

Caerphilly County Borough Council
Hackney Carriage and Private Hire Drivers / Private Hire Vehicle Operator Policy and
Conditions

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[\(amendments to take effect from ***DATE**** 2022\)](#)

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CONTENTS

	PAGE
Introduction	2
Aims of Licensing	2
Equalities and Human Rights	2
The Policy	3
Fit and Proper Considerations	4
Cautions, Warnings, Convictions and Endorsements	4
Fitness Criteria Policy	4
Fitness (Knowledge) Test	4
Equality and Disability Considerations	5
Discrimination	5
Immigration Status	5
Safeguarding Children and Vulnerable Persons	6
Smoking in Vehicle	6
Littering	6
Medical Condition	6
Acceptable Standards of Dress	6
Actions that may compromise the fit and proper status of a licensed driver or applicant	7
Application Requirements	9
Licences	9
Conditions Attached to Licences	9
Right of Appeal	10
Hearings	10
Complaints and Enforcement	11

LIST OF APPENDICES

Appendix A	Driver Application Requirements	12
Appendix B	Fitness Criteria (drivers, operators & vehicle proprietors)	186
Appendix C	Hearing Procedures	264
Appendix D	Dual Driver Conditions	286
Appendix E	Hackney Carriage Byelaws	334
Appendix F	Advice for Licensed Taxi Drivers	386

INTRODUCTION

This document has been produced in accordance with 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 drivers.

In this Policy, the following abbreviations have been used:

Council / CCBC	-	Caerphilly County Borough Council
LA	-	Licensing Authority Caerphilly County Borough Council
Policy	-	Caerphilly County Borough Council's Hackney Carriage and Private Hire Driver's Policy
Driver's Licence	-	Dual Driver's Licence
LG(MP)A	-	Local Government (Miscellaneous Provisions) Act 1976
TPCA	-	Town Police Clauses Act 1847
EA	-	Equalities Act 2010
DVLA	-	Driver and Vehicle Licensing Agency
DPM	-	Data Protection Mandate
DFT	-	Department for Transport
DBS	-	Disclosure and Barring Service (formerly CRB)

AIMS OF LICENSING

This policy sets out how the Council will deal with the licensing of hackney carriage and private hire drivers and private hire vehicle operators. The Council, will determine each application on its merits, but will place public safety above all other considerations.

The aims are as follows:

- Ensure a driver is considered to be a fit and proper person to hold a driver's licence in that:
 - (i) the person does not pose a threat to the public;
 - (ii) the public are safeguarded from dishonest persons;
 - (iii) the safeguarding of children, young and vulnerable persons;
- Ensure the safety of the public likely to be affected by the operation and use of hackney carriage and private hire vehicle services.
- Encourage the provision of high quality and professional hackney carriage and private hire services.

EQUALITIES AND HUMAN RIGHTS

The Equalities Act 2010 introduced measures to tackle discrimination encountered by disabled people in certain areas including employment, and access to goods, facilities and services. The applicant shall have regard to this legislation.

The Welsh Language (Wales) Measure 2011 makes both Welsh and English the official languages of Wales, and the Licensing Authority will ensure that it provides its services in accordance with the Council's current policies on Welsh language service provision and production of bilingual material.

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way that is incompatible with such a right. The Licensing Authority will have regard to the Human Rights Act when considering any licensing issues, and particularly in respect of the way in which applications are considered and enforcement activities are carried out.

The Council expects that in granting an authorisation the holder of that authorisation will 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, sex, age, marital status, sexual orientation, disability, gender reassignment, religious beliefs or non-beliefs, use of Welsh language, BSL and other languages, nationality, responsibility for any dependants or any other reason which cannot be shown to be justified.

The Council ensures that it treats all individuals and organisations who are renewing or making new applications for licences, with equal respect both when corresponding with those individuals and organisations, and during the licensing approval process and will do so in the language or format of their choice, in line with the Council's Strategic Equality Objectives.

The Council is satisfied that this policy satisfies the statutory requirements and where there are restrictions, they satisfy the provisions on proportionality and balance of competing rights.

THE POLICY

This Policy aims to:

- Set out the Council's approach to regulation, enforcement and sanction of drivers and operators;
- Define and offer guidance on the legislation in relation to the provision of hackney carriage and private hire vehicles services by drivers; and
- Set out the licensing conditions applicable to drivers.

The policy also sets out the Council's intentions in respect of the Equality Act, discrimination and the safeguarding of children and vulnerable persons.

In exercising its discretion in carrying out its regulatory functions, the LA will have regard to this Policy document and the aims set out above. The LA will also take into account Welsh Government (WG), DFT or other recognised bodies Best Practice Guidance as they apply to licensing of drivers.

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.

The Policy will be formally reviewed and updated, 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.

The conditions stated within this Policy will apply to hackney carriage and private hire drivers. This therefore means any licence or badge granted will be known as a Dual Licence and Dual Badge. However, it shall be noted that within this document there are circumstances where conditions relate specifically to private hire drivers and hackney carriage drivers.

FIT AND PROPER PERSON CONSIDERATIONS

The Council must be satisfied that a person is 'fit and proper' before a licence will be issued or renewed, or during the course of a licence. The 'fit and proper' requirements are not defined in law but the Council will consider a number of factors, including:

Cautions, Warnings, Convictions and Endorsements

Where offences leading to cautions, warnings, convictions and endorsements are committed, it is important in the interests of consistency and transparency that a procedure should be in place to consider what effect this should have on an application for the grant or renewal of a licence. Drivers must report to the LA any cautions, warnings, convictions and endorsements issued during the course of the licence (in line with licence conditions, which are set out at Appendix D)

Under the Rehabilitation of Offenders Act 1974 Act (as amended), criminal convictions can become spent after a certain period of time, and once spent, for many purposes, may be disregarded, however this is not necessarily the case in respect of taxi driver applications. When considering a licence application, the Licensing Authority may take 'spent' offences into consideration as to whether or not an applicant is a fit and proper person to hold a licence. The Licensing Authority may consider all warnings, cautions, convictions, and additional information on the DBS disclosure or information provided by the Police, if it is satisfied that justice cannot be done except by taking them into account, including any spent convictions.

FITNESS CRITERIA POLICY FOR DRIVERS & OPERATORS

The LA will refer to its Fitness Criteria for Drivers and Operators Policy as attached at Appendix B which outlines the principles and sanctions that will be applied, although each case will be treated on its merit. The Fitness Criteria has been based upon the (April 2018) Institute of Licensing Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades.

The LA makes decisions on the balance of probabilities rather than beyond reasonable doubt. The prime concern is to ensure public safety.

The Fitness (Knowledge) Test

Drivers must have a good working knowledge of the area within which they intend to work. Therefore to maintain the high standards that the LA expects of its drivers, new applicants will not be granted a licence until such time as the applicant has successfully passed this test. Where

a licence is allowed to lapse for more than 12 months the applicant will be required to pass this test. There may be very exceptional circumstances where an applicant may be exempt from the requirement to undertake such a test, in such cases the matter should be carefully considered by Licensing Officers who will recommend referral of such circumstances to the relevant committee for consideration.

Equality and Disability considerations

The Council expects that all licensed drivers will ~~only~~ comply with the terms of the Equality Act. ~~The Taxi and PHV (Disabled Persons) Act 2022~~ ~~Changes are anticipated to strengthen legislation by~~ ~~placing~~ a clear duty on taxi drivers to assist passengers with wheelchairs (making it an offence to charge wheelchair passengers extra) and to assist persons with disabilities. A government report suggests that local authorities should not issue licences until such time as drivers can demonstrate they can comply with the terms of the Equality Act.

It is the Council's intention to move towards ensuring that all drivers attain an acceptable level of understanding and compliance with the terms of the Act. Details of any future requirements to be placed on drivers in respect of ensuring compliance will be subject to the Licensing Committee's consideration and determination, this policy would be updated as necessary.

The Council will require all drivers to be compliant with the provisions of the Equalities Act 2010, which has specific sections on private hire and hackney carriages not discriminating on the grounds of disability, including the requirement to carry assistance dogs of disabled people.

Drivers are expected to have knowledge in safe methods of conveying disabled persons, wheelchair bound or not. The Council encourages all drivers to attend training on dealing with disabled people; this does not only include people in wheelchairs but knowledge of the needs of people with a wide range of disabilities. Disabilities include; limited or restricted movement, sight or hearing disabilities, learning difficulties and mental impairment. This list is not exhaustive; the provisions of the current Equalities Act will be taken into account when determining if a person is classed as disabled. Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements not only in respect of handling and securing wheelchairs, but also to prevent any risk to their own health arising from the handling of wheelchairs.

The council may review the licences of any driver who is found to be deficient in disability awareness following a complaint or where the health of a disabled passenger is endangered by the actions of the driver. The lack of training/knowledge on the part of the driver will not be accepted as a defence to the allegation.

Discrimination

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

Immigration Status

Foreign nationals are required to provide evidence to the Council regarding their immigration status, in order that their eligibility to work and be granted a licence can be assessed. Further detail is set out in Appendix A.

Safeguarding Children and Vulnerable Persons

The Council has serious concerns regarding the safeguarding of children and vulnerable persons, and have reviewed the requirements in respect of safeguarding awareness of licensed drivers and require training and attendance at courses as is considered appropriate or available and attendance at refresher sessions as considered appropriate by the Council. Confirmation of attendance will only be accepted from authorised officers of the Council or training providers approved by the LA. Attendance at approved safeguarding awareness is a pre-requisite in respect of the grant of a licence and refresher training is required to be undertaken every 3 years.

Smoking in vehicle

The LA will take a serious view where a driver smokes tobacco or any other substance, or permits smoking in a licensed vehicle, as this demonstrates a clear disregard for the law and for the health of both the driver and customer. Licensed drivers must be aware that smoking in a licensed vehicle is prohibited. Where a driver is in contravention of smoking legislation, the issue will be investigated and appropriate action taken.

Advisory- Drivers are advised that using Nicotine Inhaling Devices (NIDs) (commonly referred to as electronic cigarettes) or similar devices in licensed vehicles may be mistaken for smoking tobacco or any other like substance. Any changes to legislation prohibiting the use of these devices in public places will be deemed to be a part of this policy. The LA considers that smoking such devices does not promote the professional image expected of a licensed driver.

Littering

Drivers are advised that leaving litter or disposing of it from a vehicle (ie such as throwing cigarette butts out of vehicle windows) are offences under the Environmental Protection Act 1990. Commission of such offences will render you liable to conviction, liability for which may be discharged by payment of a fixed penalty notice, FPN. At the time of writing the policy the fixed penalty is £100 reduced to £75 if paid within 7 days.

Medical Conditions

The licence holder shall notify the LA in writing without undue delay of any serious illness or accident or deterioration in health occurring during the course of their licence, which may affect their ability to drive a licensed vehicle safely.

The driver shall at any time, or at such intervals as the LA may reasonably require, produce a certificate in the form prescribed by the LA signed by the licence applicant's holders registered medical practitioner to the effect that he/she is or continues to be physically fit to be a driver of a vehicle. Any fees will be borne by the driver.

Acceptable Standards of Dress

CCBC is committed to encouraging the professional image of licensed drivers and considers therefore that drivers must conform to a minimum standard of suitable clean clothing and that they maintain appropriate levels of personal hygiene. It is expected that such standards will be maintained at all times.

It is recognised that drivers may wear a head covering for religious purposes or personal preference but such coverings must be clean. Any wording or motif upon clothing or headwear must not be of an offensive nature.

ACTIONS THAT MAY COMPROMISE THE FIT AND PROPER STATUS OF A LICENSED DRIVER OR APPLICANT

Driver's licence and badge will be supplied by the LA when they are satisfied the applicant is a fit and proper person to hold such a licence. The following transgressions committed during the course of a licence may render the driver as no longer 'fit and proper'. The LA will take appropriate action dependant on the circumstances. Minor or first time transgressions are likely to attract a written warning, repeated or more serious conduct may lead to prosecution and/or a review of the licence.

Where an offence has been committed and not listed within this Policy, the LA will deal with each case in accordance with the Council's Enforcement Policy, each matter being dealt with on its own merit.

In any event each case will be considered on its own merits and will take into account any mitigating factors.

1. **Failure to comply with a reasonable request from an authorised officer.**
The LA takes failure to comply with a reasonable request from an authorised officer seriously.
2. **Failure to report/declare a conviction/caution**
The Council must be satisfied that licence holders or applicants are honest and truthful persons, a serious view will be taken of failure to report or declare convictions or cautions. Any actions to be taken in respect of failures to report/declare a conviction will be determined on the severity of the offence, when committed and any other relevant factors.
3. **Failure to respond to interview request**
The LA considers failure to respond to an officer's request for an interview (excludes interviews regarding potential offences which may lead to a prosecution where there is a ——— legal right to refuse) to be serious as it may prevent the LA from investigating ——— issues and complaints and shows a disregard for the safety of the travelling public.
4. **Failure to report an accident**
It is anticipated that the onus is on the vehicle proprietor to report accidents to the LA, however the driver (where not an owner driver) should also report such issues. A first offence of failure to report an accident within the specified time will normally be dealt with by issuing a written warning, in addition to any further action that may be warranted by the nature of the accident or damage to the licensed vehicle.
5. **Failure to show a duty of care**
Drivers are expected to show a duty of care to both the passengers and any property they carry in their vehicles. —

6. **Refusal to carry a passenger in a hackney carriage vehicle**
In these circumstances the driver will be invited to state the reasons for the refusal. Where the LA is satisfied that the driver had a justifiable reason then it is likely that no further action will be taken.
7. **Refusal to carry a guide or assistance dog in a hackney carriage vehicle**
It is an offence to refuse to carry a guide or assistance dog (Disability Discrimination Act —1995 s 37). A driver may hold a medical exemption certificate issued by the LA which must be correctly displayed in the vehicle. Where no exemption exists, the driver will have committed an offence.
8. **Failure to display or wear badges**
Drivers' badges are issued in order that passengers can be assured that the Council have determined that the driver has been considered to be a fit and proper person to hold such a licence.
9. **Rude or aggressive behaviour**
Rude or aggressive behaviour would raise concerns regarding public safety. Where allegations are received that the driver has displayed rude or aggressive behaviour the matter will be investigated. Rude or aggressive behaviour includes the use of obscene language and physical actions, belligerent or contentious communication.
10. **Offence of knowingly or recklessly making a false statement.**
[Includes omitting any material from the application form or any associated document submitted with it.]
The LA considers this to be a serious offence as it indicates dishonesty on the part of an applicant, consequently applications may be rejected dependant on the seriousness/ nature of the omission or false information.
11. **Offence of an unlicensed driver to drive a licensed vehicle**
Submission of an application for the grant of a licence does not entitle an applicant to drive a licensed vehicle, and a driver will be unlicensed if they allow their licence to lapse (failure to apply to renew a licence prior to the expiry date). It is an offence for an unlicensed driver to drive a licensed vehicle under the LG(MP)A and TPCA respectively. There are limited circumstances where such an action is permissible in that an unlicensed person may drive a vehicle in connection with the testing of the vehicle for statutory purposes or for the purpose of work necessary to keep the vehicle in good order -(This may only be carried out by a qualified mechanic and no passengers may be conveyed in the vehicle during the test). An unlicensed driver who drives a licensed vehicle for any other purpose may be liable to prosecution.
12. **Penalty points on a Driver's (DVLA) Licence**
Minor traffic offences (as set out in the fitness criteria document at Appendix B) leading to an accumulation of 7 or more points on their DVLA driving licence, the licence may be reviewed to determine whether the driver is showing a disregard for the safety of the public and law.
13. **Major traffic offences**
Major traffic offences (as set out in the fitness criteria document at Appendix B) are considered to be very serious.

14. **Failure to provide the LA with most current DVLA licence**

Where an expired DVLA licence is produced to the LA, without reasonable excuse, indicates dishonesty. Applications may be rejected or the LA licence reviewed.

15. **Failure to comply with the requirements of the Taxi and Private Hire Vehicle (Disabled Persons) Act 2022. Accept the carriage of any disabled person, provide them with reasonable mobility assistance, and carry their mobility aids, all without charging any more than they would for a non-disabled passenger. Provide any disabled passenger who requests it with assistance to identify the vehicle they have booked, at no extra charge.**

APPLICATION REQUIREMENTS

Application requirements are set out in Appendix A. These requirements may be amended to reflect changes in legislation, policy, procedures as necessary.

LICENCES

The LA does not issue separate drivers' licences in respect of private hire vehicles and hackney carriages. Instead the LA issues a dual driver's licence which gives the holder the flexibility to drive either type of vehicle. The driver's licence shall remain in force for a period of up to 3 years (as prescribed by the Deregulation Act 2015) unless the LA specifies a lesser period as it considers appropriate, revokes or suspends a licence.

Licence fees are normally reviewed on an annual basis by the LA, so as to achieve cost recovery. Fees are published on the Council's website.

The Council will endeavour to remind all licensed drivers of the expiry date of their driver's licence. Where a ~~DBS check or~~ medical certificate is due at the time of renewal, the holder should obtain a medical in sufficient time and produce the necessary documentation, to enable the application to be determined prior to the licence expiry date, so as to ensure continuity of licence.

These arrangements do not abrogate the holder's personal responsibility to ensure that renewal applications and any required documentation are submitted in good time, ahead of licence expiry. The procedures for both grant and renewal applications are set out in Appendix A

The badge and licence remain the property of the LA and must be returned at the expiry of the driver's licence. In any event, both must be returned to the LA should the licence be suspended or revoked at the end of the appeal period (where an appeal is not upheld) unless suspended or revoked with immediate effect.

Where a badge or licence has been damaged, lost or stolen this must be reported to the LA immediately and a replacement obtained.

CONDITIONS ATTACHED TO LICENCES

Conditions may not be attached to a hackney carriage driver's licence, however, many of the requirements prescribed within the Hackney Carriage Byelaws are effectively hackney carriage driver's conditions. The Byelaws are attached as Appendix E

The LA may impose such additional conditions on a private hire driver's licence as it considers reasonable and necessary, the conditions are set out in Appendix D. The conditions are considered reasonable, necessary and appropriate for all licensed drivers but it is accepted that they may only be legally imposed when a licensed driver drives a private hire vehicle. As holders of dual licences it is expected that all drivers will comply with these conditions.

Where the LA has serious concerns for the public's safety, an immediate revocation of a driver's licence may be necessary. In this instance, the LA may utilise its emergency procedure for review of the licence holders continued suitability.

DBS checks, DVLA Checks and satisfactory medical certificates may expire during the course of a licence, in which case the Council can no longer be satisfied that a person remains a fit and proper person to hold the licence. Where documentation is required during the course of a licence a condition will be attached to the licence requiring the submission of the required document within 4 weeks of the date on which the document was required. Failure to comply with the condition may jeopardise the licence in that the matter would be referred to a licensing committee for determination.

RIGHT OF APPEAL

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

- i. Appeal against refusal to grant a private hire driver's licence or conditions imposed on such a licence: Section 52
- ii. Appeal against refusal to grant a hackney carriage driver's licence: Section 59
- iii. Appeal against suspension, revocation or refusal to renew a hackney carriage or private hire driver's licence: Section 61

The statutory rights of appeal in connection with drivers 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.

Where an appeal is to be made to the Magistrates' Court applicants must lodge an appeal within a period of 21 days from the day on which the applicant was notified by the LA of any decision. The obligation is on the aggrieved person to submit the appeal within the statutory time periods.

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

HEARINGS

Hearings of the relevant Licensing Committee will take place in public save where the Committee considers, that the hearing, or part thereof, be heard in private having regard to any unfairness to a party that is likely to result from a hearing in public.

In reaching a decision, the committee will balance the public interest in the hearing taking place in public against the public interest in ensuring that a party has a fair hearing.

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 the public or whether documents which are being considered by the Committee should be excluded from publication and make a ruling accordingly.

Hearing Procedure

The procedure to be followed at a hearing is notified to attendees prior to the hearing. The procedure is attached at Appendix C

COMPLAINTS AND ENFORCEMENT

Inspections

Drivers shall be aware that any authorised officer of CCBC or any constable shall have the power at all reasonable times to inspect and examine any licensed vehicle without prior notice.

Complaints against Officers of the Licensing Authority

All complaints against a member of the Licensing Team should be submitted in writing in the first instance to the Licensing Manager. Dependant on the circumstances the complaint may be referred to the Trading Standards and Licensing Manager. Complainants are also advised of the Councils corporate complaints procedures which are detailed on the Councils website. Complaints may be submitted on line or by telephoning 01443 864221.

Complaints against Drivers

Complaints received from members of the public regarding the conduct of drivers will be considered and investigated. When a complaint is received in relation to safeguarding, the CCBC safeguarding procedures will be followed.

In general, however, where a complaint is received authorised officers may:

- Interview the complainant and take witness statements.
- Investigate the matter by interviewing the driver/operator.
- This may be done under caution where there is a likelihood of prosecution.
- Consider the driver's behaviour and public safety issues.
- Consider the driver's previous history.
- Decide on whether to take no action, place the matter before the licensing committee with a view to suspend or revoke the licence, suspend or revoke a licence with immediate effect or issue a written warning.

These actions are not exhaustive. In cases where the public are at risk or public safety is compromised, suspension or revocation will be with immediate effect. In cases of proven, repeated or persistent breach of conditions the matter will be placed before the licensing committee for their consideration and action taken as they consider appropriate.

Private Hire Vehicle Operators - requirements relating to staff

Holders of Private Hire Vehicle Operator licences are required to undertake basic disclosures of members of staff who work for them and access booking records or dispatch vehicles.

Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce a policy on the employment of ex-offenders in those roles.

The Private Hire Operator must maintain a register of all such staff which shall include a record of when each DBS check has been undertaken. This register must be available for inspection by an authorised officer of the Licensing Authority upon request. The register should include the following:

- the date that person's employment in that role commenced
- the date the operator checked the DBS certificate
- the name of the person that checked the DBS certificate
- the date the person ceased to perform that role.
- The register must be retained for 6 months in line with the booking records
- Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.

The Operator must require that all staff employed in taking bookings or dispatching vehicles to report to them within 48 hours of any conviction, binding over, caution, warning, reprimand or arrest for any criminal matter whilst they are employed in this role.

APPENDIX A

DRIVER APPLICATION REQUIREMENTS

In order to issue a driver's licence the Council must be satisfied that the person is considered to be a fit and proper person to hold such a licence. In order to assist the Council in making this determination an applicant must satisfy the following application requirements.

- The applicant must have attained the age of 18 years of age;
- The applicant must attend in person.

- The applicants current DVLA licence be produced for examination
 - Complete and submit the Council's prescribed application form;
 - Submit the application form comprising the elements listed below;
 - Pay to the Council, such fees as may be required for the issue of the licence; Where payment is made by cheque, which is subsequently dishonoured, any licence will be considered null and void.
 - Partial applications will not be accepted;
 - Produce the current driving licence issued under the Road Traffic Act 1988
 - Produce for examination a form of photographic identification, such as DVLA Drivers Licence or passport;
 - In respect of the initial grant of a licence [completion of a Caerphilly Council Enhanced DBS check specifically for the role of a taxi /private hire vehicle driver.](#)
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- Applicants must have the legal right to work in this country.
 - Applicants should be aware that Caerphilly County Borough Council is under a duty to protect the public funds it administers, and to this end may use the information provided for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.
 - Applicants should be aware that the Licensing Authority has implemented the use of and makes submissions to the National Register of Taxi Licence Refusals and Revocations (NR3). The intention of this is to prevent drivers who have had a hackney carriage or PHV licence revoked or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Application essential elements which must be submitted:

- **LA prescribed application form** (completed)
- **Passport sized photograph** - One recent colour passport sized photograph (as required for passport photographs) must be submitted every three years.
The photograph must:
 - Be in sharp focus and clear;
 - Have a strong definition between the face and background;
 - Be printed professionally (Photographs printed at home are not likely to be of an acceptable quality);**Show full head, without any head covering, unless it is worn for religious beliefs or medical reasons; and Show nothing covering the face.**

[Alternatively, Licensing Officers have the ability to take photographs at the council offices.](#)

DVLA drivers licence (Photocard or paper) – checks will be made to ensure that the most current DVLA issue has been produced. All applicants must have for at least 12 months held a full driving licence (not a provisional) issued by the DVLA, or the DVNLI (Northern Ireland), for that class of vehicle, granted under Part III of the Road Traffic Act, 1988 or Northern Ireland equivalent, authorising them to drive that class of vehicle. Under the Driving Licences (Community Driving Licence) Regulations 1996, a full driving licence issued by another EC/EEA state will count toward the grant of a licence if the holder has held such a licence for the previous 12 months. In addition CCBC will

require applicants who hold EC/EEA driving licences to have a GB counterpart document. GB counterparts can be obtained free of charge from the DVLA on submission of the form D9 which is available from www.dvla.gov.uk.

DVLA Check upon application and requirement to share online DVLA Code/Status within 21 days of a request.

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

All applicants/licence holders must either sign up to the DBS Update Service and maintain their subscription for the duration of their licence or provide an enhanced DBS every 6 months. For those using the update service, the licence holder must give permission for the Licensing Authority to undertake checks of their DBS status. Failure to provide DBS information every 6 months will result in the Licence Authority suspending a driver licence until such time the information is provided or is accessed.

Drivers wishing to submit a new DBS application every six months, rather than using the "DBS update service" will be required to take personal responsibility to make appointment with the Licensing Authority for this purpose no later than 4 weeks before the 6 months DBS check is due. Failure to provide a DBS by the required date will result in Drivers Licence being suspended until such time a DBS is completed and returned to the Authority by the DBS. As such, the Licensing Authority strongly advise drivers to use the "DBS Update Service."

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

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

An applicant can subscribe to this service within 28 days of creating the subscription using the form reference number. For further information on the update service please visit [DBS Update Service - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

-The Council will not accept DBS checks provided to the applicant as the result of being requested by other organisations/Councils. With regard to the disclosure results or information contained in disclosures, the Rehabilitation of Offenders Act (Exceptions) (Amendment) Order 2002 amends the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in relation to hackney carriage and private hire drivers. This amendment includes the addition of drivers to the list of exempted occupations and allows the LA to take into account all convictions (spent or otherwise); other relevant information disclosed

at the Chief Officer of Police's discretion; Simple Cautions; Fixed Penalty Fines and Criminal Behaviour Orders, etc.

Foreign Nationals. With regard to the licensing of Foreign Nationals, the LA recognises that the DBS disclosure will only provide information in respect of the time the applicant has resided in the UK. In such circumstances and where there is a need to check any potential criminal record, which will also include persons who have spent more than 6 months living outside the UK, since their tenth birthday, the LA will require the applicant to provide a Certificate of Good Conduct from the Embassy of the country in which they were residing. Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

~~Any costs incurred in this process will be borne by the applicant.~~ CCBC shall, however, take all reasonable and proportionate steps to ensure that a foreign national driver is a fit and proper person. The requirement for Certificate of Good Conduct will also apply to Private Hire Vehicle Operators and Vehicle Proprietors. Each case shall be judged on its merits.

Information regarding certificates of good conduct or similar documents from a number of countries is available from: **GOV.UK Criminal records checks for overseas applicants.**

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

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

- **Immigration/Right to Work Checks.**

It is appropriate for LA's to check up on an applicant's eligibility/right to work before granting a Hackney Carriage or Private Hire driver's licence. CCBC will only grant a Hackney Carriage/Private Hire driver's licence to those who have the right to work within the UK. Drivers will be required to provide evidence to the Authority regarding their immigration status. Those drivers who have a right to work within the UK but have lost evidence of this will be required to obtain written approval from the Home Office. (Evidence and Enquiry Unit, Floor 12, Lunar House, Wellesley Road, Croydon CR9 2BY Tel: 020 8196 3011). Where an applicant satisfies all the criteria a licence shall only be issued up until the date they are entitled to work within the UK. If an applicant applies for a licence and does not have the right to work within the United Kingdom, their details will be passed to the Border and Immigration Agency.

Further details can be found on: www.bia.homeoffice.gov.uk/employingmigrants

- Tax Conditionality checks - new applicants and existing drivers should note the requirements in relation to HMRC Tax Conditionality requirements. Applicants / licence

holders can find further information on [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

- **Driver Fitness Assessment (Knowledge) Test – Approved by Licensing Committee 16 February 2015.**

Proof of having passed the fitness (knowledge) test – applies to new applications. On first application (or where a licence has lapsed for more than 12 months) evidence is required that the applicant has passed the knowledge test approved by the LA for the CCBC area.

The test comprised of the following: - a pass certificate in respect of the fitness (knowledge) test.

Section 1 – Basic Skills assessment covering literacy and numeracy.

Section 2 – Verbal Communication and Comprehension Test

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

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

The applicant shall pay all requisite fees in respect of the test to the test provider.

- **Safeguarding Awareness. Approved by Licensing Committee on the 30th June 2016.**

Have attended a safeguarding awareness course approved by the Council.

- ~~**Medical certification – Approved by Licensing Committee on the 28 May 2015.**~~

~~On first application, produce a CCBC medical form (equivalent to the DVLA Group 2 —medical) completed by the applicants own GP or another GP at the applicants registered practice that has full access to their medical records. (In exceptional circumstances, and only with prior agreement from the Licensing authority, a medical assessment may be carried out by another registered GP practice as long as the applicant's full medical history has been viewed and assessed by that GP.) registered medical practitioner and a declaration that they are fit to drive a taxi signed by the same person. Further medicals are dependent on age of applicant.~~

~~Where the DVLA have required a satisfactory Group 2 medical examination so as to entitle a driver to drive coaches and lorries etc which is reflected on their DVLA licence, production of a completed medical form may not be required by the LA. The medical must cover the period of the licence and the LA reserve the right to require an up to date certificate where there are concerns.~~

Payment of any fee in respect of obtaining the medical certificate shall be borne by the applicant.

A Group 2 Medical is needed:

- On application and
- Every 5 years between the ages of 45 and 65
- Every year when the driver is aged 65 years or over.
- A Group 2 medical must also be undertaken if requested at any time by the licensing authority or the medical practitioner.

Any medical submitted in support of an application will be valid for 4 months from the date the examining doctor, optician or optometrist signs it.

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

~~If the applicant is under 45 years of age one medical is required until the person reaches 45 years of age. If the applicant is over 45 years, but less than 65 years a medical is required every 5 years. If any applicant is over 65 years of age a medical is required annually.~~ Reference should be made to the DVLA Medical Examination Report D4 information booklet (available from www.dvla.gov.uk) for a list of the medical conditions they that may prevent an applicant from being certified medically fit to drive a hackney carriage or private hire vehicle. The Medical Practitioner must also refer to the “At a glance guide to the current medical standards of fitness to drive” also available from the DVLA before submitting a result of the examination.

The Council may require the Applicant to produce additional information certifying that they are physically fit to be the driver of a hackney carriage or private hire vehicle.

Be aware that persons granted a licence to drive hackney carriages and private hire vehicles must carry passengers accompanied by guide, hearing and certain prescribed assistance dogs, unless medical evidence is supplied by his/her own general practitioner or specialist in support of an application for exemption from that requirement.

- **Additional Information.** Provide such other information as may be required by the Council and comply with such other requirements as the Council may from time to time consider reasonably necessary. New and existing drivers may be required to evidence attendance at appropriate courses or training as determined by the Council.

Applicants are advised that the Council has the power to suspend, revoke or refuse to renew a licence where a licence has been obtained by giving false or incomplete information, as well as potential prosecution for the offence committed.

Unlicensed driving of hackney carriages and private hire vehicles is an offence. Therefore, any person found driving without a hackney carriage/private hire vehicle driver's licence may be prosecuted.

APPENDIX B

GUIDANCE ON DETERMINING THE SUITABILITY OF APPLICANTS AND LICENSEES IN THE HACKNEY AND PRIVATE HIRE TRADES

1.0 Introduction

- 1.1 The purpose of this document is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper or safe and suitable person to hold a licence.
- 1.2 The purpose of hackney carriage and private hire licensing is to protect and ensure the safety of the travelling public; there are many instances where an application will be refused, or a licence or revoked or suspended if the person falls short of the fit and

proper test. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account.

- 1.3 The Licensing Authority makes decisions on the balance of probabilities rather than beyond reasonable doubt.
- 1.4 It is recognised that these guidelines are not legislation, it is however, the Authority's baseline for acceptability. As such, it will only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 1.5 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body).

2.0 Powers

- 2.1 Powers to grant driver/operator licences are contained within Section 51, Section 55 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 2.2 Powers to suspend, revoke or refuse to renew a driver's licence are contained within Section 61 of the Act, where the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 2.3 Section 61 (2B) allows the Licensing Authority, if it appears that in the interests of public safety, to suspend or revoke a driver's licence with immediate effect. A Decision Notice explaining why this decision has been taken will be issued to the driver and will have effect when the notice is given to the driver. The driver may appeal this decision but may not drive during the appeal period.
- 2.4 Section 62 of the Act allows the Licensing Authority to suspend, revoke or refuse to renew an operator's licence if the applicant/licence holder has been convicted of an offence under or non-compliance with the provisions of Part II of the Act; or grounds of any conduct on the part of the operator which appears to the Council to render him unfit, or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.
- 2.5 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

3.0 Appeals

- 3.1 Any applicant who has been refused a driver/operator licence, or a licensed driver/operator whose licence has been suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of receipt of the notice.

4.0 Considerations

- 4.1 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.
- 4.2 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 4.3 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 5.0 **Guidance on Determination**
- 5.1 There are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver, private hire driver (this authority adopts a dual badge for drivers that permits them to drive a private hire vehicle and a hackney carriage vehicle) and private hire operator. In relation to all of these licences, the authority has the discretion to grant, revoke and suspend a licence.
- 5.2 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 s51 and 59 in respect of drivers; s55 in respect of operators).
- 5.3 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 5.4 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.
- 5.5 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will

be considered. This can include, but is not limited to, the individual's attitude and temperament.

- 5.6 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties —and community resolutions will also be considered in the same way as a conviction.
- 5.7 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 5.8 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 5.9 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 5.10 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 5.11 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 5.12 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 5.13 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 5.14 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 5.16 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 5.17 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 5.18 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 5.19 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 5.20 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.
- 5.21 New applications together with reviews of licences will be determined in line with the principles set out below. New applications will either be granted or refused. Reviews of licences can result the issuing of a warning, no further action or the suspension/revocation of the licence.

Drivers

- 5.22 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 5.23 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 5.24 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 5.25 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
- 5.26 **Crimes resulting in death**
Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
- 5.27 **Exploitation**
Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
- 5.28 **Offences involving violence**
Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 5.29 **Possession of a weapon**
Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 5.30 **Sex and indecency offences**
Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

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

- 5.31 **Dishonesty**
Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 5.32 **Drugs**
Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

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

5.33 ***Discrimination***

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

5.34 ***Motoring convictions***

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

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

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

5.36 ***Other motoring offences***

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

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

5.37 **Hackney carriage and private hire offences**

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

5.38 **Vehicle use offences**

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

5.39 **Private Hire Operators**

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

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

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

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

5.40 **Vehicle Proprietors**

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

Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times. Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

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

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

**APPENDIX C
CAERPHILLY COUNTY BOROUGH COUNCIL
TAXI AND GENERAL SUB-COMMITTEE PROCEDURES**

This Is a Committee Hearing and Not a Court Of Law

Preliminary Matters

1. Members should consider the agenda items carefully and notify the Committee Clerk immediately of any potential conflict of interest and return any documentation they may have received as soon as possible to the Committee Section.
2. Copies of relevant documentation will be supplied to the Members prior to the hearing.
3. It is in the interests of applicants that any evidence upon which it is intended to rely is made available to the Licensing Authority in advance. If any party seeks to introduce at the hearing any oral or documentary evidence, which has not previously been disclosed, the Committee will give appropriate weight to these items.

Conduct of the Hearing

1. The Chairman of the Committee will start proceedings by introducing the Members and officers present. A final check will then be made to ensure none of the Members have any conflict of interest with any applicant, other relevant person, or supporting witness.
2. The Legal Advisor will then outline the procedure that will be followed at the Committee.
3. If any other persons are in attendance which the applicant wishes to address the committee to represent them they will require the consent of the Committee to speak.
4. The Applicant and/or his representative/accompanying persons may then address the Committee. The applicant and /or the representative/accompanying person may be questioned by the committee and any other parties present.
5. All parties will be given the opportunity to sum up before the committee retires to make its decision. It is usual for the applicant/subject of the hearing to have the last word.
6. Applicant/subject of the hearing, accompanying persons and Licensing officer will not be present whilst the committee makes its determination. All parties are expected to remain within the confines of the building to await the result of the committee's determination.
7. Members may require an adjournment at any time during the course of the proceedings to consider points of law, policy, etc

Evidence

1. Hearsay evidence is allowed, although the weight the Committee attaches to such evidence may be less, given that it cannot be tested in cross examination.
2. Every application will be considered on its own merits.

Determination of the Application

1. The Members will retire to make their decision. The Legal Advisor will accompany Members and advise them on points of law, policy and procedure that may arise during their deliberations The Legal Advisor will then explain the substance and nature of advice that has been provided to all parties.
2. If once in private, Members need clarification they may return to open session to obtain information, then re-resolve to return into private session.
3. The parties will generally be notified of the Members' decision at the conclusion of their deliberations and advised of the rights of appeal.

Legal Advisor

The Committee will rely on its legal adviser as to matters of law and procedure.

This may include, but is not limited to:-

1. Any relevant legislation, guidance or Council Policies.
2. Admissibility of evidence.
3. The rules of procedure arising because of general principles of administrative law.

APPENDIX D

CONDITIONS ATTACHED TO HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS (DUAL) LICENCES

LICENCE CONDITIONS

- ~~The Licensee consents to 6 monthly A-Disclosure and Barring Service (DBS) checks via the DBS Update Service. Licence Holders who choose not to sign up to the Update service will be required to provide an Enhanced DBS certificate every 6 months, specifically for the role of Taxi driver completed with Caerphilly CBC Licensing Team. Failure to provide a completed DBS certificate by the due date will mean that the licence will be suspended. is required on the Date, the check shall be submitted to the Licensing Office no later than 4 weeks after this date. (Advisory Failure to submit the DBS check will result in the matter being placed before the next available Licensing Committee for consideration of the licensee's fitness to hold a dual licence).~~
- A Group 2 DVLA standard medical certificate is required on the Date, the certificate shall be submitted to the Licensing Office no later than 4 weeks after this date. ~~(Advisory-- Failure to submit a medical certificate of fitness to drive a licensed vehicle, will result in the licence being suspended, the matter being placed before the next available Licensing Committee for consideration of the licensee's fitness to hold a dual licence).~~
- The Licensee will share their DVLA code/DVLA status with the Licensing Authority within 21 days following a request. Failure to do so will require the licensees' attendance at Licensing Committee to consider the drivers fitness to hold a Hackney Carriage/Private Hire Vehicle Drivers licence.'
- The Licensee shall not assign or any way part with the benefit of the licence, which is personal to the Licensee, other than the licence must be delivered to the private hire vehicle operator employing the driver and to be retained by him whilst such driver remains in his employ.
- The Licensee is advised that any private hire vehicle he may drive must be operated through a private hire vehicle operator licensed with this Council.
- The Licensee shall, when driving a Hackney Carriage or Private Hire Vehicle, wear such badge issued to the Licensee by the Council, in such a position and manner as to be plainly and distinctly visible, bearing the number corresponding with the number assigned to the Licensee in the register kept by the Council for that purpose.
- The Licence may be suspended, revoked or not renewed by the Council:

- (i) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
 - (ii) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
 - (iii) if the driver becomes disqualified from driving under any of the Road Traffic in which case the licence shall be automatically revoked;
 - (iv) on any other reasonable grounds.
8. The driver's badge shall remain the property of the Council and if the driver's licence is suspended or revoked or the Council refuse to renew a driver's licence such badge shall be returned by the Licensee to the Council within seven days of a notice by the Head of Public Protection, requesting the Licensee to do so.
9. Application for renewal of a licence must be made and determined before the expiry date, to ensure —continuity. There is no automatic period of grace and unlicensed driving is an offence.
10. The licensee must throughout the period of his licence hold a valid driver's licence under the Road Traffic Act 1988. If he/she is disqualified from holding a driving licence for whatever reason, he/she must notify the Council immediately and return the badge and licence.
11. The Licensee shall notify the Council forthwith of any change or deterioration to his/her health during the period of his/her licence. The Council reserves the right to require an existing licensee to produce medical evidence of continuing fitness to drive during the period of the licence. Such medical evidence shall be produced by the licensee to the Council within seven days of a notice by the Head of Public Protection requesting the licensee to do so.
12. The Licence holder shall at the request of any Authorised Officer of the Council or any Constable, produce for inspection his driver's licence and/or badge, either forthwith or before the expiration of five days beginning with the day following the date of request:-
- (i) in the case of a request of an Authorised Officer to the Head of Public Protection at Penallta House, Tredomen, Ystrad Mynach, CF82 7PG
 - (ii) in the case of a request of a Police Constable at any Police Station within the Council's area and which is nominated by the Constable when the request is made.
13. The licence holder shall not cause or suffer or permit to be conveyed in a hackney carriage or private hire vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued and displayed on the hackney carriage or private hire vehicle licence plate issued by the Council in respect of that vehicle.
14. The Licence Holder shall not:
- (i) Behave in an uncivil or disorderly manner, and shall not use abusive language or gestures to the general public, pedestrians, other road users or any other person
 - (ii) Conduct themselves in a manner that causes offence, nuisance, or actions that may present a hazard to members of the public or passengers
 - (iii) Drink or eat whilst carrying fare paying passengers in the vehicle

- (iv) Without the consent of passengers, shall not use any radio, CD or MP3 or other sound reproducing instrument or equipment in the vehicle
- (v) Consume alcohol at any time whilst driving or being in charge of a hackney carriage or private hire vehicle. (Advisory: Consumption of alcohol during or prior to driving a taxi may result in loss of the licence.)
- (vi) Drive a vehicle unless he/she understands how to safely operate/install any equipment to make the vehicle accessible by disabled persons.
- (vi) Use a hand held microphone or telephone handset whilst the vehicle is moving. Drivers shall only speak into a fixed neck sling or clipped on microphone or other suitable hands-free or Bluetooth type system, so as not to distract their attention from the road. Drivers must not stop on the hard shoulder of a motorway to answer or make a call (unless it is to dial 999), however urgent. It is a criminal offence to use a hand held mobile phone whilst driving and any such offence might impact upon the driver's fitness to hold a driver's licence.
- (vii) Without consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

15. The driver shall notify the LA in writing within 7 days of any change of his/her ~~name~~, address or telephone number whether of a temporary or permanent nature.
16. The licence holder shall be clean and respectable in his/her dress and person.

Vehicle

17. The licence holder shall:

- (i) at all times maintain his/her vehicle in a roadworthy and clean condition both internally and externally. The driver must carry out a spot check on the vehicle lights and condition of tyres in particular, before using the vehicle.
- (ii) ensure that the appropriate insurance cover is in force covering him/her to drive such vehicle. Where an insurance cover note has effect the driver shall, on expiry of that cover note, provide evidence to the LA of the new period of cover. It is the responsibility of the driver to provide the LA with a current and valid copy of their insurance policy and/or cover note and to ensure they have the appropriate insurance cover in place. In accordance with Section 60 of the LG(MP) A failure to provide this insurance cover to the LA will result in a suspension notice being served. The suspension shall remain in place until such time as the LA receives documentary evidence of valid and adequate insurance.
- (iii) that the licence plate affixed to the front and rear of the vehicle does not become concealed from public view or be so damaged or defaced as to render it illegible.
- (iv) the driver shall ensure that the licence plate is not removed from the vehicle at any time unless an authorisation of exemption has been granted.

Equality Act 2010

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

Obligations in respect of passengers/customers

19. If he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause. If the vehicle is to be delayed every effort should be made to contact the passenger and inform them of the reason for the delay. In addition, if the passenger is not immediately available the driver shall make all reasonable efforts to contact that passenger.
20. The driver when hired to drive to any particular destination shall, subject to any directions or request made by the hirer, proceed to that destination by the shortest direct route.
21. The driver shall drop off passengers in a safe zone and shall not permit passengers to alight onto a road where it can be avoided.
22. The driver shall not make any advances to passengers that could be construed as an attempt to procure any special relationship or sexual activity.
23. **The driver shall:**
 - (i) at all times comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.
 - (ii) when requested by the hirer convey a reasonable quantity of luggage;
 - (iii) the driver shall afford reasonable assistance in loading and unloading any luggage or passenger belongings, including assistance in removing it to and from the entrance of any house or other place where he collects or sets down his passenger;
 - (iv) if requested by the hirer of a vehicle, provide him/her with a written receipt for the fare paid.
24. The driver shall immediately after the termination of any hiring, carefully search the vehicle for any property that may have been accidentally left therein, and if such property is found, take the same within 48 hours, if not sooner claimed by, or on behalf of its owner, to the Head of Public Protection, Penallta House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG whereupon the Licensee will be given a receipt for the property.

Taxi meters

25. Where a vehicle is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

Convictions

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

The Carriage of Animals

27. A driver must not carry in a hackney carriage or private hire vehicle any animal, which belongs to, or is being looked after by, himself or herself, the owner or operator of the

vehicle whilst it is being used as a hackney carriage or private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner and do not cause an obstruction to the driver.

28. A driver must, however carry assistance dogs as defined in the Disability Discrimination Act 1995 regulations without any additional payment unless they are in possession of an exemption from this condition issued by the LA. (A certificate of exemption will be granted upon the production of suitable medical evidence. If the exemption is being applied for on the grounds of a chronic phobia of dogs, a psychiatrist or clinical psychologist must provide the report.)
29. The driver of a hackney carriage or private hire vehicle who has been issued with an exemption certificate must exhibit the notice of exemption in a vehicle by either, fixing it to the windscreen, facing outwards, or fixing it in a prominent position on the dashboard. [If the driver of a hackney carriage forges or makes a false statement in respect of an exemption certificate, he/she will be guilty of an offence. If the driver of a private hire vehicle forges or makes a false statement in respect of an exemption certificate, he/she will be in breach of his/her licence conditions and may render his/her licence liable to suspension or revocation.]

Accidents

30. 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.

Private Hire Vehicles

31. Private Hire Vehicle drivers are only permitted to take passengers who have pre-booked their journey via a licensed operator.
32. The driver of a private hire vehicle shall not park on, drop off or pick up at any taxi rank for any reason during the operation times of such rank.
33. The driver of a private hire vehicle shall not ply for hire on any public or private road, or tout or solicit any person to hire or to be carried in his/her private hire vehicle. The driver shall not accept any offer of immediate hire whilst the driver or vehicle is on the road or in any other public place.
34. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator.

Hackney Carriages

35. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to charging a lesser fare, the fare shown on the taxi meter.

APPENDIX E

HACKNEY CARRIAGE BYE LAWS

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:-

(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

3. The proprietor of a hackney carriage shall:-

- (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) Cause the roof or covering to be kept water-tight;
- (c) Provide any necessary windows and 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.

4. 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.
5. 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

6. 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.

7. 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 there to.
8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. 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.
11. 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.
12. 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

13. 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.
14. 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.
15. 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

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.

APPENDIX F
Advice for Licensed Taxi Drivers
Carriage of young persons

As hackney carriages and private hire vehicles are regularly used to carry young persons. In the interests of passenger and driver safety, young persons should not be carried in the front of the vehicle.

Children under the age of 16 should be accompanied where possible, by at least one responsible adult.

All passengers shall remain seated whilst the vehicle is in motion.

Drivers of hackney carriages and private hire vehicles used for school contracts must comply with the requirements of that contract in addition to the conditions specified in this policy

Wearing of Seatbelts

Drivers should always seek their own legal advice in the event of any query relating to the law regarding seat belts. The following information was correct at the time of writing.

Drivers should be aware that the wearing of seatbelts is proven to prevent serious injury and save lives. It is the driver's legal responsibility to ensure that any child is correctly restrained whilst being transported in the vehicle. However exemptions from the wearing of seat belts in licensed vehicles in limited circumstances are as follows:

Drivers

The following exemption to wearing a seatbelt applies by virtue of the Motor Vehicles (Wearing of Seatbelts) Regulations 1993:

The driver of:

- (i) a licensed taxi while it is being used for seeking hire, or answering a call for hire, or carrying a passenger for hire,
- (ii) a private hire vehicle while it is being used to carry a passenger for hire;

Passengers and children

In a licensed vehicle, if a child car seat is not available, a child under three years of age may travel unrestrained only in the rear of the vehicle. [At no point should children be permitted to stand in the rear of the vehicle whilst it is moving.]

Children aged 3 years or older can travel without a child's car seat if they wear an adult seat belt

Children over 1.35 metres tall, or who are 12 or 13 years old in the front or rear seat of the vehicle must wear the adult seat belt where fitted.

Sounding Horn

It is common practice for some taxi drivers to sound their vehicle horn to alert customers to their presence, such use is not permitted.

The Road Vehicles (Construction and Use) Regulations 1986 regulation 99 and rule 112 of the Highway code states:

A vehicle horn may only be used while your vehicle is moving and you need to warn other road users of your presence.

You **MUST NOT** use your horn

- while stationary on the road
- when driving in a built-up area between the hours of 11.30 pm and 7.00 am
- except when another road user poses a danger.

Taxi Ranks

Hackney carriages only are permitted to 'rank up' whilst waiting for customers. If you are first in the queue at the taxi rank you may not call forward another licensed hackney carriage from

your company (so as to preserve your position at the head of the rank) to take the passenger or refuse short journeys.

This constitutes an offence under Section 53 of the Town Police Clauses Act 1847 which states:

‘A driver of a hackney carriage standing at any of the stands for hackney carriages who refuses or neglects, without reasonable excuse to drive such carriage to any place within the prescribed distances, or the distance to be appointed by any byelaw of the commissioners, not exceeding the prescribed distance to which he is directed to drive the person hiring or wishing to hire such carriage shall for each offence be liable to a penalty not exceeding level Two’.

Any contravention of the above named legislation may lead to legal proceedings being instituted against any licensed hackney carriage driver committing this offence.

Drinking and Driving

35 microgrammes per 100 millilitres of breath or The Council takes a very serious view of any driver who has been convicted of drink driving as they have jeopardised the safety of not only the travelling public but also other road users. People are killed and injured in accidents, where drivers are over the drink drive limit. There has been a decline in the number of drink driving related accidents and fatalities but drivers should not become complacent. Licensed drivers have a particular obligation for the safe carriage of the public in their vehicle.

At the time of writing the alcohol limit for drivers in Wales is

80 milligrammes of alcohol per 100 millilitres of blood,

107 milligrammes per 100 millilitres of urine.

In most other European countries including Scotland, the limit is less, 50 milligrammes per 100 millilitres of blood³.

There is no fool-proof way of drinking and staying under the limit. The amount of alcohol you would need to drink to be considered over the driving limit varies from person to person. It depends on:

- Weight, age, sex and metabolism (the rate your body uses energy)
- The type and amount of alcohol you're drinking
- What you've eaten recently
- Your stress levels at the time
- Even small amounts of alcohol can affect a person's ability to drive so the only safe advice is to avoid any alcohol if you are driving. Many of the functions that we depend on to drive safely are affected when we drink alcohol:
- The brain takes longer to receive messages from the eye
- Processing information becomes more difficult
- Instructions to the body's muscles are delayed resulting in slower reaction times. You can also experience blurred and double vision, which affects your ability to see things clearly while you are driving. And you're more likely to take potentially dangerous risks because you can act on urges you normally repress.

The police are allowed to stop any vehicle at their discretion and require drivers to be tested to ascertain the level of alcohol in their system. Anyone caught over the legal alcohol limit when driving will be banned from driving for at least 12 months, and fined up to £5,000, also be given between three to 11 penalty driving points and could be sent to prison for up to six months. Imprisonment, the period of disqualification, size of fine and number of penalty points depend on the seriousness of the offence. If you're caught drink driving more than once in a 10 year period, you'll be banned for at least three years. Licensed drivers who drink and drive jeopardise their own safety, licence and livelihood.

Display of Registration Numbers and Taxi Licence Plates

The legal requirements for the display of registration plates may not be known by hackney carriage or private hire vehicle proprietors/owners. The DVLA have responsibility for the supply and display of registration marks and number plates. The display of registration numbers is provided for in the Road Vehicles (Display of Registration Marks) Regulations 2001 (as amended) and where a vehicle has been built to a European standard (EC Whole Vehicle Type Approval) the registration number must be correctly displayed on a rectangular plate fitted into the aperture prepared on the vehicle by the manufacturer. This applies to almost all vehicles registered in the UK (there are exceptions for some imported vehicles e.g. those built for the American market).

Displaying square number plates alongside local authority licensing plates in the number plate aperture on hackney carriages and private hire vehicles is illegal. Where such plates are being displayed the driver should bring the legal requirements to the attention of the operator, proprietor or owner. If the driver is an owner driver they must take appropriate action to rectify this matter.

The licensing authority licence plate must be correctly displayed on the rear of the vehicle as required by the Council. Licence plates must not be displayed in rear windows or positioned in such a way that the detail on the plate is obstructed from view.