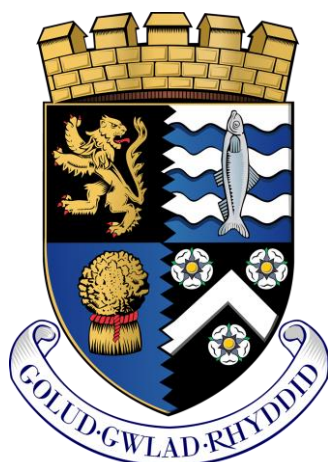


Licensing Policy and Conditions for Hackney Carriage (Taxi) and Private Hire Vehicles, Drivers and Operators



Cyngor Sir
CEREDIGION
County Council

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Policy

1. Introduction

- 1.1 Taxis and PHVs are a vital form of public transport. They deliver a practical direct transport solution and provide an essential service to; people living in rural communities where other forms of public transport may be insufficient, the night-time economy, passengers with disabilities, and have an important role in facilitating social inclusion.
- 1.2 It is important that hackney carriage and private hire vehicles meet regulatory standards and are able to convey passengers safely and comfortably, ensuring that the customer experience is a positive one.
- 1.3 This policy and related procedures will advise applicants of the standards and requirements that must be met and guide the Council in the way it carries out its licensing functions. This policy will be reviewed every 5 years but may be subject to interim reviews should the need arise.
- 1.4 However where updates are required due to changes in national legislation, statutory guidance or contract details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance.

2. Application of the Policy

- 2.1 Ceredigion County Council is the Licensing Authority under the Local Government Miscellaneous Provisions Act 1976 (as amended) and the Town and Police Clauses Act 1847. It has the duty to carry out its licensing functions in respect of:
 - Hackney Carriage Vehicle Licences
 - Hackney Carriage Drivers Licences
 - Private Hire Vehicle Licences
 - Private Hire Drivers Licences
 - Private Hire Operator Licences
- 2.2 This Policy will apply to the licence types listed above. Throughout this Policy any reference to the following general terms means:
 - **"The Act of 1847"** means the Town Police Clauses Act 1847.

- **"The Act of 1976 "** means the Local Government (Miscellaneous Provisions) Act 1976.
- A **'hackney carriage'** is legally defined in the Act of 1847 but, in general terms, may be described as a vehicle which can stand or ply for hire in a street which has been duly licensed by the Council. The licence number will be displayed on a plate, which will be fitted to the outside rear of the vehicle. A taxi may have more than 4 and up to 8 passenger seats and any vehicles that carry more than 8 passengers are public service vehicles, which are subject to separate licensing controls. A hackney carriage is a vehicle in respect of which there is a licence in force under Section 37 of the Act 1847. A hackney carriage licence is required under Section 37 of the Town Police Clauses Act 1847 and is subject to standard conditions. In consideration of Section 16 of the Transport Act 1985, this authority does not intend, at this stage, to restrict the number of vehicles licensed as hackney carriages. However, all vehicles will be subject to appropriate standards of design specification and mechanical fitness.
- A **'private hire vehicle'** means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purposes of carrying passengers, as in accordance with section 80 the Local Government (Miscellaneous Provisions) Act 1976. A private hire vehicle is a vehicle in respect of which there is a licence in force under Section 48 of the Act.
- A **private hire vehicle (stretched limousine)** is a vehicle constructed or adapted, by lengthening the wheelbase of a standard factory built vehicle, to seat fewer than nine passengers which is made available with a driver to the public for hire for the purpose of carrying passengers, other than a licensed taxi or a public service vehicle. An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford), Cadillac or Chrysler. However other specialist manufacturers may be included.
- A **private hire vehicle (novelty vehicle)** includes Fire Engines, Ambulances, Army Trucks and Hearses and any similar vehicles not being a limousine and carrying up to eight passengers. All private hire vehicles must be operated through a private hire vehicle operator licensed by the Council. 'Operate' means, in the course of business, to make provision for the invitation or acceptance of bookings for a private hire vehicle. No person shall operate any vehicle as a private hire vehicle without holding a private hire vehicle operator's licence. This is in addition to any requirement for a private hire vehicle licence and private hire vehicle driver's licence.
- **'Authorised officer'** means any officer of the Council authorised in writing.
- **'The Council'** means the Ceredigion County Council.
- **"The Licensing Committee"** means the Council's Licensing Committee

- **‘Licensee’** is the holder of a hackney carriage/private hire vehicle driver’s licence, a hackney carriage licence, a private hire vehicle licence or a private hire vehicle operator’s licence.
- **‘Driver’** means a driver of a hackney carriage or private hire vehicle;
- **‘Driver’s licence’** means, in relation to a hackney carriage driver, a licence issued under section 46 of the Town Police Clauses Act 1847 and in relation to a private hire vehicle driver, a licence issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- **‘Driver’s badge’** means, in relation to a hackney carriage driver, a badge issued under section 68 of the Town Police Clauses Act 1847 and in relation to a private hire vehicle driver, a licence issued in accordance with section 54 of the Local Government (Miscellaneous Provisions) Act 1976.
- **‘Vehicle’** means a hackney carriage or a private hire vehicle with less than 8 passenger seats.
- **‘Vehicle licence’** means, in relation to a hackney carriage, a licence issued under sections 37 to 45 of the Act of 1847 or, in relation to a private hire vehicle, a licence issued in accordance with section 48 of the Act of 1976.
- **‘Proprietor’** means any interested party or parties named in the licence who is concerned in the keeping, employing or letting on hire of the hackney carriage.
- **‘Licence plate’** mean the plate issued by the Council for the purposes of identifying the vehicle as a licensed hackney carriage.
- **“Vehicle licence number”** means the number allocated by the Council to a licence granted for a private hire vehicle or a hackney carriage.
- **‘Operator’** means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Act of 1976 and is the person(s) who carries on the business of making provision for the invitation or acceptance of bookings for a private hire vehicle or hackney carriage;
- **‘Contract’** means the acceptance of a booking between the operator and the person making the booking;
- **“Employ”** means to use the services of, whether under a contract of service or a contract for services or otherwise, and employee, employer and employed shall be construed accordingly.

2.3 All other words and phrases in these Conditions shall bear the meanings ascribed to them (if any) in the relevant legislation.

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

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

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

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

3. Policy Aims & Objectives

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

- Setting out the Licensing Authority’s approach to regulation, enforcement and sanction of vehicles, drivers and operators,
- Defining and offering guidance on the legislation in relation to the provision of hackney carriage and private hire vehicles,
- Setting out the licensing conditions applicable to drivers, vehicles and operators.

3.2 This policy contains information and guidance to advise and assist applicants for hackney carriage and private hire vehicle licences and existing licence holders on the Council’s policies and procedures and the law relating to such licences.

3.3 The conditions stated within this policy will apply to both hackney carriage and private hire drivers, vehicles and their operators or proprietors. This therefore means any drivers’ licence and badge granted will be known as the Dual Drivers Badge and/or Licence. However, it shall be noted that within this document there are circumstances where conditions relate specifically to private hire drivers and

hackney carriage drivers. Consideration must therefore also be made to the relevant Annexes.

3.4 It is not intended to be an exhaustive or definitive statement of the law and all drivers should familiarise themselves with the provisions of the relevant Acts, including the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.

3.5 In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out therein. Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantial reasons for doing so will be given.

3.6 This policy should be read and understood by all licensed drivers, vehicle proprietors and operators and those intended to become licensed. It explains how the above-mentioned legislation is interpreted by the Council.

3.7 Ceredigion County Council has a duty to protect the public through its licensing process, particularly children and vulnerable people. It also aims to ensure that the level of service provided by the hackney carriage and private hire vehicle trade is of a good standard. To allow these standards to be met, the Council may attach any conditions it may consider reasonably necessary and such conditions are included in this document.

3.8 The Council reserves the right to vary any conditions from time to time. Any person aggrieved by any of the conditions may appeal to a Magistrates' Court.

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

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

3.10 The Council agrees with this vision and will work towards the aim and the following four objectives:

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

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

4. Licensing Process and Delegation of Functions

- 4.1 The Council's Constitution details who is responsible for making decisions on matters relating to taxi licensing.
- 4.2 The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the Licensing Committee. A copy of the Constitution which contains the scheme of delegation is available on the Council's website or upon request

5. Departure from Policy

- 5.1 In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out therein. Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given.

6. Licence Fees

- 6.1 Licence fees will be set in order for the Licensing Authority to recover the costs associated with the administration, issue and enforcement of each licensing regime, so far as is permissible by statute.
- 6.2 The fees will be reviewed periodically, and any surplus or deficit will be taken into account the next time the fees are set.
- 6.3 The current licence fees are included in **Annex 1**. The fees are subject to annual review and whilst this document will be updated accordingly, applicants and licence holders are advised to contact the Council's Licensing Team for up-to-date licence fees.

7. General Information

7.1 Contacts

All licence applications or enquiries must be made to the Licensing Section, Public Protection Service, Ceredigion County Council. Licensing staff are no longer office based and work hybridly. However, the team does have a base at Penmorfa, Aberaeron, SA46 0PA and wherever possible, can be available at this office providing an appointment is made. You can still contact the team by telephone or email from 9am to 5pm, Monday to Thursday. And 9am to 4.30pm on Fridays.

Tel. No.: 0545 570881

E-Mail: publicprotection@ceredigion.gov.uk

7.2 Fees and Charges

- Licence fees will be set in order for the Licensing Authority to recover the costs associated with the administration, issue and enforcement of each licensing regime, so far as is permissible by statute.
- All fees will be reviewed annually and increased if necessary
- A full list of fees is available on request and are available on the Council's website
- All fees and charges are normally payable in advance
- Cheques and postal orders must be made payable to Ceredigion County Council
- Refunds will not normally be given if a licence is issued.

7.3 Determination of Applications

Most applications are dealt with administratively by Licensing Officers and will be determined on their individual merits. However, some applications are referred to the Licensing Committee, depending on the circumstances of the application. The Committee will make a decision based on the information supplied and applications may be refused as well as granted.

7.4 Licence Renewals

A courtesy reminder letter will be sent to all licence holders before a licence expires. As the Council is not obliged to send reminders, it is the licensee's responsibility to ensure that applications are submitted and a licence issued before the expiry date, as there is no automatic period of grace. Any application received after the expiry date will be treated as a new application and trade must cease until a new licence has been issued.

7.5 Changes in Circumstances

All licence holders are required to notify the Council's Licensing Team immediately of any changes in circumstances during the period of licence, for example, change of address, medical condition, convictions etc.

7.6 Enforcement

The Licensing Team operates in accordance with the Corporate Enforcement Policy. Formal enforcement action, such as suspension or revocation of licences, is taken either by officers, under delegated powers, or by elected Members of the Licensing Committee.

7.7 Offences and Penalties

The contravention of certain conditions may constitute an offence under various provisions of the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Road Traffic Act 1988. In addition, it is also an offence to obstruct an authorised officer or police constable in their duty.

7.8 Production of Licences

All licence holders shall produce their licence at the request of any authorised officer of the Council or any Police Officer.

7.9 Loss of Licences

Lost or stolen licences should be reported to the Licensing Section of the Council immediately. A fee may be payable for any replacement licence.

7.10 Appeals

In most cases, if an application is refused or issued subject to conditions, or if a licence is suspended, revoked or refused on renewal, the applicant has the right to appeal to a Magistrates' Court, normally within 21 days from the date of notice of the decision.

7.11 Smoking

It is illegal for anyone to smoke in a licensed hackney carriage or private hire vehicle. This includes times when there are no passengers in the vehicle. Further advice is available at www.smokingbanwales.co.uk. The use of electronic cigarettes and similar devices is also prohibited in licensed vehicles.

7.12 Suitability Policy

In order to assess the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire industry' November 2024.

8. Hackney Carriage & Private Hire Driver Licences

8.1 Licence Requirements

8. Any person who drives a hackney carriage or private hire vehicle must hold the appropriate licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
9. Ceredigion County Council issues dual licences which means that anyone issued with a hackney carriage/private hire vehicle driver's licence can drive both types of vehicles in their employment.
10. Any reference to 'driver's licence' in this section will refer to a hackney carriage/private hire driver's licences. The Licensing Authority will issue a dual drivers licence to applicants that are considered to be "fit and proper" to hold a licence, and this will permit the driving of both hackney carriage and private hire vehicles.

8.2 Licence Duration

- 8.2.1 Driver licences may be granted for a maximum period of three years, however the Licensing Authority does have the discretion to issue a licence for a shorter duration if it is considered to be appropriate in the circumstances of the individual case, or at the request of the applicant.

8.3 Application Process

- 8.3.1 The application procedure and guidance for obtaining a hackney carriage/private hire driver's licence is detailed in **Annex 2**.

8.4 Fitness and Propriety

- 8.4.1 The purpose of the following pre-requisites of licensing is to assist the Licensing Authority in determining whether an applicant/driver is a 'fit and proper' person to hold a licence, or to continue to hold a licence. In the absence of a legal definition of 'fit and proper' the Licensing Authority will use the following test:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 8.4.2 In order to further assist in understanding the interpretation of this definition, the Licensing Authority will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving record, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.
- 8.4.3 When assessing the fitness of an applicant to hold a driver licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and commendations from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred,

both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

- 8.4.4 It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.
- 8.4.5 The Licensing Authority takes into account significantly that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, lone women, foreign visitors and persons who are incapacitated from alcohol or other substances. In the case of unaccompanied children, the driver must not allow any unaccompanied child under the age of 18 to be conveyed in the front of the vehicle.
- 8.4.6 In order to assess the suitability of applicants and licence holders the licensing authority will also have particular regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire industry' November 2024.
- 8.4.7 The guidance is detailed in **Appendix 3**.

9. Driver Standards

9.1 DBS Check

- 9.1.1 In order to satisfy the authority that they are a 'fit and proper' person, all applicants for the role of a hackney carriage and private hire vehicle driver will undergo an Enhanced Disclosure and Barring Service (DBS) check, which includes a check of the children and adult barred lists. For licensed drivers this check will be repeated every 6 months.
- 9.1.2 All applicants/licence holders must sign up to the DBS Update Service and maintain their subscription for the duration of their licence. The licence holder must give permission for the Licensing authority to undertake checks of their DBS status. Failure to provide DBS information every 6 months will result in the Licence Authority suspending a driver licence until such time the information is provided or is accessed.
- 9.1.3 Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application. To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018 (or any revised versions as applicable).
- 9.1.4 It should be noted that individuals that appear on either barred list will routinely have their application refused, unless there are exceptional circumstances in which

the licensing authority considers that, on the balance of probabilities, the individual is 'fit and proper'.

- 9.1.5 DBS disclosure applications must be completed through Ceredigion County Council. Ceredigion County Council is an approved Disclosure & Barring Service body. Therefore, applicants must apply for a DBS (CRB) check through the Council.
- 9.1.6 Photocopies of documents will not be accepted unless certified as a true copy of an original by an officer of the Licensing Authority. In any event, only original documents can be submitted if being used as supporting documents for a DBS disclosure application. The LA does not accept responsibility for original documents that are returned via Royal Mail. It is for this reason that applicants are required to submit and/or collect their documents in person.
- 9.1.7 The LA will only process DBS disclosure applications as part of a valid and complete application and not prior to submission of an application.

9.2 Overseas criminal record check

- 9.2.1 All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the Licensing authority will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.
- 9.2.2 The applicant will be required to cover any financial costs of such checks.
- 9.2.3 For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: [GOV.UK Criminal records checks for overseas applicants.](#)
- 9.2.4 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.
- 9.2.5 Overseas criminal history checks must have been obtained within the 6-month period preceding the application.
- 9.2.6 The Licensing Authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.
- 9.2.7 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.

9.3 Driving Experience & Standards

- 9.3.1 All applicants must have at least 12 months driving experience i.e. they must have held a full UK driving licence, a driving licence issued by a member state of the European Union or other "exchangeable licence" as defined in the Road Traffic Act 1988 for at least 12 months prior to the date of application.

- 9.3.2 At the time of application, all applicants must have held a UK driving licence for Category B vehicles for 12 months. Details on ways to convert a foreign driving licence to a UK driving licence can be found at: <https://www.gov.uk/exchange-foreign-driving-licence>
- 9.3.3 To ensure that applicant's driving standard is suitable, the Licensing Authority will undertake a check of the status of the applicant's DVLA driver's licence to view the applicant's driving history. This check will take place prior to first licence, prior to renewal of a driver's licence and at any time considered necessary by the Licensing Authority.

9.4 Medical Checks

- 9.4.1 The licensing authority recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage.
- 9.4.2 Therefore, all applicants for a hackney carriage/private hire driver's licence are required to meet the DVLA Group 2 medical standards of fitness to drive. The medical must be carried out by the applicant's own general practitioner (GP) or another GP at the applicant's registered practice that has full access to their medical records.
- 9.4.3 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.
- 9.4.4 The licensing authority may direct any licence holder to supply satisfactory evidence in the form of a medical certificate, stating the licence holder meets the required Group 2 standards, should their medical fitness be called into question.
- 9.4.5 Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard shall not have a licence granted to them, or the licence shall not be renewed, or shall be revoked.
- 9.4.6 The frequency of medical checks for applicants/licensed drivers are as follows:
- Upon application, every 5 years between the ages of 45 and 65
 - Every year when the driver is aged 65 years or over
 - Or anytime as required by the licensing authority or the medical practitioner.
- 9.4.7 The medical form is valid for 4 months from the date the examining doctor, optician or optometrist signs it.
- 9.4.8 All licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.
- 9.4.9 All costs associated with obtaining the relevant medical certificate are to be met by the applicant/licence holder.
- 9.4.10 Find the medical form: [Medical report for taxi or private hire vehicle drivers licence: application form | GOV.WALES](#)

9.5 Equality Act Medical Exemption Policy

- 9.5.1 The Equality Act 2010 places a number of legal duties on licensed drivers when transporting passengers with disabilities. This includes the carriage of assistance dogs and the carriage of wheelchair users whilst seated in their wheelchair in purpose-built wheelchair accessible vehicles without additional charges.
- 9.5.2 Where drivers cannot themselves assist wheelchair users or have allergies relating to dogs, exemptions can be applied for from the Licensing Authority.
- 9.5.3 In addition to the Equality Act 2010, the Taxis and PHV (Disabled Persons) Act 2022 now allows all hackney carriage and private hire vehicles drivers to apply for an exemption, regardless of whether or not they are carrying wheelchair users in a wheelchair accessible vehicle.
- 9.5.4 In order to improve compliance with the requirements of the Equality Act 2010 and the Taxis and PHV (Disabled Persons) Act 2022, and to support drivers that have genuine medical conditions that prevent them from fully undertaking the duties under the Acts described above, the Council has adopted the Taxi and private hire vehicles: Equality Act medical exemption policy detailed in **Appendix 4**.

9.6 Safeguarding Training

- 9.6.1 Hackney carriage and private hire drivers have an important responsibility in the safe transportation of fare paying passengers. Drivers are expected to act in a professional manner at all times and provide excellent customer service.
- 9.6.2 Licensed drivers can often be the eyes and ears of a community. Training can be important in assisting licensed drivers in recognising when they carrying passengers at risk of abuse and exploitation.
- 9.6.3 All new applicants for a hackney carriage/private hire driver's licence must undertake safeguarding training. The training focuses on recognising what makes adults and children vulnerable, violence, sexual exploitation, county lines and human trafficking indicators. It includes examples of suspicious journeys as well as information on maintaining professional boundaries.
- 9.6.4 The training will explain to drivers how they should report safeguarding concerns and provide useful contact details.
- 9.6.5 Safeguarding training is required. The training is in the form of the following video and a test based on the content of the video must be passed prior to obtaining a licence. Watch the video: Safeguarding training for Hackney Carriage and Private Hire drivers and passenger assistants: <https://vimeo.com/369335248/be28cb645a>

9.7 Driver Knowledge Tests

- 9.7.1 Hackney carriage and private hire drivers have an important responsibility in the safe transportation of fare paying passengers. Drivers are expected to act in a professional manner at all times and provide excellent customer service. Completion of training is required in order to assist drivers in being equipped to perform their duties.

- 9.7.2 Drivers will then be assessed to demonstrate that they have understanding of the issues that they may face in role and to prove they have the necessary skills.
- 9.7.3 The Applicant must have a good knowledge of the district in which they intend to operate and possess good means of verbal communication through the medium of English. To determine this, the Applicant must undertake a test written by the Licensing Authority and attain a pass score (minimum 70%).
- 9.7.4 A non-refundable fee will be charged to cover the cost of officer time and administration of the test. The test must be successfully completed prior to the grant of a licence.
- 9.7.5 Whilst undertaking the examination, the Applicant must switch off any electronic and / or GPS enabled devices.
- 9.7.6 The cancellation of any test must be made twenty-four [24] hours in advance. If the applicant does not sit the test, the Licensing Authority will not proceed with the application. No refunds will be provided for cancelled tests.
- 9.7.7 An applicant will be given a maximum of 3 attempts within a 6 month period from the date of the first test to pass. If an applicant fails on the third occasion a fee will be required in order to cover Officer costs.
- 9.7.8 The onus lies on the Applicant to ensure they have sufficiently read and studied the policy and conditions and watched the safeguarding video prior to the examination.

9.8 Knowledge of the County

- 9.8.1 This will involve applicants being tested on the following sections and will be relevant to the town/area in which they operate, however applicants are expected to know the key routes within the County along with:
- Names of significant roads
 - Locations of residential areas
 - Locations of caravan sites, holiday parks, hotels and guest houses
 - Locations of public houses, private and registered clubs
 - Locations of churches, hospitals, public offices, schools, train and bus stations
 - Routes to specific destinations.
- 9.8.2 This list is not exhaustive.

9.9 Other Driver Training

- 9.9.1 Wheelchair accessibility: Before a driver can carry a wheelchair user in either a wheelchair accessible PHV or HC, they must have passed an assessment approved by the Licensing Authority.
- 9.9.2 Law and Conditions: This will involve all applicants being tested on the basic requirements of hackney carriage and private hire licensing laws and the conditions laid down in the Policy.

9.10 Applicants who speak English as a second language

- 9.10.1 The Licensing Authority welcomes applicants from all backgrounds. However, it is important that drivers can communicate with passengers effectively in the English language and have the ability to read and understand the statutory requirements placed upon them.
- 9.10.2 Where it is apparent to Licensing Officers during the application process that an applicant is unable to understand or communicate effectively in English the applicant will be required to undertake a Skills for Life English for Speakers of Other Languages Course (ESOL), or equivalent qualification at entry level 3, at their own cost, prior to proceeding with the application process.

9.11 Right to Work Check

- 9.11.1 It is a requirement under the Immigration Act 2016 that prior to the grant of a licence, all applicants must demonstrate that they have the right to work in the UK.
- 9.11.2 Once this requirement has been satisfied, further proof will not be required unless the right to work is time restricted, in which case further proof will be required to demonstrate continued right to work.
- 9.11.3 The list of acceptable documents for right to a licence are detailed in **Appendix 5**.
- 9.11.4 Applicants that cannot successfully demonstrate the right to work in the UK will not be granted a licence.
- 9.11.5 Where the holder of a licence breaches immigration laws, this will be grounds to review, suspend or revoke a licence.
- 9.11.6 If immigration permission is cut short, the holder of the licence will be committing an offence if they do not return the hackney carriage driver, private hire driver or operator licence to the licensing authority, for which they may be fined.

9.12 Driver Conduct

- 9.12.1 It is expected that licensed drivers behave in a professional manner and provide a high standard of service at all times.
- 9.12.2 The Driver Code of Conduct detailed in **Annex 6** has been developed to outline the standards expected of licensed drivers and is an integral part of the 'fit and proper' assessment.
- 9.12.3 The Code also serves to advise potential passengers of the level of service they should expect when hiring a licensed vehicle.

9.13 Drivers Dress Code

- 9.13.1 It is recognised that the hackney carriage and private hire trade plays an important role in portraying a positive image of Ceredigion and drivers can be seen as key ambassadors for Wales.

- 9.13.2 Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers, is to be welcomed.
- 9.13.3 To ensure that not only are the above objectives are met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set, which is detailed in **Annex 7**.

10. Hackney Carriage Byelaws

- 10.1 Currently there are no byelaws in relation to hackney carriage in force in the district of Ceredigion County Council.

11. Vehicle Emission Policy

- 11.1 The sale of new petrol and diesel cars will stop in 2030, in accordance with current Government guidance. The sale of hybrids will stop in 2035. It is important to highlight this to the taxi and PHV trade so they can prepare long term business plans to coincide with “greener” taxis. Should the Welsh Government introduce an emissions policy for all local authorities in Wales to consider adopting, this may be attached to this policy as Appendix 19 – Vehicle Emissions Policy.

12. National Register for Hackney Carriage & PHV Licence Revocations and Refusals

- 12.1 The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence. Therefore, where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- 12.2 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

12.3 The information recorded on NR3 itself will be limited to:

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

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

12.5 This is a mandatory part of applying for being granted a hackney carriage / private hire vehicle driver licence.

12.6 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

12.7 If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at data.protection@ceredigion.gov.uk This includes submitting a subject access request.

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

13. Hackney Carriage & Private Hire Vehicles

13.1 Application Process

13.1.1. All applications will be determined on their own merits. The application procedure for obtaining a vehicle licence is detailed in Annex 8.

13.2 Proprietor Fitness & Propriety

- 13.2.1 Although vehicle proprietors may not have direct contact with passengers, it is important to ensure that they are considered to be 'fit and proper' to hold a licence, in order to ensure that vehicles are appropriately licensed so maintain the safety benefits of the licensing regime.
- 13.2.2 When assessing the fitness of an applicant to hold a vehicle licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.
- 13.2.3 It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.
- 13.2.4 To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire industry*' November 2024. The guidance is detailed in **Annex 3**.

13.3 DBS Check

- 13.3.1 All applicants for a hackney carriage and private hire vehicle licence will be required to submit a basic disclosure from the DBS to the Licensing Authority in order to satisfy the authority that they are a "fit and proper" person.
- 13.3.2 Where the proprietor is a company or partnership, the Authority will require a basic DBS from all Directors or Partners in that company or partnership. Where an applicant has lived or worked overseas, a certificate of good conduct will be required, which must be translated to Welsh or English by a reputable translation service. The DBS should be submitted with the application for the vehicle licence.
- 13.3.3 These checks will be repeated for vehicle licence holders annually. The cost of these checks will be covered by the applicant/licence holder.
- 13.3.4 Applicants that already hold a hackney carriage or private hire driver licence with this authority are not required to provide the basic disclosure as part of their application for a hackney carriage/private hire vehicle licence.

- 13.3.5 To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire industry' November 2024. The guidance is detailed in **Annex 3**.
- 13.3.6 Driving offences will not normally be considered as part of the assessment for vehicle licence holders.
- 13.3.7 Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a vehicle licence.

13.4 Overseas Criminal Record Check

- 13.4.1 All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the Licensing Authority will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas.
- 13.4.2 The applicant will be required to cover any financial costs of such checks.
- 13.4.3 For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing Authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from:
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- 13.4.4 In the event that an applicant is not able to obtain a certificate of good conduct, you should not progress with your application and should contact the Licensing Authority for further information.
- 13.4.5 Overseas criminal history checks must have been obtained within the 6 month period preceding the application.
- 13.4.6 The Licensing Authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.
- 13.4.7 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.

13.5 General Vehicle Construction

- 13.5.1 All vehicles to be considered for licensing must comply with:
- a) All aspects of the requirements of the Motor Vehicle (type Approval) Regulations 1980
 - b) The Motor Vehicle (Type Approval) Regulations (Great Britain 1984).

- c) The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
- d) The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
- e) All respects of British and European vehicle regulations and be 'type approved' to the requirements of the M1 category of European Community Whole Type Approval Directive 2007/46/EC as amended.
<http://www.dft.gov.uk/vca/vehicletype/index.asp>
- f) In the absence of European Community Whole Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles may be considered for licensing that have:
 - i. National Small Series Type Approval:
<http://www.dft.gov.uk/vca/vehicletype/index.asp> or
 - ii. Individual Vehicle Approval:
<http://www.dft.gov.uk/vca/vehicletype/index.asp>

13.6 Modifications/additional equipment

13.6.1 No modifications to the vehicle or the fitting of additional equipment may take place without prior written consent from the licensing authority. A written application explaining the full nature of the modification or equipment must be accompanied by appropriate information and a confirmation from the vehicle's manufacturer that the modification/equipment will not compromise the vehicle's safety and specification. A satisfactory engineers report may be required.

13.7 Vehicle Specification and Licence Conditions

13.7.1 In order to ensure the safety and comfort of the travelling public, the licensing authority has set out a minimum specification for licensed vehicles that must be met before a vehicle can be licensed.

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

13.7.3 The specification and conditions for taxis is detailed in **Annex 9**, and the specification and conditions for private hire vehicles is detailed in **Annex 10**.

13.8 Licence Duration

13.8.1 When granted, the licence will remain in force for a maximum period of 12 months unless it is surrendered, suspended or revoked.

13.9 Vehicle Age

13.9.1 All vehicles licensed by the Council as a hackney carriage or private hire must be first registered in the U.K., not more than five years before the date of commencement of the licence, except London-type taxi cabs, prestige vehicles, limousines and novelty vehicles, which will be licensed at the discretion of the Council.

13.9.2 Vehicles licences renewed after the vehicle is more than ten years old from the date of first registration, will be subject to an additional examination after six months and re-licensed at the discretion of the Council.

13.9.3 The licensing authority's vehicle age policy is detailed in **Annex 9**.

13.10 Vehicle in Exceptional Condition

13.10.1 The Licensing Authority recognises that some older vehicles may have less wear and tear, may be exceptionally well maintained by the proprietor, and will have a physical and mechanical condition of a younger vehicle. In those circumstances when the vehicle is found to be in 'exceptional condition', the Licensing Authority may consider the vehicle to be licensed beyond the upper age limits detailed above.

13.10.2 The criteria detailing what will be considered 'exceptional condition' is detailed in **Annex 11**.

13.10.3 In order to determine that a vehicle meets the exceptional condition criteria it must undergo an inspection by an inspector approved by the Licensing Authority. In addition, the vehicle must pass an MOT test.

13.10.4 Vehicles that are deemed to be in exceptional condition may be licensed for an additional year (subject to passing all required vehicle tests).

13.11 Insurance

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

- The vehicle must have a valid certificate of insurance for public hire and reward in respect of taxis, and private hire and reward in respect of private hire vehicles.
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the licensing authority at the earliest opportunity.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance as required (unless delayed or prevented by sufficient cause accepted and agreed by the licensing authority), the licensing authority may suspend the licence and require the proprietor of that hackney carriage to return all the plates to the licensing authority subject to any appeal period.

13.12 V5 Registration Certificate

13.12.1 The licensing authority accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence; however, the V5/2 green section of

the V5 form and proof of purchase must be produced. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5/2 green section.

13.12.2 A full V5 registration certificate and proof of purchase must be produced upon transfer of a vehicle licence. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5 green section.

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

13.13 Accident Reporting

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

- i. the safety, performance or appearance of the vehicle, or
 - ii. the comfort or convenience of the passengers,
- must be reported to the licensing authority as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof.

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

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

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

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

13.13.5 All accidents must be reported on the "Taxi Accident form" which can be downloaded from: <https://www.ceredigion.gov.uk/business/licences-permits/hackney-carriage-private-hire/> or a copy may be obtained by request to publicprotection@ceredigion.gov.uk 01545 570 881.

13.14 GPS meters/management & dispatch systems

- 13.14.1 GPS 'meters' utilize global positioning systems (GPS) rather than 'pulse' method used by standard taximeters to calculate distance. GPS meters do not currently comply with Measuring Instruments Directive (MID) (2004/22/EC) on taximeters, as such they cannot be used as alternative to a traditional pulse taximeter in licensed taxis.
- 13.14.2 The use of GPS meters, and dispatch/management systems is permitted in taxis and private hire vehicles, however it must not replace the approved taximeter and must not obstruct or distract from the display of the taximeter. It must be clear to passengers that the fare they are paying is displayed on the approved taximeter. In order to avoid any confusion to passengers, any fare displayed on the GPS system must be hidden from the passenger's view.
- 13.14.3 Any GPS system must be installed in accordance with the manufacturer's instructions.

13.15 Vehicle Closed Circuit Television Cameras (CCTV)

- 13.15.1 CCTV can improve driver and passenger safety in licensed vehicles by:
- deterring the occurrence of crime,
 - reducing the fear of crime,
 - assisting the police/ local authority with investigations,
 - assisting insurance companies in investigating motor vehicle accidents.
- 13.15.2 These requirements are designed to ensure that CCTV systems installed in licensed taxis or private hire vehicles (PHVs) are responsibly managed.
- 13.15.3 In this policy, we define a CCTV system as:
- any electronic recording device capable of capturing and retaining visual images and audio,
 - attached to the inside of a vehicle,
 - capable of capturing footage inside or both inside and outside a vehicle.
- 13.15.4 The policy applies to any licenced vehicle containing a CCTV system as described above. Systems that record both internal and external images must also comply with the taxi and private hire vehicle dash cam policy.
- 13.15.5 CCTV Requirements**
- 13.15.5.1 Any CCTV system must, as a minimum, meet the requirements set out in the specification in Part A of Appendix 12 of this policy. Only CCTV systems meeting these requirements can be installed into taxis and private hire vehicles. A certificate of installation (or copy) must be produced to the local authority, confirming the installed system meets the required specification detailed in this policy.
- 13.15.5.2 The installation and operation of CCTV must also comply with the requirements of the Information Commissioner's Office (ICO): [surveillance-by-consent-cctv-code-update-2015-jonathan-bamford-20150127.pdf](https://ico.org.uk/for-organisations/articles-and-guidance/other-guidance/surveillance-by-consent-cctv-code-update-2015-jonathan-bamford-20150127.pdf)

13.15.6 Signage

- 13.15.6.1 All taxis and private hire vehicles with CCTV must display signage to indicate CCTV is in operation.
- 13.15.6.2 Signs must:
- be displayed at each passenger entry point, e.g. one at each door,
 - be visible to passengers before entering the vehicle,
 - cause minimal obstruction of vision from within the vehicle,
 - make it clear that audio recording may be carried out.
- 13.15.6.3 This may also be verbally brought to the attention of passengers.
- 13.15.6.4 Drivers must verbally inform passengers with a visual impairment that CCTV is installed in the vehicle.
- 13.15.6.5 Additionally, internal signage should:
- identify who the data controller is
 - inform passengers how they may access CCTV data.

13.15.7 Audio Recordings

- 13.15.7.1 Approved CCTV systems are permitted to record audio, however, cannot be capable of continuous sound recording.
- 13.15.7.2 Sound can only be recorded via a 'panic' button operated by the driver and passenger.
- 13.15.7.3 The driver should only operate the sound recording in the following circumstances:
- when they believe there is a risk to themselves or their passenger's safety,
 - when they are concerned about passenger behaviour (for example, someone is verbally abusive),
 - to protect their livelihood e.g. disputes about payment, concern of potential damage to the vehicle.
- 13.15.7.4 Where audio recording is justifiable, signs must make it clear that the CCTV system is capable of audio recordings. Passengers with a visual impairment must be informed of this verbally.

13.15.8 Maintenance and Use

- 13.15.8.1 The maintenance and use of the CCTV system must be in accordance with the taxi/private hire vehicle licence conditions.

13.15.9 Download of data

- 13.15.9.1 Data will only be downloaded for the following purposes:
- a) in response to a legitimate data access request under the Data Protection Act 2018, in relation to the vehicle/driver
 - b) in response to a Subject Access Request compliant with the Data Protection Act 2018
 - c) where a complaint has been made to the Licensing Section regarding the vehicle/driver and the complaint cannot be resolved in any other method.

13.15.10 Data Retention

- 13.15.10.1 Data retrieved by the licensing authority for the above specified reasons will only be retained for the following periods:
- a) cases leading to prosecution 10 years from date of trial
 - b) formal caution 3 years from date of caution
 - c) written warning or no formal action 3 years from date of decision
 - d) Subject Access request 6 years from date of request.

13.15.11 Data Controller

- 13.15.11.1 The information Commissioner's Office (ICO) defines a data controller as the body which has legal responsibility under the UK General Data Protection Regulation (GDPR) for all matters concerning the use of personal data.
- 13.15.11.2 Voluntary CCTV installed in any Ceredigion County Council licensed vehicle must comply with this policy.
- 13.15.11.3 Ceredigion County Council will not be named the data controller for any CCTV voluntarily installed in its licensed vehicles. The driver/vehicle proprietor or other person/ organisation who is in control of the data must be named the data controller and registered with the ICO. The data controller will determine how access to the data will be controlled and used in compliance with the ICO guidance.

13.15.12 Third Party Processor

- 13.15.12.1 Where a service provider is used for the remote storage of CCTV data they will function as a data processor. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller either by cloud or via a server, in response to specific instructions. The data controller retains full responsibility for the action of the data processor.
- 13.15.12.2 All CCTV systems in Ceredigion County Council licensed taxis and private hire vehicles must be installed in compliance with this policy. See **Annex 12**.

13.16 Video Point of Impact Systems (VPIS) / Dash cams

- 13.16.1 The licensing authority allows the use of VPIS systems in hackney carriage and private hire vehicles. The proprietor of any vehicle fitted with a VPIS system must comply with the conditions set out in **Annex 13**.

13.17 Lost Property

- 13.17.1 The driver of the vehicle must carefully check the vehicle after the termination of each hiring, or as soon as practicable thereafter, for any personal belongings left in the vehicle.
- 13.17.2 Within 48 hours of finding lost property, the driver must hand the item(s) into a police station in the district and obtain a receipt for it.

13.18 Livery & Signage

- 13.18.1 It is essential that the public should be able to identify and understand the difference between a hackney carriage and private hire vehicle.
- 13.18.2 Hackney carriage and private hire vehicles are required to display the external licence place, securely fixed to the rear of the vehicle. No temporary fixing is allowed.
- 13.18.3 Hackney carriage vehicles must be fitted with a roof sign bearing the word 'TAXI', which must be illuminated at all times when the vehicle is available for hire.
- 13.18.4 Private hire vehicles are not permitted to display roof mounted signs.
- 13.18.5 The Licensing Authority's Policy on livery and signage is detailed in **Appendix 14**.

13.19 Advertising

- 13.19.1 No signs or advertising may be displayed on licensed vehicles without prior written consent from the licensing authority other than the name of the taxi company and contact details.
- 13.19.2 Where written consent has been provided, advertising is permitted on hackney carriage vehicles only in accordance with the advertising policy detailed in **Annex 15**.
- 13.19.3 All advertisements shall conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and shall not relate to matters concerning tobacco, gambling, alcohol, politics, religion, matters of a sexual nature, or any other content likely to cause offence.

13.20 Card Payments

- 13.20.1 Licensed vehicles may be fitted with a council approved credit and debit card payment device. The device must have the facility to produce a printed receipt.
- 13.20.2 Where a vehicle is fitted with a card payment device two, double-sided signs must be displayed, either specifying card company logos or a bilingual (English & Welsh) sign stating '*This licensed vehicle now accepts credit and debit card payments including contactless*'
- 13.20.3 The sign must be positioned internally at the top of both passenger windows.
- 13.20.4 Should a problem occur with a card payment, the driver should follow this advice:

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

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

13.21 Accessibility

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

13.21.2 *A reference wheelchair is defined in Schedule 1 of the Public Services Vehicles Accessibility Regulations 2000:
<http://www.legislation.gov.uk/ukSI/2000/1970/schedule/1/made>

13.21.3 Section 167 of the Equality Act 2010 permits Local Authorities to maintain a designated list of wheelchair accessible vehicles. This licensing authority has taken the decision to maintain such a list which is published on the licensing authority's website at: <https://www.ceredigion.gov.uk/business/licences-permits/hackney-carriage-private-hire/>

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

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

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

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

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

13.22 Executive Hire (Private Hire Only)

- 13.22.1 Vehicles used solely for executive hire may be exempt a number of standard conditions such as displaying livery and external licence plate.
- 13.22.2 A vehicle will only be considered for the exemption if undertaking executive service for corporate or business contracts, proms/race days and corporate airport runs would not be deemed as an executive use and therefore subject to standard private hire vehicle conditions.
- 13.22.3 The type of work considered to be 'executive hire' includes, but is not restricted to:
- Exclusive business to business contracts, i.e. to transport employees and clients on business related journeys under a written contract to a company or person,
 - Bookings for certain clients (for example politicians and celebrities) who, for security or personal safety reasons, would not want the vehicle to be identifiable as a private hire vehicle.
- 13.22.4 The vehicle interior and exterior shall be of the very highest quality in design and use of materials available and in exceptional condition. The trim of vehicles to be considered 'executive' must be the highest specification of a particular type of vehicle. Relevant considerations as to whether a vehicle meets an executive standard include, but are not limited to, cost, reputation, specification, appearance, perception, superior comfort levels and seating specification, e.g. whether the vehicle offers additional space per passenger compared to standard vehicles.
- 13.22.5 Any proprietor wishing to licence a vehicle for executive hire must apply to the licensing authority providing written confirmation from their private hire operator that the vehicle will only be used for executive hire.
- 13.22.6 A written notice from the licensing authority which states which vehicle licence conditions are exempt must be carried in the vehicle at all times.
- 13.22.7 Vehicles licensed for executive hire are required to be driven by a licensed private hire driver.

13.23 Novelty / Special Event Private Hire Vehicles Including Limousines

- 13.23.1 Novelty private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Novelty private

- hire vehicles must not have the appearance of a hackney carriage vehicle and must be designed to carry 8 passengers or less.
- 13.23.2 Proprietors wishing to licence limousines should have regard to VOSA's 'Guidance for Operators of Stretch Limousines' (2011):
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines_2.pdf
- 13.23.3 Novelty vehicles such as vintage cars, decommissioned fire engines and motorised rickshaws may also be considered for private hire use.
- 13.23.4 The specification and conditions relating to limousines, novelty and special event vehicles are contained in **Appendix 16**.

14. Additional Provisions for Hackney Carriages ONLY

14.1 Quantity Restrictions

- 14.1.1 Licensing authorities have the power to limit the number of hackney carriage vehicle licences it issues, provided they are satisfied that there is no significant unmet demand for hackney carriage service.
- 14.1.2 In order to assess the level of unmet demand in the area, licensing authorities should commission an independent survey. In line with the Department for Transport's Best Practice Guidance (<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>) where quantity restrictions are in place, surveys should be repeated at least every 3 years.
- 14.1.3 Legislation does not currently allow licensing authorities to impose quantity restrictions on private hire vehicle licences.
- 14.1.4 Ceredigion County Council does not currently limit the number of hackney carriage licences it issues.

14.2 Taxi Ranks (legally referred to as hackney carriage stands)

- 14.2.1 It is not a mandatory requirement that the local authority provide ranks for the hackney carriage trade. Where ranks are provided the use and location of these ranks will periodically be reviewed by the local authority.
- 14.2.2 Any amendments to existing ranks or the addition of new ranks will be subject to consultation. Comments and suggestions with regards to the location of new ranks are welcomed.
- 14.2.3 Taxi ranks are provided for hackney carriages only. Private hire vehicles are not permitted to wait, pick up or drop off at designated taxis ranks.
- 14.2.4 Hackney carriages are licensed to 'ply for hire', i.e. to pick up passengers in the street or whilst waiting at authorised taxi ranks and may also accept pre-booked fares.

- 14.2.5 There are a number of taxi ranks in Aberystwyth, the locations of which are available from the Licensing Service upon request. Private Hire vehicles are prohibited from using the taxi rank.

15. Private Hire Vehicle Operators

15.1 Application Process

- 15.1.1 All applications will be determined on their own merits. The application procedure for obtaining a private hire vehicle operator licence is detailed in **Annex 17**.

15.2 Licence Duration

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

15.3 Responsibilities and Fitness/Propriety of the Operator

- 15.3.1 The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, administrative staff and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- 15.3.2 The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:
- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
 - Vehicles being operated that are in an unsuitable condition.
 - Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).
 - Employment of ancillary staff where a basic DBS check has not been completed for the individual, or the results of which may pose a risk to the public.
 - Loss/misuse of personal data
- 15.3.3 The licensing authority expects licensed operators to support its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.

- 15.3.4 When assessing the fitness of an applicant to hold a private hire operator's licence, the licensing authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the licensing authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.
- 15.3.5 It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.
- 15.3.6 To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '*Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades*' April 2018. The guidance is detailed in **Appendix 3**.

15.4 DBS Check

- 15.4.1 All applicants for a grant or renewal of a Private Hire Operator's licence must submit a basic disclosure (dated within one month of the application) which can be obtained from Disclosure & Barring Service in order to satisfy the authority that they are a 'fit and proper' person. In the case of applications from a company or organisation, all director of the company/organisation must provide a basic disclosure. The cost of these checks will be covered by the applicant/licence holder.
- 15.4.2 Applicants that already hold a hackney carriage or PHV driver's licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence.
- 15.4.3 Driving offences will not normally be considered as part of the assessment for private hire operator licence holders. Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a private hire operator's licence.

15.5 Overseas Criminal Record Check

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

- 15.5.2 The applicant will be required to cover any financial costs of such checks.
- 15.5.3 For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing Authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from:
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- 15.5.4 In the event that an applicant is not able to obtain a certificate of good conduct, you should not progress with your application and should contact the Licensing Authority for further information.
- 15.5.5 Overseas criminal history checks must have been obtained within the 6 month period preceding the application.
- 15.5.6 The Licensing Authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.
- 15.5.7 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.

15.6 Licence Conditions

- 15.6.1 The licensing authority has the power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed in **Appendix 18**.

16. General Compliance & Enforcement

16.1 General

- 16.1.1 The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.
- 16.1.2 It is recognised that well-directed enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Licensing Authority will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Licensing Authority will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.
- 16.1.3 Compliance assessments are to ensure that license holders remain 'fit and proper'. The Licensing Authority may use a variety of tools and powers to identify

non-compliance, this may include, but is not limited, pro-active and reactive inspections, 'mystery shopper' exercises, programmed exercises with relevant partners, targeted enforcement operations, investigation of complaints/service requests.

- 16.1.4 Enforcement action will be proportionate, consistent and reasonable, whilst ensuring the public are protected. Determination of the method of enforcement may consider the following:
- The seriousness of the offence
 - The offender's previous compliance history
 - The consequence of the non-compliance
 - The risk to public
 - The likelihood of repeated non-compliance
 - The effectiveness of other compliance/enforcement methods

16.2 Licence Holder Self-Reporting

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

16.3 Disciplinary Procedure

- 16.3.1 Complaints made against licence holders from members of the public, police officers, council officers, or any other relevant person will be fully investigated by Licensing Authority.
- 16.3.2 Following investigation of a complaint concerning a licence holder's conduct or behaviour or the notification of an offence the Licensing Authority will consider the following disciplinary sanctions:
- **To take no action** –If relatively minor complaint with no history of poor behaviour or possible mitigating circumstances
 - **Warning letter** -for minor/moderate complaints/offences or if a pattern of poor behaviour/conduct is evident. A warning letter may be issued where the seriousness of the complaint/offence doesn't warrant suspension or revocation. A warning letter will stay on the licence holder's file for 2 years (or a period determined appropriate by the Licensing Authority). There is no limit to the number of warning letters a driver can receive however if a driver receives 2 or more warning letters within 2 years for similar complaints the Licensing Authority may wish to consider more serious action such as a final written warning or suspension.
 - **Final written warning** – for minor/moderate complaints/offences whereby a licence holder has received a warning letter(s) regarding a similar matter.

- **Driver required to undertake further training.** The Licensing Authority may conclude that the complaint or report against a licence holder may be due to lack of knowledge and may recommend that a licence holder undergoes further training in order to correct behaviour and prevent further misconduct.
- **Prosecution** – where there is a clear evidence and it is in the public interest, a licence holder may be prosecuted for offences under the relevant legislation.
- **Suspension** –for more serious complaints/offences or cases whereby a licence holder has previously received a warning for a similar complaint/offence in the past 2 years. The length of the suspension will be determined on a case by case basis. Suspension can be considered an option where no previous warning has been issued if the Licensing Authority feel that due to seriousness of the matter it is warranted.
- **Vehicle suspension (Stop Notice)** – a vehicle licence may be suspended when the vehicle is not meeting the licence conditions or is not roadworthy. The notice requires the vehicle to not be used as a licenced vehicle until the defect has been rectified and the notice has been lifted by the Licensing Authority
- **Revocation** – for repeat patterns of poor conduct or behaviour where warning(s) or suspension(s) have already been issued. For serious matters whereby the Licensing Authority consider the driver is no longer a fit and proper person to hold a licence.
- **Immediate suspension/revocation** – when it is the interest of public safety, the Licensing Authority may require the suspension/revocation to have immediate effect.
- **Refusal to renew a licence** – as for revocation above.

16.3.1 The Corporate Enforcement Policy for the Authority embeds its principles of enforcement. The Policy is available on the Council's website at: www.ceredigion.gov.uk

16.4 Appeals

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

16.5 Working in Partnership

- 16.5.1 In order to maximize effective enforcement and compliance, it is often necessary for the Licensing Authority to work in partnership with other agencies. Examples of partnerships may include, the police, Driver and Vehicles Standards Agency (DVSA), Her Majesty's Revenue and Customs (HMRC), neighbouring local authorities, adult and children safeguarding teams.
- 16.5.2 The Licensing Authority also aims to work closely with the licensed trade to continue to professionalise the industry and improves standards of service.

16.6 Service Requests & Complaints

- 16.6.1 The Licensing Authority will investigate all service requests and complaints made against licence holders, provided details are received that will allow for establishment of the identity of the licence holder. Details would include, licence holder's name, licence number, or vehicle registration number. In most cases, the Council will not act on anonymous complaints, depending on the nature of the complaint.
- 16.6.2 It should be noted that the investigation of the complaint may result in the complainant being asked to provide a written witness statement. In addition the complainant may be required to provide evidence in person at a disciplinary Committee or at Court.
- 16.6.3 Statements may also be taken from the licence holder and any other witnesses.
- 16.6.4 In coming to decision regarding what, if any, action should be taken, the Licensing Authority will consider all evidence and mitigating circumstances.

16.7 Cross Border Enforcement

- 16.7.1 Where it is becomes apparent that either a number of vehicles licensed by this authority are undertaking the majority (i.e. over 50%) of private hire work in another local authority area, or when it is evident that a number of vehicles licensed by another local authority are undertaking the majority of private hire work in this area, the licensing authority will endeavour to develop enforcement protocols with those local authorities.
- 16.7.2 In these circumstances the following protocol (as described in the *Local Government Association's Taxi and PHV Licensing- Councillor's handbook*) will be followed:
- All authorities agree what level of expertise/qualification/skills is the minimum for approval of authorisation of each individual.
 - All authorities establish, via their own schemes of delegation, what procedural steps need to be taken to validly authorise (i.e. chief officer's report, sub-committee or full committee decision).

- All authorities agree the form and wording of the 'letter of authorisation' and 'photo warrant card' to be issued.
- Each 'requesting council' formally requests authorisation of named individual officers.
- Each 'receiving council' obtains authorisation and provides a 'letter of authorisation' in respect of the other authority's officers.
- Each employing authority provides its own officers with a photo warrant card specifying which legislation the officer is duly authorised to enforce on behalf of the authority.
- Each authority provides all officers with copies of appropriate bylaws, conditions and agreed methodologies/reporting mechanisms for dealing with defective vehicles and other issues from other areas.
- Each authority seeks political and financial approval for pre-planned joint operations both with each other and also police/HMRC Customs & Excise.
- Data sharing protocols, as required, be established between authorities, including standard incident reporting templates/operation logs to be used by all for consistency and scheme recording.

17. Privacy Notice

17.1 How we will use your information

- 17.1.1 The information you provide is used to process your application(s) for Hackney Carriage / Private Hire Vehicle driver's licence, Hackney Carriage or Private Hire Vehicle licence and Private Hire Vehicle Operator's licence. This information will be used to determine your or your vehicle's suitability / continued suitability for the purposes of licensing.
- 17.1.2 Your identity may form part of a publicly available committee report and / or a public register. Your information will also be used for the purposes of statutory returns, compliance and customer service reviews. It will also be used for the purpose of sharing information regarding driver licence revocations and refusal of applications on the National Register of Taxi Licence Revocations and Refusals (NR3S). We may obtain information about you from other sources and we may share your information with others where there is a legal basis for doing so.
- 17.1.3 Further details on how long we will keep your information are provided in the link below.
- 17.1.4 You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed. For further information on how we process your information and your rights please visit www.ceredigion.gov.uk

Appendices

Appendix 1 – Licence Fees

Licence Fees

Hackney Carriage	New Hackney Carriage vehicle	£226.00
	Renewal Hackney Carriage vehicle	£171.00
Private Hire Vehicle	New Private Hire vehicle	£183.00
	Renewal Private Hire vehicle	£166.00
	New Private Hire Operator 3 years	£341.00
	New Private Hire Operator 5 years	£436.00
	Renewal Private Hire Operator 3 years	£317.00
	Renewal Private Hire Operator 5 years	£396.00
Dual badge taxi/driver licence	New Dual driver 1 year	£321.00
	Renewal Dual driver 1 year	£166.00
	New Dual driver 3 years	£374.00
	Renewal Dual driver 3 years	£219.00
	Cherished transfer	£84.00
	Reprint of licence	£22.00
	Replacement door signs	£9.00
	Replacement drivers badge	£12.00

These are subject to annual review.

Application and Supporting Documentation

The Applicant shall complete and submit to the Licensing Authority an application on the form prescribed by the Licensing Authority accompanied by the required fee and following supporting documentation and information:

- a) The details of two referees to whom the Licensing Authority may write for the purpose of obtaining a character reference.
- b) One recent digital photograph of the applicant, taken from the shoulders upwards and on a plain background. “Recent” in this instance means taken within the last 12 months.
- c) An enhanced Disclosure and Barring Service (DBS) check completed and submitted via the Licensing Authority.
- d) A certificate signed by a registered medical practitioner certifying their fitness to the DVLA Group 2 medical standard to drive a licensed vehicle
- e) Their current, valid driver’s licence.
- f) DVLA check code.
- g) HMRC Tax check code; renewals only
- h) Right to work check code or birth certificate/passport, where applicable

No driver’s licence will be issued unless the appropriate fee is paid. Where payment is made by cheque which is subsequently dishonoured, any licence issued will become null and void.

To ensure the authenticity of documents, photographs of documents will not be accepted. All documents, including the application form, must be scanned using a flatbed scanner. If you do not have access to a scanner, please use the facilities at one of our libraries.

Only original documents can be submitted if being used as supporting evidence for a DBS disclosure application. It is for this reason, that applicants are required to submit and/or collect their documents in person at one of our libraries. The LA does not accept responsibility for original documents that are returned via Royal Mail. It is for this reason, wherever possible, that applicants are advised to submit and/or collect their documents in person.

For further information about the supporting documents, please refer to the Taxi and Private Hire Vehicle Policy.

Process

Once a complete application is received, along with the required supporting documentation, the Licensing Authority will submit a request to the Human Resources section of this Authority who will send the applicant a link to complete the Enhanced DBS application.

The DBS will be submitted to and processed by the DBS service.

Once the DBS check has been completed, the DBS service will send the applicant a certificate. If there is adverse information contained on the certificate, the applicant will be required to submit their certificate to the licensing Authority in order to process it in line with the fitness criteria.

Further information can be viewed via the following link:

<https://www.gov.uk/government/organisations/disclosure-and-barring-service>

While the DBS is processing, the applicant will be required to undertake an in-person “knowledge test” and a “safeguarding test” at one of our Offices. Your language skills, your understanding of your duties as a professional driver, your general appearance and attitude will be considered as part of your general propriety by the Officer.

Once the DBS certificate has been received, the HR department will send us an email advising us that the DBS is either “clear” or “adverse”.

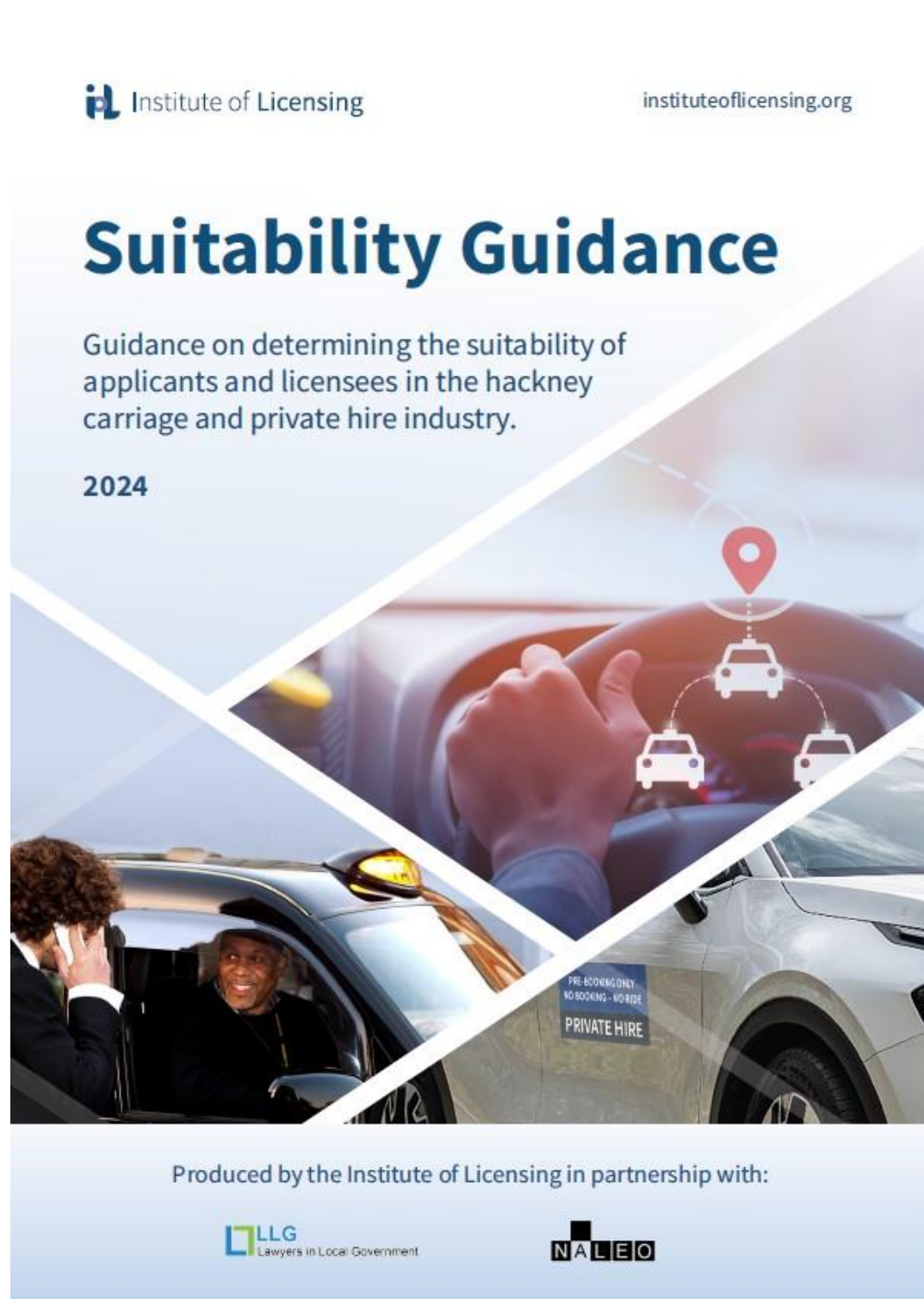
If the DBS is “clear” and the application is complete; i.e., all supporting documents have also been received, then the processing Officer will submit the driver details on to Reprographics in order to print your badge and licence. The badge and licence will be sent to you in due course via Royal Mail.

All drivers are required to check the details on the badge and return the delivery receipt to the Authority to acknowledge receipt or advise us of incorrect details.

If the DBS returns “adverse” then the application will be processed in line with the fitness Policy and will likely require the applicant to appear before the licensing sub-committee who will determine whether or not to grant the licence.

Further information about the knowledge test, safeguarding test, Medical, and DBS can be viewed in this Policy document.

All applicants have the right to appeal to the Magistrates Court a refusal to grant a licence.



Foreword

Taxi licensing began in 1635, when King Charles I limited the numbers of hired coaches in London. Charles II seemed disinclined to abandon regulation. He issued more licences, set fees and standards.

The present licensing system has its roots in the Town Police Clauses Act 1847 which declared “Hackney carriages to be licensed”. Although the requirement for licensing was national, standards and enforcement were local, through Commissioners, and taxi licensing has been determinedly local ever since.

The first – and most recent - edition of this Guidance was published in April 2018. It noted that there had been “no recent Statutory or Ministerial Guidance as to how decisions should be approached or what matters are relevant or material to such a decision”.

In my work as Chair of the Independent Inquiry into Telford Child Sexual Exploitation, I heard lacerating accounts from children sexually exploited by taxi drivers. I further heard that it was essentially impossible for the Borough to enforce local standards as over the years different – even neighbouring - authorities had maintained different approaches to drivers’ characters and behaviours, as to required driver training and even as to vehicle condition.

The first edition of this Guidance contained advice as to each of those elements, and detailed consideration of the effect of particular types of offending on suitability, all of which plainly **influenced the Department for Transport’s subsequent Statutory Guidance. Since then, the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022** has mandated the use of the NR3S database by English local authorities.

The progress is plainly welcome, and this thoughtful and comprehensive second edition of the Guidance will no doubt influence the debate as its predecessor did. But while this Guidance sets a goal of consistency, as long as the system allows drivers to choose their licensing authority by price, rather than by the area in which they operate, it is the low-cost, lighter touch regulators that will thrive and those (like Telford) who have put in place thoughtful suitability criteria, including high quality training, that will struggle for custom. It seems to me that is not only an odd result of something deemed “localism”, but also one profoundly not in the public interest.

In 2018 a government report¹ recommended legislation for national minimum standards for taxi and PHV licensing; the Government agreed², and said that it would take forward legislation “when time allows”. Perhaps, after almost 400 years, an Act in the reign of Charles III might finish the job his predecessors began.

TOM CROWTHER KC
23ES CHAMBERS

¹ <https://assets.publishing.service.gov.uk/media/60085e35e90e073ecce20064/taxi-and-phv-working-group-report-document.pdf>

² <https://assets.publishing.service.gov.uk/media/5f76f9308fa8f55e36671b26/taxi-task-and-finish-gov-response.pdf>

Acknowledgements

The IoL originally published its *Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades* in April 2018. The original Guidance was the result of many months of work by a dedicated group of individuals who formed the Suitability Working Group.

The April 2018 publication was formally endorsed by the Local Government Association, Lawyers in Local Government, and the National Association of Licensing and Enforcement Officers. It was gratifying when Chapter 4 of the original guidance was closely mirrored in the annex at s 10 of the [Department of Transport's Statutory taxi and private hire vehicle standards](#), published in 2020.

The Guidance was and is intended to assist local licensing authorities in considering their own local licensing policies on determining the suitability of applicants and licence holders for taxi and private hire licensing. It was well received among such authorities generally, with many updating or reviewing their policies by incorporating the guidance in part or in whole, ahead of or subsequent to the publication of the DfT standards. The Guidance has been successfully cited in courts where it has been so incorporated by authorities and as a stand-alone reference.

The Suitability Working Group had an informal review planned for 2021. Work started in 2022 (delayed from 2021 due to the pandemic), with an initial consultation (round 1) in 2022 on the effectiveness and level of adoption of the guidance. The Working Group assessed the round 1 consultation responses but opted to pause the work pending the then anticipated imminent publication of the DfT's *Best Practice Guidance* which eventually followed in November 2023.

The draft revised Guidance was subject to a further consultation (round 2), which closed on 30 September 2024, following which all the consultation responses were carefully reviewed in producing this revised Guidance.

With sincere thanks to the Suitability Working Group:

- Stephen Turner, Solicitor at Hull City Council (Working Group Chair)
- Phil Bates, Licensing Manager, Southampton City Council
- Ellie Birch, IoL Executive Assistant
- James Button, James Button & Co Solicitors
- Linda Cannon, former Licensing Manager, Basingstoke Council
- Yvonne Lewis, Licensing Manager, City & County of Swansea
- John Miley, former Licensing Manager (Broxtowe Council) and National Chair for NALEO
- Sue Nelson, IoL Executive Officer
- Professor James Treadwell, Professor of Criminology, Staffordshire University

Suitability Guidance Preface

Chapter 1: Introduction is an introduction to the Suitability Guidance. It refers to the importance of the licensing regime in protecting public safety and sets out the legislative position that a licensing authority must be satisfied has been met by an applicant before deciding if they are a fit and proper person to hold a licence.

Chapter 1 refers to policies having a “bright line approach” and explains the position in this regard. Finally, Chapter 1 sets out some of the approaches taken in later chapters of the Suitability Guidance, which will be looked at in turn.

Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview, has been extensively reviewed. It looks at patterns of behaviour for offenders, and aims to assist licensing authorities in considering previous convictions and non-conviction information (complaints etc) alongside time factors (time elapsed), trends and the nature of behaviours in order to make a reasoned judgement of suitability when there are matters of concern.

While considering all criminal behaviour, this chapter looks in detail at sexual offences, which are naturally of key concern when considering an individual's suitability to hold a licence. It underlines the role of licensing as a form of safeguarding and risk management of activities, recognising that licensees are in positions of trust, and have the opportunity to take advantage of potentially vulnerable passengers on a daily basis.

Chapter 3: Taxi and Private Hire Licensing Overview provides an overview of taxi and private hire licensing law, including the legislative framework, and the principal objective of the licensing regime (to protect the public).

The chapter looks at the licence types under the regime, and considers the application and decision-making processes and key considerations in each case, including the legal thresholds which apply (for example the need for the local authority to be satisfied that an individual is a fit and proper person before granting a licence). It emphasises the need for reasoned decisions and clear records of decisions to be maintained. There are references to relevant parts of the [DfT's Statutory taxi and private hire standards](#) and the system of recording refusals, suspensions and revocations on the NR3S database (mandated in England and wholly adopted in Wales).

Chapter 3 acknowledges that the vast majority of applicants and licence holders are decent, law-abiding people who work hard to provide a good service to their customers and the local community. They are an essential part of our communities, and many local residents rely heavily on them. The licensing regime, when working correctly, should exclude those who are not safe and suitable from the profession, protect licensees as a whole by increasing public confidence, and uphold the professionalism of the industry.

Chapter 4: Guidance on Determination has been subject to much discussion and review. The overriding principle of listing categories of offending rather than listing specific offences has been maintained. This is

essential as consideration is not confined to conviction information - non-conviction information is relevant and must be considered alongside convictions. In addition, a list of specific offences would be too narrow, and become superseded by new offences, or arguments that a particular offence was “different” from a listed one.

Some categories have been expanded. For example, “exploitation” now includes “criminal harassment”; “offences involving violence” includes fear of violence and violence against property, animals and the State; and “sex and indecency offences” includes a reference to the “Sex Offenders’ Register” and “barred” lists.

Additional categories have been included: “alcohol misuse or dependency”, in addition to “drugs misuse” (which now includes “dependency”), and a further category of “discrimination”. There is also a section on behaviours which looks at non-criminal behaviours which would be a potential cause for concern.

Motoring offences have been an area which has been subject to intense discussion. This was the main area of feedback on the original Guidance, in particular the reference to minor traffic or vehicle related offences. The “motoring offences” section sets out the guidelines in relation to motoring offences and the reasoning behind them.

Chapter 4 maintains the view set out in the original guidance, that the considerations under each category should be applied when considering applicants and licensees for driver, operator and vehicle proprietor licences.

Version history

- 28th October 2024 – Formally approved
- 13th November 2024 – First published
- 20th November 2024 – [WLGA endorsement added](#) (Chapter 1, para 1.1)

Terminology

This Guidance follows the approach to terminology used by the Department for Transport (DfT) in its Best Practice Guidance:

Vehicles licensed under section 37 of the Town Police Clauses Act 1847 and section 6 of the Metropolitan Carriage Act 1869 are referred to in that legislation as ‘hackney carriages’. This term is also used in older regulations. In more recent legislation the term ‘taxi’ is used.

In this document ‘taxi’ means a hackney carriage. It does not include private hire vehicles (PHVs).

When referring to both types, the term “taxi and private hire” is used.

Chapter 1: Introduction

- 1.1 This document was originally published by the Institute of Licensing in April 2018 and this revised edition follows extensive consultation and review. As previously, it has been produced by the Institute working in partnership with the Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO). We are grateful to all those organisations for their contributions and endorsement. The Guidance has also been endorsed by the National Anti-Fraud Network (NAFN) and the Welsh Local Government Association (WLGA).
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Taxi or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Taxi and Private Hire services. It is a regulated activity, and the purpose of regulation is to ensure, so far as possible, that those engaging in this activity are suitable persons to do so. Entry requirements are necessarily high to ensure the safety of the public, and the reputation of those who are themselves licensed.³
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications.⁴ The onus lies with the applicant or licensee to satisfy the licensing authority that they are or remain a fit and proper person.⁵ It is a key part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.
- 1.4 If a licensee falls short of the fit and proper standard at any time after grant, the licence should be revoked or not renewed on application to do so.
- 1.5 There is some Statutory and non-statutory guidance as to how such decisions should be approached or what matters are relevant or material to a decision contained in the DfT *“Statutory Taxi and Private Hire Vehicle Standards”*, *“Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England”* and the Welsh Government’s *“Taxi and private hire vehicles: licensing guidance”*, but it is not comprehensive. This document complements that guidance as does the LGA’s Taxi and Private Hire Licensing Councillor’s Handbook and any further Government guidance. It is gratifying and seen as an endorsement of the previous edition of this document that the DfT accepted the suggested convictions guidance in Chapter 4, almost in its entirety.

³ See paras 3.2 of *“Statutory Taxi and Private Hire Vehicle Standards”* Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards> and 3 of *“Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England”* Department for Transport revised in 2023 (available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>) and the Welsh Government Guidance Document *“Taxi and Private Hire Vehicles: licensing guidance”* revised in September 2024’ (available at <https://www.gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>)

⁴ Except vehicle proprietors. In those cases, there is no “fit and proper” requirement, but the authority has an absolute discretion over granting a licence.

⁵ This was confirmed by the High Court in *R v Maidstone Crown Court, ex p Olson* [1992] COD 496 QBD

- 1.6 Local authorities in England should be complying with the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which requires use of the NR3S database hosted by the National Anti-Fraud Network. Such use is currently advisory in Wales.
- 1.7 Chapter 4 of this document provides licensing authorities and their decision makers with guidance on determining suitability, taking into account the character of the applicant or licensee. Licensing authorities are encouraged to adopt this guidance within their own Taxi and Private Hire policies. In particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it should not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case. Any departure from the adopted policy should be the exception, rather than the rule.
- 1.8 A licensing authority can say "never" in a policy, known as taking a 'bright line approach', but it remains a policy, and as such does not amount to any fetter on the discretion of the authority. This approach was endorsed by the High Court in *R (on the application of Nicholds)*.⁶ Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will only happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. Full and detailed reasons must be provided to the applicant or licensee for every decision, including the reasons for any departure from the Council's policy.
- 1.9 In Chapter 2 this document explores the current academic thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraphs 1.7 and 1.8 and Chapters 3 and 4.
- 1.10 Chapter 3 of this document sets out in overview form the Institute's view of the current law, practice and procedure relating to Taxi and Private Hire licensing. Neither Chapter 3 nor any other part of this document constitutes formal legal advice which licensing authorities should obtain for themselves where required.
- 1.11 The guidance in Chapter 4 contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by a licensing authority's policy or guidance as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.12 The guidance in Chapter 4 cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national standards.

⁶ [2006] WHC (Admin), [2007] 1 WLR Admin Crt

- 1.13 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Taxi and Private Hire Trades, Academics, the Probation Service, NAFN, National and Local Governments, interested Charities and the Police.

Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public.⁷ With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour. While all offending behaviour can be considered when it comes to fitness and propriety, the unique position that licensed taxi and private hire drivers occupy in terms of their occupation and the opportunities and risks that come with such employment mean that some focus and understanding of the nature and character of violent and sexual offences is valuable. Such offences are often important as indicators that an individual might present a risk of serious harm to other people.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining potential future behaviour as well as culpability, it is essential that the decision maker(s) considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed. The wider and broader the evidence base that can be considered, the better the judgement is likely to be.
- 2.4 Crime tends to emerge in teen years, and many people commit offences but do not find themselves persistently involved in crime and criminality. Those who do become more frequent offenders tend to share several risk factors: associations with delinquent peers; school/employment problems; family problems; certain types of mental health problems; and alcohol/substance abuse are the most important predictors of persistence in crime. The predictors of persistence in crime highlight the multiple causes of persistent antisocial behaviour, and how antisocial behaviour and attitudes can be quite deep rooted. While people who commit crime can and do change and reform, there is also useful predictive value in previous conduct, as past behaviour is often a good indicator of underlying attitudes and potential future conduct.
- 2.5 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years, offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. While this is true, such points should not be used to downplay the vital role that disbarring people of bad character from roles and occupations which provide heightened opportunity for them to harm plays. What can be done, is to examine each case on its individual merits, and look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.6 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is public protection. This includes assessing the risk of re-offending and the risk and scale of harm.⁸ Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences in the criminal justice system. Local Authorities are not always

⁷ DfT 'Taxi and Private Hire Licensing – Best Practice Guidance, Section 3

⁸ Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

privity to this information, so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

- 2.7 Flaud⁹ noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place.¹⁰
- 2.8 In the Criminal Justice system, His Majesty's Prison and Probation Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards both static and dynamic factors. While no risk assessment can be infallible, there has been a growing recognition for the need to make justifiable and defensible decisions based on public protection.
- 2.9 Understanding the person, their history (including any offending) and their patterns of behaviour and establishing both risk factors related to future offending and protective factors which reduce the risk of future offending is at the centre of managing risk. Risk Factors are aspects of an individual offender's life that have inclined them towards harmful behaviour. Protective factors are the features of an individual's life that may incline them away from harmful behaviour.
- 2.10 Static factors are historical and do not change such as age, and previous convictions. These can be used as a basis for actuarial assessments and are core in considering an individual's potential to reoffend in future.¹¹ For example, about half imprisoned adults are reconvicted within two years of release from custody. It is also widely accepted that persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous convictions.¹² In 2022 adults released from custody or starting a court order had a proven reoffending rate of 33.4% within a year of their conviction in court or release from prison.¹³
- 2.11 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity.¹⁴ Behaviour can also be a factor in assessing risk, and behavioural changes can be used in making risk assessments. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated or is a risk, it is important to have regard towards the motivation behind their offending, and the dynamic risk factors present at the time of offences against the steps taken to address such factors, thus reducing the risk of re-offending.
- 2.12 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population.¹⁵ Many of these factors are interlinked and embedded in an individual's past

⁹ Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

¹⁰ Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

¹¹ Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

¹² Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

¹³ [Proven reoffending statistics: April to June 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/proven-reoffending-statistics-april-to-june-2022)

¹⁴ McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

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

experiences. These factors can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed. However, we also ought to recognise that, and at core, known previous behaviour is the best predictor of future behaviour bar none. Good risk assessment is evidence based and uses statistical evidence, understands offence type and risk factors, but also is individualised and takes account of factors that can reduce or increase an individual's risk. It is also holistic and takes account of behaviour in a range of contexts and a good understanding of the whole person at the centre of the assessment. It also requires a somewhat critical and sceptical attitude and doubt towards emotional claims and assertions of change. Often persistent offenders will claim that they have stopped offending only to be reconvicted. These are assertions from the subject that are challenged by contradictory behaviours.

- 2.13 Whether a person who has offended is a risk in the future is a complex debate and has given rise to extensive publications, theories and changes in legislation, with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described in criminal justice as "any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual's ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time".¹⁶
- 2.14 Kurlychek, in her study noted that "a person who has offended in the past has been found to have a high probability of reoffending, but this risk is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age".¹⁷ In contrast though, one of the few long-term studies (The Sheffield Desistance Study)¹⁸ which examined the lives of 113 men aged 19–22 years over four years. Their subsequent convictions over the next ten years generally demonstrate a pattern of continuing convictions, but with major crime-free gaps suggesting with some very persistent offenders, desistance, if seen as continuing cessation from crime, may not be fulfilled.
- 2.15 A consistent finding in criminological literature is that many male offenders tend to desist from crime over time, and risk of offending even for those previously convicted reduces once individuals reach the aged 30 years and over.¹⁹ It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationship.²⁰ Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females is 14 compared to 19 for males.²¹ It is true that generally many people do age out of crime, but we should be careful not to count all crime as the same. Serious sexual and violent offences may not be the same as acquisitive offences.
- 2.16 Some people are convicted of crime and will not be further convicted. The Rehabilitation of Offenders Act 1974 aims to help some offenders re-enter the workforce and makes some convictions spent after a

¹⁶ National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

¹⁷ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

¹⁸ Bottoms, A.E. & Shapland, J. (2016) Learning to desist in early adulthood: the Sheffield Desistance Study. In: J. Shapland, S. Farrall & A.E. Bottoms (Eds.) Global perspectives on desistance: reviewing what we know, looking to the future. Abingdon: Routledge or Shapland, J. (2022) Once convicted? The long-term pathways to desistance. *The Howard Journal of Crime and Justice*, 61, 271–288. <https://doi.org/10.1111/hojo.12473>

¹⁹ Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

²⁰ Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

²¹ Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatstone: Essex.

determined period. For people who have been involved in persistent and more serious offending, it is a difficult and complex process, likely to involve lapses and relapses. Some criminal convictions, especially those attracting lengthy prison sentences are not considered spent. Some individuals may never desist from crime.²² As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low risk of re-offending. Often the only way of achieving this is through lapse of significant time.

- 2.17 Typically, the longer the time elapsed since an offence has been committed, the more likely the individual has desisted from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance.²³ Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to re-offend or offend again than individuals who have offended in the recent past”.²⁴ This is likely substantively true, and yet there are some categories of crime, and some crime types, perhaps particularly sexual offences, where caution is very much needed, because those crimes are so much less frequently taken through the justice system successfully and the offence may illustrate more complex attitudinal and behavioural and thinking patterns. For general offences (not violence and sexual offences), some academics have suggested that a period of around seven years is when the risk of offending for convicted offenders and non-convicted population becomes the same.²⁵
- 2.18 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when deciding whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.
- 2.19 Offences where taxi and private hire drivers are victims are much more frequent than offences by such drivers. Taxi and private hire drivers are often in situations where they can face victimisation in terms of violence, threat, assault and false allegations. It must be recognised that taxi and private hire drivers have access to people who are vulnerable because of their situation, very often as a sole individual unsupervised in a vehicle. A small minority of people may seek to abuse their positions, or even secure positions because of the potential to take advantage of passengers’ trust and vulnerability.
- 2.20 It is estimated that 23.5 per cent of males in England and Wales in the age range 10 – 52 in 2006 had had a previous a conviction. For adult males aged between 18 and 52 the figure is 28.2 per cent. Almost a third of all adult males in the UK have a criminal conviction. However, often individuals will come to light and be recognised because of patterns of behaviour, not always criminal behaviour. It ought to be remembered that a great deal of criminal behaviour in some categories may never come to be known

²² Farrell, S (2005). *Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation* (Crime and Justice) Paperback.

²³ Maguire, M., Morgan, R. and Reiner, R. (2002). *The Oxford Handbook of Criminology*. 3rd Edition. Oxford: Oxford University Press.

²⁴ Kurlychek, M C, Brame, R (2007). *Scarlet letters and recidivism: Does an old criminal record predict future offending?* University of South Carolina.

²⁵ Soothill, K and Francis, B (2009) *When do ex-offenders become like non-offenders?* *Howard Journal of Criminal Justice*, 48 (4). pp. 373-387. ISSN 0265-5527

about by authorities, and it is widely accepted that, for example, violence against women and girls, domestic violence and sexual crimes tend to be the most under reported and least convicted.

- 2.21 According to ONS crime statistics for England and Wales,²⁶ 20% of women (1 in 5) and 4% of men will experience sexual violence in their lifetime. It is vital that it is recognised that a great deal, and likely most, of the sexual abuse may never be reported. It has been suggested that some 40% of adults who are raped will not report, and unreported childhood cases are likely much higher. The Crime Survey for England and Wales (CSEW) estimated that 1.1 million adults aged 16 years and over experienced sexual assault in the year ending March 2022 (798,000 women and 275,000 men).
- 2.22 It is claimed that only some 10-15% of sexual offences are reported to the police in any year, and even when reported, sexual crimes are amongst the hardest to prove. In 2018 less than 1 in 65 reports of rape (1.5%) resulted in a charge or summons. However, according to CSEW statistics for the year ending March 2022, sexual offences recorded by the police were at the highest level recorded. In May 2021, there were 95,844 people on the sex offenders register in England and Wales, yet based on the accessing of Child Sexual Exploitation material the UK's National Crime Agency estimate that there could be between some 550,000 and 850,000 people in the UK who pose varying forms of sexual risk to children. While there is no consensus about the pathways between non-contact and contact offending, it seems sensible to consider even one incidence of possession of child sexual exploitation material must be seen as a risk flag.
- 2.23 There are a range of crimes that can be considered as sexual offences, including non-consensual crimes such as rape or sexual assault, crimes against children including child sexual abuse or grooming, and crimes that exploit others for a sexual purpose, whether in person or online. Crimes can occur between strangers, friends, acquaintances, current or ex-partners, or family members. The passage of time does not prevent the effective prosecution of sexual offences, and an increasing number of cases referred to the CPS by police feature allegations of a non-recent nature.
- 2.24 There is also complexity added to the category of sexual offences as there can be a sexual component in offences that may not be categorised primarily as a sexual offence, and the category runs a full gambit from sexually motivated homicides to non-contact internet offending in the form of possession of Child Sexual Exploitation material.
- 2.25 Sexual offences are prosecuted as part of the CPS Violence Against Women and Girls (VAWG) Strategy. This is an overarching framework to address crimes that have been identified as being committed primarily but not exclusively by men against women, but we ought not forget that men also commit sexual offences against men and boys. Reynhard Sinaga, a postgraduate student jailed for life in 2020 is who is thought to be the UK's "most prolific rapist"²⁷ was convicted of 136 rapes in Manchester and is believed by police to have assaulted over 200 men. There is a huge variation in sexual offenders, and there is a range of complex factors in their offending, which can vary hugely and significantly. Some historic crimes are no longer crimes due to changes in legislation since their conviction. For example, alterations in the age of consent that existed for gay men.

²⁶

<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingdecember2023#overall-estimates-of-crime>

²⁷ <https://www.judiciary.uk/wp-content/uploads/2020/12/McCann-Sinaga-Shah-judgment-111220.pdf>

- 2.26 There is no singular type when it comes to sexual offending, and there are many gaps in knowledge. We know that most sexual offenders are men. Sex offenders constitute a diverse population of individuals and can be classified into types based upon characteristics and motivations of offending. The most common classification systems are those differentiating between types of rapists, child molesters, female sex offenders, juvenile sex offenders and cyber-sex offenders. There is also sometimes a division between non-contact (online) and contact offending, and discussions about whether the former is a pathway to the latter. It is often said that reoffending amongst sexual offenders is lower than that of general offenders, but we need to be careful to also frame that with the general knowledge we have about the complexity and difficulty in securing convictions for sexual offences generally.
- 2.27 Sex offenders constitute a similarly diverse group of individuals who begin offending for a range of reasons. Many offenders do not fit into discrete categories. Like violent offenders, sexual offenders have unique personal and criminal histories, and the attitudes and beliefs that support their deviant behaviour can vary. There is no clear-cut profile of a sex offender. Some offenders were sexually abused as children, but others have no such history. Some are unable to function sexually with adult partners and so prey on children, while others also have sexual relations with adults. Research shows that sexual offenders exhibit a variety of characteristics. Abusive people, including sexual offenders, typically think they are unique, they are different from other people, they have a sense of entitlement and do not have to follow the same rules as everyone else. Rather than being unique, abusers and sexual offenders often have a lot in common with one another, including their patterns of thinking and behaving. They are also often highly manipulative of other people and situations and will employ a range of tactics that can include lying, upsetting others or intimidating them with threats. Equally, they may attempt to charm people, engender feelings of sympathy to manipulate, feign interest or concern, or attempt to elicit sympathy. Sex offenders when compared to other offenders generally:
- Are more likely to deny their behaviour and guilt, can lack empathy (and victim) empathy and ability to understand or see things from the point of view of others.
 - Have inappropriate or be very fixed in attitudes and character, including attitudes to sex.
 - Put themselves in places and situations where vulnerable victims are present. (Offenders may frequent an amusement arcade or join a social media site or gaming platform where they will regularly be engaging with youth on a peer level or attempt to become a taxi or private hire driver" as referred to in the Telford report).²⁸
 - The motivations to sexually offend can vary from offender to offender and offence to offence, but the specific deviant sexual motivations including paraphilias (a persistent and recurrent sexual interests, urges, fantasies, or behaviours of marked intensity involving objects, activities, or even situations that are atypical in nature) are often apparent. However sexual offenders will commit nonsexual offences.
- 2.28 Like sexual offenders, violent offenders are a diverse population, whose offences generally tend to be either expressive (a loss of control and anger) or instrumental (violence that is used to acquire or gain something, including some forms of acquisitive violence). We know that men commit far more violent offences than women and a very small group (less than 5% of the male population tend to commit around 50-70% of violent crime).²⁹ Often the most persistent violent offenders commence offending early in life and are characterised by criminal versatility, but because of their overt nature, much violence (with

²⁸ Para 4.193 Report of the Independent Inquiry Telford Child Sexual Exploitation available at <https://www.iitcse.com/>

²⁹ Moffitt, T. E. (1993). Adolescence-limited and life-course-persistent antisocial behaviour: A developmental taxonomy. *Psychological Review*, 100(4), 674–701. <https://doi.org/10.1037/0033-295X.100.4.674>

exceptions around domestic and intimate partner violence) has tended to be detected and prosecuted. Serious violence tends to result in conviction.

- 2.29 The risk of harm is not always linked to the offences committed previously, as persistent and repeat offenders often escalate or fluctuate in terms of the severity of crimes and the type of offences that they commit, and offenders often are not specialist and do not restrict themselves to one sort of crime.
- 2.30 Criminal versatility and a diversity of criminal offence types can also be indicative of underlying antisocial attitudes. Previous behaviour is a good indicator of future risks. Any conviction for a serious violent or sexual offence suggests at a degree of risk to the public that is heightened over those who have no convictions.
- 2.31 Beyond a very narrow core of hard cases, there are issues in both the boundaries of what constitutes the kind of behaviour that can be considered dangerous, which is open to dispute, and to what degree of likelihood of future risk should be required before an individual can be said to present a danger of future offending and subject to restrictions?
- 2.32 What is vital when considering violent and sexual offences are the access and opportunity that the offender requires to attempt to commit any offence. This is the focus of situational and administrative criminology. Situational crime prevention (SCP) is an applied criminological paradigm founded on two distinct, complementary conceptions of criminal situations. The first is the rational choice and the second is the routine activities perspectives.³⁰
- 2.33 SCP approaches consider criminal situations and understand that crime occurrences are essentially 'opportunities' that arise when an already motivated or criminally disposed offender, having rationally weighed up in terms of effort, risk, and reward decides to commit an offence. All else being equal, a crime is more likely to be committed when it requires little effort, when the would-be offender judges that there is a low risk of that crime being detected and punished, and when they anticipate they will meet their intended outcome. Core to the crime is a suitable target being available, there is the lack of a suitable guardian to prevent the crime from happening, and a motivated offender is present.
- 2.34 Licensing is a form of safeguarding and risk management. By virtue of the role and function of what opportunities and privileges a taxi or private hire drivers' licence affords, there can be a great deal of opportunity to access people who are situationally vulnerable, particularly those in the night-time economy. John Worboys (also known as John Radford) the British convicted serial sex offender, known as the Black Cab rapist, was convicted in 2009 for attacks on 12 women committed between 2007 and 2008. In 2019, he was convicted for attacks on four more women, the earliest of which took place in 2000. Police say he may have had more than 100 victims while operating in London and Dorset.
- 2.35 The taxi trade and licensing has also featured as part of the backdrop of discussions of Child Sexual Exploitation in a number of English towns. These crimes have frequently been discussed as the product of 'grooming gangs'. While this term has been controversial, the night-time economy (NTE) and particularly take aways, taxi and private hire companies and children's homes all also featured as part of the situational and social context of offending across a number of English towns such as Telford, Rotherham, Bradford, Luton, and Rochdale. Specifically vulnerable, young white females were

³⁰ Cornish, Derek B., and Ronald V. Clarke. "Crime as a rational choice." *Criminological theories: Bridging the past to the future* (2002): 77-96, and *Social Change and Crime Rate Trends: A Routine Activity Approach*, Lawrence E. Cohen and Marcus Felson Vol. 44, No. 4 (Aug., 1979)

predominately the victims of Bangladeshi and Pakistani male perpetrators', some of whom were employed as taxi drivers.

- 2.36 While the term 'grooming gangs' has become a contentious one bringing often unhelpful claims and counterclaims, the reality is that much Child Exploitation (CE), including Child Sexual Exploitation and Child Criminal Exploitation happens when vulnerable young people (under the age of 18) are encouraged, forced or manipulated into criminal or sexual acts. While not all victims of CE and CSE are vulnerable by virtue of factors other than age, many victims have a range of heightened vulnerabilities. These can include problems at home, statutory care experiences, trauma, emotional and physical neglect, experiences with a family member with mental health or substance use disorders, experiences of domestic violence and abuse, poverty, experiences of racism and discrimination and experiences of violence in the community. Those in the taxi and private hire trades can also gain useful local knowledge and insight around concerns about exploitation and can be extremely useful in crime prevention and encouraging and promoting community safety.
- 2.37 Individuals applying for or renewing taxi and private hire driver's licences are subject to an enhanced DBS with barred lists check. There are debates as to whether taxi and private hire driving should become a regulated activity within the provisions of the Safeguarding Vulnerable Groups Act 2006.
- 2.38 When making decisions around individuals being 'fit and proper' it is important that too much weight is not placed on individual testimony or evidence that cannot be substantiated. Rather, a focus should be on:
- What further offence(s) might the individual commit or exhibit?
 - Would they cause serious harm?
 - Who might the victim(s) be? Can they be accessed via occupational role?
 - What features might contribute to serious harm (the risk factors)?
 - What might protect against serious harm (the protective factors) and are they able to be guaranteed?
 - How probable is a high-risk scenario (likelihood)?
 - How quickly could a further serious harm take place (imminence)?
- 2.39 Focusing on questions of access and opportunity and seeing licensing as a mechanism of safeguarding is vital when deciding if someone should be -licensed. While refusal of a licence is a restriction for the individual, it is also a method of situational safeguarding that can serve to prevent future victims.

Chapter 3: 'Taxi' and Private Hire Licensing Overview

- 3.1 Taxis and private hire vehicles are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi or private hire driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for taxi and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi and private hire licensing is detailed in the DfT *"Taxi and Private Hire Licensing best practice guidance for licensing authorities in England"* para 3. which states:

"The primary and overriding objective of licensing [the taxi and PHV trades] must be to protect the public."

Supported by para 3.2 of the DfT Statutory Taxi and Private Hire Vehicle Standards which states:

"When formulating a taxi and private hire vehicle policy, the primary and overriding objective must be to protect the public."

And acknowledged in part 1 of the Welsh Government Guidance document "Taxi and Private Hire Vehicles: Licensing Guidance" which states:

"The licensing regime needs to be updated to remedy the current problems; ensure that the taxi and PHV licensing system is fit for modern Wales; and promote public safety."

- 3.4 Within the two licensing regimes, there are 5 types of licence: taxi vehicle; private hire vehicle; taxi driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, ³¹ there are no national standards.³²
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

³¹ "Statutory Taxi and Private Hire Vehicle Standards" Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards> and 3 of *"Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England"* Department for Transport revised in 2023 (available at <https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>)]

³² The Government has stated that it will introduce national standards for taxi and private hire licences. However, at the time of writing (May 2024) this will be after the next General Election. In Wales, Welsh Government has consulted on new legislation, but again this is awaited.

- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, it is for the applicant or licensee to satisfy the licensing authority that they are “fit and proper”, not for the authority to prove that they are not.
- 3.9 The authority has powers to grant or refuse a licence, renew or refuse to renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.10 What is the role of these powers, and how do authorities determine an application, or take action against a licence? Each Licensing Authority should adopt a cohesive Taxi Licensing Policy.³³ If a matter or situation is not addressed or covered by the Policy, that does not mean that matter cannot be taken into account by the Authority: in such circumstances the Authority will have to consider the issue from first principles, as if it had not adopted any policy on this topic.
- 3.11 Whenever a decision is made by a licensing authority (whether that is by Councillors or Officers), full and detailed reasons for that decision must be given.³⁴ This requirement is not just for refusals. It is important that all decisions are recorded correctly, and reasons given. This will include grants (on first application and renewals), addition of conditions, suspension, revocations and refusals. To assist decision makers, [Appendix 1](#) contains guidance on recording decisions against NR3S criteria and [Appendix 2](#) contains an example of a Decision Notice, both of which are adaptable for a council’s own purposes.

Taxi & Private Hire Drivers

- 3.12 There are two different occupations: taxi drivers and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted. Some authorities grant separate taxi or private hire licences whilst others grant “dual” or “combined” licences to cover both occupations. Some authorities also issue “restricted” licences to drivers who only wish to perform home to school transport (H2S) work. Irrespective of the type or purpose of the licence, the decision making criteria remain the same.
- 3.13 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, comply with tax conditionality requirements and be a “fit and proper” person.³⁵
- 3.14 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

³³ see Para 3.1 Dft Statutory Standards

³⁴ This was made clear by the Court of Appeal in *R (app Hope and Glory Public House Ltd) v Westminster City Magistrates’ Court* [2011] EWCA Civ 31, [2011] 3 All ER 579, CA.

³⁵ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers taxi drivers.

- 3.15 An applicant must have the right to remain, and work in the UK.³⁶ Again, this is ultimately a question of fact, and the local authority should follow the guidance issued by the Home Office.³⁷
- 3.16 The tax conditionality rules require any driver applying to renew their licence to demonstrate they are registered for tax with HMRC; new applicants must acknowledge that they will be required to register with HMRC.³⁸
- 3.17 Those requirements are all questions of fact. It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*.³⁹ Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.18 This is reflected in a test suggested by the DfT Statutory guidance (although it is not a statutory test):
- Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?⁴⁰
- 3.19 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.
- 3.20 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers’ licence?
- 3.21 The local authority has the power to require an applicant to provide:
- “such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”⁴¹

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

³⁶ Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of taxi drivers.

³⁷ “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, June 2024 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

³⁸ <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>

³⁹ [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt

⁴⁰ <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards/statutory-taxi-and-private-hire-vehicle-standards#decision-making:~:text=5.4%20Fit%20and%20proper%20test>

⁴¹ Local Government (Miscellaneous Provisions) Act 1976 s57(1)

- 3.22 Some of these are mandatory, such as Proof of right to work, Tax conditionality on renewal, NR3S search (conducted by the licensing authority, but this is only advisory in Wales). Others are universally required such as medical assessments.⁴² Some authorities may require further information such as:
- Enhanced DBS Certificates (recommended although widely regarded as mandatory),
 - sign-up to the DBS update service;
 - Knowledge tests;
 - Driving tests;
 - Disability awareness/training;
 - Periodic signed declarations;
 - Spoken and written English tests;
 - CSAE (child sexual abuse and exploitation) awareness/training;
 - County lines awareness/training.
 - Relevant taxi qualifications
- 3.23 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.
- 3.24 In making the decision, as to whether an applicant is, or remains a fit and proper person, the licensing authority can take into account any information which is relevant to determining that question. This can include information obtained by the LADO (the Local Authority Designated Officer). The LADO is a statutory appointment under the Children Act 1989 whose role is to oversee and manage investigations following allegations being made against individuals who work or come into contact with children regularly. Their role is described in detail in Working Together to Safeguard Children 2023. The basis of the lawfulness of the sharing of LADO information is that it is being used by the Licensing Authority for the same purpose as it was obtained by the LADO, namely safeguarding.
- 3.25 Both taxi and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared⁴³) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.⁴⁴
- 3.26 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Adult and Children Barred Lists checks⁴⁵ and to provide this to the Licensing Authority. This must be for “other workforce”+ “taxi”. Where a driver undertakes home to school contract work for an Education Authority (EA), they must obtain a different, separate Enhanced DBS Certificate to provide to the Education Authority, because that activity is “regulated activity” within the meaning of the Safeguarding Vulnerable

⁴² See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

⁴³ “Protected convictions” and “protected cautions” are generally minor and elderly matters that do not appear on any DBS Certificates.

⁴⁴ See *Adamson v Waveney District Council* [1997] 2 All ER 898 QBD

⁴⁵ “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” - para 6.2 “*Statutory Taxi and Private Hire Vehicle Standards*” Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>).

Groups Act 2006, whereas general or day to day “private hire and taxi driving is not. The EA Enhanced DBSs is for” Child Workforce“. A Licensing Authority cannot accept a Child Workforce DBS, and an Education Authority cannot accept an Other Workforce + Taxi DBS.⁴⁶ Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence. Some licensing authorities issue” restricted” licences solely for home to school transport use.

- 3.27 If any new applicant has spent 6 months or more (whether continuously or in total), while aged 18 or over residing outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.⁴⁷ Where an applicant is unable to provide a satisfactory criminal record check, a licence will not be granted because the licensing authority cannot be satisfied as to their fitness and propriety.
- 3.28 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person’s safety and suitability.⁴⁸ This may be 'never' due to the type of offence/behaviour and the risk of re-offending capability as a taxi driver.
- 3.29 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a fit and proper person to hold such a licence.
- 3.30 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.31 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver’s licence on the applicant and their family is not a consideration that can be taken into account.⁴⁹ This then leads to the question of whether the stance taken by some local authorities is robust enough to achieve that overriding aim of public protection.
- 3.32 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that those making these decisions, whether they are Councillors or Officers, recognise that the policy, whilst remaining a policy

⁴⁶ This is because School Transport is “regulated activity” within the Safeguarding Vulnerable Groups Act 2006, whilst general taxi and private hire driving is not.

⁴⁷ There are considerable discrepancies between Government guidance across England and Wales about the timescales when overseas information is required. In Wales the Taxi and Private Hire Vehicles: Licensing Guidance refers to 6 or more continuous months spent outside the UK since the applicant’s 10th birthday. The Home Office Guidance on the application process for criminal records checked overseas referred to in the DfT Statutory taxi and private hire vehicle standards requires criminal record checks where you have lived for 12 months or more (whether continuous or in total), in the last 10 years before the application, while aged 18 or over.

This paragraph has been revised having regard to these recommendations.

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants/guidance-on-the-application-process-for-criminal-records-checks-overseas>

<https://www.gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>

⁴⁸ See para 5.15 “Statutory Taxi and Private Hire Vehicle Standards” Department for Transport 2020 (available at <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>)

⁴⁹ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin), [2012] RTR 15 Admin Crt

and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. The policy should only be departed from in exceptional circumstances and for justifiable reasons which should be carefully and comprehensively recorded. Licensing Authorities should monitor their decisions on an annual basis and examine how often they depart from the policy.⁵⁰

- 3.33 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. Predators want taxi drivers' licences as it gives them easy access to victims.⁵¹ It should be noted that a licensing authority cannot prevent a person who has been refused a licence (or had it revoked) from re-applying to that, or any other, authority.
- 3.34 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. There should be a high standard of acceptability to enter the taxi industry. 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. It also undermines the position and reputation of the vast majority of professional licensed drivers. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.35 Licensees are expected to demonstrate appropriate professional conduct at all times, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.36 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

⁵⁰ See para 3.5 of DfT Statutory Standards

⁵¹ Telford report volume 3 para 4.193: 'That is in my view a significant result and one which is more likely to be attributable to some feature of the job which is attractive to perpetrators, rather than to chance. The obvious feature that a CSE perpetrator would find attractive is that taxi drivers hold a position of responsibility to the public; people tend to trust them. It also shows why an effective system of licensing and enforcement is vital, and why the public must know about the standards they are entitled to expect: they must know how to complain and must be able to make a complaint easily and quickly.' Report of the Independent Inquiry Telford Child Sexual Exploitation available at <https://www.iitcse.com/>

- 3.37 As a society, we need to ask the question “who is driving my taxi or private hire vehicle?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law-abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi and private hire drivers. This is detrimental to all involved.
- 3.38 In England, when any action is taken in relation to a drivers’ licence: refusal to grant or renew, revocation or suspension, the authority must apply the legal test to determine if this action must be entered by that authority on the NR3S database in accordance with the Taxi and Private Hire Licensing (Safeguarding and Road Safety) Act 2022. It is recommended in DfT Guidance that this action is also undertaken in Wales. When considering any new application, the name or names of the applicant must be checked against the NR3S database. There is no mechanism for a driver to surrender or hand in their licence, or to withdraw an application to avoid suspension, revocation or refusal, and thus avoid such an entry being made. In such circumstances, licensing authorities must make decisions to revoke, suspend or not renew. This will ensure the NR3S Database is accurate.⁵² A failed applicant for a licence cannot avoid the recording of a refusal.

Private Hire Operators

- 3.39 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority.⁵³ A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK, on renewal meets the HMRC Tax Conditionality requirements, and is a fit and proper person.⁵⁴
- 3.40 As with taxi drivers the role of the PHO and their staff goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. e.g. periods away from home, destinations, regular journeys. It is therefore vital that a PHO and their staff are as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Taxis can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a taxi driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.41 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?

⁵² See Journal of Licensing (2019) 24 JoL 46

⁵³ See *Dittah v Birmingham City Council*, *Choudhry v Birmingham City Council* [1993] RTR 356 QBD

⁵⁴ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

- 3.42 The decision is made by the licensing authority. Each authority can decide by whom those decisions are made under their Scheme or Schedule of Delegations (contained in the Council's Constitution). Decisions can be made by Councillors sitting on a Committee or delegated to Sub-committee, or officers.
- 3.43 Spent convictions, but not protected convictions, can be taken into account when determining suitability for a licence, and these must be declared on the application form. In addition, the applicant (or licensee on renewal) should be asked to obtain and then provide a Basic Disclosure from the Disclosure and Barring Service.
- 3.44 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.45 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and in the absence of a DfT test, this is suggested:
- “Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?”⁵⁵
- 3.46 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. A condition should be imposed on a PHO licence requiring them to have a policy to undertake checks on those they engage (whether as employees, workers or independent contractors) within their business to satisfy themselves that they are fit and proper people to undertake that task using the same criteria as the licensing authority used in relation to the PHO. The PHO must then retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.
- 3.47 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation.⁵⁶ Only by so doing can a decision be made as to the fitness and propriety of the operating entity. In these circumstances, a condition should be imposed on the PHO licence requiring notification to the licensing authority of any changes in membership any partnership or directors or secretary of a limited company. Such notification must be made within 7 days of the alteration and be accompanied by a Basic DBS for every new person.

Vehicle Proprietors

- 3.48 Similar considerations apply to the vehicle proprietors, both taxi and private hire. Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver's licence), they clearly have an interest in the use of the vehicle. That is

⁵⁵ This is a slightly modified version of the suggested test in Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

⁵⁶ See s57(1)(c) of the 1976 Act.

to say all of those named on the licence as proprietor or part proprietor.⁵⁷ They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety. Where any insurance replacement vehicle is involved, special considerations may apply.

- 3.49 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or who may be at risk of being, or are being, abused, exploited or enslaved.
- 3.50 In relation to both taxis and private hire vehicles, the local authority has an absolute discretion over granting the licence⁵⁸ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself.
- 3.51 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions (but not protected convictions or protected cautions) on initial application and every subsequent renewal. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs. This will not be required for proprietors who are already licensed as drivers and are registered with the DBS update service.
- 3.52 in the absence of a DfT test, this is suggested as a suitable test:
- “Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”⁵⁹

⁵⁷ "Proprietor" is defined in s80 Local Government (Miscellaneous Provisions) Act as: "'Proprietor' includes a part proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement."

⁵⁸ S37 of the 1847 Act in relation to taxis; section 48 of the 1976 Act to private hire vehicles.

⁵⁹ This is a slightly modified version of the suggested test in Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Chapter 4: Guidance on Determination

- 4.1 This Guidance is not binding on licensing authorities. They are all independent bodies, and it is for them to determine their own standards. This Guidance is intended to encourage greater consistency in decision making where it concerns the suitability of applicants for taxi and private hire licences.
- 4.2 This Guidance is also intended to enable licensing authorities, as the regulators of taxi and private hire drivers, vehicles and operators, to set standards that protect the public, and uphold the reputation of the trade and those licensed to work in it. As with any regulated activity, absolute certainty of safety cannot be achieved, and there will always be a tension between those regulated, and the regulators. The aim of this Guidance is to enable regulators to protect the public, whilst not preventing the vast majority of decent, law-abiding applicants and licensees to obtain and retain those licences. The 'public' is not restricted to passengers. It encompasses everyone: passengers, other road users and, of course, drivers.
- 4.3 As is clear from the [Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview](#) above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.4 Many members of our society use, and even rely on, taxis and private hire vehicles to provide transportation services. This is especially true of disabled and vulnerable people. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.5 Ideally, all those involved in the taxi and private hire trades (taxi and private hire drivers, taxi and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.6 It is essential those making decisions (whether Councillors or officers) undertake regular (annual) training in the legislation relative to licensing and the purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

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

Vehicles:

- Basic DBS checks and overseas checks for the vehicle proprietor;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space, comfort and any similar considerations
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.
- Electric Vehicles may have additional considerations

Drivers:

- Enhanced DBS checks (Other Workforce + Taxi) with update service and overseas checks;
- Checks made to the National Anti-Fraud Network NR3S database on refusals, revocations, and suspensions of taxi and private hire licences;
- Medical checks (Group 2 Standard as a minimum);
- Knowledge of the geographic area (for taxi and dual licences);
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation, county lines and safeguarding training;
- Right to work checks;
- Tax conditionality checks.

It should be noted that records only remain on the NR3S database for a period of 11 years after which they must be removed under S 4(3)(b) of Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022. This means that there will no longer be any record of whatever caused the entry to be made. This is unsatisfactory because any subsequent search after 11 years have elapsed from the date of entry will not reveal anything and is therefore worthless. It is believed that the period is set at 11 years to prevent a conviction that has become protected being revealed. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013 (SI 2013/1198) contains a long list of offences that will never become protected so it is some comfort that they will be disclosed on an Enhanced DBS in the normal way.

Operators:

- Basic DBS checks and overseas checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area;
- CSAE and County Lines Training for operator and staff
- Right to work checks;
- Tax conditionality checks.

4.8 The licensing authority sets its own application requirements which will be detailed in its licensing policy.

- 4.9 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.10 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.11 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a taxi or private hire proprietor’s licence.
- 4.12 “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 partnership⁶⁰) is “safe and suitable” to hold the licence.
- 4.13 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 taxi 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. The categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.
- 4.14 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.⁶¹ Fixed penalties and community resolutions will also be considered in the same way as a conviction.⁶²
- 4.15 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, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the licensing authority.⁶³ In addition, complaints and or investigations where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.16 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may 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.

⁶⁰ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

⁶¹ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁶² This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

⁶³ See *R v Maidstone Crown Court, ex p Olson* [1992] COD 496, QBD; *McCool v Rushcliffe Borough Council* [1998] 3 All ER 889, QBD; and *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 Admin Crt.

- 4.17 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.18 Any offences committed, or unacceptable behaviour reported whilst driving a taxi or private hire vehicle, concerning the use of a taxi 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 taxi and private hire trades will not be seen as mitigating factors.
- 4.19 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.20 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.21 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.
- 4.22 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 (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.23 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.24 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all licences, except motoring convictions in relation to a private hire operator.
- 4.25 This Guidance suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to a licensing authority. The licensing authority is looking for

safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

- 4.26 Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the licensing authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.
- 4.27 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. It must be remembered that these are guidelines. It is for each authority to determine and adopt its own previous convictions policy, and then determine applications in the light of that policy.
- 4.28 It must always be borne in mind that these are Guidelines, not fixed periods, and if there are “truly exceptional circumstances”⁶⁴ the time periods can be reduced in individual cases. Such instances should only be for “truly exceptional circumstances” and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that has been offered. However, the conviction itself cannot be reconsidered.⁶⁵

Drivers

- 4.29 As the criteria for determining whether an individual should be granted or retain a taxi driver’s licence are identical to the criteria for a private hire driver’s licence, the two are considered together.
- 4.30 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 4.31 As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.32 In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed ‘Motoring Offences’ below.
- 4.33 As stated above, the categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred lists

⁶⁴ DfT Statutory Standards Guidance para 5.15

⁶⁵ *Nottingham City Council v Farooq (Mohammed)* Times, October 28, 1998 QBD

- 4.34 A licence will not be granted to a person who is on any barred list.

Offences resulting in death

- 4.35 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.

Offences involving exploitation and criminal harassment

- 4.36 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment 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, stalking without violence, but this is not an exhaustive list.

Offences involving violence against persons, property, animals or the State

- 4.37 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of “violence” is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the licensing authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.
- 4.38 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. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

- 4.39 Where an applicant has a conviction for a public order offence or similar that is not in itself an act of violence, a licence will not be granted for a period of 5 years.

Offences involving Possession of a weapon

- 4.40 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.

Offences involving Sex, indecency or obscene materials

- 4.41 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. This includes any sexual harassment.

- 4.42 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register.

Offences involving Dishonesty

- 4.43 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.

Offences involving Alcohol abuse, Misuse or Dependency

- 4.44 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

- 4.45 Where an applicant has any conviction for, or related to, the production, import, trade in or supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.46 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.
- 4.47 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

- 4.48 Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.

Offences involving Regulatory non-compliance

- 4.49 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry

in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

- 4.50 Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.
- 4.51 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.52 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.⁶⁶
- 4.53 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)".⁶⁷ They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction, or the date of the offence depending on the type of offence (see "Penalty points (endorsements)".⁶⁸
- 4.54 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.
- 4.55 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

⁶⁶ Research shows driving while using a handheld device is potentially more dangerous than driving under the influence of alcohol: <https://www.trl.co.uk/news/transport-select-committee-road-safety-enquiry-on-the-use-of-mobile-phones> Using an electronic device which is 'hands free' or 'factory fitted' does not constitute an offence on its own but drivers need to maintain proper control of the vehicle at all times. Any behaviour or activity other than driving may be considered an offence where control of the vehicle is compromised.

⁶⁷ Available at: <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

⁶⁸ Available at: <https://www.gov.uk/penalty-points-endorsements/how-long-endorsements-stay-on-your-driving-licence>

- 4.56 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.
- 4.57 Any driver who has been disqualified as a result of “totting-up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.
- 4.58 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their licensing authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

- 4.59 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.
- 4.60 Behaviours such as
- Asking a passenger for their contact or social media details
 - Asking personal or intimate questions
 - Inappropriate physical contact with passengers or invade their personal space
 - Inappropriate conversations, questions or behaviour

This is more important if the passenger is a lone vulnerable individual.

- 4.61 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.
- 4.62 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.
- 4.63 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

- 4.64 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable

amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.

- 4.65 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.66 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.
- 4.67 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, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

- 4.68 Vehicle proprietors (both taxi and private hire) have two principal responsibilities.
- 4.69 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.70 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.71 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.72 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 1 - Guidance on Recording Decisions, Reasons and NR3S Criteria for reporting purposes

It is important all decisions including reasons are recorded (see example Decision Notice in [Appendix 2](#)). The following template may assist in preparing to report a decision to NR3S when appropriate and for the council's internal records.

Directorate:	The Directorate or department that oversees licensing matters in your authority.
Decision Maker	This will be either the committee/ sub-committee or officer under delegated powers
Subject	Name of licence holder
Delegated Powers Reference	If decision under delegated authority quote relevant section of the scheme here.
Decision	State in simple terms the decision and whether immediate effect. e.g. Revoked with immediate effect
Detail	Provide the facts in this section, not your views or thoughts. List the evidence you considered
Reason	<p>Now explain your findings here, where there are conflicting accounts explain here the account you prefer and the reasons why. Refer to your policy and how you have applied it. Cover all of the options open to you and why others were discounted and why the option was chosen. Demonstrate consideration of the pieces of legislation listed in the 'Other' section below</p> <p>Include consideration whether the action is to have immediate effect and explain the reasons for this.</p>
NR3S	<p>The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 imposes a duty on councils in England, and it is advisory in Wales, to record details on the NR3S Register, of any refusal, revocation and/or suspension of a driver's licence where the reasons meet one or more of the following criteria (tick all that apply):-</p> <p><input type="checkbox"/> has committed a sexual offence (whether or not the person was charged with, prosecuted for or convicted of the offence);</p> <p><input type="checkbox"/> has harassed another person;</p> <p><input type="checkbox"/> has caused physical or psychological harm to another person;</p>

	<input type="checkbox"/> has committed an offence that involves a risk of causing physical or psychological harm to another person (whether or not the person was charged with, prosecuted for or convicted of the offence); <input type="checkbox"/> has committed an offence under section 165, 168 or 170 of the Equality Act 2010 (whether or not the person was charged with, prosecuted for or convicted of the offence); <input type="checkbox"/> has done anything that, for the purposes of the Equality Act 2010, constitutes unlawful discrimination or victimisation against another person; <input type="checkbox"/> has threatened, abused or insulted another person; <input type="checkbox"/> poses a risk to road safety when driving; <input type="checkbox"/> may be unsuitable to hold a driver's licence for other reasons relating to— <ul style="list-style-type: none"> <input type="checkbox"/> the safeguarding of passengers, or <input type="checkbox"/> road safety. <p>The Act also imposes a duty on council's to search NR3S Register before making a decision on a person's application for, or for the renewal of, a driver's licence. Further information can be found at www.nafn.gov.uk</p>
Other	<p>I have fully considered the relevant legislation including The Equality Act, Crime and Disorder Act, Human Rights Act, the Local Government (Miscellaneous Provisions) Act 1976 (this is not an exhaustive list).</p> <p>I am duly authorised to make this decision.</p>

Declared Officer / Member Interests				
Details of consultation undertaken if appropriate		Yes	No	Date
	Director			
	Chair of Regulatory Committee			
	Senior Solicitor			
Contact Person		Contact No		
Authorised Signatory		Date		

Appendix 2 – Example Decision Notice

NB: This is not a prescribed form and should be adapted for a council's own purposes

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Section 60/61/62

NOTICE OF [GRANT / REFUSAL / SUSPENSION / REVOCATION / RENEWAL / NON-RENEWAL/] of [LICENCE TYPE] LICENCE

TO: _____

OF: _____

LICENCE NO. _____

NOTICE IS HEREBY GIVEN that [Council], has today [granted / refused / suspended / revoked / renewed/not renew] [licence type] licence, [with immediate effect / with effect from XXXX / for the period from XXXX until XXXX] on the ground(s) and for the reason(s) indicated and stated below:

You are a fit and proper person to hold such a licence / You are not a fit and proper person to hold such a licence

Vehicles – Section 60

The vehicle is unfit for use / you are unsuitable to hold a proprietor's licence / on the following grounds

- (a) that the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- (b) any offence under, or non-compliance with, the provisions of the Act of 1847, or of this Part of this Act by the operator or driver; or
- (c) any other reasonable cause

Drivers – Section 61

You are no longer a fit and proper person to hold the licence on the following ground(s):

- (a) That you have since the grant of the licence:
 - (i) been convicted of an offence involving dishonesty, indecency or violence, and/or

- been convicted of an offence under or failed to comply with the provisions of the
- (ii) Town Police Clauses Act 1847 or of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or
- (aa) That you have since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or
- (b) any other reasonable cause

Operators - Section 62

You are no longer a fit and proper person to hold the licence on the following ground(s):

- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
- (b) any conduct on the part of the operator which appears to the council to render him unfit to hold an operator's licence;
- (c) 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;
- (ca) that the operator has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (d) any other reasonable cause.

Reason(s):

[INSERT FULL AND DETAILED REASONS]

This decision does not take effect until 21 days have elapsed after receipt of this notice, except where the decision is to have immediate effect.

NOTICE IS FURTHER GIVEN that in accordance with section 61 and supplementary provision contained in section 61 (2B) of the Local Government (Miscellaneous Provisions) Act 1976, [Council] is satisfied that it is both proportionate and in the interests of public safety that the [suspension/ revocation] of your driver's licence takes effect immediately on receipt of this notice.

The effect of this part of the decision is that you cannot continue to drive a licensed vehicle (hackney carriage or private hire vehicle) pending the outcome of any appeal to the Magistrates' Court. You are required, in accordance with section 61(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976, to return immediately your driver badge number [BADGE NO] to the Licensing Department, [COUNCIL ADDRESS]. Failure to do so is an offence at law.

DATED XXXX

Signed on behalf of [Council]

RIGHT OF APPEAL

Sections 60(3), 61(3) and 62(3) of the Local Government (Miscellaneous Provisions) Act 1976 provides that any applicant, proprietor, driver or operator aggrieved by the decision of this council to suspend, revoke or refuse to renew a licence may appeal to the Magistrates Court. The appeal must be submitted to the Court within 21 days of the date of service of this Notice. You are advised to take legal advice to ensure that your appeal is correctly submitted to the Court together with the required Court fees, for which you may be liable.

If you choose to appeal and do so within the time limit you may continue to drive until your appeal is determined except where this decision has immediate effect.

In the event that you choose to appeal and are unsuccessful, the council may seek costs against you. If you are successful, the council will resist any application for costs made by you.

Any correspondence with the council must be addressed to [NAME AND ADDRESS OF THE COUNCIL].

Appendix 4 – Taxi & PHVs: Equality Act Medical Exemption Policy

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

Assistance dogs

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

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

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

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

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

Exemption from carrying assistance dogs which accompany disabled persons, can only be sought on medical grounds.

Therefore, applicants will need to demonstrate the grounds for applying this exemption by providing medical evidence to the licensing authority.

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

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

2. if they are allergic to dogs; or
3. if they have an acute phobia to dogs.

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

To apply for an exemption for the carriage of assistance dogs, the Carriage of assistance dogs exemption: application form must be completed by a Specialist Medical Practitioner. The form is available at: <https://www.gov.wales/carriage-assistance-dogs-exemption-application-form>

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

1. specialist / consultant
2. specialist nurse (for example, an asthma nurse)
3. practice nurses
4. the council's nominated independent doctor

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

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

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

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

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

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

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

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

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

Wheelchairs

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

The types of assistance that may be required include:

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

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

A 'reference wheelchair' is defined in statute as having the following dimensions:

- Length: 1200mm (approx. 48") including footplates
- Width: 700mm (28")
- Total seated height: 1350mm (54")
- Height of footrest: 150mm (6")

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

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

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

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

To apply for an exemption to the carriage of wheelchairs and offering assistance, the Carriage of wheelchairs exemption: application form must be completed. The form must be

completed by the applicant's General Practitioner or other Specialist Medical Practitioner, and must be accompanied by sufficient evidence such as a full diagnosis, details of ongoing investigations etc. A simple statement from a medical professional will not be considered as sufficient for the purpose of the exemption request. Any costs incurred in this process will be borne by the applicant.

The form is available at: <https://www.gov.wales/carriage-wheelchairs-exemption-application-form>

Licensing authority decision

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

Applicant's that have a temporary condition will be granted a time limited exemption certificate. If the applicant wishes to extend the period of exemption a further medical assessment (using the form in Appendix A) will need to be completed prior to the expiration of the exemption certificate. Form is available from the Licensing Authority.

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

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

Appeal

Any driver aggrieved by the licensing authority's decision to refuse the issue of a medical exemption certificate may appeal to the Magistrates' Court within 28 days of the date of the refusal.

This code is subject to change in line with Welsh Government standards, please visit <https://www.gov.wales/taxis-private-hire-vehicles> for the latest version

List A – acceptable documents to establish a continuous statutory excuse

1. A passport (current or expired) showing the holder is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or passport card (in either case, whether current or expired) showing that the holder is an Irish citizen.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted unlimited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
4. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
5. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
6. A birth or adoption certificate issued in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer. Definition includes a full birth certificate issued by a UK diplomatic mission (British Embassy or British High Commission).
7. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.
8. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group - 1 – documents where a time-limited statutory excuse lasts until the expiry date of permission to enter or permission to stay

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question. This includes a current passport endorsed with a stamp showing an individual has been granted leave to enter and there are no work-related conditions attached. If, under the conditions of the 85 individual's leave, work was restricted or prohibited the endorsement placed in the individual's passport would explicitly set that out as a condition.

2. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man, which has been verified as valid by the Home Office Employer Checking Service, showing that the holder has been granted limited leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules, Appendix EU to the Immigration (Bailiwick of Guernsey) Rules 2008 or Appendix EU to the Isle of Man Immigration Rules.
3. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a government agency or a previous employer.

List B Group 2 – documents where a time-limited statutory excuse lasts for six months

1. A document issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme) on or before 30 June 2021 together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. A Certificate of Application (digital or non-digital) issued by the Home Office showing that the holder has made an application for leave to enter or remain under Appendix EU to the immigration rules (known as the EU Settlement Scheme), on or after 1 July 2021, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A document issued by the Bailiwick of Jersey, the Bailiwick of Guernsey or the Isle of Man showing that the holder has made an application for leave to enter or remain under Appendix EU(J) to the Jersey Immigration Rules or Appendix EU to the Immigration Rules (Bailiwick of Guernsey) Rules 2008, or Appendix EU to the Isle of Man Immigration Rules together with a Positive Verification Notice from the Home Office Employer Checking Service.
4. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
5. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

Standards of behaviour for drivers

This code of conduct applies to all licensed hackney carriage and private hire drivers. It should be read in conjunction with this licensing authority's taxi licensing policy and licence conditions.

The licensing authority may reconsider your fitness and propriety to act as a licensed driver if you fail to comply with this code of conduct.

Ceredigion County Council's taxi operators and drivers are firmly committed to offering the highest levels of service to all our passengers and promise the following:

Drivers should:

1. Be clean and tidily dressed in accordance with the Licensing Authority's Taxi/PHV Driver's Dress Code, with their badge visible at all times.
2. Greet passengers in a friendly way and offer reasonable help with their luggage at both ends of the journey.
3. Act in a professional manner at all times.
4. Ensure that the vehicle is in a clean, safe and satisfactory condition at all times.
5. Attend punctually when undertaking a pre-booked hiring.
6. Be professional and understanding to other road users.
7. Provide the hirer with a receipt on request.
8. Assist when necessary, passengers into and out of the vehicle.
9. Treat information they receive about passengers in a discreet and confidential manner.
10. Switch off the engine if required to wait.
11. Always ask if a vulnerable passenger needs help and should not make assumptions.
12. If the passenger wants to travel outside local authority boundary, agree the fare before setting off or agree to use the taximeter (where applicable).
13. (In the case of drivers of wheelchair accessible vehicles) Ensure that they are able to correctly deploy the vehicle ramps and are able to safely transport the passenger in the wheelchair into and out of the vehicle and secure the wheelchair correctly.

Drivers should not:

14. Make discriminatory remarks relating to age, gender, sexuality, disability, race, religion or belief.
15. Use offensive or inappropriate language in public.
16. Smoke, vape/use e-cigarettes, eat or drink in the vehicle.
17. Give or take details of any blogs or personal websites or use any form of electronic communication to send messages to a passenger that do not relate to matters around the hiring of the vehicle. This includes social networking sites such as Facebook, Twitter or any other form of electronic communication for the purpose of social messages.
18. Use their position to force or indoctrinate passengers into following a political, spiritual or religious belief.
19. Take photographs (other than images captured on and approved vehicle CCTV system) of passengers even if it is at their request.

20. Behave in a manner that may be considered intrusive, intimate, overly personal or unprofessional with any passenger and should at no time provide any form of gift or gratuity, no matter how small or invaluable.
21. Allow any audio equipment to become a nuisance to passengers.
22. Make improper use of the vehicle's horn by sounding it as a means of alerting hirers of his/her presence, other than in an emergency.

Conduct of hackney carriage drivers at taxi ranks (official or unofficial ranks)

Drivers should:

23. Rank in an orderly manner and proceed along the rank promptly and in order.
24. The driver must remain with their hackney carriage at all times during periods in which it occupies a hackney carriage rank. It is an offence to leave a hackney carriage unattended on the rank.
25. Be polite and courteous to any taxi marshals and follow their instructions.
26. Not allow the vehicle to be on the rank unless it is available for immediate hire.
27. Not wait for pre-booked fares on the rank.

This dress code is subject to change in line with Welsh Government standards, please visit to <https://www.gov.wales/taxis-private-hire-vehicles> for the latest version.

Appendix 7 – Hackney Carriage & PHV Driver Dress Code

Guide on driver's dress code

It is recognised that the taxi trade, both hackney carriage and private hire, play an important role in portraying a positive image of the area.

To ensure that the hackney carriage and private hire trade portrays a professional image and to ensure that driving is carried out safely the following dress code applies:

1. All clothing must be clean, in good conditions and free from damage
2. Shorts and skirts must be no shorter than knee length
3. Footwear must fit around the heel of the foot
4. Hoods should not be worn over the head whilst driving

Examples of acceptable clothing include:

- Trousers/smart jeans
- Shirt
- Smart t-shirt
- Smart shorts
- Polo shirts
- Jumpers

Unacceptable standards of dress include:

- Clothing bearing slogans or graphics that are of an offensive/suggestive nature
- Clothing that is dirty, smelly, faded or damaged
- Footwear such as flip flops or sliders that do not have heel straps
- Pronounced heels
- Baseball caps or other headwear that obscures the face
- Clothing that leaves the shoulders and top of the arms uncovered such as vest tops
- Clothing that does not cover the chest, stomach/midriff such as low cut tops or crop tops.

The above list is not exhaustive, and there may be other standards of dress that are deemed not acceptable by authorised officers of the licensing authority. Failure to comply with the dress code may result in a written warning. Persistent failures to comply on more than two occasions within 12 months may result in a referral to the licensing committee for determination of any additional action.

This dress code is subject to change in line with Welsh Government standards, please visit visit to <https://www.gov.wales/taxis-private-hire-vehicles> for the latest version of the Dress code

Application form & supporting documents

Before a licence is issued in respect of a hackney carriage or private hire vehicle, the applicant, being the proprietor of the vehicle, must complete and submit to the Licensing Authority a complete application on the form prescribed by the Authority.

The following documents must be submitted with the application:

1. The Vehicle's most recent, up to date V5 document.
2. A valid, current MOT issued by DVSA, (formerly known as VOSA)
3. A certificate of compliance completed by one of the testing stations participating in the testing and inspection of hackney carriages in Ceredigion.
4. A certificate of insurance issued on a fully comprehensive basis which covers the use for "Carriage of Passengers for Hire and Reward" and also for the named driver(s) of such vehicle.
5. Evidence that the vehicle is registered under the Vehicle (Excise) & Registration Act 1994.
6. A basic DBS certificate.
7. A one-time check code for a HMRC tax check.

The licence will not be issued unless the required documents are produced. These documents must be readily available for examination at any time during the currency of the licence by an Authorised Officer of the Licensing Authority.

The applicant may be required to submit further documentation attesting to the vehicles' fitness to be a licensed hackney carriage. This may include documents issued by a relevant certifying body or agency after a vehicle has been modified or adapted or after extensive repair work has been undertaken.

Each application will be treated on its own merit and if granted, is valid for a maximum period of twelve months. It is the proprietor's responsibility to ensure that an application to renew the licence is submitted in sufficient time prior to the licence expiry date as there is no automatic period of grace.

Any applications received after the expiry date will usually be treated as a new application, unless at the Officers discretion the circumstances deem it acceptable to renew the application.

No vehicle licence will be issued until the appropriate fee is paid. Where payment is made by cheque which is subsequently dishonoured, any licence issued will be null and void.

A vehicle licensed by this Authority remains a licensed vehicle for hire & reward by hackney carriage for the duration of its licence or until the licence is lapsed, suspended, revoked or surrendered. The removal of any livery is prohibited once the vehicle is licensed.

1. GENERAL

- a) A vehicle licensed by this Authority remains a licensed vehicle for hire & reward by hackney carriage for the duration of its licence or until the licence is lapsed, suspended, revoked or surrendered. The removal of any livery is prohibited once the vehicle is licensed.
- b) The vehicle must only be driven by a person holding a current dual drivers' licence issued by Ceredigion's Licensing Authority. The only exception being when the licensed vehicle is being road tested by an employee of a garage employed by the proprietor following repair and/or maintenance work to the vehicle.

2. RESPONSIBILITIES OF NOTIFICATION

- 1) If, during the period of a licence granted by the Licensing Authority, the information supplied by the applicant for the licence is altered for any reason, notice in writing of the alterations must be made immediately to the Licensing Authority.
- 2) Under Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 the proprietor of any licensed vehicle must, by law, report to the Licensing Authority, within seventy-two [72] hours of the occurrence, of any incident involving that vehicle causing damage affecting the safety, performance or appearance of the vehicle.
- 3) If a licensed vehicle is transferred or sold to another person, the proprietor must inform the licensing authority, in writing, to whom the vehicle has been transferred within fourteen days.

3. GENERAL VEHICLE CONSTRUCTION

- 1) The Licensing Authority will not renew any licence to use a vehicle as a hackney carriage or private hire vehicle if the relevant vehicle has been become rated as a Category A, Category B, Category C, Category D or Category S Salvaged vehicle (write-off for insurance purposes) after the date on which the vehicle was first licensed by the Council. However, vehicles rated as a Category N Salvaged vehicle (insurance write-off) may be re-licensed provided the applicant or owner has provided an appropriate engineer's report (approved by the Licensing Authority) which verifies the standard of repairs.
- 2) Any vehicle must be right hand drive and:
 - a. Be constructed as such that the doors open sufficiently wide as to allow easy entry and exit and to cause no inconvenience to passengers.
 - b. Must be all white in colour and confirmed so on the vehicles' V5 document.
 - c. All vehicles must be properly equipped to operate in all weather conditions.
- 3) All vehicles to be considered for licensing must comply with:
 - i) All aspects of the requirements of the Motor Vehicle (type Approval) Regulations 1980
 - ii) The Motor Vehicle (Type Approval) Regulations (Great Britain 1984).

- iii) The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.
 - iv) The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
 - v) All respects of British and European vehicle regulations and be 'type approved' to the requirements of the M1 category of European Community Whole Type Approval Directive 2007/46/EC as amended.
- 4) In the absence of European Community Whole Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles may be considered for licensing that have:
- a. National Small Series Type Approval:
<http://www.dft.gov.uk/vca/vehicletype/index.asp>
or
 - b. Individual Vehicle Approval: <http://www.dft.gov.uk/vca/vehicletype/index.asp>
- 5) All hackney carriages specifically adapted for carriage of wheelchair users must be available for hailing by a wheelchair user at any time.

4. VEHICLE AGE POLICY

- 1) At the date of first presenting the vehicle for a hackney carriage licence, the vehicle must be no older than the 5th anniversary of the date of first registration with the Driver & vehicle licensing agency (DVLA).
- 2) Vehicles specifically designed and so adapted for the carriage of wheelchair users or passengers with impairments or physical restrictions may be first presented for licensing no later than the 8th anniversary of the date of first registration with the Driver & vehicle licensing agency (DVLA).
- 3) No vehicle older than the 10th anniversary of the date of first registration will be eligible for re-licensing with the exception of vehicles specifically adapted to carry wheelchair users or passengers with impairments or physical restrictions which may continue to be renewed thereafter, at the sole discretion of the Licensing Authority, or until the anniversary of the 15th year of the vehicle having first been registered with the DVLA, whichever is earlier.
- 4) For vehicles that have reached the maximum age for licensing but are in an exceptionally good condition, the operator or proprietor can refer to **Appendix 11 – Exceptional condition Policy**.

5. TAXIMETER

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

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

- 1) Taximeters must be fitted to all hackney carriages, and may be fitted to private hire vehicles.
- 2) Where a taximeter is fitted, it must be:
 - i) Fully compliant with the Measuring Instruments (Taximeters) Regulations 2006, and be certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
 - ii) In the case of taxis, fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - iii) In the case of taxis, calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the licensing authority;
 - iv) Calendar controlled;
 - v) Fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
 - vi) Have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and
 - vii) Supported by a certificate/report of compliance issued by a taximeter installed approved by the local authority (the licensing authority will only accept a certificate that has been issued within the previous 10 working days).
- 3) With respect to a taxi, in the event that a proprietor fails to present to the licensing authority a valid certificate/report of compliance (unless delayed or prevented by sufficient cause accepted and agreed by the licensing authority), the licensing authority may suspend the licence and require the proprietor of that taxi to return all the plates to the licensing authority subject to any appeal period
- 4) When the taximeter is in action there shall be recorded on the face of the taximeter in clear legible figures a fare not exceeding the rate which has been set by this authority and displayed on the tariff card.
- 5) The taximeter shall be placed in such a position that all letters and figures on the face are clearly visible at all times 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.

- 6) A proprietor of a hackney carriage shall not tamper with, or permit any person other than an approved taximeter specialist, to tamper with any taximeter, with which the carriage is equipped, or with the fittings thereof, or with the seals attached thereto.

6. ROOF SIGN

- 1) A Hackney Carriage must be equipped with a securely mounted roof light, which may only be white in colour with the exception of amber or red being permitted on the rear of the sign. The illuminations within the roof sign must complement the external casing. By this; the Licensing Authority means that the internal illuminations shall ensure the sign remains white at the front and amber at the back when the unit is lit.
- 2) The rooflight must be bright enough to clearly show that the vehicle is available for hire. Dull or diffused lamps must be replaced.
- 3) An illuminated roof sign shall be wired to the taximeter so as it is extinguished whilst carrying a metered fare.
- 4) The roof sign shall bear the words "For Hire" or "TAXI" or "TACSI" in plain letters at least two inches in height and be illuminated so that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

7. MAINTENANCE

1. The vehicle shall be kept clean and maintained in conditions compliant with the Motor Vehicles (construction and use) Act, the Road Traffic Act and the conditions imposed by the Licensing Authority.
2. The vehicle must remain in an efficient, tidy, clean and safe condition for the carriage of passengers. By efficient, the Licensing Authority means that the passenger must be able to enter or exit the vehicle without having to remove goods or debris from the seats or footwells.

8. SIGNS AND ADVERTISING

- 1) There shall be a legible sign fitted in a conspicuous position within the vehicle requesting passengers to use the seat belts provided.
- 2) There shall be an approved legible sign fitted in a conspicuous position within the vehicle prohibiting passengers from smoking in the vehicle. Replacement signs may be obtained from the Authority for a minimal fee.
- 3) The proprietor shall ensure that a sign of a size, type and design determined by and provided by the Licensing Authority shall be affixed to both front doors of the vehicle.

The signs are to be affixed in accordance with the verbal or written instructions of Officers of the Licensing Authority. The Licensing Authority logo will remain in the ownership of the Licensing Authority and when the vehicle ceases to be licensed by the Authority the logos are to be removed and returned without undue delay to the licensing Authority.

- 4) No fittings, signs or advertisements are to be painted on or attached to the vehicle or displayed within the vehicle unless approved by the Licensing Authority in writing.
- 5) No-Smoking stickers are provided by the LA and must be affixed to the inside of the rear windows of the vehicle to inform passengers that smoking is not permitted within the vehicle.
- 6) All advertisements shall conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and shall not relate to matters concerning tobacco, gambling, alcohol, politics, religion, matters of a sexual nature, or any other content likely to cause offence.

9. CARD PAYMENTS

- 1) Licensed vehicles may be fitted with a council approved credit and debit card payment device. The device must have the facility to produce a printed receipt.
- 2) Where a vehicle is fitted with a card payment device two, double-sided signs must be displayed, either specifying card company logos or a bilingual (English & Welsh) sign stating 'This licensed vehicle now accepts credit and debit card payments including contactless'.
- 3) The sign must be positioned internally at the top of both passenger windows.
- 4) Should a problem occur with a card payment, the driver should follow this advice:
 - Ask the passenger to try the payment card again
 - If the issue persist, ask the passenger if they have an alternative card or cash
 - Offer to take the passenger to the nearest ATM (cashpoint)
 - If the passenger refuse to pay the fare, consider contacting the police.
 - Drivers should check that their card payment is working before they start work, including ensuring it is capable of printing receipts.

10. SEATING ARRANGEMENTS

- 1) The maximum number of passengers that can be carried in a vehicle for it to be capable of being licensed as a hackney carriage is eight [8].
- 2) The vehicle must be able to seat at least three [3] but no more than eight [8] passengers in addition to the driver. Each seat shall be deemed to provide seating

for one [1] person; irrespective of age. No unaccompanied children to be conveyed in the front of the vehicle.

- 3) Vehicles which are licensed to carry eight passengers shall not contain seating for more than eight passengers. For this purpose, where separate seats are fitted, each seat shall be deemed to provide seating for one passenger irrespective of age.
- 4) Where one seat or more has been removed for the carriage of wheelchairs, mobility scooters or other mobility aid, that space must be made permanently available for the user(s) or their equipment and the fixing points of the removed seat(s) must be permanently blocked off or otherwise disabled to the satisfaction of the Licensing Authority and without prejudicing the tethering of the wheelchair and/or mobility aid.
- 5) Seats, including wheelchair(s) in vehicles must be either forward or rearward facing.
- 6) Each seat, whether separate or continuous and including wheelchair(s), must have available for use a seat belt for each passenger and must comply with the current Motor Vehicles (wearing of seatbelts) Regulations.
- 7) All vehicles with restraint anchorage points must have seat belts or harnesses assigned to that vehicle and made available for immediate use for each anchorage point.
- 8) Any harnesses or belts assigned to a vehicle must bear indelibly upon them the index plate of that vehicle and must not be transferred or loaned to another vehicle.
- 9) When in use, all harnesses must be securely attached to the vehicle and operate as intended by the manufacturer. "Disabled person belts" are seat belts or harnesses which have been specifically designed or adapted for use by an adult or young person suffering from some physical or mental impairment and are intended for use solely by such a person.

11. ACCESSIBILITY

Accessibility Conditions for Designated Vehicles

The Licensing Authority's objective is to ensure, so far as is reasonably practicable, that all residents of Ceredigion have reliable access to safe transport within the Authority.

"Disabled people account for about one fifth of people in the UK. The Department for Work and Pensions estimates that there are currently over 10 million disabled people in Britain, 4.6 million of whom are over state pension age. Seven hundred thousand are children. One in four households has a disabled member; and projections by the Office of National Statistics show a clear increase in the population of the UK until 2031. It is also predicted that there will be 27 million people over the age of 50 by 2031. Disability rates increase with

age, and some estimates predict a rise of 69 per cent over the next 20 years in the number of people facing disability” (DfT Consultation on improving Access to Taxis, February 2009)

These conditions are intended to improve the accessibility of licensed (hackney carriages and private hire) vehicles for wheelchair users and people with disabilities and/or impairments. It is important therefore to focus on the service our Hackney and Private Hire trade provides by improving access to taxis so that all residents of Ceredigion receive an equal level of service and improved access to jobs, services, leisure facilities and social networks.

This Policy is intended to work alongside the Hackney Carriage and Private Hire Licensing Overarching Policy and should be read in conjunction with that Policy. Reference should be made to the conditions relating to the type of vehicle which is or may be licensed. (i.e. Hackney Carriage or Private Hire Vehicle).

The Licensing Authority may attach to the grant of a hackney carriage licence, under the Local Government (miscellaneous provisions) Act of 1976, such conditions as it may consider reasonably necessary. In addition to these conditions and, whilst observing the Equality Act 2010, a licence shall not be granted to a special purpose vehicle unless the vehicle conforms to the conditions laid out within the overarching policy and the accessibility conditions imposed by the Authority.

Vehicle Classification:

The following types of vehicle may be licensed as a Hackney Carriage or Private Hire vehicle providing it is compliant with all current statutory requirements for motor vehicles and with the non-statutory requirements imposed by the Licensing Authority:

- **Category M1:** Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.
- **Category M2:** An M2 category vehicle would not ordinarily be licensable as a hackney carriage or private hire vehicle unless it has been adapted to be approved as a vehicle category type M1.
- **Category N1:** Vehicles designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes which have been adapted to carry up to eight [8] passengers.

Vehicle Certification

The following certification/documentation may be accepted by the Licensing Authority at the point of licensing, provided the documents have been issued by the relevant certifying body following an examination undertaken on the vehicles' most recent modification(s):

- i) Voluntary Single Vehicle Approval (VSVA) confirmation of compliance
- ii) Voluntary Individual Vehicle Approval (VIVA) confirmation of compliance
- iii) Certificate of Initial Fitness (COIF)
- iv) European Whole Vehicle Type Approval (EWVTA)

Wheelchair accessible vehicles (WAVs) & Special Purpose Vehicles (SPVs)

Specification:

- i) All vehicles adapted and/or modified for the carriage of wheelchair users must have successfully passed a Voluntary Individual Vehicle Approval (VIVA) examination and the relevant DVSA/VOSA documentation (see above) attesting to the approval must be presented to the licensing authority upon first presenting the vehicle for a licence and upon each renewal thereafter.
- ii) No equipment and / or fittings may be attached to, or carried on the inside or outside of a licensed vehicle other than those approved by the relevant certifying body. For example: An approved seat belt is one which meets either British or European Standards, or equivalents, is as set out in Construction and Use Regulation 47, is correctly installed, in good working order and displays 'e' or 'E' mark followed by a number or a BS' kitemark'
- iii) All surfaces over which a wheelchair user may travel shall have a slip resistant finish applied and maintained.
- iv) There must be adequate, visible advice within the vehicle advising wheelchair users and the driver on the positioning of the wheelchair and use of wheelchair tethering and restraint systems.
- v) Upon the exterior of the vehicle, there must be clear indication that the vehicle is wheelchair accessible: It shall be fitted with a sign specified by the Licensing Authority and situated adjacent to any entrance for a wheelchair user.
- vi) The word 'TAXI' or 'TACSI' must be clearly legible printed upon the roof light and must be forward facing and be clearly visible both by day and night to indicate that the Hackney Carriage is available for hire. A Private Hire vehicle may not have a roof light attached or installed upon it.
- vii) Vehicles equipped with lifting equipment must comply with current LOLER (lifting operations and lifting equipment regulations). More information can be obtained from the Health and Safety Executive or by following this link: <http://www.hse.gov.uk/pubns/indg339.pdf>

Voluntary Individual Vehicle Approval

Modifications such as a conversion, where the vehicle becomes different to the original manufacturers specification, or some sort of adaption to carry wheelchair users or passengers with specialised needs, do not normally come within the scope of standard MOT inspections, therefore it is essential, for the purposes of public safety, that all modifications to vehicles are inspected by a competent authority such as DVSA (Formerly known as VOSA) to ensure that the modification/s, design and construction are safe, fit for their intended purpose and meet all relevant road vehicle and safety regulations. An example of where a vehicle modification falls beyond the inspection criteria of an MOT inspection is where a passenger lift has been installed. The lift must be inspected and weight tested to LOLER standards by a competent person prior to being certified as being safe and fit for service.

Vehicles previously licensed under the VOSA Voluntary Single Vehicle Approval (VSVA) scheme will continue to be valid and no further VIVA examination is required provided that the vehicle has not undergone further adaptations since the VSVA confirmation of compliance document was issued, in which case it must be submitted for an examination under the current VIVA scheme.

Passenger vehicles that have been modified and/or adapted require the VOSA VIVA inspection confirmation of compliance document at the point of licensing. A VSVA and/or VIVA compliance document attesting to the most recent modification/adaptation must be presented to the Licensing Authority at the date of first presenting the vehicle for licensing, and at each renewal thereafter.

A relevant VSVA and/or VIVA compliance document shall be made readily available for inspection by an authorised officer or constable.

Priority seats and space for passengers with reduced mobility

- i) The legal minimum width of a priority seat cushion, measured from a vertical plane along the front of the seat and passing through the centre of that seating position, must be 220mm on each side.
- ii) There must be adequate space for a guide dog under, or adjacent to, at least one of the priority seats. This space must not form a part of the gangway.
- iii) Where a seat has been removed for the carriage of wheelchair users; that space must be made permanently available for wheelchair users and the fixing points of the removed seats must be permanently blocked off or otherwise disabled to the satisfaction of the Licensing Authority.
- iv) Seats must be either forward or rearward facing. Passengers, including those who travel whilst seated in their wheelchair must never travel sideways within the vehicle.

Harnesses & Seat belts

Disabled person belts are seat belts or harnesses which have been specifically designed or adapted for use by an adult or young person suffering from some physical or mental impairment and are intended for use solely by such a person.

Any wheelchair space shall be fitted with the following:

- a) A wheelchair and wheelchair user restraint system complying with item 19 of Directive 2007/46/EC, Annex XI, Appendix 3;

OR

- b) A restraint system comprising:
 - i. A four point wheelchair tie-down system suitable for general wheelchair application; and
 - ii. A wheelchair user restraint system comprising a minimum of three anchorage points to provide a pelvic and upper torso restraint system.
 - iii. All Disabled person belts must be securely attached to the vehicle and operate as intended.
 - iv. All harnesses or belts assigned to a vehicle must bear indelibly upon them the index plate of that vehicle and must not be transferred or loaned to another vehicle.

Duties of the Driver

- i. The Licensing Authority is seeking to ensure, so far as is reasonably practicable, that drivers of designated vehicles licensed by this authority are competent enough to convey passengers in a safe and appropriate manner.
- ii. Sections 165, 166 and 167 of the Equality Act 2010 places duties upon drivers when carrying disabled passengers. To ensure that drivers understand and carry out these duties, the Licensing Authority has set out these conditions which complement the Equality Act 2010.

- iii. It is important to understand that disabilities are not always visible. It may not be immediately obvious that a passenger has special requirements. Physical access for wheelchair users is important but an accessible vehicle is only part of the service a designated vehicle and driver must provide.

Due Care

1. It is the duty of the driver to show due care and patience when conveying passengers. The driver must take into consideration any disability or impairment when conveying passengers and offer assistance as appropriate and as required.
2. The driver and operator of a vehicle must ensure that their passengers are carried in safety and in reasonable comfort whether or not the passenger has a disability or impairment that affects their day to day activities.
3. The driver of a designated vehicle must undertake the appointed section of the MIDAS training, which is currently supplied by the Corporate Health and Safety Team of the Local Authority. If, after undertaking the training, the Corporate health and Safety Team is satisfied that the driver is competent to convey a wheelchair user in a safe and appropriate manner and can competently utilise the ramps, harnesses and other equipment, he or she will be issued with a certificate. A logo will be placed upon the drivers' badge which will enable all passengers to identify a trained driver. The driver of a designated vehicle shall also be listed on the designated vehicles list and therefore it is essential that the proprietor of the vehicle submits to the Authority the names of those drivers assigned to drive that vehicle.

All drivers of wheelchair accessible vehicles must:

- i. Be fully conversant with the correct method to operate the ramps, lifts and wheelchair restraints that are fitted to the vehicle,
- ii. Ensure that all wheelchairs are firmly secured to the vehicle using an approved restraining system and that the brakes of the wheelchair have been applied prior to the vehicle setting off,
- iii. Ensure that any wheelchairs, equipment and passengers are carried in such a way that no danger is likely to be caused to any passenger in accordance with the Road Vehicles (Construction & Use) Regulations 1986,
- iv. Ensure that the passenger is able to choose to remain seated in their wheelchair whilst undertaking their journey and that the wheelchair is affixed to the vehicle securely,
- v. Ensure that the passenger is able to choose to be seated in a standard seat and that they are assisted into the seat where required and if so, the driver must make provisions to carry the wheelchair and is not to make any additional charge for doing so.

Assistance Dogs

- i) The driver shall, on request carry a guide dog, hearing dog or any other assistance dog, belonging to a passenger, free of charge. Drivers are advised to familiarise themselves with safety aspects of carrying an assistance dog. Guidance can be found on the Guide Dogs website: <https://www.guidedogs.org.uk/services/guide-dog-services/assistance-dog-travel-guide/travel-by-car#.VYv-spaD67R>

Visually Impaired passengers

- i) For visually impaired passengers, the driver must state to that passenger the fare which is recorded on the taximeter upon commencement and termination of the journey and

provide a written receipt, which shall state the day, date and time of fare, the amount paid, driver name and the journey start and end locations,

- ii) When required, place a visually impaired person's hand on the open door and indicate the position of the roof to avoid injury to the passenger,
- iii) Tell the passenger which way the vehicle is facing,
- iv) Where possible, ensure that visually impaired passengers are dropped off in a safe place, where they may not be in danger of other vehicles,
- v) If required, let the passenger know where they are at the end of the journey and which way the vehicle is facing. (e.g. "We are at the top of Great Darkgate Street alongside the Park and Ride Bus Stop")

Hearing Impaired Passengers

- i. When speaking, speak clearly and look at the passenger so they may lip read if they are able to do so,
- ii. Ensure that the passenger is aware that you have understood their instructions and that you know where the passenger wishes to go to.

Mobility Assistance

- i. The driver must, whether or not at the request of the passenger, offer to provide such assistance as required to enable the passenger to enter or exit the vehicle.
- ii. For pre-arranged/pre-booked journeys, the operator accepting the booking should enquire if the passenger has any special requirements; i.e. a guide dog or wheelchair provision. At the same time, the passenger should also state if they have any special requirements.

Fares

Unless previously arranged, the driver of a designated vehicle may not charge a passenger more than what is specified on the taximeter, regardless of the passengers' impairments or physical attributes or for assistance of loading the vehicle or carriage of assistance dogs. Reference should be made to the conditions relating to the taximeter and fares which may be charged.

Exemptions

- i. A driver shall notify the licensing authority and his/her employer if they have any pre-existing conditions which may affect their ability to carry assistance dogs and/or passengers with special requirements.
- ii. Medical exemptions involving the carriage of disabled persons and/ or the carriage of any assistance dog may apply to new or existing drivers who suffer certain medical conditions. If the driver suffers from any medical condition which affects his / her ability to carry disabled persons and/ or an assistance dog of any sort, he / she must provide evidence to the licensing authority that they have a specific problem to qualify for such an exemption by means of a medical certificate issued by their General Practitioner,
- iii. The exemption certificate must be kept upon the driver at all times whilst undertaking his duties and be readily available for inspection at any time by an authorised officer.

Glossary

Wheelchair accessible vehicle

"Wheelchair accessible vehicle" is included within the "Special Purpose Vehicle" category as defined by the EU Directive 2007/46/EC and means: "vehicles of Category M1

construction or converted specially so that they accommodate one or more person(s) seated in their wheelchair(s) when travelling on the road”.

Special Purpose Vehicle

EU Directive 2007/46/EC defines a special purpose vehicle as:

“A vehicle intended to perform a function which requires special body arrangements and/or equipment”.

Designated Vehicle

A vehicle which is licensed by the Authority that is wheelchair accessible or specifically adapted or constructed to carry passengers with a disability or impairment.

Designated Vehicles List

A list for the general public to access information about companies which may be able to offer a specific type of vehicle or trained driver to a passenger who has specific requirements

Wheelchair user

Means a person who, for ambulatory or physical restrictions, is confined to or relies upon a wheelchair for mobility purposes.

Disabled person belts

Disabled person belts are seat belts or harnesses which have been specifically designed or adapted for use by an adult or young person suffering from some physical or mental impairment and are intended for use solely by such a person.

Assistance Dog

An Assistance Dog means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability

DfT – Department for Transport

A Government Department that works with Local Authorities, agencies and partners to support and develop the transport network in the UK.

12. VEHICLE INSPECTIONS & SECTION 68 NOTICES

- 1) The vehicle must be presented for inspection to an Authorised Officer within the county of Ceredigion at such time as the Licensing Authority may by notice to the applicant require. The Authority is empowered to request such an inspection up to three times annually.
- 2) The cost of such inspection is included in the fee charged by the Licensing Authority. That part of the fee relating to the cost of the vehicle inspection Licensing Authority is non refundable in the event that a licence is refused or revoked by the Licensing Authority or surrendered by the licence holder.

- 3) IMMEDIATE SUSPENSION NOTICE: A vehicle which has been deemed unfit following inspection by an Authorised Officer will be issued with an IMMEDIATE vehicle suspension notice under the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- 4) The vehicle must be removed from service immediately.
- 5) The proprietor has up to two months to repair the defect/s listed on the suspension notice and submit the vehicle for an examination at a DVSA (formerly VOSA) station participating in the testing and inspection of hackney carriages in Ceredigion who, if satisfied the defect/s have been rectified, will stamp the notice.
- 6) It is the proprietor's responsibility to return this notice to the Licensing Authority before the vehicle is returned to service.
- 7) If the vehicle is not submitted for, or fails an examination by the DVSA station, or if an Officer is not satisfied that the vehicle is fit within the two month suspension period, the hackney carriage licence will be revoked.
- 8) The suspension notice will not be lifted until the completed notice is returned to the Licensing Authority and signed by an authorised officer.
- 9) DEFERRED SUSPENSION: If, following an impromptu inspection, an Authorised Officer or Constable deems the vehicle to be unfit by virtue of "minor defects" the driver will be issued with a DEFERRED vehicle suspension notice under the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- 10) The vehicle may continue to be in service, however, the proprietor has up to seven days to repair the defect(s) listed on the suspension notice and submit the vehicle to a Licensing Officer who, if satisfied the defect(s) have been rectified, will sign the notice.
- 11) It is the proprietor's responsibility to return this notice to the Licensing Authority within the seven day period.
- 12) If an Officer is not satisfied that the vehicle is fit, the hackney carriage licence will be suspended until such time as the Officer deems the vehicle to be fit and the vehicle must be immediately removed from service.
- 13) If, within two months, the Officer is not satisfied that the vehicle is fit, the vehicle licence will be revoked.
- 14) The Suspension notice will not be lifted until the completed Notice is returned to the Licensing Authority and signed by an authorised Officer.

- 15) The proprietor shall comply with any notice served on him under section 68 of the Act by such Officer or Constable suspending the licence and requiring him to present the vehicle for inspection or testing at such reasonable time and place as may be specified for the purpose of ascertaining its fitness.
- 16) A vehicle which has failed its MOT and/or compliance inspection must be repaired and submitted for re-examination at a DVSA testing station participating in the testing and inspection of hackney carriages in Ceredigion within fourteen [14] days from the date of the test or a further full vehicle inspection is to be undertaken.
- 17) The cost of any inspection or repair following a suspension notice issued is not included in the licence fee charged by the Licensing Authority and must be borne by the proprietor of the hackney carriage
- 18) The proprietor of the hackney carriage shall ensure the vehicle is not used for carriage of passengers for hire & reward until the suspension notice has been lifted by an authorised officer.
- 19) The driver and/or proprietor may be subject to enforcement action where there are found to be defects on a vehicle that may compromise the safety of the public.
- 20) See Appendix 12 for In Vehicle Visual and Audio Recording – CCTV.
- 21) See Appendix 13 for Dash Cam Policy.

13. STRETCHED LIMOUSINES

1. There is a requirement for stretched limousines that carry fewer than 9 passengers to be licensed.
2. The Vehicle must meet the specifications of the Construction & use Regulations and conditions set out in **Appendix 16**.

14. MODIFICATIONS/ADDITIONAL EQUIPMENT

1. No modifications to the vehicle or the fitting of additional equipment may take place without prior written consent from the licensing authority. A written application explaining the full nature of the modification or equipment must be accompanied by appropriate information and a confirmation from the vehicle's manufacturer that the modification/equipment will not compromise the vehicle's safety and specification.
2. A satisfactory engineers report may be required.
3. All vehicles adapted and/or modified since first registration for the carriage of wheelchair users or passengers with impairments or physical restrictions must successfully pass a basic voluntary individual vehicle approval (VIVA) examination and

the relevant documentation attesting to the approval must be presented to the licensing authority upon initial application and upon each renewal thereafter.

4. The Licensing Authority may suspend, revoke or refuse to renew any licence in respect of a hackney carriage for any reasonable cause, including:
 - a. If the vehicle is deemed by the Authority as unfit for use as a hackney carriage and/or poses a risk to the travelling public,
 - b. Any offence under, or non-compliance with, the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976,
 - c. Any breaches of the hackney carriage licence conditions or overarching policy where the licensing sub-committee decide that that action is appropriate

MISCELLANEOUS

1. Employers have duties under health and safety law for on-the-road work activities. The Health and Safety at Work etc. Act 1974 states the employer must ensure, so far as reasonably practicable, the health and safety of all employees whilst at work. The employer must also ensure that others are not put at risk by work-related driving activities. The self-employed have similar responsibilities. More information can be obtained from the Health and Safety Executive.
2. The Health and Safety (First-Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work. These Regulations apply to all workplaces including those with less than five employees and to the self-employed.
3. An approved serviceable fire extinguisher bearing the British Safety mark BS 5306-3:2009 shall be carried in the vehicle. Upon it, clearly legible and indelibly marked, the index number of the vehicle.
4. An approved and complete first aid kit shall be carried in the vehicle whenever it is used for hire and reward. Upon it, clearly legible and indelibly marked, the index number of the vehicle.
5. The proprietor of a vehicle also has duties under road traffic law, e.g. the Road Traffic Act and the Motor Vehicles (Construction and Use) Regulations, which are administered by the Police and other agencies such as the Driver and Vehicle Standards Agency (DVSA).
6. Smoking or Vaping of any kind is not permitted in the vehicle at any time, whether the vehicle is being used for hire & reward, or for private, social or domestic purposes.

1. GENERAL CONDITIONS

- i. Before a licence is issued in respect of a private hire vehicle, the applicant, being the operator of the vehicle, must complete and submit to the Licensing Authority a complete application on the form prescribed by the Authority.
- ii. Each application will be treated on its own merit and shall remain in force for a maximum period of twelve [12] months. It is the operator's responsibility to ensure that an application for renewal is submitted in sufficient time prior to the licence expiry date as there is no automatic period of grace. Any applications received after the expiry date may, at the discretion of an authorised officer of the licensing authority, be treated as a new application.
- iii. A vehicle licensed by this Authority remains a licensed vehicle for hire & reward by private hire for the duration of its licence or until the licence is lapsed, suspended, revoked or surrendered.
- iv. The driver, operator and vehicle must all have current licences issued by this Authority.
- v. The vehicle can only be driven by a person holding a current dual drivers' licence issued by Ceredigion's Licensing Authority. This condition applies except when the licensed vehicle is being road tested by an employee of a garage employed by the operator following repair and/or maintenance work to the vehicle.
- vi. The application process can be viewed at Appendix 8 - Vehicle application process.

2. VEHICLE SPECIFICATION

- i. The vehicle must comply with all relevant statutory requirements including, but not limited to those contained in the current Motor Vehicles (Construction and Use) Regulations.
- ii. The vehicle must comply with all current statutory requirements for motor vehicles and with the non-statutory requirements imposed by the Licensing Authority. This condition is without prejudice to the powers granted under section 68 of the Local Government (Miscellaneous Provisions) Act 1976.
- iii. The vehicle must be a category M1 four wheeled motor vehicle fitted with four road wheels and have at least four doors or a category M1 minivan (e.g. Panel van converted for use as a WAV) with at least two doors excluding any door provided for the exclusive use of the driver. Double rear doors count as one.
- iv. Any vehicle must be right hand drive and:
 - a. Be constructed as such that the doors open sufficiently wide as to allow easy entry and exit and causes no inconvenience to passengers.
 - b. Must not be of such design and/or appearance as to lead anyone to believe that the vehicle may be a hackney carriage.

- c. May be any colour except white.
- d. All vehicles must be properly equipped to operate in all weather conditions.

3. VEHICLE AGE POLICY

- i. At the date of first presenting the vehicle for a hackney carriage licence, the vehicle must be no older than the 5th anniversary of the date of first registration with the Driver & vehicle licensing agency (DVLA).
- ii. Vehicles specifically designed and so adapted for the carriage of wheelchair users or passengers with impairments or physical restrictions may be first presented for licensing no later than the 8th anniversary of the date of first registration with the Driver & vehicle licensing agency (DVLA).
- iii. No vehicle older than the 10th anniversary of the date of first registration will be eligible for re-licensing with the exception of vehicles specifically adapted to carry wheelchair users or passengers with impairments or physical restrictions which may continue to be renewed thereafter, at the sole discretion of the Licensing Authority, or until the anniversary of the 15th year of the vehicle having first been registered with the DVLA, whichever is earlier.
- iv. For vehicles that have reached the maximum age for licensing but are in an exceptionally good condition, the operator or proprietor can refer to Annex 11 – Exceptional Condition Policy.

4. VEHICLE IDENTIFICATION

- i. The operator shall ensure the licence number issued by the licensing authority is fixed and displayed on the vehicle at all times during which the vehicle is licensed. This number is to be displayed by means of a licence plate issued by the Licensing Authority to the operator upon payment of a deposit, the amount of which to be prescribed by Ceredigion County Council.
- ii. A private hire vehicle shall display, at all times during which the vehicle is licensed as a private hire vehicle, a YELLOW plate issued by the Licensing Authority upon receipt of a deposit paid by the operator. The plate must show the vehicle licence number, the number of passengers the vehicle is licensed to carry and the vehicle's registration mark.
- iii. The operator shall ensure that the licence plate is fixed and displayed upon the exterior rear of the vehicle either immediately above or below the bumper in such a position as the vehicle's registration mark is not obscured, with the particulars thereon facing outwards and in such a manner and place that the licence plate is clearly visible by daylight from the road at the rear of the vehicle.
- iv. The licence plates must be fixed in such a manner that they can be removed by an Authorised Officer or Constable.

- v. The plate shall be returned to the Licensing Authority within seven [7] days upon expiry or revocation of the licence. The deposit shall be refunded unless replacement plates are required. Failure to return the plates upon surrender, expiration, suspension or revocation or at the request of the Licensing Authority or Authorised Officer is an offence under section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976.
- vi. Loss of a licence plate must be immediately reported to the Licensing Authority and a replacement must be obtained on payment of such reasonable fee as the Licensing Authority may prescribe.
- vii. No vehicle may be substituted for that licensed. If the licensed vehicle is transferred to another person, the operator must inform the licensing authority, in writing, to whom the vehicle has been transferred within fourteen [14] days.

5. MAINTENANCE

- i. The vehicle shall be kept clean and maintained in conditions compliant with the Motor Vehicles (construction and use) Act, The road traffic Act, Road safety Act, and the conditions imposed by the Licensing Authority.
- ii. The vehicle must remain in an efficient, tidy, clean and safe condition for the carriage of passengers. By efficient, the Licensing Authority means that the passenger is able to enter or exit the vehicle without having to remove goods or debris from the seats or footwells.

6. SEATING ARRANGEMENTS

- i. The maximum number of passengers that can be conveyed in the vehicle for it to be capable of being licensed as a private hire vehicle is eight [8]. Any vehicle which carries more than eight [8] passengers is classified as a Public Service Vehicle (PSV) under the Public Passenger Vehicles Act 1981, s1(1) and is not licensable as a private hire vehicle by the Licensing Authority.
- ii. The vehicle must be able to seat at least three [3] but no more than eight [8] passengers in addition to the driver. Each seat shall be deemed to provide seating for one [1] person irrespective of age. No unaccompanied children to be conveyed in the front of the vehicle.
- iii. Vehicles which are licensed to carry eight [8] passengers shall not contain seating for more than eight [8] passengers. For this purpose, where separate seats are fitted, each seat shall be deemed to provide seating for one [1] passenger irrespective of age. Where continuous seating are fitted the length of the seat measured in a straight line lengthwise, on the front of the seat, must be such as will allow adequate seating of at least 405mm per person.
- iv. Where one seat or more has been removed for the carriage of wheelchairs, mobility scooters or other mobility aid that space must be made permanently available for the user(s)/equipment and the fixing points of the removed seat(s) must be permanently blocked off or otherwise disabled to the satisfaction of the Licensing Authority and without prejudicing the tethering of a wheelchair and/or mobility aid.
- v. Seats, including wheelchair(s) in vehicles must be either forward or rearward facing.

- vi. Each seat, whether separate or continuous and including wheelchair(s), must have available for use a seat belt for each passenger and must comply with the current motor Vehicles (wearing of seatbelts) Regulations.
- vii. The vehicle must provide adequate seating capacity and head and knee room etc. as follows:
 - a. Height (inside): from the lumbar cushion of the seat to the roof at the lowest part must be no less than 800mm.
 - b. Knee Space: the measurement between the rear of the front seats and the lumbar cushion of the back seat must be not less than 640mm.
 - c. Seats (width): the measurement of the back seat from the lumbar cushion to the front edge must not be less than 450mm.
 - d. Rear Seat (length): the length of the rear seat measured in a straight line lengthwise on the front of the seat must be such as will allow adequate sitting accommodation to the extent of at least 405mm per person.
- viii. All vehicles should comply with current seat belt regulations. All vehicles with seat belt anchorage points must have seat belts fitted.
- ix. All vehicles with restraint anchorage points must have seat belts or harnesses assigned to that vehicle and made available for immediate use for each anchorage point.
- x. Any harnesses or belts assigned to a vehicle must bear indelibly upon them the index plate of that vehicle and must not be transferred or loaned to another vehicle.
- xi. When in use, all harnesses must be securely attached to the vehicle and operate as intended by the manufacturer. "Disabled person belts" are seat belts or harnesses which have been specifically designed or adapted for use by an adult or young person suffering from some physical or mental impairment and are intended for use solely by such a person.

WEARING OF SEATBELTS AND USE OF CHILDSEATS FROM SEPT 2006

Under the The Road Vehicles (Construction and Use) Regulations 1986, S.47, a "child restraint" means a seat belt for the use of a young person which is designed either to be fitted directly to a suitable anchorage or to be used in conjunction with a seat belt for an adult and held in place by the restraining action of that belt: Provided that for the purposes of paragraph (2) (c)(ii)(B) and (2)(c)(iii) it means only such seat belts fitted directly to a suitable anchorage and excludes belts marked with the specification numbers BS AU 185 and BS AU 186 or 186a.

7. BOOKINGS

- i. All fares must be pre-booked via the operating base.
- ii. A private hire vehicle does not require a taximeter. Where a vehicle has been leased and has a taximeter installed that taximeter may be retained until the vehicle is replaced or returned, provided that the taximeter complies with the legal requirements. The taximeter shall be maintained by the Operator and must be in full proper working order at all times, and programmed with the current tariff in force at the time. Discount to the fare shown

on the meter is permitted. However no charge in excess of that displayed on the meter may be levied. The meter must not start running until the hirer is seated in the vehicle and has stated their destination.

8. ROOF SIGN

- i. Roof lights are not permitted.
- ii. Should the vehicle have a roof sign or roof light, the sign must be removed and in a manner which does not cause damage to or impact negatively upon the appearance, structure or safety of the vehicle.

9. VEHICLE INSPECTIONS & SECTION 68

- i. The vehicle must be presented for inspection within the County of Ceredigion at such time as the Licensing Authority may by notice to the applicant require. The Authority is empowered to request such an inspection up to three times annually.
- ii. The cost of such inspection is included in the licence fee charged by the Licensing Authority. The part of the fee relating to the cost of the vehicle inspection is non-refundable in the event that the application for the grant or renewal of a licence is not granted by the Licensing Authority.
- iii. A vehicle which has been deemed unfit following an impromptu inspection by an Authorised Officer of the Licensing Authority or Police Service will be issued with an IMMEDIATE vehicle suspension notice under the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976. The vehicle must be removed from service immediately. The operator has up to two [2] months to repair the defect/s listed on the suspension notice and submit the vehicle for an examination at a DVSA (formerly VOSA) station participating in the testing and inspection of private hire vehicles in Ceredigion who, if satisfied, the defect/s have been rectified, will stamp the notice. It is the operator's responsibility to return this notice to the Licensing Authority before the vehicle is returned to service. If the vehicle is not submitted for, or fails an examination, or if an Officer is not satisfied that the vehicle is fit within the two [2] month suspension period, the private hire licence will be revoked. The suspension notice cannot be lifted until the completed notice is returned to the Licensing Authority and signed by an authorised officer.
- iv. If, following an impromptu inspection, an Authorised Officer or Constable deems the vehicle to be unfit by virtue of "minor defects" the driver will be issued with a DEFERRED vehicle suspension notice under the provisions of section 68 of the Local Government (Miscellaneous Provisions) Act 1976. The vehicle may continue to be in service however, the operator has up to seven [7] days to repair the defect/s listed on the suspension notice and submit the vehicle to a Licensing Officer who, if satisfied the defect/s have been rectified, will sign the notice. It is the operator's responsibility to return this notice to the Licensing Authority within the seven [7] day period. If an Officer is not satisfied that the vehicle is fit, the private hire licence will be suspended and the vehicle must be immediately removed from service. The suspension notice cannot be lifted until the completed Notice is returned to the Licensing Authority and signed by an authorised

officer. If, within two [2] months, the Officer is not satisfied that the vehicle is fit, the vehicle licence will be revoked. The Suspension notice cannot be lifted until the completed Notice is returned to the Licensing Authority and signed by an authorised Officer.

- v. The operator shall comply with any notice served on him under section 68 of the Act by such Officer or Constable suspending the licence and requiring him to present the vehicle for inspection or testing at such reasonable time and place as may be specified for the purpose of ascertaining its fitness.
- vi. A vehicle which has failed its MOT and/or compliance inspection must be repaired and submitted for re-examination at a DVSA testing station participating in the testing and inspection of private hire vehicles in Ceredigion within fourteen [14] days from the date of the test or a further full vehicle inspection is to be undertaken.
- vii. The cost of any inspection or repair following a suspension notice issued is not included in the licence fee charged by the Licensing Authority and must be borne by the applicant.
- viii. The operator of the private hire vehicle shall ensure the vehicle is not used for carriage of passengers for hire & reward until its fitness is ascertained by an authorised officer or constable.
- ix. The driver and/or operator may be subject to enforcement action where there are found to be defects on a vehicle that may compromise the safety of the public.

10. ALTERATION OF VEHICLE

- i. No material alteration or change in the specification, condition or appearance of the vehicle shall be made without the prior written approval of the Licensing Authority at any time where the licence is in force.
- ii. If the vehicle is a Special Purpose Vehicle, it will be subject to the voluntary individual vehicle approval [VIVA] scheme and a document issued by DVSA attesting to its fitness shall be produced upon application or renewal of a private hire licence.
- iii. The Licensing Authority may suspend, revoke or refuse to renew any licence in respect of a private hire vehicle for any reasonable cause, including -
 - a. If the vehicle is deemed by the authority as unfit for use as a private hire vehicle and/or poses a threat to the travelling public.
 - b. Any offence under, or non-compliance with the provisions of the Town Police Clauses Act 1847 or Part II of the Local Government (Miscellaneous Provisions) Act 1976 on the part of the operator or driver.
 - c. Any breaches of the private hire vehicle licence conditions or Overarching policy where the licensing sub-committee decide that that action is appropriate.

11. RESPONSIBILITIES OF NOTIFICATION

- i. If, during the period of a licence granted by the Licensing Authority, the information supplied by the applicant for the licence is altered for any reason, notice in writing of the alterations must be made immediately to the Licensing Authority.

- ii. Under Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976 the operator of any licensed vehicle must, by law, report to the Licensing Authority, within seventy-two [72] hours of the occurrence of any incident involving that vehicle causing damage affecting the safety, performance or appearance of the vehicle.
- iii. If the Operator of a private hire vehicle in respect of which a vehicle licence has been granted by the Licensing Authority transfers his interest in the private hire vehicle to a person other than the Operator whose name is specified in the licence, he shall, within fourteen days after the transfer, give notice in writing thereof to the Licensing Authority specifying the name and address of the person to whom the private hire vehicle has been transferred.

12. MISCELLANEOUS

- i. Employers have duties under health and safety law for on-the-road work activities. The Health and Safety at Work etc. Act 1974 states that employers must ensure, so far as reasonably practicable, the health and safety of all employees whilst at work. The employer must also ensure that others are not put at risk by work-related driving activities. The self-employed have similar responsibilities.
- ii. The Health and Safety (First-Aid) Regulations 1981 require employers to provide adequate and appropriate equipment, facilities and personnel to ensure their employees receive immediate attention if they are injured or taken ill at work. These Regulations apply to all workplaces including those with less than five employees and to the self-employed.
- iii. An approved serviceable fire extinguisher bearing the British Safety mark BS 5306-3:2009 shall be carried in the vehicle. Upon it, clearly legible and indelibly marked, the index number of the vehicle.
- iv. An approved and complete first aid kit shall be carried in the vehicle whenever it is used for hire and reward. Upon it, clearly legible and indelibly marked, the index number of the vehicle.
- v. The Operator of a vehicle also has duties under road traffic law, e.g. the Road Traffic Act and the Motor Vehicles (Construction and Use) Regulations, which are administered by the police and other agencies such as the Driver and Vehicle Standards Agency (DVSA) (Formerly the DVLA).
- vi. Journey times and routes must be adjusted to take account of adverse weather conditions.

- vii. Drivers must not feel pressured to complete journeys where weather conditions are exceptionally difficult and the driver must be given the hirer's details should they need to contact the hirer in order to cancel a journey.
- viii. Smoking of any form is strictly prohibited within the vehicle at all times irrespective of whether the vehicle is being used for hire and reward or for private, social and domestic purposes. This includes the use of e-cigarettes or any other cigarette substitute which may appear as a cigarette.

13. INTERPRETATION

In the licence and in these conditions, unless the subject or contents otherwise requires -

"Authorised Officer" means an Officer of the Licensing Authority authorised in writing by the Chief Executive to the Licensing Authority for the purposes of these conditions.

"The Licensing Authority" means the Licensing Authority of Ceredigion County Council.

"Private hire" has the same meaning as in the Local Government (Miscellaneous) Provisions Act 1976 and Town Police Clauses Act 1847.

"Licence Sign" and "Licence Plate" means the rear plate issued by the Licensing Authority for the purposes of identifying the vehicle as a private hire vehicle duly licensed by the Licensing Authority.

"Operator" means the person or persons or body named in this licence as the operator of the vehicle and includes any part operator.

The "Vehicle" means the private hire vehicle in respect of which this licence is issued or the vehicle stated in the application to be licensed.

"Minor defects" means any defect, at the discretion of the officer or constable, which deems the vehicle worthy of a deferred suspension.

"Unfit" is a term used to describe the vehicle being unsafe or unsuitable for its intended use.

A 'Special Purpose' vehicle (SPV) means a vehicle intended to perform a function which requires special body arrangements and/or equipment. This category, for the purpose of the Licensing function means Wheelchair Accessible Vehicles (WAV's).

"Category M1" means vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the driver's seat.

"Special Purpose Vehicle" (SPV) is a vehicle intended to perform a function which requires special body arrangements and/or equipment. This category includes Wheelchair Accessible Vehicles (WAV's).

“Wheelchair Accessible Vehicles” (WAV) Vehicles of category M1 (only) constructed or converted specifically so that they accommodate one or more persons seated in their wheelchair(s) when travelling on the road are referred to as WAV’s

Appendix 11 – Vehicles in Exceptional Condition

1. The current situation is that the conditions adopted by this Authority state that no vehicle older than its 10th anniversary shall be licensed to convey passengers under the LGMPA/TPCA and ordinarily, the Licensing Authority would not grant a licence to a vehicle which has surpassed that age restriction, with the exception of vehicles which are adapted or modified or specifically built to carry wheelchairs, which may be licensed up until its 15th Anniversary provided that section 48 is satisfied.
2. Our Policy also states that a vehicle being first presented to the Authority for licensing may be no older than 5 or 8 years from the date of first registration.
3. The above age restrictions may only be waived in the case of individual circumstances where an application is made to the Council and sufficient documentation and/or certification is provided that allows the Council to make a fully informed decision with regards to the vehicle's fitness and suitability to continue being a Taxi / Private hire vehicle.
4. The application will need to be made in full. See **Appendix 8** for further information / guidance.
5. Some factors that the Council considers that the vehicle might be in "exceptional condition" are described later in this document.
6. Any licence granted as an exemption from the age restrictions will normally only be granted for a maximum 12-month period.
7. Consideration for an exemption from the age restrictions will only be given to vehicles that are currently licensed by this Council.
8. In the case of an existing vehicle licence is due to expire and has reached its maximum age limit, applications for vehicles to be considered under the Exceptional Condition Policy must be made in writing to the Licensing Section no later than 6 weeks prior to expiry of the existing licence. Late submissions will not be accepted and in such cases the vehicle will not be granted a further licence.
9. The application will be referred to the Licensing Committee for decision.
10. In determining whether a vehicle is considered to be in exceptional condition the vehicle will be checked by an Officer and the vehicle must comply with all elements of the 'exceptional condition standard' as set out below.
11. If the vehicle fails to meet the standard it will not be considered to be in exceptional condition. It is not acceptable for such a vehicle to be taken, repaired and represented for further consideration, and any further renewal will be refused.

12. It is important for applicants to understand that:
- a. Only vehicles considered to be in exceptional consideration as outlined below will be considered for licensing above the Council's maximum age limits.
 - b. The policy is not designed to 'pass' average vehicles and it is important that applicants recognise this before applying.
 - c. It is likely that the vehicle will not meet the exceptional condition standard if there are advisory items on the last MOT certificate that have not been addressed.
 - d. If the vehicle is considered to be in exceptional condition a standard MOT test will also be required before the licence can be renewed.

Exceptional Conditions

The standard used to determine whether a vehicle is in "exceptional condition".

1. The following standards will be expected as a minimum when determining whether or not a vehicle is considered to be in exceptional condition:
 - a) The bodywork should be in excellent condition with all trims present, no signs of panel age deterioration, dents, scratches, stone chips, rust or any other abrasions that detract from the overall appearance of the vehicle. No tape may be used to cover defects.
 - b) The general paint condition should not show signs of fading, discolouration or mismatching that detract from the overall appearance of the vehicle.
 - c) Likewise, a poor spray-job / re-paint will not be acceptable.
 - d) Road wheels must be clean and free from significant marks or damage and rust free.
 - e) All wheel trims to be present and fitted according to the manufacturer's specification and all matched.
 - f) Front and rear registration plates to be clean, clear, not obscured by tow bar etc., unbroken and conform to the relevant legislation.
 - g) Front and rear bumpers to have no significant or noticeable rust, dents, cracks or scrapes properly painted where required and be securely fitted.
 - h) Windscreen to be clean and free of scratches or chips.
 - i) Wiper blades should be in proper working order and clear the relevant screen properly.

- j) Wing mirrors and rear-view mirrors must be in good condition with no deterioration in the reflecting surface. Both wing mirrors must match.
- k) Radiator grills should be secured and the original specification.
- l) All doors should be easily opened, in good condition with the correct functioning of door stay catches and devices (including sliding doors).
- m) All door handles should be properly fitted easily operated and of original specification.
- n) The interior trim, panels, seating and carpets, etc must be present and in excellent condition; clean, free of damage, odour, damp, stains and discoloration.
- o) All panels should match the original trim.
- p) Seats must be secure, clean and not unduly worn. Any seat covers should be a matching set, a good fit, clean and stain free without sagging, wrinkling holes or tears.
- q) All seat belts should be clean, undamaged and in good working order.
- r) All anchorage point covers should be properly fitted and match original trim.
- s) All instruments, accessories, ash trays etc fitted securely, matching the trim and clean.
- t) Headlining is to be stain free, clean with no holes or tears.
- u) All windows must operate correctly and easily.
- v) Heating, demisting and air ventilation systems (including passenger compartment controls where fitted must be fully operational.
- w) The inside of the vehicle should be free from any trailing or loose wires.
- x) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work. There shall be no sign of water or oil leaks from the vehicle.
- y) The boot or luggage compartment to be in excellent condition, clean, undamaged with no sign of water ingress.

- z) If a hatchback the boot cover must be original with both lifting straps fitted.

Wheel chair accessible vehicles:

1. All of the above PLUS:
 - i) Wheelchair restraints must be in clean and in good condition
 - ii) If designed to use ramps they must be securely stored and free from damage, deformity and sharp edges.
 - iii) The anti-slip covering must be in good, clean condition and not worn or missing.
 - iv) Paint work, stickers and official markings on the ramp must not be damaged, peeling or worn
 - v) Vehicles fitted with a wheelchair lift must have a LOLER certificate that is valid for a period of six months from the date of issue

Appendix 12 – CCTV Policy

To be considered suitable for installation in a Ceredigion County Council licensed vehicle, a CCTV system must meet the following minimum requirements:

Part A: Licensed vehicle CCTV technical specification and system requirements

1.0 Operational technical specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system	The system should not have any fan and the recording should be vibration and shock proof, i.e.: <ul style="list-style-type: none">Flash-based SSD (100% industrial grade) hard disk with both mechanical anti-vibration and anti-shock mechanism and self-recovery and self-check file writing system.SD cards within the camera head will not be acceptable.
1.2	8 to 36 Volts DC	Operational between 8 and 36 volts DC.
1.3	Reverse polarity protected	System to be protected against reverse voltage.
1.4	Short circuit prevention	System to be protected against short circuits.
1.5	Over voltage protection	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive electromagnetic compatibility requirements	The camera equipment must be UKCA-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System override switch to be located in a position where it is not accessible from inside the driver or passenger compartment of the vehicle (i.e. in the boot)	The system is required to be active when the vehicle is being used as a licensed vehicle. The override switch will allow the CCTV to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must not be located inside the driver or passenger compartment of the vehicle (e.g. the boot/luggage compartment will be suitable).

	The override switch must be illuminated when switched “on”.	
1.8	First-in/first-out buffer recording principle.	The system must automatically overwrite to create a constant cycle recording.
1.9	Access record.	A service log must be kept and maintained by the approved installer and the licensed vehicle proprietor.
1.10	Security, duration and auto-clearing of log files.	
1.11	Image recording formats and media.	Images must be encrypted to a minimum of FIPS 140/2.
1.12	Image protection during power disruption.	Images must be preserved in the event of loss of power. Battery back-up should be avoided where possible.
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 30 minutes without power from the ignition.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	Self-contained storage cards within the camera head will not be acceptable.
1.15	GPS capability	System must have GPS capability.
1.16	The system must be capable of recording audio time synchronized to the recorded images.	If activated, the audio must record within the video file. Not in a separate file or folder.
1.17	The system shall not record audio except when audio recording is activated by means of	The system should have the ability to start recording audio data by means of a trigger button/switch.

	an approved trigger/panic switch.	<p>One trigger button must be capable of being activated from the driver seat. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is used to deactivate the audio (i.e. a trigger/ switch could be pressed to begin audio recording, pressing the same trigger/ switch again would stop audio recording).</p> <p>The second trigger/ switch must be capable of being activated by the passengers from the main passenger compartment of the vehicle, independent of the driver trigger/ switch.</p> <p>Both audio activation triggers/ switches must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger/ switch (driver or passenger) that was used to activate the audio recording.</p>
1.18	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	Protected by password access.
1.19	The system must support testing of the audio function for installation set-up and inspection purposes.	
1.20	Images recorded by the system shall not be displayed constantly within the vehicle.	The monitor must display live images as clearly visible by having a glance around as per ICO specifications, it must not display images constantly.

1.21	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passenger.
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2.0 Storage capacity technical specification

Ref	Specification	Details
2.1	Minimum of 28 days i.e. (28 x 24 hours) of recording capacity.	The camera system must be capable of recording and storing a minimum of 28 days of images of HD1 (720/288) size or better.
2.2	Cameras must have a light contrast compensation system to allow images to be clear in all lighting conditions.	System to provide clear images in bright sunshine, shade, dark and total darkness. Also, when strong back light is present without the need of additional components.

3.0 Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive.	<p>The camera and all system components shall be installed in a manner that does not interfere with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.</p> <p>The camera and components must not be fitted to areas of the vehicle that may damage or impede airbag deployment in the event of an accident.</p>
3.2	Protected camera Disconnect.	The camera head shall be designed to disconnect for ease of removal and replacement by maintenance personnel.

3.3	Special tools for adjustment/ removal.	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of carrying out adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle.	The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a “fishbowl” effect.
3.5	Compatible for use in vehicles with a partition (shield).	The camera system must be adaptable to provide clear images when a vehicle is equipped with a partition/ shield. This may be accomplished with the use of multiple camera heads.
3.6	Multiple cameras.	<p>The unit shall be capable of supporting up to 4 cameras.</p> <p>Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose-built vehicles or external images.</p>

4.0 Technical specification: storage device

Ref	Specification	Details
4.1	Impact and shock resistance.	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location	The storage unit shall be concealed from within the passenger compartment and effectively inaccessible except by authorised personnel (e.g. luggage area).
4.3	Download port provision.	The recorder shall be equipped with a communication port within the hard drive housing (caddy) for downloading by authorised personnel.

4.4	Download port shall be located in an easily accessible location.	The recorder download port shall be positioned in a location that does not require the removal of panels and is accessible to authorised personnel.
4.5	Download port cable length (1 foot minimum)	Download port shall be at least one foot in length for ease of download.
4.6	Recorder to be securely affixed to the vehicle.	
4.7	Log to register each user access.	
4.8	Log to register camera system parameter modifications.	
4.9	Log to register each image download session.	
4.10	Log to register exporting of downloaded images.	
4.11	Log to register exporting of downloaded clips.	
4.12	Log file protected against unauthorised access.	
4.13	Time/date stamp	All stored images must be time and date stamped.
4.14	Vehicle ID number stamp	All stored images must have two fields for vehicle identification (VIN & vehicle registration number).
4.15	Controller non-modifiable ID code stamp	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.

5.0 Specifications for video and audio recording

Ref	Specification	Details
5.1	Video image recording on system activation (when audio is not activated).	The system shall record images at a minimum rate of 25 images per second.
5.2	Video image recording when audio is activated.	The system shall record images at the rate of twenty-five images per second during periods when audio recording is activated.
5.3	When activated, audio recording must be in real time and synchronised with the video recording.	When activated, audio recording must be in real time and synchronised with the video recording.
5.4	System to continue to record images (and audio when applicable) when engine is off.	System must continue to record images (and audio when applicable) for 30 minutes after engine / ignition is switched off.

6.0 Specification for activation via driver or passenger trigger/audio button

Ref	Specification	Details
6.1	Provision of necessary software, cables, security keys to the data controller.	Data controller must maintain these for access when required.
6.2	Downloaded images must be stored securely.	The data controller, and data held by the local authority will be stored in compliance with UKGDPR and Ceredigion County Council privacy notice.

6.3	Downloaded images stored in secure format.	The data controller, and any data held by Ceredigion County Council will be stored in compliance with UKGDPR and the authorities privacy notice.
6.4	Verifiable image authenticity.	Each image shall be watermarked with vehicle ID, and time and date, and be tamperproof.
6.5	Provision of Service Level Agreement (SLA) regarding technical support to Ceredigion County Council's licensing section, when necessary.	To assist in accessing system in case of damage to the vehicle or to the system in case of accident within a reasonable time.
6.6	Wireless download prohibited.	All wireless hardware to be disabled.
6.7	Filter the specific images for events and times for the approximate time of the incident/ data request.	The playback software must list the files in date and time slot order for ease of location of required file. The time taken to download such files should take no longer than 30 minutes.
6.8	Windows compatible.	Once downloaded and converted.

7.0 Downloading technical specification

Ref	Specification	Details
7.1	Provision of service log.	The unit manufacturer/ supplier shall have a service log. The manufacturer/ supplier shall also enclose detailed instructions for the drivers with each unit.
7.2	Serial number indication on service log.	The unit will be marked with a serial number.

7.3	Installation date indication.	A certificate of installation must be provided which will indicate the installation date.
7.4	Clarity of Operating instructions.	The system shall be provided with clear and concise operation instructions which are written or presented with consideration to varying levels of literacy.
7.5	Installation by authorised agents.	The unit shall be installed by manufacturer's authorised agents.
7.6	Provision of authorised agents.	The system shall only be installed by manufacturer or supplier authorised agents, or other installers approved by those agents.
7.7	Documentation.	The manufacturer or supplier must provide clear and concise printed/ written operating instructions. (Details on how the system operates).
7.8	Image protection.	All captured images must be protected using encryption software that meets or exceeds the current FIPS 140-2 (level 2) standard or equivalent.

8.0 Requirements in relation to System Information

Ref	Specification	Details
8.1	Provision of system status/health indicator.	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This includes the images shown to verify the status of each camera.
8.2	Mounting location of system status/ health indicator to be seen.	The indicator or monitor shall be mounted in such a way to allow for ease of view.
8.3	Design and/or installed to be testable as part of the vehicle compliance test. (or persons acting	The system shall be designed and installed to allow the system to be easily tested as part of vehicle compliance

on behalf of Ceredigion County Council (e.g. vehicle inspectors/ authorised licensing officers)	checks (e.g. monitor to demonstrate the camera images) see specification 1.20.
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9.0 General system requirements

Ref	Specification	Details
9.1	Vandal and tamper resistance	All component parts must be securely mounted, hard wired, small, and discreet enough to remove the risk of tampering.
9.2	Written confirmation from the company or supplier installing the CCTV will be provided to the local authority.	In addition to a formal test of all aspects of this requirement specification, when installation is complete, a written/ printed installation certificate shall be provided to Ceredigion County Council to confirm the CCTV system is compliant with this specification.
9.3	Reliability in operational and environmental conditions	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis and private hire vehicles.
9.4	Programmability of image timing parameters.	It shall be possible to change timing and parameters without the requirement to change components.
9.5	Training, technical support and equipment	Manufacturer must provide the data controller with technical support.
9.6	Software and Hardware	Manufacturer to supply Ceredigion County Council with a supply of cables and software to be installed under the supervision of the Council's authorised staff.
9.7	Agreement between the	Agreement to allow the data controller to access the relevant software.

camera manufacturer or supplier and the data controller.

- 9.8 All equipment must comply with any legislative requirements on respect of the Motor Vehicle Construction and Use Regulations.
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Part B: Licence conditions

Taxi/private hire vehicle driver and vehicle additional licence conditions when CCTV is installed in a licensed vehicle.

The vehicle proprietor shall ensure that:

1. No CCTV system shall be installed in a licensed vehicle, unless it is of a type that is compliant with the specifications listed in Appendix A of the CCTV policy requirements approved by the licensing authority, The type of system, location and number of cameras shall not be varied without notification to the licensing authority.
2. The CCTV system is properly and regularly maintained and serviced in accordance with the manufacturer or suppliers instructions by a suitably qualified person. Written records of all maintenance and servicing shall be retained by the proprietor for a minimum of 12 months. Such written records shall be made available on demand by an authorised officer of the licensing authority or a Police officer.
3. The CCTV system must be fully operational at all times the vehicle is in use for hire or reward. If the system is not operational the vehicle must not be used for hire or reward until activated or repaired and fully operational in accordance with the specifications in Part A above.
4. The recording system and memory must be securely stored within the vehicle and away from public access.
5. The system or the footage that is contained within it must not be tampered or interfered with by any person except as would be expected in order to operate the system in accordance with the manufacturer or suppliers directions.
6. The images contained in the recording device may only be downloaded by authorised personnel.

Hackney Carriage/Private Hire Driver licence conditions:

1. The driver must ensure that the vehicle's CCTV system is operational before commencing taxi or private hire activity each day, the driver must check the monitor display to ensure the image displayed is clear and the CCTV device is not faulty. If the system is not operational the vehicle must not be used for hire or reward until repaired and fully operational in accordance with the specifications listed in Part A, or the CCTV device and signage are removed from the vehicle with the consent of the vehicle proprietor/s and Ceredigion County Council are informed immediately (only applicable when CCTV is not mandatory).
2. Audio recorded must be activated by the driver any time the driver and passenger/s are in a dispute and/or the driver feels the need to record audio due to the language or behaviour of passenger/s.
3. The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the suppliers authority to do so), except as would be expected in order to operate the system or perform maintenance in accordance with the manufacturer or suppliers directions

Video Point of Impact System (VPIS) policy and conditions in relation to the installation and use in hackney carriage and private hire vehicles

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

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

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

VPIS/dash cams are subject to the General Data Protection Regulations (GDPR), and before purchasing a system, vehicle proprietors are advised to read the Information Commissioner's code of practice for surveillance cameras and personal information and Guide to GDPR, further information can be found on the Information Commissioner's Office website.

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

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

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

1. No VPIS system shall be installed in a vehicle unless it carries a CE marking and conforms to Council Directive 93/68/EEC or equivalent.
2. The vehicle proprietor must produce a VPIS/dash cam policy that clearly identifies the lawful basis for the processing of personal data collected, and the retention period of the data. The purpose of the system should be communicated to any driver of the vehicle.
3. The vehicle proprietor shall notify the Licensing Authority within 7 days of having a VPIS system fitted. Such notification shall be in writing and will contain details of the vehicle the system has been fitted to and the make, model and CE marking number (or equivalent) of the VPIS system.
4. An advisory notice, provided by the supplier, shall be displayed inside the vehicle on each of the rear side passenger windows. The notices shall be positioned in a prominent position where they can be easily read by persons both inside and outside of the vehicle. The proprietor shall ensure that the notices are maintained in a clean and legible condition.
5. The proprietor shall ensure that the system is properly and regularly maintained and serviced in accordance with the manufacturer's instructions by a suitably qualified person. Written records of all maintenance and servicing shall be made and retained by the proprietor for a minimum of 12 months. Such written records shall be made

available on demand by an authorised officer of the Licensing Authority or a Police officer.

6. Upon request for image retrieval by an officer of the Licensing Authority or a police officer the proprietor shall ensure that the VPIS system is made available to the system administrator, as soon as reasonably practicable, and in any event within 7 days of the request.
7. The proprietor of the vehicle shall take all reasonable steps to ensure that any driver of the vehicle is made aware of every condition in relation to any installed VPIS system and has been given adequate instruction regarding the need for the system to be made available as soon as reasonably practicable, and in any event within 7 days of any authorised request for any image retrieval.
8. The proprietor shall, where necessary, ensure that notification is lodged with the Information Commissioner to cover the purposes for which the VPIS system is used

This code is subject to change in line with Welsh Government standards, please visit <https://www.gov.wales/taxis-private-hire-vehicles> for the latest version.

Hackney Carriage

1. The Hackney Carriage vehicle livery consists of the following items:
 - 1 x small square plate,
 - 1 x rectangular plate,
 - 2 door stickers,
 - taximeter,
 - rooflight,
 - tariff card.

These must be compliant with the requirements laid out herein.

2. The proprietor must ensure the licence number issued at the point of licensing is fixed and displayed on the vehicle at all times during which the vehicle is licensed as a hackney carriage.
3. This number is to be displayed as follows:
 - a. by the fixing of a WHITE rectangular plate that shows the vehicle licence number, the number of passengers the vehicle is licensed to carry and the vehicle's registration mark upon the exterior rear of the vehicle either immediately above or below the bumper. It must not obstruct the vehicle's registration mark and the particulars thereon facing outwards in such a manner and place that the licence plate is clearly visible by daylight.
 - b. Also by fixing a smaller, white square plate that shows the vehicle licence number and the number of passengers the vehicle is licensed to carry to the inside of the vehicle so that the licence number is clearly visible to any passenger being conveyed in the vehicle.
4. These plates are non-transferrable and must remain securely fixed to the vehicle throughout the period in which it is licensed.
5. The deposit for the two plates is included in the initial licence fee. The deposit will be refunded upon expiry or revocation. In the instance of tired, damaged or defaced plates, replacements plates can be obtained for a fee.
6. The licence plates must be fixed in such a manner that they can be removed by an Authorised Officer.
7. Both plates shall be returned to the Licensing Authority within seven days upon expiry, suspension or revocation of the licence. Failure to return the plates is an offence under section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976.
8. Lost or stolen licence plates must be immediately reported to the Licensing Authority and a replacement must be obtained. There will be a fee for replacement plates.
9. All Hackney Carriage proprietors will be provided with blue door stickers which must be placed upon the vehicle's front doors and must remain affixed at all times throughout the duration of the licence in order for the carriage to be identifiable as a vehicle licensed by this LA.
10. All approved signs shall be kept clean and maintained in a good and clean condition.

Private Hire

1. The Private Hire Vehicle Livery consists of a single yellow plate.
2. The operator must ensure that this plate is fixed and displayed on the vehicle at all times during which the vehicle is licensed.
3. These plates are non-transferrable and must remain securely fixed to the vehicle throughout the period in which it is licensed.
4. The deposit for the plate is included in the initial licence fee. The deposit will be refunded upon expiry or revocation. In the instance of tired, damaged or defaced plates, replacements plates can be obtained for a fee.
5. The licence plates must be fixed in such a manner that they can be removed by an Authorised Officer.
6. The plate shall be returned to the Licensing Authority within seven days upon expiry, suspension or revocation of the licence. Failure to return the plates is an offence under section 58(2) of the Local Government (Miscellaneous Provisions) Act 1976.
7. Lost or stolen licence plates must be immediately reported to the Licensing Authority and a replacement must be obtained. There will be a fee for replacement plates.
8. No rooflight is permitted on a private hire vehicle
9. All approved signs shall be kept clean and maintained in a good and clean condition.

1. No business logos, fittings, signs or advertisements are to be painted on or attached to a hackney carriage or private hire vehicle or displayed within the vehicle unless approved by the Licensing Authority in writing. The operator or proprietor may make a request to the Authority by email and must submit a mock-up of the design to be used. Once the design is approved, it cannot be changed unless further written approval is obtained from the Authority.
2. All advertisements shall conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and shall not relate to matters concerning tobacco, gambling, alcohol, politics, religion, matters of a sexual nature, or any other content likely to cause offence.

Appendix 16 – Policy on Special Event Vehicles: Including Limousines, Wheelchair & Prestige Type Vehicles

This element of the Policy only applies to Private Hire Vehicles.

1. For the purpose of this Policy, a 'special event vehicle' shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature e.g. transport to parties and is not a conventional vehicle used for standard Private Hire work.
2. Examples of vehicles that may fall within the 'Special Event' category are stretch limousines, classic cars, vehicle that has fewer than four seats or have wheelchair provisions for example vehicle that have rear operated lifts etc.
3. Proprietors of prestige type vehicles licensed as private hire vehicles or private hire vehicles used in special circumstances may seek the permission of the Authority to waive conditions of their licence relating to the display of licence plates, door stickers and driver badges.
4. This element of the Policy does not apply in relation to vehicles which are used exclusively in connection with weddings and funerals and as such are exempt from Private Hire Licensing.
5. The General Licence Conditions for Private Hire Vehicles will not normally allow for special event vehicles to be licensed for a number of reasons including the style and design of the vehicle and "classic" cars failing to meet admission standards.
6. Any special event vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations, or which otherwise would not meet the standard Private Hire vehicle conditions may apply to be licensed by seeking a variation or exemption from some of the standard conditions which would otherwise apply.
7. Each vehicle will be considered and assessed by Service Manager on its merit taking account of:
 - the overall condition of the vehicle
 - the number of passengers for which it is required to be licensed and
 - The specific criteria from which an exemption is sought.
 - type of wheelchair access (for example rear lift operating vehicles)
 - type of Work or Contract the vehicle will be used for.
8. The Council's primary consideration will always be the safety and comfort of the travelling public.

LIMOUSINE CONDITIONS

The following set of conditions will be attached to all stretched limousines:

1. Limousines are permitted to be Left or Right Hand Drive.

2. The majority of stretched limousines are imported from the U.S.A and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing Policy, i.e. left hand drive. Limousines with sideways facing seating will be permitted.
3. A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport's guidance outlined above, the Council will consider the suitability of limousines with sideways seating for Licensing. The vehicle must have a seat belt available for every travelling passenger.
4. Limousines will not be required to display any Council livery but will be required to display the Council's private hire plate. (The plate serves to distinguish Private Hire Vehicles from ordinary saloon cars and Hackney Carriage vehicles and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a Hackney Carriage or a private-use vehicle).
5. Limousines with heavily tinted glass in the rear offside/nearside windows will be considered for Licensing. However, heavily tinted glass in the driver cockpit would remain prohibited in line with legal requirements. It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.
6. Limousines will be required to hold a valid Single Vehicle Approval (SVA) Certificate or an IVA certificate. (The SVA or IVA test comprises a visual examination of a vehicle and certifies its safety and roadworthiness).
7. The limousine must be fitted with tyres that meet with both the size and weight specification. (Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times).
8. Any seats in the driver's compartment shall not be used to carry passengers. (This is to ensure that passengers are not carried in the front of the vehicle in order to improve driver and passenger safety).
9. In any advertisement publicising any limousine service, the Operator must state that the vehicle is only licensed to carry up to a maximum of 8 passengers. This is in order to inform customers of the maximum carrying capacity of the vehicle).
10. Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence issued under the Licensing Act 2003 which relates to the sale and supply of alcohol. In order to comply with alcohol licensing requirements and safeguard public safety bottles of alcohol shall be placed in a secure place and should be removed when any passenger is under 18 years old. Any glassware in the vehicle must be made of either shatterproof glass or plastic, (safeguard public safety).

11. The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle. (This is in order to safeguard child passengers from viewing unsuitable material).
12. If the limousine parks to provide some form of regulated entertainment for its passengers, a licence must be in place in accordance with the requirements of the Licensing Act 2003.
13. Any vehicle that has been constructed or adapted to seat more than eight passengers cannot be licensed as a Private Hire vehicle.
14. Due to the individual nature of a Limousine vehicle it will inevitably give rise to issues that would not apply to conventional Private Hire Vehicles and, therefore, it will be necessary to consider whether special conditions should be included on any licence. The Service Manager will determine any such additional special conditions. If the proprietor is not satisfied with the proposed conditions, the matter will be heard and determined by the Licensing Panel.

“PRESTIGE” TYPE VEHICLES CONDITIONS

1. Prestige Vehicles that wish to be exempt from the requirements that they be plated, and display side stickers will have to comply with all Private Hire Conditions other than Conditions relating to the plate and side stickers (Livery).
2. No cash work can be undertaken by the vehicle unless the vehicle is booked at least 1 hour before the commencement of the journey, or the operator has a written contract with particular business(es) or person.
3. No meter is permitted in the vehicle (unless integrated).
4. Vehicles must be under 8 years old though older vehicles will be considered by the Licensing Manager, and this predominately will permit older vintage cars or unique cars to be granted a licence.
5. Vehicle must be of a standard of comfort and be equipped to a level equal to or above that of luxury model vehicles such as Mercedes Benz E or S Class, BMW 5 and 7 Series, Lexus GS or LS, Audi A6, A8, Range Rover, Jaguar XF, XJ, Tesla, Maserati Ghibli, Quattro Porte, VW Phantom, Volvo S/V90, etc. (Higher specification executive-type saloon and MPV cars from other manufacturers may also be considered for example Mercedes Vito).
6. An “executive” window plate must be displayed at all times in the front windscreen of the vehicle.
7. No advertising is permitted on or in the vehicle at any time.

8. The driver of the vehicle must be appropriately dressed for formal occasion wearing a formal suit (jacket, trousers or skirt) and formal shoes. No casual wear shall be permitted to be worn by the driver.
9. The individual nature of a special event vehicle will inevitably give rise to issues that would not apply to conventional Private Hire Vehicles and, therefore, it will be necessary to consider whether any special conditions should be included on a licence. The Service Manager will determine any such special conditions. If the proprietor is not satisfied with the proposed conditions, the matter will be heard and determined by the Licensing Panel.

It should be noted that Proprietors / Operators found to be breaching the above conditions will be stripped of “executive” status for period of 12 months by the Licensing Manager and the vehicle will be suspended until such time as the vehicle(s) complies with Private Hire Vehicle Conditions.

Application Form and Supporting Documents

1. Before a licence is issued in respect of a Private Hire Operator, the applicant, being the Private Hire Operator, must complete and submit to the Licensing Authority a complete application on the form prescribed by the Authority.
2. The following documents and information must be submitted with the application:
 - a) An enhanced DBS certificate, completed and submitted via the LA
 - b) A certificate issued following a medical examination to the standard of that laid out in the DVLA D4 group 2 guidelines. Medical certificates required by this Authority must be produced by –
 - i. A qualified general practitioner
 - ii. A consultant

*With full access to all the applicant's medical records.
 - c) A recent digital photograph of the applicant. "Recent" in this instance means taken within the last 12 months.
 - d) The name and address of two professional people who can provide a letter of reference. The referees must have known the applicant for a minimum of 2 years. These persons should not be connected with the applicant's family or the hackney carriage or private hire trade. Both should be prominent members of the community, for example, a Magistrate, Lawyer, Teacher or Clergyman etc.
 - e) The LA details of the premises from which the private hire business will be carried on, the address of where the licensed vehicles are kept, and details of the facilities provided for the repair and maintenance of vehicles.
 - f) A copy of the necessary planning permission for the premises used in connection with the business of operating private hire vehicles
3. The operator shall not engage in, allow or permit such operation until the necessary planning permission has been obtained. Any breach of planning permission or requirements shall be deemed to be a breach of the Operator's licence conditions.
4. The applicant/ operator must be able to provide evidence that the majority of their bookings are undertaken within the County of Ceredigion by means of accurate and up to date records of all fares undertaken.
5. The operator of a Private Hire business must be a fit and proper person as prescribed by Ceredigion County Council's Private Hire & Hackney Carriage Fitness Criteria.
6. The licence will not be issued unless the required documents are produced. These documents must be readily available for examination at any time during the currency of the licence by an Authorised Officer of the Licensing Authority.

7. Each application will be treated on its own merit and if granted, is valid for a maximum period of five years. It is the operator's responsibility to ensure that an application to renew the licence is submitted in sufficient time prior to the licence expiry date as there is no automatic period of grace.
8. Any applications received after the expiry date will usually be treated as a new application, unless at the Officers discretion the circumstances deem it acceptable to renew the application.
9. No Private Hire Operators licence will be issued until the appropriate fee is paid. Where payment is made by cheque which is subsequently dishonoured, any licence issued will be null and void.

INTRODUCTION

These conditions apply to private hire operators.

All reference to "Operator" in these conditions below means a person holding a licence to operate private hire vehicles issued pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

'Licensing Authority' refers to the Ceredigion County Council.

'Authorised officer' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

Any legal requirements that apply to the operation of a private hire operator licence are regarded as if they are conditions of the licence, whether specifically listed below or in the policy or not.

1. General

1.1 The operator must undertake sufficient checks to satisfy themselves that only suitable drivers are used (and continue to be used) in the course of their business. This will include checking and taking a copy of each driver's hackney carriage/private hire driver's licence prior to that driver undertaking any bookings. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.

1.2 Where an operator dismisses or disengages a driver they must report the dismissal and reasons for it to the Licensing Authority within 48 hours of the dismissal taking effect.

1.3 The Operator must notify the Licensing Office, in writing, within 5 working days if they, any company director, or any individual named on the application form:

- a) changes home address
- b) if any company or limited liability partnership changes its registered office
- c) if any changes are made in the ownership/management/partnership of the operation as specified in your application form. Please note that new owners or additional partners will be required to have a basic DBS disclosure. The transfer of the operator's licence will not be completed until the Licensing Authority has received a copy of the disclosure
- d) if a director or nominated responsible person ceases to be employed in this capacity.

- 1.4 The operator must inform the Licensing Authority if they or the person running the business are going to be absent from the day to day running of the business for a period of 2 consecutive months. In doing this, the operator must give the name of the person that will be responsible for the running of the business on their behalf during this temporary period.
- 1.5 The Operator must not use, or facilitate the use of, any software, technology or other device that is capable of impeding the lawful activities of enforcement agencies or the regulatory activity of the Licensing Authority.
- 1.6 The Operators must comply with all reasonable requests made by authorised officers of the Licensing Authority.

2. Complaints system

2.1 Private Hire Operators or an appointed representative from within the business must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint.

2.2 The operator must maintain a register of complaints (digital or hard copy), which must include the following information:

- a. Complainant's name, address/email address
- b. Details of the complaint
- c. Time and date of the alleged incident
- d. Time and date the complaint was received by the operator
- e. How the complaint was received e.g. phone, email etc.
- f. Name of person that received the complaint.
- g. Name of the alleged perpetrator
- h. If the complaint was referred to the Licensing Authority –time and date of when it was referred and who by.
- i. Details of the action taken to resolve the complaint and by whom
- j. Date the complaint was resolved

2.3 A copy of the complaints register must be available for inspection upon request of an authorised officer of the Licensing Authority. The records must be retained for a period of 6 months.

2.4 The operator must on receipt of a complaint concerning a licensed driver, immediately notify the complainant of their right to direct their complaint to the Licensing Authority.

2.5 The Operator shall ensure that details of how a customer may contact the operator in the event of any complaint relating to a contract for hire or purported contract for hire relating to or arising from his business, are displayed on the operator's website, booking app or in the absence of online booking platform, at the booking office.

2.6 Where a complaint is received by the Licensing Authority, the operator must comply with any reasonable request for information and/or follow any reasonable

directions/instructions made by an authorised officer or police officer in respect of the complaint.

2.7 The Operator must notify the Licensing Authority within 48 hours if the operator receives a complaint about a driver operated by them when it has been identified that the complaint relates to any of the following:

- a) allegations of sexual misconduct (including the use of sexualised language)
- b) racist behaviour
- c) violence (including verbal aggression)
- d) dishonesty including theft
- e) Equality breaches
- f) any other serious misconduct (including motoring related for example dangerous driving or drink driving).

3. Driver and Vehicle Records

3.1 The operator must maintain and keep up-to-date the following records which must be immediately available for inspection on demand by any authorised officer of the Licensing Authority or police constable:

- a) name and home address of every private hire vehicle driver operated by him
- b) details including licence number and date of expiry of the private hire driver's licence of every private hire vehicle driver operated by him
- c) name and home address of the proprietor of every private hire vehicle operated by him
- d) details including the private hire licence plate number and expiry date and vehicle registration number of every private hire vehicle operated by him

4. Disclosure and barring service checks

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

4.2 Following the grant of a licence, licence holders must submit a new basic disclosure to the Licensing Authority annually.

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

4.4 The operator must view a basic DBS certificate (dated within one month of the check) of any staff that have access to booking records or dispatch vehicles.

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

1. the date that person's employment in that role commenced
2. the date the operator checked the DBS certificate
3. the name of the person that checked the DBS certificate
4. the date the person ceased to perform that role

4.6 The register must be retained for 6 months in line with the booking records.

4.7 Should an employee cease to be on the register and later re-enter the register a new basic DBS certificate (or use of the Update Service) should be viewed by the operator.

4.8 Where the applicant/operator employs or intends to employ persons involved in taking bookings or the dispatch of vehicles, the operator must produce a policy on the employment of ex-offenders in those roles. The policy must be available for inspection on request of an authorised officer of the Licensing Authority.

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

4.10 The operator must make certain that any outsourced booking and dispatch functions have adequate safeguarding measures in place for the protection of children and vulnerable adults. The operator must have required evidence of this from the company before outsourcing these functions.

5. Notification of convictions

5.1 Within 48 hours of any arrest and release, and then after any subsequent conviction, binding over, caution, warning, reprimand or arrest for any criminal or motoring matter (whether or not charged) imposed on him / her during the period of the licence, the licence holder must notify the Licensing Authority with full details of the matter(s).

What must be reported:

- a. Any conviction (criminal or motoring matter);
- b. Any caution (issued by the Police or any other agency);
- c. Issue of any Magistrate's Court summonses against you;
- d. Issue of any fixed penalty notice for any matter;
- e. Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
- f. Arrest for any offence (whether or not charged);
- g. Any acquittal following a criminal case heard by a court;

h. Any refused of any type of licence by any other regulatory authority or any such licence is suspended, revoked or not renewed.

6. Business premises

6.1 The Operator must provide the Licensing Authority with the address of the premises within the Licensing Authority area from which the business will be carried on.

6.2 Where the operator's premises is used by the public it must be kept clean, adequately heated, ventilated and illuminated.

6.3 The operator shall ensure that any waiting area provided for the use of prospective hirers shall be provided with adequate seating and kept physically separate from any drivers resting area and operations room.

6.4 The private hire operator's licence must be displayed in a prominent position at any premises from which the operator operates. Any personal details such as home address of the licence holder should be redacted from the display copy prior to being displayed.

6.5 The operator shall provide a copy of these conditions of licence to the public upon request.

7. Booking records

7.1 The operator must keep a record of every private hire booking either in writing in a suitable durable book which has consecutive page numbers or a computerised booking and dispatch system.

If a book is used, all entries must be clear, in English and easily legible, with no line spaces or blank pages.

If a computerised booking system is used, it must be able to produce a print out of any records requested by an authorised officer or police constable at all times.

7.2 For all accepted bookings an entry shall be made in the record book or computerised booking and dispatch system that shall include:

- a) The name of the person making the record (if not made by a computerised system)
- b) The time and date on which the booking is made and,
- c) The name of the person for whom the booking is made
- d) Contact details of the person the booking is made for (email address or phone number)
- e) The agreed time and place of collection, or, if more than one, the agreed time and place of the first place of collection
- f) The destination –as a minimum this should include the street and/or building name and postal area. Where possible it should include a full postcode.

- g) The time the journey was completed
- h) The total cost of the completed journey
- i) The hackney carriage/private hire driver's name
- j) The s hackney carriage/private hire driver's licence number
- k) The registration number of the vehicle allocated to the booking
- l) the name of any individual that responded to the booking request
- m) The name of the person that dispatched the vehicle (if not dispatched by computerised system)
- n) If applicable, the name of the other operator from whom a booking was received

and / or to whom the booking was subcontracted.

7.3 Any amendment must be made to the original record by way of an addition.

7.4 All records of private hire bookings, whether retained in a book or on a digital format, must be retained for at least 6 months from the date of the last entry and be readily available for production to an authorised officer of the Licensing Authority or police constable for inspection at any time during the hours of operation.

8. Personal data

8.1 The loss of personal data by theft or otherwise must be reported to the Licensing Authority in writing within 24 hours, and also immediately to the police in the event of theft being suspected. To note, a data loss may also need to be reported to the Information Commissioner's Office, for more information see:

<https://ico.org.uk/for-organisations/report-a-breach/>

9. Working hours

9.1 The operator must take steps to ensure that drivers do not work excessively long hours. Drivers should not be permitted driver for more than 10 hours per day and must have a break lasting at least 30 minutes after driving for 5.5 hours. The driver must also have a break at the end of this period, unless it's the end of the working day.

10. Insurance

10.1 Operators must ensure that at all times there is in force, for all private hire vehicles operated, a policy of insurance covering the carriage of passengers for hire or reward by pre-booking only or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

10.2 Any premises that provide access to members of the public must be covered by Public Liability insurance.

10.3 Operators must ensure that where a vehicle is covered under a fleet insurance policy, drivers are aware of the content of the policy, including its limitations and exclusions. The operator must keep a record, signed by the driver, within each individual's record file when

this has been completed. A copy of any individual's records must be produced, on request, to any authorised officer of the Licensing Authority.

11. Ride Sharing/Car-pooling

11.1 At the time of booking, individual hirers must be made aware of and explicitly consent to bookings that are part of a ride sharing/carpooling journey.

11.2 As part of ride sharing/car pooling schemes, operators must offer the option to hirers to only share with other passengers of the same sex. If hirers select this option passengers of the opposite sex may not be added to the same booking.

12. Standards of service

12.1 The operator must provide prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose must in particular:

- a) Provide adequate information and communications technology, facilities and staff, as appropriate.
- b) Ensure the highest level of customer service and care.
- c) Ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.
- d) Ensure that any telephone facilities and radio equipment (for which an OFCOM Radio Licence may be required) are maintained in a sound condition and that any defects are repaired promptly.

13. Public Service Vehicles

13.1 Public Service Vehicles (PSVs) may not be used to undertake a private hire vehicle booking, unless with the informed consent of the hirer.

Notes

I. These conditions should be read in conjunction with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

II. Operators must conduct their business in accordance with all relevant statutory provisions. This includes health, safety and welfare legislation, environmental legislation and equalities legislation.

III. The Operator must not fail or refuse to accept a booking by or on behalf of a disabled person accompanied by an 'assistance dog' when the reason for failure or refusal is that the disabled person will be accompanied by the 'assistance dog'

IV. Failure to declare any conviction within the required timescale together with the nature of the conviction will be taken into account in deciding whether a licence holder is a fit and proper person to hold a hackney carriage/private hire driver licence. This may result in the suspension, revocation or refusal to renew the private hire driver licence.

V. Any infringement of the licensing conditions could lead to suspension or revocation of the licence.

VI. Any person aggrieved by any conditions specified in the licence may appeal to a magistrate's court within 21 days of issue.

VII. The renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. Unlicensed operation of private hire vehicles is an offence.

VIII. All operators must comply with their obligations under the Data Protection Act 2018 and should be registered with the Information Commissioner.



**CONVICTIONS, CAUTIONS,
WARNINGS AND ETC. NOTIFICATION FORM
CYNGOR SIR CEREDIGION COUNTY COUNCIL**
Local Government (Miscellaneous) Provisions Act 1976
Part II

COMPLETE USING BLOCK CAPITALS and BLACK INK																	
Name:																	
Address:																	
Post Code:																	
Date:	D	D	M	M	Y	Y	Y	Y	Dual driver N^o								
DVLA Licence N^o																	
Offence:																	
Date of Offence:																	
	D	D	M	M	Y	Y	Y	Y									
Date of Conviction:																	
	D	D	M	M	Y	Y	Y	Y									
Penalty:																	
Details of Offence:																	

This form must be completed and presented to the licensing authority within 48 HOURS from the date of any conviction, caution, warning, reprimand or penalties, & endorsements. In the case of a custodial sentence the licensing authority should be notified as soon as is reasonably practicable.

Send the completed form to:

The Licensing Section, Ceredigion County Council, Canolfan Rheidol, Rhodfa'r Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion SY23 3LY
publicprotection@ceredigion.gov.uk