensing for the first occasion with wheelchair accessibility will only be licensed if the vehicle meets either the M1 European Community Whole Vehicle Type Approval, EC Small Series Type Approval (ECSSTA) or National Small Series Type Approval (NSSTA).
2. A Certificate of Conformity (CoC) must be produced when licensing a wheelchair accessible vehicle on the first occasion.

Fitness standard for vehicles

The Caerphilly County Borough Council vehicle fitness standard is based on the National Inspection Standard and has been the subject of consultation. The purpose being to assist those who inspect, maintain and prepare vehicles for inspection prior to being issued with a Hackney Carriage or Private Hire licence. It is intended that this document will ensure a consistent minimum vehicle inspection standard.

To this end, this document details specific vehicle safety issues and requirements of licensed vehicles. It seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in the MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA. This guide provides additional testing requirements to those in the MOT Inspection Manual and all HC and PHV must be maintained to no less than the standards set out in the VOSA publication "MOT Inspection Manual – Car and Light Commercial", ISBN 0-9549239-0-1. However, in assessing the mechanical safety of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC & PHV test. The guide also explains the reasons why a vehicle presented for inspection, may not be considered suitable to be licensed.

As the term implies, Hackney Carriage and Private Hire Vehicles are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required.

It is an offence under the road traffic regulations to use an un-roadworthy vehicle on the public highway. HC & PHV proprietors who fail to maintain their vehicles in a safe and roadworthy condition may have their licence suspended or revoked by the Licensing Authority.

Certificate of compliance

Once a vehicle has been tested and has been deemed to comply with the standards as set out in this document it will be issued with a certificate of compliance by the testing station. On production of that certificate at the licensing office the vehicle can be licensed as a hackney carriage or private hire (subject to other factors such as relevant insurance, proof of ownership etc).

Incidental to the certificate of compliance the testing station will issue an MOT certificate at no additional cost. The reason for issuing an MOT certificate, is that the base requirements of the standard are in fact those required for an MOT. There is no additional cost incurred when being presented with an MOT certificate but it is a recognition that the vehicle has passed those requirements as well as the standards set out for licensed vehicles.

Presenting vehicle for test

The vehicle must be presented for test in such a condition that if the vehicle passed its test it could be used immediately (as soon as the licence is issued) as either a hackney carriage or private hire vehicle. Vehicles presented for test should conform to the following:

- a) Exterior must be clean
- b) Interior surfaces and upholstery must be clean
- c) All windows and mirrors must be clean and free from marks, grease, etc
- d) All loose seat covers must be removed to allow for inspection of seat cushions. (Professionally fitted/tailored seat covers will not be required to be removed).
- e) Hub caps must be removed from the wheels prior to inspection but should be available in the vehicle.
- f) No smoking signs must be correctly fixed to side windows.
- g) Hackney carriages which are being inspected for the purpose of renewal of licence must display tariff sheets within the vehicles in such a position that they can be clearly seen and read by passengers.
- h) Meters where fitted must be located in such a position that they can be easily seen by passengers in the rear of the vehicle and must not be located behind any fixture, fitting or equipment such as gear sticks, steering wheels, mobile phone holders etc. The position of the meter, if in the wiper sweep area shall be clear of zone A.
- i) Meters where fitted must be secure, wired in such a manner that the wires are not subject to chaffing, rubbing, breakage etc and must be so secured that the wires cannot be tampered with. Meters must be sealed in accordance with Caerphilly County Borough Council conditions.
- j) Top signs where fitted must be secure, wired in such a manner that the wires are not subject to chaffing, rubbing, breakage etc and must be so secured that the wires cannot be tampered with.
- k) The engine bay should be reasonably clean.

l) Where the test is in respect of a renewal of a licence the plates (including front, rear and side) must be firmly fixed and displayed on the vehicle. If the expiry date of the licence has past, the plates must be carried within the vehicle (but not in such a position as to be visible to the public – preferably in the boot) and surrendered to the garage prior to the test commencing.

m) In respect of hackney carriages all roof signs must be linked/wired to the meter in such a manner that when the meter is engaged the roof sign is not illuminated.

The inspection standards are set out at Appendix A. Please note that licensed vehicles may only tow trailers (associated with fee paying journeys such as transporting passengers and luggage to airports, etc.) that have been checked and tested. A model pass certificate for a trailer is attached at Appendix B below.

Inspection Process

This document clearly sets out the mechanism that will be followed by the inspectors designated by Caerphilly County Borough Council when a vehicle is presented for testing.

The purpose of this procedure is to ensure consistency of approach and that customers are fully aware of their rights and obligations in respect of vehicles being tested. The procedure will be regularly reviewed and updated as necessary.

1. All appointments for testing of taxi vehicles must be pre-booked.
2. If the vehicle is being presented for a retest every effort will be made to ensure that retest is conducted by the same tester as conducted the initial test. However it will be appreciated that this cannot be guaranteed due to a range of factors such as service demands, absence, etc.
3. On day of appointment the person presenting vehicle for test must attend at the designated testing station at least 15 minutes prior to the allotted appointment time with the vehicle to avoid any unnecessary delays.
4. Tester to conduct test and provide customer with a pass/fail certificate. If the vehicle has failed the test, a further appointment will be required for a retest.
5. Where there may be some question mark / dispute regarding a failure the matter will be assessed for final determination by a quality assessor based at the testing station. Customers may also seek resolution of disputes regarding only the MOT elements of the test with VOSA.
6. In very exceptional circumstances where a vehicle has failed the test, the Licensing Office may still grant a licence. It must be stressed that these are very exceptional circumstances only and would be for example; where the vehicle is subject to an unresolved insurance claim and full documentary evidence is provided to substantiate why minor repair works that do not impact on customer safety or comfort have not been carried out. This will NOT apply where there has been any damage that affected the mechanical safety of the vehicle, it will ONLY apply to cosmetic issues.

Novelty Vehicles

Novelty vehicles such as stretch limousines, adapted commercial vehicles (eg fire engines) or other non standard vehicles intended to be used for hackney carriage or private hire purposes will be subject to specific testing regimes which may be conducted at a specialised garage authorised for the purpose by Caerphilly County Borough Council.

APPENDIX A

The Inspection Of Hackney Carriage & Private Hire Vehicles

This document sets out the procedures and standards for those who carry out inspections of Hackney Carriage & Private Hire Vehicles. Proprietors, operators and drivers of Hackney Carriage & Private Hire Vehicles may find it useful as it details the standards that vehicles are subject to which are over and above the MOT requirements. The guide also explains the reasons why, a vehicle presented for inspection, has not been issued with a pass certificate.

The purpose of the HC & PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme.

If in the opinion of the vehicle examiner the vehicle is not in a safe condition or is potentially contaminated (for example if it has been used to transport dangerous substances), the test may be terminated and a further test could be required when the vehicle is in a suitable condition.

<u>Section</u>	<u>Subject</u>	<u>Page Number</u>
1	Lighting and Signalling Equipment: 1.3 Stop Lamps – High Level Stop Lamps 1.8 Electrical Wiring and Equipment 1.9 Additional Lamps	
2	Steering: 2.1 Steering Control – Steering Wheel 2.1 Steering Control – Steering Column 2.4 Suspension Spring Units & Linkage	
3	Tyres & Road wheels: 3.1 Tyres – Condition	
4	Body & Structure: 4.1 Vehicle Body and Condition – (Exterior) 4.1 Vehicle Body, Security and Condition – (Interior) 4.2 Doors and Seats 4.5 Bumper Bars	
5	Fuel & Emissions: 5.1 Exhaust System 5.2 Fuel System – Pipes & Tanks	
6	Drivers View of the Road: 6.1 Mirrors 6.3 Windscreen – View top the Front 6.5 Window Glass or Other Transparent Material	
7	Additional Requirements: 7.1 Speedometer 7.2 Transmission 7.3 Engine & Transmission Mountings 7.4 Oil & Water Leaks 7.5 Luggage/Load Space 7.6 Trailers & Towbars	

8	Ancillary Equipment: 8.1 Wheelchair Restraint & Access Equipment 8.2 Fire Extinguisher 8.3 First Aid Kit 8.4 Meters 8.5 CCTV cameras or other ancillary equipment	
9	Display of Information 9.1 Advertising 9.2 No Smoking signage	

All HC and PHV must be maintained to no less than the standards set out in the VOSA publication "MOT Inspection Manual – Car and Light Commercial", ISBN 0-9549239-0-1.

Section 1 – Lighting And Signalling Equipment

Section Contents:

Sub-section	Subject
1.3	Stop Lamps – High Level Stop Lamps
1.8	Electrical Wiring and Equipment
1.9	Additional Lamps <ul style="list-style-type: none"> • Reversing Lamps • Front Fog/ Driving Lamps • For Hire and Roof Signs

1.3 Stop Lamps – High Level Stop Lamps

Method Of Inspection	Reason For Rejection
Any additional stop lamps fitted and connected must be tested. Where high level stop lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter. Check the high level stop lamp where fitted: a. Is not obscured, and is not obviously incorrectly positioned. b. At least 50% of the lamp must be visible from the rear.	High Level Stop Lamp a. Obscured or obviously incorrectly positioned. b. More than 50% of the lamp not working or obscured.

1.8 Electrical Wiring and Equipment

Method Of Inspection	Reason For Rejection
This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle	

<p>a. Check all electrical wiring for:</p> <ul style="list-style-type: none"> • Condition • Security • Position • Signs of Overheating • Heavy Oil Contamination <p>b. Battery and Carrier for:</p> <ul style="list-style-type: none"> • Security • Battery for Leaks <p>c. Check all switches controlling all obligatory lights</p>	<p>a. Wiring</p> <ul style="list-style-type: none"> • Not adequately insulated • Not adequately secured • Position so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective • With clear evidence of overheating • Heavily contaminated with oil <p>b. Battery and Carrier</p> <ul style="list-style-type: none"> • A battery and / or carrier not secure and likely to become displaced • Battery leaking <p>c. Insecurity or malfunction of a switch controlling an obligatory light.</p>
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1.9 Additional Lamps

Method Of Inspection	Reason For Rejection
<p>With the ignition switched on check: <u>Reversing Lamps:</u></p> <p>a. The Reversing Lamps emit a diffused white light when reverse gear is selected.</p> <p>b. The lamps extinguish when neutral gear is selected</p> <p>c. The lamps are in good working order and are secure</p> <p>d. The lamps do not flicker</p> <p><u>Front Fog / Driving Lamps</u> Check that:</p> <p>e. A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected</p> <p>f. A pair of matched of lamps both emitting a white or yellow diffused light should illuminate together</p> <p>g. A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together.</p> <p><u>'For Hire' and Roof Signs</u></p> <p>h. Ensure the sign is securely fastened to the vehicle</p> <p>i. Check condition and security of wiring</p> <p>j. Functional test of signs for illumination</p>	<p><u>Reversing Lamp:</u></p> <p>a. That fails to operate or does not emit a white diffused light.</p> <p>b. Fails to extinguish when neutral or forward gear is selected</p> <p>c. Are not in good working order or insecure</p> <p>d. Lamps flicker</p> <p><u>Front Fog / Driving Lamps</u></p> <p>e. Lamp inoperative or operates other than in dipped beam mode</p> <p>f. Lamps operate incorrectly</p> <p>g. Lamps operate incorrectly</p> <p><u>'For Hire' and Roof Signs</u></p> <p>h. Insecure sign</p> <p>i. Wiring is not in good condition and is loose or chaffed</p> <p>j. Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.</p>

k. Hackney Carriages top light to be linked / wired to/through meter.	k. Top light remains illuminated when meter is engaged.
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Section 2 – Steering

Section Contents:

Sub-section	Subject
2.1	Steering Control – Steering Wheel
2.1	Steering Control – Steering Column
2.4	Suspension Spring Units and Linkages

2.1 Steering Control – Steering Wheel

Method Of Inspection	Reason For Rejection
<p>With both hands rock the steering wheel from side to side at right angles to the steering column and apply slight downward and upward pressure to the steering wheel rim (in line with column). Note:</p> <p>a. Fractures in steering wheel hub.</p> <p>b. Fractures in steering wheel rim.</p> <p>c. Steering wheel spokes loose or fractured.</p> <p>d. Jagged edges on steering wheel rim.</p> <p>e. If possible, check the retaining device on the steering wheel is fitted.</p>	<p>a. Steering wheel hub fractured</p> <p>b. Steering wheel rim fractured.</p> <p>c. A steering wheel spoke loose or fractured.</p> <p>d. Jagged edges on steering wheel rim likely to injure the driver</p> <p>e. A steering wheel hub-retaining device is not fitted.</p>

2.1 Steering Control – Steering Column

Method Of Inspection	Reason For Rejection
<p>a. Try to lift the steering in line with the steering column and not the movement at the centre of the steering wheel.</p> <p>b. Push steering wheel away and then pull it towards you. Note any side play.</p> <p>c. While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column.</p> <p>d. Where practical, check any clamp bolts for presence and security of locking devices. (These may be located in the engine compartment or under chassis).</p>	<p>a. Excessive movement of centre of steering wheel in line with steering column (end float). Note: Certain types of steering column might show some movement not due to excessive wear, e.g. those fitted with universal joints or flexible couplings.</p> <p>b. Excessive side play indicating worn top bearings or insecure top mounting bracket.</p> <p>c. A flexible coupling or universal joint deteriorated, worn or insecure.</p> <p>d. A coupling clamp bolt or locking device loose or missing.</p>

2.4 Suspension Spring Units And Linkages

Method Of Inspection <u>Coil Springs</u> a. Welding Repairs	Reason For Rejection <u>Coil Springs</u> a. Repaired By Welding
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Section 3 – Tyres & Roadwheels

Section Contents:

Sub-section	Subject
3.1	Tyres – Condition
3.1 Tyres	

<p>Method Of Inspection <u>Wheels</u> All hub caps must be removed prior to inspection, to allow for inspection of wheel nuts.</p> <p>Advisory: Where hub caps are available / used they should be a matched set and be in good condition</p> <p><u>Condition Of Tyres</u> On all the tyres, including the spare wheel (in all vehicles except those where the vehicle is fitted with an alternative such as tyre weld, or limited mileage emergency use only tyres), examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0-9549239-0-1) Advisory: Tyres should be replaced where the tyre depth is below two millimetres. Brake pads should also be replaced where they are close to the limit at which they would be required to be replaced.</p> <p><u>Tools for changing wheels / tyres</u> It is a requirement of the licence for hackney carriages and private hire vehicles that they must have the tools for the changing of a spare wheel and tyre.</p> <p>Note 1 Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.</p>	<p>Reason For Rejection</p> <p>Failure to remove hub caps (even on request) prior to inspection thereby preventing the checking of wheel nuts. Wheel nuts must be checked to ensure that all required are present and are properly secured.</p> <p>In accordance with MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0-9549239-0-1)</p> <p>No tools in the vehicles to enable a spare wheel and tyre to be changed.</p> <p>Note 2 Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home-tyre'.</p>
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Section 4 – Body and Structure

Section Contents:

Sub-section	Subject
4.1	Vehicle Body and Condition – (Exterior)
4.1	Vehicle Body, Security and Condition – (Interior)
4.2	Doors and Seats
4.4	Bumper Bars

4.1 Vehicle Body and Condition – (Exterior)

Method Of Inspection	Reason For Rejection
<p><u>Body Condition (Exterior)</u> Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<p><u>Body Condition (Exterior)</u> a. An insecure or missing body panel, trim step or accessory. b. Any sharp edge whatsoever which may cause injury c. Heavy scuffing, abrasions or deformation to front and rear bumper. d. Numerous stone chips that have or have not penetrated to the metal visible on a bonnet/grill/panel/door edge that have a detrimental effect on the visual appearance of the vehicle. e. A single dent of more than 80mm in diameter, or more than 3 dents of not more than 20mm in diameter in any one panel. f. More than 4 scratches and or abrasions of more than 50mm in length in any one panel provided that the base coat has not been penetrated. g. Dull, faded paintwork which has lost its gloss finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle. h. Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle. i. Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs, or where damaged areas have the appearance of being ‘filled’ so as to disguise the extent of any damage. j. Exterior so dirty as to obscure condition of paintwork.</p>

4.1 Vehicle Body, Security And Condition – (Interior)

Method Of Inspection	Reasons For Rejection
<p><u>Body Condition (Interior)</u></p> <p>a. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.</p> <p>b. Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.</p> <p>c. Examine interior lights, motion door locks and warning lights.</p> <p>d. Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters)</p> <p>e. Examine all windows ensuring they allow lowering and rising easily.</p> <p>f. Examine interior door locks, grab handles/ rails and safety covers.</p> <p>g. Examine grills/partitions for security and condition.</p> <p>h. Examine electrical wiring for condition and security, including meters (where fitted), intercom systems, etc.</p> <p>i. Examine the boot for access, contents, cleanliness and water ingress.</p>	<p>a. Insecure and loose fixtures, fittings or accessories.</p> <p>b. Missing, dirty, soiled, stained, worn or insecure trim, carpets, headlining, surfaces and mats.</p> <p>c. An inoperative interior light (all lights must illuminate if they are part of the manufacturers standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated.</p> <p>d. A system(s), which does not function correctly, or any part is missing including vents, controls and switches.</p> <p>e. An opening window that is inoperative or difficult to open and or close mechanism broken/missing.</p> <p>f. Missing, defective or loose door locks, child locks, protective covers, grab handles and rails. Grab handles/rails, which are rigid and aid the blind and partially sighted are worn to excess.</p> <p>g. A grill/ partition which is insecure or has sharp edge(s) which may cause injury to passengers or the driver.</p> <p>h. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.</p> <p>i. unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/ evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc.)</p>

4.2 Doors And Seats

Method Of Inspection <u>Doors And Emergency Exits</u>	Reason For Rejection <u>Doors And Emergency Exits</u>
<p>Examine the condition of all doors and emergency exits. Check door locks, striker plates handles and hinges for security, wear and missing and damaged trim/cover plates.</p> <p>Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible.</p> <p>Check that seats are secure, clean and not unduly worn. All loose seat covers must be removed prior to inspection (except that purpose fitted covers may be left in situ)</p> <p><u>Accessibility: Wheelchair Vehicles</u></p> <p>Door Configurations for wheelchair accessible vehicles:</p> <p>a. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.</p> <p>b. Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required.</p>	<p>a. A door or emergency exit does not latch securely in the closed position.</p> <p>b. A door or emergency exit cannot be opened from both the inside and outside from the relevant control in each case.</p> <p>c. Missing, loose or worn handles, lock or striker plate.</p> <p>d. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect.</p> <p>e. Missing loose or damaged trim/cover plate.</p> <p>f. Seat cushion(s) stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.</p> <p><u>Accessibility: Wheelchair Vehicles</u></p> <p>a. Door does not open to a full 90 degrees and cannot be secured in the open position.</p> <p>b. Twin doors do not open to a full 180 degrees and cannot be secured in the open position.</p>

4.4 Bumper Bars

Method Of Inspection	Reason For Rejection
<p>Examine the bumper bars and check:</p> <p>a. They are secure to the vehicle.</p> <p>b. The mountings are secure to the vehicle.</p> <p>c. There is no evidence of damage.</p>	<p>a. A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs</p> <p>b. A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.</p> <p>c. Bumper bars which have jagged edges, cracks splits or projections, which may cause injury to persons near the vehicle. Paint miss match or fading which is significantly different to that of the rest of the paintwork.</p>

Section 5 – Fuel & Emissions

Section Contents:

Sub-section	Subject
5.1	Exhaust System
5.2	Fuel System – Pipes & Tanks

5.1 Exhaust System

Method Of Inspection	Reason For Rejection
Where applicable, check for presence, security and adequacy of grease shields to hot exhausts.	A heat shield is insecure or inadequate.

5.2 Fuel System – Pipes & Tanks

Method Of Inspection	Reason For Rejection
<p>a. Examine fuel tank(s) for security and leaks</p> <p>b. Check that fuel tank filler caps are:</p> <ul style="list-style-type: none"> • Present • Of the correct type • Secure and seated properly to ensure correct function of sealing. <p>c. Examine pipes to see they are securely clipped to prevent damage by chafing and cracking, and are not in a position where they will be fouled by moving parts.</p> <p>d. Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system.</p>	<p>a. Fuel tank insecure or leaking.</p> <p>b. A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling.</p> <p>Note: Temporary/ emergency fuel caps are not permitted.</p> <p>c. Damaged, chafed, insecure pipes or pipes so positioned that there is a danger of them fouling moving parts.</p> <p>d. A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system.</p>

Section 6 – Drivers View Of The Road

Section Contents:

Sub-section	Subject
6.1	Mirrors
6.3	Windscreen – View To The Front
6.5	Window Glass Or Other Transparent Material

6.1 Mirrors

Method Of Inspection	Reason For Rejection
<p>The number and position of all obligatory mirrors must be checked:</p> <p>a. Check the condition of each mirror reflecting surface and whether a person sitting in the driver's seat can see clearly to the rear.</p>	<p>Note: A defective additional external mirror is not reason for rejection. All licensed vehicles must be fitted with an internal rear view mirror.</p> <p>a. Mirror Condition</p> <ul style="list-style-type: none"> • A mirror reflecting surface deteriorated or broken. • In such a position that a person sitting in the driver's seat cannot see clearly to the rear.

6.3 Windscreen – View To The Front

Method Of Inspection	Reason For Rejection
<p>Sit in the driver's seat and check that there is a reasonable view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a. For all air operated wipers examine:</p> <ul style="list-style-type: none"> • The condition of any visible piping • The function of the operating mechanism, and • The function of necessary valves to protect the braking system <p>Note: Equipment or objects not originally fitted to the vehicle as part of the original design must not obstruct the designed forward view of the driver. In particular, objects such as (but not limited to) pennants, cab decorations and external stone guards/visors should not interrupt the view through the swept area by the windscreen wipers.</p>	<p>The position or size of any object restricts the driver's view of the road ahead, bearing in mind the original design of the vehicle.</p> <p>a. Air operated wipers</p> <ul style="list-style-type: none"> • Pipes inadequately clipped or supported • Incorrect function of the wipers or leaking components • Incorrect operation of protection valves.

6.5 Window Glass Or Other Transparent Material

Method Of Inspection	Reason For Rejection
<p>a. Visually Check the condition of all windscreens, internal screens, partitions side, rear, roof, and door windows for cracks, surface damage and discolouration.</p>	<p>a. A crack, surface damage or discolouration in glass or other transparent material that:</p> <ul style="list-style-type: none"> • Impairs the drivers front, side or rear view of the road, or; • Presents a danger to any person in the vehicle. • Dirty, smeared or marked glass or other transparent material. • Films placed over the surface of the window such as to darken or make opaque

<p>b. Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions.</p> <p>c. Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.</p> <p>d. Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions.</p> <p>e. For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass.</p> <p>f. For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass or safety glazing.</p> <p>g. Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark.</p> <p>h. Vehicles will not be accepted with heavily tinted or blacked out windows. Front windscreen and front side windows shall only be accepted where the tint is in line with the Construction and Use Regulations covering those windows. Rear and rear side windows shall not be tinted to such a degree that a clear view of travelling passengers is obscured.</p> <p>Advisory: Rear and rear side windows should comply with the Construction and Use Regulations limits as set out in respect of front and side windows.</p> <p>Note: Marking is not required for safety glass used on vehicles first used before 1 June 1978.</p>	<p>b. A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.</p> <p>c. Any external window or windscreen is obviously leaking.</p> <p>d. A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged.</p> <p>e. The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959</p> <p>f. Glass used for a windscreen or an outside window is obviously not safety glass.</p> <p>g. For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the driver's seat that are not made from safety glass display an acceptable safety mark.</p> <p>h. Any person in the vehicle must be visible from the outside. This is to ensure not only the safety of passengers but also of the driver to prevent attacks by passengers. Please see advisory note.</p> <p>Derogation may be applied under exceptional circumstances such as for limousine and executive vehicles only. Derogations must be confirmed in writing prior to test.</p>
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Section 7 – Additional Requirements

Section Contents:

Sub-section	Subject
7.1	Speedometer
7.2	Transmission
7.3	Engine & Transmission Mountings
7.4	Oil & Water Leaks
7.5	Luggage/ Load Space
7.6	Trailers & Towbars
7.7	Warning lights

7.1 Speedometer

Method Of Inspection	Reason For Rejection
a. Check that a speedometer is fitted.	a. Speedometer not fitted
b. Check the condition of the speedometer.	b. Speedometer not complete or clearly inoperative, or dial glass broken or missing.
c. Check that the speedometer can be illuminated.	c. The speedometer cannot be illuminated.

7.2 Transmission

Method Of Inspection	Reason For Rejection
Examine transmission, check for:	
a. Missing or loose flange bolts	a. A flange loose or missing flange bolt(s)
b. Cracked or insecure flanges	b. A flange cracked, or loose on the transmission shaft
c. Wear in shaft and/or wheel bearings	c. Excessive wear in shaft bearing
d. Security of bearing housings	d. A bearing housing insecure to its fixing
e. Cracks or fractures in bearing housings	e. A cracked or fractured bearing housing
f. Wear in universal joints	f. Excessive wear in a universal joint
g. Deterioration of flexible couplings	g. Deterioration of a transmission shaft flexible coupling
h. Distorted, damaged shafts	h. A damaged, cracked or bent shaft.
i. Deterioration of bearing housing flexible mountings	i. Deterioration of a flexible mounting of a bearing housing
j. Clearance between transmission shafts and adjacent components	j. Evidence of fouling between any transmission shaft and an adjacent component
<u>Front Wheel Drive</u>	
a. Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:	

<ul style="list-style-type: none"> • Wear and Security • Damage to flexible rubber or fabric universal joints • Security and oil contamination of flexible rubber or fabric universal joints • Condition, presence and security of constant velocity joint gaiters. 	<ul style="list-style-type: none"> • Drive shaft constant velocity or universal joint coupling worn or insecure • A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up • A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure • A drive shaft constant velocity joint gaiter split, missing or insecurely mounted.
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7.3 Engine And Transmission Mountings

<p>Method Of Inspection</p> <p>a. Engine bay must be reasonably clean</p> <p>b. Examine condition of:</p> <ul style="list-style-type: none"> • Mountings • Sub-frames <p>And</p> <p>c. The security to chassis and check for:</p> <ul style="list-style-type: none"> • Fractures • Looseness • Deterioration 	<p>Reason For Rejection</p> <p>Very dirty or heavily contaminated engine bays can obscure sources of leaks or other problems. Failure to present vehicle with an engine bay in such a condition that leaks etc could be obscured, will result in the test not being completed.</p> <p>Any Mounting Or Sub-frame</p> <ul style="list-style-type: none"> -Loose -Fractured -Deteriorated -Inappropriate repair
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7.4 Oil And Water Leaks

<p>Method Of Inspection</p> <p>a. Check vehicle for oil and water leaks from any assembly or component to the ground.</p> <p>b. And/or which could be deposited on the surrounding bodywork or onto the exhaust system.</p> <p>Note: If necessary, the engine can be run at <u>idle speed</u> to confirm the existence of an oil leak.</p>	<p>Reason For Rejection</p> <p>a. An oil or water leak, from any assembly, which deposits fluids underneath the vehicle whilst stationary.</p> <p>b. Leaks which, when the vehicle is moving, could be deposited upon the surrounding bodywork, exhaust and brake system so that it would:</p> <ul style="list-style-type: none"> • Contaminate areas • Could potentially cause a health, safety or fire risk.
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7.5 Luggage/Load Space

<p>Method Of Inspection</p> <p>Physical separation is not so much an issue as is the safety of passengers in the event of an accident. The luggage should therefore be secure and prevented from becoming dislodged in an</p>	<p>Reason For Rejection</p> <ul style="list-style-type: none"> • Where tonneau covers are present they must be serviceable and suitable for their use. • Vehicles with large areas for the carrying of luggage must have a load restraint system that is serviceable and suitable for its intended use.
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<p>accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.</p>	<ul style="list-style-type: none"> • Load restraint system faulty or unserviceable.
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7.6 Trailers & Towbars

Method Of Inspection	Reason For Rejection
<p><u>Trailers</u> a. Where a local licensing authority permits the use of trailers for the carriage of luggage, then the trailer needs to be presented for test along with the vehicle that will be authorised to tow it. The trailer will also need to display the appropriate registration plate.</p> <p>Note: Trailers presented for inspection should be built by an approved or recognised trailer manufacturer.</p> <p>An example of a typical trailer inspection sheet can be found at Appendix 'A'</p> <p><u>Tow-bars</u> b. Where tow bars are fitted checks must be made on the condition and security to the towing vehicle</p>	<p>a. Rejections as indicated on the trailer inspection sheet shown at Appendix 'A'</p> <p>b. Rejections as indicated on the trailer inspection sheet shown at appendix 'B'</p>

7.7 Warning lights or alarms

Method Of Inspection	Reason For Rejection
<p>Dashboard fascia warning lights are illuminated, and/or alarms are activated it shall be at the discretion of the testing station as to whether or not the test is completed.</p>	

Section 8 – Ancillary Equipment

Section Contents:

Sub-section	Subject
8.1	Wheelchair Restraint & Access Equipment
8.2	Fire Extinguisher
8.3	First Aid Kit
8.4	Meter

8.1 Wheelchair Restraint & Access Equipment

<p>Method Of Inspection</p> <p><u>Wheelchair Restraint</u></p> <p>a. Where applicable check condition and operation of wheelchair restraint.</p> <p><u>Wheelchair Access & Equipment</u></p> <p>A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p> <p>Ramps</p> <p>c. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.</p> <p>Wheelchair Lift</p> <p>d. A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheelchair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</p> <p>e. Any purpose designed wheelchair access ramp is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250 kgs and certified to BS 6109.</p> <p>f. Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.</p> <p>g. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220 mm). The measurement shall be taken from the upper centre of the fully raised platform, or the upper face of the ramp fully deployed on level ground.</p> <p>h. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p>	<p>a. A wheelchair restraint is defective, worn or missing.</p> <p>c. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.</p> <p>d. Vehicle not presented with a valid or current LOLER certificate.</p> <p>e. The installed ramp does not have any visible reference to a maximum safe working load or certification BS 6109.</p> <p>f. Wheelchair access equipment is fitted to the off-side access door of the vehicle.</p> <p>g. There is not clear headroom in the aperture within the central third of 48 inches (1,220 mm).</p> <p>h. No evidence of a suitable locking mechanism to hold the door open.</p>
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<p>i. All wheelchair tracking must be fit for purpose and structurally sound.</p> <p>Further information on Disabled peoples transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) Website Below. www.dptac.gov.uk</p>	<p>i. Damaged or insecure tracking or detritus deposits within the tracking rails.</p>
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8.2 Fire Extinguisher

Method Of Inspection	Reason For Rejection
<p>a. Check the fire extinguisher for presence:</p> <ul style="list-style-type: none"> • The expiry date • Seal • Type- water, CO₂ or dry powder • Approved mark – BS5423 or EN3 <p>b. The fire extinguisher must be kept in an accessible position. The extinguisher may be carried out of view, i.e. in a fastened glove compartment or boot area provided there is a clear sign on the dashboard, stating the location.</p> <p>c. The fire extinguisher must be permanently marked with the vehicle licence plate number, on the shoulder of the fire extinguisher in such a manner that it can be clearly seen and read.</p>	<p>a. A fire extinguisher is missing or:</p> <ul style="list-style-type: none"> • Out of date • Broken or missing seal. • No approved marking visible or other non-approved marking shown. <p>b. Not fitted in an accessible position or its position is not clearly marked.</p> <p>c. The fire extinguisher is not permanently marked. Purpose of marking is to prevent fire extinguishers being passed between vehicles for test purposes only.</p>

8.3 First Aid Kit

Method Of Inspection	Reason For Rejection
<p>a. Check the first aid kit for presence and sufficient contents.</p> <p>Based on information available from the HSE a minimum stock of first-aid items should include</p> <p>(i) a leaflet giving general guidance on first aid (for example, HSE's leaflet <u>Basic advice on first aid at work</u>);</p> <p>(ii) a selection of individually wrapped sterile plasters (assorted sizes),</p> <p>(iii) sterile eye pads;</p> <p>(iv) individually wrapped triangular bandages, preferably sterile;</p> <p>(v) six safety pins;</p> <p>(vi) large sterile individually wrapped unmedicated wound dressings;</p> <p>(vii) medium-sized sterile individually wrapped unmedicated wound dressings;</p> <p>(viii) at least three pairs of disposable gloves</p>	<p>a. A first aid kit is missing, or has insufficient contents</p>

<p>b. The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>b. The first aid kit is not in an accessible position or its position is not clearly marked.</p>
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8.4 Meters

<p>a. Check wiring of meter is sound and secure</p> <p>b. Check top light works when activated by meter.</p>	<p>a. Wiring is damaged, frayed, loose or not properly secured</p> <p>b. Top light not operative</p>
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8.5 CCTV Cameras or other ancillary equipment

<p>a. Check that any associated wiring is sound and secure.</p> <p>b. Must clearly display signage that CCTV is present and in use in the vehicle.</p> <p>c. Other ancillary equipment such as chip and pin facilities must be securely fixed in such positions that they do not impact on the driver ie it must not be located in proximity to gear levers or other essential controls.</p>	<p>a. Wiring is damaged, frayed, loose or not properly secured</p> <p>b. Signage not displayed or in such a position so as to obstruct the view of the driver, or not clearly visible to all passengers in the vehicle.</p> <p>c. Equipment is not located in an appropriate position.</p>
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Section 9 – Display of Information

Section Contents:

Sub-section	Subject
9.1	Advertising
9.2	No Smoking Signage

9.1 Advertising

<p>a. Advertising shall not obstruct the driving view of the driver at any time.</p> <p>b. All windows free of advertising matter except for hackney carriage or private hire vehicle company details.</p> <p>c. All bodywork free of advertising matter except for hackney carriage and private hire vehicles company details. Additional advertising material shall only be permitted if the written prior approval of the Council has been obtained and is provided at the time of the test.</p>	<p>a. Advertising material that obstructs the driving view of the driver.</p> <p>b. Non company details advertised on windows.</p> <p>c. Non company details advertised on bodywork without prior approval of Council.</p>
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9.2 No Smoking Signs

<p>Prominent display of no smoking sign within the passenger compartment. Note. It is a legal requirement that at least one sign must be prominently displayed. Advisory: Two signs should be displayed, one on each side of the vehicle in order to advise passengers that smoking is not permitted in the vehicle.</p>	<p>Lack of clearly displayed or omission of 'No Smoking' signage.</p>
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Trailer Inspection Sheet

Name of owner of trailer:	
Address of owner of trailer:	
Contact number of owner:	
Manufacturers plate showing chassis number:	
Manufacturers plate showing maximum weight:	

Inspection Area	Description	Pass (tick)	Fail (X)
Trailer couplings	Check condition and operation and presence of a safety breakaway cable		
Tow bar mounting brackets	Check condition and security		
Trailer body	Check condition of side and rear tailboards		
Trailer chassis	Check condition		
Suspension	Check condition and operation		
Wheel bearings	Check for excessive free play or roughness in bearings		
Tonneau cover and fittings	Check for condition		
Wheels and tyres	Check security, condition and wear		
Braking system	Operates satisfactorily		
Lighting	All obligatory lights work		
Indicators	All indicators work		
Reflective triangle	Check presence and condition		
Number plate	Check condition, security of fitting and displayed clearly		
Speed restriction notice	Check condition and displayed clearly		

I hereby certify that the above trailer has been inspected and ***has/ has not** been found to be roadworthy and suitable to be used as a hackney carriage or private hire trailer at the time of inspection. (*Delete as appropriate)

Examined by (name)
 Position
 Signature
 Date