



## **REGISTRATION AND LICENSING COMMITTEE**

**10.00 AM - MONDAY, 19 FEBRUARY 2024**

**MULTI LOCATION MICROSOFT TEAMS/COUNCIL CHAMBER**

### **Webcasting/Hybrid Meetings:**

**This meeting may be filmed for live or subsequent broadcast via the Council's Internet Site. By participating you are consenting to be filmed and the possible use of those images and sound recordings for webcasting and/or training purposes.**

1. Chairpersons Announcements
2. Declarations of Interest
3. Minutes of the Previous Meeting (*Pages 3 - 10*)

### **Report of the Head of Legal Services.**

4. Revised Taxi Policy (*Pages 11 - 208*)
5. Urgent Items  
Any urgent items at the discretion of the Chairperson pursuant to Section 100BA(6)(b) of the Local Government Act 1972 (as amended).
6. Access to Meetings  
That pursuant to Section 100BA (2) and (7) of the Local Government Act 1972, the public be excluded for the following items of business which involved the likely disclosure of exempt information as defined in Paragraph 12 of Part 4 of Schedule 12A of the above Act.

**Private Report of the Head of Legal Services**

7. Item 2 - Case 1 (*Pages 209 - 214*)
8. Item 2 - Case 2 (*Pages 215 - 220*)

**K.Jones**  
**Chief Executive**

**Civic Centre**  
**Port Talbot**

**Tuesday, 13 February 2024**

**Committee Membership:**

**Chairperson:**      **Councillor A.J.Richards**

**Vice**  
**Chairperson:**      **Councillor J.Henton**

**Members:**      Councillors S.Paddison, D.Whitelock,  
W.Carpenter, A.Dacey, H.Davies, D.Lewis,  
A.Lodwig, S.Renkes, L.Williams, R.G.Jones,  
D.M.Peters, R.W.Wood and A.R.Aubrey

c.c.      Superintendent of Police, Neath  
Chief Fire Officer, Neath

## LICENSING AND GAMBLING ACTS SUB COMMITTEE

(Multi Location Hybrid Micosoft Teams/Council Chamber)

**Members Present:**

**22 September 2023**

**Chairperson:** Councillor J Henton

**Councillors:** S.Thomas and D.Whitelock

**Officers in Attendance:** N.Chapple, M.Shaw and S.McCluskie

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1. **Chairpersons Announcements**

The Chairperson welcomed everyone to the meeting,

2. **Declarations of Interest**

There were no declarations received.

3. **Urgent Items**

There were none.

4. **Application for the Grant of a Premises Licence - The Surge Cafe Bar - 74 Commerical Road Taibach, Port Talbot**

**Decision:**

The Sub-Committee ***Resolved*** to ***Approve*** the application to grant the Premises Licence, subject to conditions, and with an amendment to the operating schedule, and as considered appropriate for the promotion of the Licensing Objectives.

**Condition[s]**

1. The hours of operation are:
  - a. Opening hours: Monday to Sunday, 08.00hrs – 23.00hrs.
  - b. Supply of alcohol (on and off sales): Monday to Sunday, 11:00hrs – 22.00hrs.
2. Following the conditions proposed by the Police, and agreed by the Applicant, the conditions imposed are:

Prevention of crime and disorder

- a. A Digital CCTV system shall be installed, or existing system maintained, at the Premises which will be operational at all times when the Premises is open to the public and be capable of providing pictures of evidential quality in all lighting conditions particularly facial identification. The CCTV recordings must be correctly timed, date stamped, and retained for a period of 31 days and made available for viewing by the Police or an Authorised Officer of the Licensing Authority on request.

The system must provide coverage of the following areas:

- The exterior frontage of the Premises;
  - The entrance and exists to the Premises; and
  - The interior public areas of the Premises.
- b. A staff member from the Premises who is conversant with the operation of the CCTV system shall be on the Premises at all times when the Premises is open to the public. This staff member shall be able to show and provide Police or authorised officer recent data or footage with the absolute minimum of delay following a lawful request.
- c. An incident recording book shall be maintained at the premises showing details of the date and time of assaults, injuries, accidents or ejections, as well as details of the members of staff involved, the nature of the incident and the action/outcome. The book must be kept available for inspection by the Police and authorised officers of the Local Authority.
- d. The premises licence holder will risk assess the need for door supervisors and provide door supervision between such times and in such numbers as is required by the risk assessment. They shall also display their S.I.A. licence in a reflective armband whilst on duty.
- e. If used, a daily register of security personnel will be maintained. The register shall show the name, address and licence number of each door supervisor, and the dates and times that they operate. The register must be kept available for inspection by the Police and authorised officers of the Local Authority.

The protection of children from harm

- f. A Challenge 25 policy will apply and Proof of Age will be required will be required from any person who appears to be under the age of 25 years who attempts to purchase or consume alcohol. The means of verification should be a form of identification which bears their photograph, date of birth and a holographic mark, and should be restricted to:
- P.A.S.S. Accredited Proof of Age Schemes e.g. Citizen Card;
  - Proof GB;
  - Photo card driving licence or passport.
- g. Premises to keep up-to-date records of staff training in respect of age related sales, in written or electronic format, available for inspection, on request, by an authorised officer of the Police or Local Authority.
- h. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open. A refusal book shall be maintained recording the date and time of all attempts by persons under the age of 18 to purchase alcohol. The book shall be made available for inspection by the Police and/or Authorised Officer[s] of the Local Authority.

5. **The Surge Cafe Bar - Supplement Item**

**Resolved:**

The supplementary items were considered along with the main agenda report.

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# REGISTRATION AND LICENSING COMMITTEE

(Multi Location Microsoft Teams/Council Chamber)

**Members Present:**

**27 November 2023**

**Chairperson:** Councillor A.J.Richards

**Vice Chairperson:** Councillor J. Henton

**Councillors:** S.Paddison, D.Whitelock, W.Carpenter,  
A.Dacey, H.Davies, A.Lodwig, S.Renkes,  
L.Williams, R.G.Jones and R.W.Wood

**Officers in Attendance:** N.Chapple, G.White and S.McCluskie

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## 1. **Chairpersons Announcements**

Councillor A. Richards welcomed all to the meeting. The Chair informed the Committee that agenda item 7 would be reviewed prior to agenda item 6.

## 2. **Declarations of Interest**

The following declarations of interest were received,

Cllr S. Paddison                      Against agenda item 6  
– The interest was not  
deemed personal or  
prejudicial, therefore  
Cllr Paddison  
remained in the  
meeting and  
proceeded to take part  
in the voting.

Cllr. A. Lodwig                      Against agenda item 6  
– The interest was not  
deemed personal or  
prejudicial, therefore  
Cllr Lodwig remained  
in the meeting and  
proceeded to take part

in the voting.

3. **Minutes of the Previous Meeting**

The minutes of the previous meeting, held on the 30<sup>th</sup> October 2023, were approved as a true and accurate account, with one error noted against agenda item 6 of the private circulated pack.

4. **Urgent Items**

There were no urgent items.

5. **Access to Meetings**

That pursuant to Section 100BA (2) and (7) of the Local Government Act 1972, the public be excluded for the following items of business which involved the likely disclosure of exempt information as defined in Paragraph 12 and 15 of Part 4 of Schedule 12A of the above Act

6. **Hackney Carriage and Private Hire Driver Licensing - Case 1**

The Licensing Manager provided the Committee with an overview to the private circulated report.

**Decision:**

That the report be noted for information.

7. **Hackney Carriage and Private Hire Driver Licensing - Case 2**

The Licensing Manager provided the Committee with an overview to the private circulated report.

The driver was in attendance and addressed the Committee.

**Decision:**

That after hearing all representations and reviewing the private circulated report, the driver be issued with a warning letter. The Committee also requested that the driver be encouraged to read the Equality Act 2010 literature and, if available, to attend a course regarding the same.





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## **NEATH PORT TALBOT COUNCIL**

### **Registration and Licensing Committee**

19th February 2024

### **Report of the Head of Legal and Democratic Services – Craig Griffiths**

#### **Matter for Decision**

#### **Wards Affected**

All Wards

### **Taxi Licensing Policy Amendments**

#### **Purpose of the Report**

1. To consider amendments to the Taxi Licensing Policy.

#### **Executive Summary**

2. This report seeks to make amendments to the existing Taxi Licensing Policy ("the policy").
3. It is proposed to make a number of updates to the Policy to reflect changes to the process of administering applications for hackney carriage and private hire driver and vehicle licences.
4. In addition, several minor amendments are proposed to ensure that the Policy remains up to date and compliant with legislation.
5. Members are being asked to approve the amendments.

#### **Background**

6. The Registration and Licensing Committee adopted the latest version of the Policy on 17th October 2022 which contains the procedures,

specifications and conditions which all prospective and existing licence holders need to be aware of.

7. The Council has developed new ways of working since the end of the Covid-19 pandemic and this in turn has changed the way in which customers access the licensing service.
8. The Policy is designed to enable perspective and existing licence holders to easily access information about the processes for applying for licences and the requirements to adhere to once licensed.
9. The existing procedures contained within the Policy require updating to reflect current practices. In addition, a holistic review of the Policy has identified some minor amendments needed to ensure that the Policy remains up to date and compliant with legislation.

## **Officer Report**

10. A draft revised taxi policy is attached at appendix 1 to the report. Amendments are shown bold and underlined.
11. The proposed changes are:
12. Section 2.5 - National Register of Taxi Licence Refusals and Revocations (NR3): The retention period for information stored on the NR3 register has been reduced from 25 years to 11 years, in accordance with data protection legislation.
13. Section 2.7 - Medical fitness: References to General Practitioner replaced with "medical practitioner registered on the UK General Medical Council Register". This change is to allow private medical companies to provide services to taxi drivers.
14. Section 2.10 - HMRC tax checks: This section has been added to reflect new statutory requirements for taxi drivers to provide evidence of tax registration.
15. Section 2.12 - Duration of licence: Obsolete paragraph deleted.
16. Section 3.12 - Temporary installation of protective screens (Covid 19) - This section is no longer necessary following the end of the Covid 19 pandemic.

17. Appendix A - Hackney carriage and private hire driver licence application procedure for grant: This has been replaced in its entirety to reflect updated administrative ways of working.
18. Appendix C - Conditions for the licensing of private hire drivers: Change to the reporting time for drivers convicted of a criminal offence, from 7 days to 5 working days. This now aligns with the hackney carriage byelaws.
19. Appendix D - Application procedure for a hackney carriage / private hire vehicle licence: This has been replaced in its entirety to reflect updated administrative ways of working.
20. Appendix L - Conditions for the licensing of private hire operators: Removal of the condition requiring an operator to record an address of a hirer. This has been removed as in accordance with data protection legislation, the operator being mandated to record the address of the hirer is not considered relevant data for a booking to be made.

## **Financial Impacts**

No implications

## **Integrated Impact Assessment**

21. A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. The first stage assessment has indicated that a more in-depth assessment is not required.

## **Valleys Communities Assessment**

22. No implications

## **Workforce Impacts**

23. No implications

## **Legal Impacts**

24. No implications

## **Risk Management Impacts**

25. No implications

## **Consultation**

26. The amendments to the Taxi Licensing Policy are minor and / or administrative and consequently consultation with the trade is considered unnecessary.

## **Recommendation**

27. That members approve the proposed amendments to the Taxi Licensing Policy.

## **Reasons for Proposed Decision**

28. To ensure that the Taxi Licensing Policy reflects current working practices and is compliant with legislation.

## **Implementation of Decision**

29. The decision is proposed for immediate implementation.

## **Appendices**

30. Appendix 1 - Draft revised taxi licensing policy
31. Appendix 2 - First stage impact assessment

## **List of Background Papers**

32. Existing Taxi Licensing Policy

[www.npt.gov.uk/media/4270/taxi\\_licensing\\_policy.pdf](http://www.npt.gov.uk/media/4270/taxi_licensing_policy.pdf)

## **Officer Contact**

33. Neil Chapple  
Legal Regulatory Manager  
Tel (01639) 763050  
Email [n.chapple@npt.gov.uk](mailto:n.chapple@npt.gov.uk)

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# Taxi Licensing Policy

Version.10



## Private Hire and Hackney Carriage Vehicles, Drivers and Operators

Approved at the Registration and Licensing Committee 10<sup>th</sup> August 2015 for implementation on the 1<sup>st</sup> October 2015

### Amendments

- V.2 7<sup>th</sup> January 2016 – Appendix B updated
- V.3 26<sup>th</sup> September 2016 – amendments made to:
- Paragraph 2.9 & 3.10 (Renewals)
  - Paragraph 2.3 & 2.9 (DBS)
  - Paragraph 2.5 (Knowledge Test)
  - Paragraph 2.6 & 2.9 (Medical Examinations)
- V.4 19<sup>th</sup> December 2016 – amendments made to:
- Paragraph 2.3 (DBS)
  - Paragraph 2.7 added (Immigration Checks)
  - Paragraph 2.10 (Renewal of driver licences)
  - Paragraph 4.3 (Operator Licences)
  - Appendix A (Driver application procedure)
- V.5 14<sup>th</sup> August 2017 – amendments to:
- Paragraph 2.7 (Equality Act 2010 medical exemption)
  - Paragraph 3.11 (Equality Act 2010 designated list of vehicles)
  - Appendix D (Application procedure for a hackney carriage / private hire vehicle licence)
  - Appendix H (Hackney carriage vehicle conditions)
  - Appendix I (Private Hire vehicle conditions)
- V.6 12<sup>th</sup> June 2018 - amendments to:
- Paragraph 2.3 (Disclosure and Barring Service)
  - Paragraph 2.11 (Renewal of licence – DBS certificate)
  - Paragraph 2.11 (Renewal of licence – medical examination report)
  - Paragraph 3.5 ( Vehicle inspections – vehicle failure)
- V.7 10<sup>th</sup> February 2020 – amendments to:
- Paragraph 2.5 (NR3 database)
  - Appendix B replaced
- V.8 29<sup>th</sup> June 2020 – amendments to
- Appendix N added – Specifications for the installation of screens
- V.9 **6<sup>th</sup> March 2023 – amendments to:**
- **Appendix E (Hackney carriage vehicle specifications)**

v.10 19<sup>th</sup> February 2024 – amendments to:

- Paragraph 2.5 (National Register of Taxi Licence Refusals and Revocations)
- Paragraph 2.7 (Medical fitness)
- Paragraph 2.10 Added (HMRC Tax Checks)
- Paragraph 2.12 (Duration of licence)
- Paragraph 3.12 Removed (Temporary installation of protective screens)
- Appendix A Replaced (Hackney carriage and private hire driver licence application procedure)
- Appendix C (Conditions for the licensing of private hire drivers)
- Appendix D (Application procedure for a hackney carriage / private hire vehicle licence)
- Appendix L (Conditions for the licensing of private hire operators)

## 1.0 **Introduction**

Neath Port Talbot CBC, hereafter referred to as the “Licensing Authority” is responsible for the regulation of hackney carriage and private hire trades within the county borough of Neath Port Talbot. Regulation is determined by a series of licensing processes.

In exercising its responsibilities, the Licensing Authority recognises both the needs of residents and the public at large to have access to safe, convenient and effective taxi services and the importance of this provision to the taxi trade and local economy.

In developing this policy, the Licensing Authority, has consulted with the public at large and the trade in particular, and has regard to:

- The licensing objectives
- The department for Transport ‘Taxi and Private Hire Vehicle Licensing: Best Practice Guidance’ 2006
- Current legislation
- Existing Neath Port Talbot CBC policies

The policy sets out general requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the council will have regard to this policy document. However each application or enforcement action will be considered on its own merits.

The Licensing Authority will adopt and carry out its hackney carriage and private hire licensing functions with a view to promoting the following licensing objectives.

- (a) The safety and health of drivers and the public
- (b) Vehicle safety, comfort and access
- (c) The prevention of crime and disorder and the protection of consumers
- (d) Encouraging environmental sustainability
- (e) Promoting the vision of Neath Port Talbot CBC

## 2.0 Drivers

### 2.1 Application process

This section applies to drivers of Hackney Carriage and Private Hire vehicles. Drivers must satisfy the authority that they are fit and proper people to be licensed drivers.

The Licensing Authority aims to ensure that Hackney Carriage and Private Hire services delivered within the County Borough are of a good standard. The application procedure is designed to ensure these standards are maintained and continually monitored for improvement.

It is a legal requirement that drivers of either Hackney Carriage or Private Hire vehicles obtain a licence to drive those vehicles from the licensing authority. The application procedure is set out in **Appendix A**.

### 2.2 General

All drivers of hackney carriage and private hire vehicles should be at least 21 years of age. Applications from any person under the age of 21 will need to be considered by the Registration and Licensing Committee.

Legislation dictates that an applicant must have held a full Driving Licence issued under the Road Traffic Act 1972 authorising him/her to drive a motor car, for at least 1 year prior to the date of application

A driver licence may be issued to a part time driver but the Licensing Authority reserves the right to refuse the issue of a licence where the applicant is already employed as a driver in some other activity e.g. Omnibus driver or transport driver.

### 2.3 Disclosure and Barring Service (DBS)

Applicants and licence holders are required to submit an enhanced DBS check (criminal convictions check) for each new application and subsequently prior to the renewal of the licence. Licence

holders that are issued with an annual licence, will require a DBS check every 3 years. The results of this disclosure will be used to assist the Licensing Authority in deciding whether or not the applicant is a 'fit and proper' person.

DBS applications are completed using an online DBS application system. You must provide the Licensing Authority with an email address in order to access the online system.

Further information on the Online DBS application process is set out in the application procedure at **Appendix A**.

All costs associated with obtaining the DBS check are to be met by the applicant or licence holder.

The licensing authority will only accept DBS disclosure certificates which are for the correct workforce category; the correct category is "other workforce".

The DBS certificate must have been issued less than 3 months prior to the day on which the application is determined (not the day the application is submitted) by the Licensing Authority.

Hackney Carriage and Private Hire drivers are exempt from the Rehabilitation of Offenders Act 1974, this means that even spent convictions can be taken into consideration when the authority is deciding whether an applicant is a 'fit and proper' person.

Applicants from a non UK Country, who have not lived in the United Kingdom prior to their sixteenth birthday and applicants who have lived outside of the UK for more than 6 months, are required to complete a DBS check and obtain a certificate of good conduct authenticated and translated by the relevant embassy. This is to ensure that a complete historical criminal check can be carried out on the applicant. Information on obtaining an overseas criminal record check can be found on the Centre for the Protection of National Infrastructure website at the following web address.

<https://www.cpni.gov.uk>

The Home Office's employers Helpline (0300 123 4699) can be used to obtain general information in immigration documentation. Employers and the licensing authority are also able to obtain case specific immigration status information, including whether an applicant is permitted to work or details of work restrictions from the Home Office.

#### 2.4 Policy for assessing the suitability of prospective and existing drivers and operators

The Licensing Authority has adopted a policy which provides guidance on the criteria taken into account when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage or Private Hire drivers and/or operator licence. The policy is set out at **Appendix B**.

Any applicant that is refused a driver licence on the grounds that they are not a 'fit and proper' person has a right of appeal to the Magistrates' Court.

#### 2.5 National Register of Taxi Licence Refusals and Revocations (NR3)

The Licensing Authority provides information to the National Register of Taxi Refusal and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver 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 private hire driver licence.

Therefore:

- Where a hackney carriage and private hire driver licence is revoked, or an application for one refused, the Licensing Authority will automatically record this decision on the NR3 register.

- All applications for a new driver licence or driver licence renewal will automatically be checked on the NR3 register. If a search of NR3 indicates a match with an applicant, the Licensing 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 register search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on the NR3 register 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

Information will be retained on the NR3 register for a period of **11 years.**

## 2.6 Knowledge and Suitability Test

The applicant must have successfully completed the knowledge and suitability test before a decision can be made on whether to grant a new driver licence. The knowledge and Suitability test involves a series of questions in relation to the Neath Port Talbot CBC area as well as questions in relation to this policy, taxi legislation, safeguarding, basic numeracy and basic English. Applicants must achieve a pass rate of at least 80% on each section of the knowledge test.

Applicants sitting the knowledge and Suitability test will be expected to have prior detailed knowledge of the Neath Port Talbot CBC area which includes the areas of Neath, Port Talbot and Pontardawe.

## 2.7 Medical Fitness

Applicants are required to submit a medical examination report (using the form prescribed by the Licensing Authority) completed by **a medical practitioner registered on the UK General Medical Council Register. The medical practitioner must have had access to the applicant's medical record or summary record and will be required to sign a declaration confirming that the record has been considered as part of the examination.**

The medical examination report must have been issued less than 4 months prior to the day on which the application is determined (not the day the application is submitted) by the Licensing Authority.

The medical examination will ensure that the applicant satisfies all the requirements of the DVLA Group 2 medical standards of fitness to drive.

A medical examination report is required on first application and subsequently when the licence holder reaches 45 years of age (where the licence holder will reach 45 years of age during the term of the licence, a medical examination will be required at the start of the licence).

After 45 years of age a medical will be required on each renewal of the licence until the age of 65 at which a medical examination report shall be required annually.

In addition, the Licensing Authority may direct any licence holder to supply satisfactory evidence in the form of a medical certificate, stating that the licence holder meets the required Group 2 standards, should their medical fitness be called into question.

Where it appears to the authority that an applicant or a licensed driver does not meet the required medical standards and the safety of the public may be compromised, the Licensing Authority shall not grant a licence, renew a licence, or any existing licence shall be suspended or revoked.



All costs associated with obtaining the relevant medical certificate are to be met by the applicant or licence holder.

### Diabetes

Applicants for the grant of a driver's licence or those licensed drivers who are or become insulin dependent diabetics will need to be considered by the Registration and Licensing Committee and will be expected to satisfy the following criteria:

- a) Have been taking insulin for at least **4** weeks;
- b) Not have suffered an episode of hypoglycaemia requiring the assistance of another person in the last 12 months;
- c) Attend an examination by a diabetes specialist and provide a report from such specialist (issued in the previous 3 months) in support of each application, which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- d) Use a modern blood glucose meter which has a memory chip to regularly monitor blood glucose at least twice daily and at times relevant to driving (no more than two hours before the start of the first journey and every 2 hours while driving)
- d) At the examination by a diabetes specialist, the last 3 months of blood glucose readings must be available. Such evidence to be made available on the request of an authorised officer;
- e) Have no other condition which would render the driver a danger when driving hackney carriages and private hire vehicles; and
- f) Give an undertaking to comply with the directions of the doctor(s) treating the diabetes and to report

immediately to the licensing authority any significant change in condition.

## 2.8 Equality Act 2010 medical exemptions

The Equality Act 2010 makes it unlawful for wheelchair users or passengers with assistance dogs to be refused or charged extra when using hackney carriages or private hire vehicles.

If a driver has a medical condition, disability or physical condition which makes it impossible or unreasonably difficult to undertake the duties imposed by the Equality Act 2010, the Licensing Authority can issue an exemption certificate to the driver.

Applications for an exemption can be made on the prescribed application form, which is available from the Licensing Section or at [www.npt.gov.uk/licensing](http://www.npt.gov.uk/licensing).

Applicants will be expected to provide the Licensing Authority with a report from their own General Practitioner (GP) or a general practitioner that has had access to the applicant's medical records, which supports the application for exemption. To assist in this process the application form includes information about medical exemptions for the G.P and a section which the G.P must complete.

All applications for an exemption certificate will be determined by the Registration and Licensing Committee.

If an exemption is granted, the driver will be issued with a notice to that effect, which shall be displayed on the nearside of the vehicle, immediately behind the front windscreen. The notice shall only be displayed when the driver specified on the notice is driving the vehicle.

There is an appeal against a decision to issue an exemption to the Magistrates' Court within 28 days of the refusal.

## 2.9 Immigration checks

The Licensing Authority will undertake immigration checks in accordance with the Immigration Act 2016. All applicants (including renewal) for hackney carriage and private hire driver licences will need to provide either a Passport or UK Full Birth Certificate (a national insurance document is also required where a UK Full Birth Certificate is provided) to enable the Licensing Authority to confirm eligibility to work within the UK.

Applicants that do not have either a Passport or UK Birth Certificate should contact the Licensing Section to discuss whether any alternative documentation can be accepted.

The Licensing Authority will undertake a check on the applicant's immigration status with the Home Office. Checks revealing that an applicant has permanent lawful permission to reside and work in the UK will not require any further checks with the Home Office.

Checks revealing that an applicant has limited lawful permission to reside or work in the UK may be issued with a shorter duration licence.

The Licensing Authority will not issue a licence to any applicant who does not have lawful permission to reside or work in the UK; this is in accordance with the Immigration Act 2016.

## 2.10 HMRC Tax Checks

**Applicants applying to renew a hackney carriage and private hire driver licence or applying for a licence that has previously been held within the previous 12 months, will be required to provide a tax check code, which can be obtained here: <https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence>**

**First time applicants for a hackney carriage and private hire driver licence are not required to provide a tax check code and instead should follow the guidance on tax responsibilities, which can be viewed here:**  
**<https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence>**

### 2.11 Dual Licences

All driver licences that may be granted by the Licensing Authority will have dual affect. This will permit a licensed driver to drive a hackney carriage and / or a private hire vehicle.

### 2.12 Duration of licence

The licensing authority will issue licences for a 3 year period, 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.

**Existing licence holders, who currently have a 1 year licence, will be issued with a 3 year licence on their next successful renewal application. Those licence holders that are not due a DBS (Disclosure and Barring Service) check will continue to be offered a 1 year licence to enable the licence and DBS expiry dates to correspond.**

Licence holders on reaching the age of 65 will be issued with a 1 year licence to coincide with annual medical requirements.

Licence holders who have a medical condition requiring an annual medical assessment will be issued with a 1 year licence.

### 2.13 Renewal of licence

When an existing driver applies to renew their licence, the application may be submitted to the Licensing Authority 8 weeks before the expiry date. The applicant will not be penalised for early renewal as any licence issued will start on the expiry of the

existing licence. Renewed licences will be sent by post to the applicant at their registered address and may take up to 3 working days to arrive. Applicants for renewal are therefore encouraged to submit their renewal application as early as possible.

The renewal application must be applied for prior to the expiry of the licence in order for officers to be able to determine the application. Applications for renewal which are received after the expiry date will be referred to the Registration and Licensing Committee. The Committee will decide whether the licence can be renewed taking into account how long after the expiry of the licence the application to renew was made and the reasons why the licence was not renewed prior to the expiry.

The renewal application shall be accompanied by the following supporting documents. Where a renewal application is not accompanied by the supporting documents, the application will be returned and will not be processed until the application is complete.

### DBS Certificate

DBS applications are completed using an online DBS application system. An email address must have been provided to the Licensing Authority in order to allow access to the online system.

Applicants for renewal will receive a letter informing them that an email containing login details for the online DBS system has been sent to their registered email address. Letters will be sent 12 weeks prior to the expiry of the licence. The applicant must complete and submit the DBS application online. Once this is done the applicant will need to attend at the Licensing Section for a Licensing Officer to verify the documents e.g. passport, driving licence, used to complete the online DBS application.

The result of the DBS check will be returned to the applicant in the post, this can then be submitted to the Licensing Authority along with the renewal application.

**It is essential that applicants complete the DBS online application process (including providing the relevant documents at the Licensing Office) at least 10 weeks prior to the expiry of the licence. Where an applicant fails to comply with this requirement, it will not be possible to renew a licence until the DBS certificate has been returned. This may result in a period where a driver will be unable to work.**

DBS certificates must have been issued less than 3 months prior to the day on which the application is determined (not the day the application is submitted) by the Licensing Authority.

### Medical Examination Report

Medical examination forms will be sent to the applicant at least 12 weeks prior the expiry of the licence. The applicant is encouraged to arrange an appointment with **a medical practitioner registered on the UK General Medical Council Register** to ensure the applicant receives a completed medical examination report prior to submitting the renewal application.

The medical examination report must have been issued less than 4 months prior to the day on which the application is determined (not the day the application is submitted) by the Licensing Authority.

### 2.14 Private Hire Driver Conditions

The licensing authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a private hire driver licence. The licensing authority has adopted standard conditions with respect to private hire drivers which are set out at **Appendix C**.

### 3.0 Hackney Carriage and Private Hire Vehicles

The following provisions apply to both Hackney Carriage and private hire vehicles.

#### 3.1 Application process

It is a legal requirement that vehicles used as a Hackney Carriage or Private Hire vehicle obtain a licence from the Licensing Authority. The application procedure is set out in **Appendix D**.

#### 3.2 Vehicle Specification

The licensing authority has set out a series of specifications which a vehicle will need to comply with prior to it being accepted as a licensed vehicle. Where an application is made for a vehicle that does not meet these specifications, the application must be considered by the Registration and Licensing Committee. The specification for Hackney Carriage vehicles is set out in **Appendix E** and for Private Hire vehicles at **Appendix F**.

#### 3.3 Insurance

Applications for a Hackney Carriage or Private Hire vehicle licence must be accompanied by a certificate of insurance or cover note for the correct category of use for the vehicle, either Hackney Carriage, Private Hire or both.

A Hackney Carriage vehicle requires insurance to cover public hire for hire and reward. A Private Hire vehicle requires insurance to cover private hire for hire and reward.

Where a vehicle is covered by a fleet insurance policy, the insurance certificate must also be accompanied by the schedule of vehicles.

Only original documents or documents provided directly to the Licensing Authority from the insurance company or broker shall be accepted.

### 3.4 Ministry of Transport Certificate (M.O.T)

Hackney Carriage vehicles require an annual M.O.T certificate once the vehicle is one year old from the date first registration. Private hire vehicles require an annual M.O.T certificate once the vehicle 3 year old from the date of first registration.

The M.O.T certificate needs to be valid on the first day that the vehicle will be licensed and must be submitted with the application form.

### 3.5 Vehicle inspections

The Licensing Authority carries out vehicle inspections in accordance with both the “Car and Light Commercial Vehicle Testing Manual” and the “National Inspection Standards for Hackney Carriage and Private Hire Vehicles”. The National Inspection Standards are higher than that of an M.O.T and will include additional items for inspection. The National Inspection Standards are set out in **Appendix G**

Vehicles that meet the required specifications must be submitted for a vehicle examination at the council’s testing facilities prior to a licence being issued. For new applications, arrangements for inspections must be made with the Licensing Authority.

Licensed vehicles are required to be inspected at the council’s testing station every 6 months. Proprietors will be notified when their inspection is due and they can book a convenient date and time for the inspection with the Licensing Authority.

#### Non attendance

If a vehicle does not attend the inspection or if it is not inspected by the arranged date, the vehicle licence will be suspended (subject to formal appeal process) until it passes a rearranged



inspection. **Failure to attend a scheduled inspection without reasonable excuse is an offence under Section 50 Local Government Miscellaneous Provisions Act 1976 and is liable to prosecution**

The inspection depot is very busy, so proprietors must ensure that their vehicle is parked in one of the bays provided and presented before the time stated above. The appointment may be lost if a vehicle arrives late for the inspection.

#### Vehicle failure

If a vehicle fails the inspection, the licence will be suspended with immediate effect. A retest can be arranged directly with the inspection depot by calling 01639 763129. A retest will not incur any charges.

Failure repairs must not be carried out at the inspection depot and your vehicle must be removed from the premises to a suitable location.

#### Appeals

A Section 60 Suspension Notice under the Local Government (Miscellaneous Provisions) Act 1976 contains a formal right of appeal; these suspension notices are issued for non-attendance of vehicles. The suspension notice is not effective until the appeal period has expired, or where an appeal is lodged, the suspension notice is not effective until the appeal is withdrawn or determined.

A Section 68 Suspension Notice under the Local Government (Miscellaneous Provisions) Act 1976 does **not** contain a formal appeal process; these suspension notices are issued for vehicle failures.

If a vehicle has failed the inspection on an item which the proprietor / driver believes it should not have done so, the proprietor / driver will have the right to ask for a second opinion from a senior member of staff.

If the proprietor / driver is still unsatisfied with the outcome, the Council may ask for the opinion of an independent 3<sup>rd</sup> party

It is essential that a vehicle does not leave the inspection depot at any point during this process. If the vehicle is removed from the inspection depot then the right to a second opinion will be lost.

### 3.6 Conditions

The licensing authority is empowered to impose such conditions as it considers reasonably necessary in relation to the grant of a Hackney Carriage or Private Hire vehicle licence. The licensing authority has set standard conditions with respect to hackney carriage and private hire vehicles

These are set out in **Appendix H** for Hackney Carriage vehicles and **Appendix I** for Private Hire vehicles. However, where it is considered necessary, additional conditions may be imposed.

### 3.7 Closed Circuit Television Cameras (CCTV)

The Licensing Authority permits CCTV systems to be installed in Hackney Carriage and Private Hire Vehicles, however there is no mandatory requirement to do so.

The Licensing Authority recognises that such systems can be used to prevent and detect crime, reduce the fear of crime and enhance the safety of Hackney Carriage and Private Hire drivers, as well as their passengers. However the Licensing Authority also seeks to ensure that the installation and operation of CCTV systems do not compromise the safety of either drivers or passengers or unreasonably interfere with the privacy of members of the public.

A CCTV system will include any electronic recording device attached to the inside of a Hackney Carriage or Private Hire Vehicle having the technical capability to capture and retain visual images from inside or external to the vehicle.

The Licensing Authority has set out a series of specifications and conditions in relation to CCTV systems. These are set out in **Appendix J**

### 3.8 Vehicle Specification for Stretched Limousines

The licensing authority has set out a series of specifications, exemptions and conditions for stretched limousines. These are set out in **Appendix K**

### 3.9 Duration of licence

The licensing authority will issue licences for a one year period, however the licensing authority does have the discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

### 3.10 Renewal of Licence

When an existing proprietor applies to renew their licence, the application may be submitted to the Licensing Authority 8 weeks before the expiry date. The applicant will not be penalised for early renewal as any licence issued will start on the expiry of the existing licence. Renewed licences will be sent by post to the applicant at their registered address and may take up to 3 working days to arrive. Applicants for renewal are therefore encouraged to submit their renewal application as early as possible.

The renewal application must be made prior to the expiry of the licence for officers to be able to determine the application. Applications for renewal which are received after the expiry date will be referred to the Registration and Licensing Committee. The Committee will decide whether the licence can be renewed taking account of how long after the expiry of the licence the application to renew was made and the reasons why the licence was not renewed prior to the expiry.

The renewal application shall be accompanied by an insurance certificate or cover note which will be valid on the 1<sup>st</sup> day of the new licence and an M.O.T (where applicable). Where a renewal application is not accompanied by the supporting documents, the application will be returned and will not be processed until the application is complete.

Where the applicant has notified the authority that the vehicle is unfit and therefore does not have a valid M.O.T, the application can still be submitted but will not be issued until a valid M.O.T is received.

### 3.11 Equality Act designated list of vehicles

In accordance with the Equality Act 2010, the Licensing Authority maintains a list of designated wheelchair accessible hackney carriage and private hire vehicles.

The driver of any vehicle specified on the designated list has a duty to carry wheelchair users, provide assistance and to not charge any extra, otherwise, an offence is committed under the Equality Act 2010 (unless the driver has been granted a medical exemption – see 2.7).

The Licensing Authority will notify the proprietor of any vehicle included on the designated list and will publish the list on its website at [www.npt.gov.uk/licensing](http://www.npt.gov.uk/licensing); the list will be maintained and republished at the beginning of each month.

There is an appeal against a decision to include a vehicle on the list to the Magistrates' Court within 28 days beginning on the date of the inclusion.

### **3.12 Temporary installation of protective screens (Covid-19)**

**The Licensing Authority permits a temporary protective screen to be installed in Hackney Carriage and Private Hire Vehicles during the Covid-19 pandemic, however there is no mandatory requirement to do so.**

**The Licensing Authority will only approve an installation, once it is satisfied that the installation is safe and does not impinge on any of the safety features of the vehicle. Specifications and guidance on the installation of protective screens are set out in Appendix N.**

## 4.0 Operators

### 4.1 Requirement for a licence

In order to ensure the safety of the public, any person who operates a Private Hire service must apply to the licensing authority for a Private Hire Operator's licence.

All applicants for a grant or renewal of a Private Hire Operator's licence must submit a basic disclosure which can be obtained from Disclosure Scotland in order to satisfy the authority that they are a 'fit and proper' person. Operators that already hold a hackney carriage or private hire driver licence with this authority do not require the basic disclosure.

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.

### 4.2 Operator conditions

The Licensing Authority has the power to impose such conditions on an operator's licence as it considers necessary to uphold the licensing objectives. Standard conditions are set out in **Appendix L**

### 4.3 Immigration Checks

The Licensing Authority will undertake immigration checks in accordance with the Immigration Act 2016. All applicants (including renewal) for a private hire operator licence, will need to provide either a Passport or UK Full Birth Certificate (a national insurance document is also required where a UK Full Birth Certificate is provided) to enable the Licensing Authority to confirm eligibility to work within the U.K.

Applicants that do not have either a Passport or UK Birth Certificate should contact the Licensing Section to discuss whether any alternative documentation can be accepted.

The Licensing Authority will undertake a check on the applicant's immigration status with the Home Office. Checks revealing that an applicant has permanent lawful permission to reside and work in the UK, will not require any further checks with the Home Office.

Checks revealing that an applicant has limited lawful permission to reside or work in the UK may be issued with a shorter duration licence.

The Licensing Authority will not issue a licence to any applicant who does not have lawful permission to reside or work in the UK; this is in accordance with the Immigration Act 2016.

## 5.0 **Byelaws**

The Council has adopted Byelaws made under Section 68 Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 in respect to hackney carriages. These byelaws contain additional requirements for both hackney carriage proprietors and drivers. The byelaws do not form part of this policy but are included at **Appendix M** for convenience purposes.

## 6.0 **Fees**

The Licensing Authority will set fees for licences at a level that will recover the full costs incurred by the Council for issue, administration compliance and where permitted enforcement of that type of licence.

### 6.1 **Review of fees**

Generally, the fees will be reviewed annually between January and March for implementation on 1 April following the review. However, the Council reserves the right to review the fees at any time.

A list of current fees is available from the Licensing Section or at [www.npt.gov.uk/licensing](http://www.npt.gov.uk/licensing)

## 7.0 Compliance and Enforcement

### 7.1 Suspension of licence

Where the Registration and Licensing Committee are satisfied that a person is no longer 'fit and proper' or has breached a licence condition, they may suspend a driver's licence for a specified period.

Authorised officers of the Council shall be permitted to temporarily suspend the licence of a vehicle should they have reason to believe that the safety or comfort of the public warrants such action. The suspension can be lifted once any defects have been rectified.

### 7.2 Revocation of licence

Where the Registration and Licensing Committee are satisfied that a person is no longer 'fit and proper' or has breached a licence condition, they may revoke a driver's licence.

Authorised officers of the Council shall be permitted to revoke a driver's licence with immediate effect where it is considered in the interests of public safety to do so.

### 7.3 Refusal to renew a licence.

The Registration and Licensing Committee may decide an appropriate course of action is to order that the licence shall not be renewed.

The person applying for a licence will have the opportunity to appeal this decision to the Magistrates' Court.



#### 7.4 Prosecution of licence holders and non licence holders

The Licensing Authority will have full regard to the Licensing Enforcement Policy in deciding whether a prosecution should be brought. The Licensing Enforcement Policy is available from the Licensing Section or at [www.npt.gov.uk/licensing](http://www.npt.gov.uk/licensing)

#### 7.5 Offences

Offences in relation to Hackney Carriages are derived from the following sources:

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Neath Port Talbot CBC's Conditions for hackney carriages

Offences in relation to Private Hire are derived from the following sources:

- Local Government (Miscellaneous Provisions) Act 1976
- Neath Port Talbot CBC's conditions for private hire drivers
- Neath Port Talbot CBC's conditions for private hire vehicles

#### 7.6 Appeals

Any notifications of enforcement actions will include information on how to appeal and to whom the appeal is made, if a right of appeal exists.

## Appendix A

### Hackney Carriage and Private Hire Driver Licence Application Procedure for Grant

A driver application pack can be obtained from [www.npt.gov.uk/licensing](http://www.npt.gov.uk/licensing) or by requesting a pack by email [licensing@npt.gov.uk](mailto:licensing@npt.gov.uk).

All appointments to meet with a member of the Licensing Section's staff are strictly by pre-booked appointment only. All appointments can be arranged by request to [licensing@npt.gov.uk](mailto:licensing@npt.gov.uk) or 01639 763050 (ring back service).

The following notes are provided to assist you in completing the process for obtaining a driver licence.

A list of current fees are available on our website [www.npt.gov.uk/licensing](http://www.npt.gov.uk/licensing)

#### STAGE 1 – KNOWLEDGE AND SUITABILITY TEST

- The knowledge and suitability test is administered by the Licensing Authority. Appointments to undertake the test can be made directly with the Licensing Section.
- The Knowledge test must be successfully completed before a valid application can be made.
- Tests are scheduled to take place on a fortnightly basis and are usually on a Wednesday morning at the Port Talbot Civic Centre.
- You must pay the relevant fee when you attend for the test. You will not be allowed to sit the test if you have not paid the fee.

## STAGE 2 – COMPLETING YOUR APPLICATION

### The Application Form

- You must complete the application form ensuring that all questions are completed.
- Please ensure that application form is signed and dated.

### The Medical Report

- The medical report must be completed by a medical practitioner registered on the UK General Medical Council Register and must have had access to your medical record or summary record.
- You must ensure that all questions on the medical form are completed and signed.
- It is essential that the medical practitioner has signed one of the declarations at the end of the medical report.
- The medical report must also be endorsed with the surgery / official stamp and signed and dated by the medical practitioner. Ensure that you check this before leaving the appointment.
- Please ensure that all sections have been completed and all boxes ticked.

## STAGE 3 – SUBMITTING YOUR APPLICATION

A completed application should be submitted electronically to [licensing@npt.gov.uk](mailto:licensing@npt.gov.uk). If you wish to submit your application in person, this is possible on an appointment only basis at the Licensing Section, Port Talbot Civic Centre. An appointment can be arranged directly with the Licensing Section.

When your application is received by the Licensing Section, you will be contacted for the payment for Disclosure and Barring Service (“DBS”) check.

A completed application must include the following items:-

- An application form ensuring that all fields are completed.
- A medical report completed and signed by a medical practitioner registered on the UK General Medical Council Register.
- 1 digital photograph taken within the last 3 months. The digital photo must:
  - contain no other objects or people,
  - be taken against a plain light-coloured background,
  - be in clear contrast to the background,
  - not have ‘red eye’,

If you’re using a photo taken on your own device, include your head, shoulders and upper body.

In your photo you must:

- be facing forwards and looking straight at the camera,
- have a plain expression and your mouth closed,
- have your eyes open and visible,
- not have hair in front of your eyes,
- not have a head covering (unless it’s for religious or medical reasons),
- not have anything covering your face,
- not have any shadows on your face or behind you.

If you are unable to provide a digital photograph, you can provide a passport style photo in person to the Licensing Section at Port Talbot Civic Centre. An appointment can be arranged directly with the Licensing Section.

## STAGE 4 – IDENTITY VERIFICATION

- Identity verification must be by an in-person appointment at Port Talbot Civic Centre. An appointment can be arranged directly with the Licensing Section.

### Disclosure and Barring Service Check (DBS)

- DBS Checks are completed using an online system.
- Once you have submitted your hackney carriage and private hire driver licence application, an email will be sent to your registered email address, containing a link and login details to the online DBS system.
- Follow the link, complete the details and then submit the online DBS form. You will require several documents in order to confirm your identity. A list of accepted documents is included in the driver application pack.
- Once submitted, you will receive a further email, requesting you to attend at the Licensing Section, Port Talbot Civic Centre, where an officer will verify the documentation that you used to complete the online DBS form; you will need to bring the original documents with you. Contact the Licensing Section to make an appointment.
- The result of the DBS check will be sent to your home address. Once you have received the DBS check result, you must return this to the Licensing Authority forthwith to prevent any delays in your application.

### Right to work check

- You must provide a Passport or UK Full Birth Certificate. If you provide a UK full Birth Certificate, you will also need to provide a National Insurance Document.

- If you do not have either of these documents, please contact the Licensing Authority to discuss alternative documentation that may be acceptable.

### DVLA Driving Licence

- You must provide your original DVLA driving licence. This will either be a photocard driving licence or a paper licence (where this is still valid).

### STAGE 5 – DETERMINATION OF LICENCE

- If there are any convictions shown on the DBS check result, DVLA driving licence or if you have declared any other relevant information, then your application may need to be considered by the Registration and Licensing Committee. You will be advised of this and notified in writing of the date and time of a hearing. It is likely that you will be invited to attend the hearing.
- If your application is refused by the Registration & Licensing Committee, you have the right of appeal to the Magistrates' Court within 21 days of receiving written notice of refusal.

### STAGE 6 – ISSUE OF LICENCE

- If your application is approved, you will be contacted by a Licensing team member for payment.
- Your licence will be posted to you.

## **Appendix B**

### **Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades**

The following guidance has been produced by the Institute of Licensing in partnership with Lawyers in Local Government (LLG), National Association of Licensing and Enforcement Officers (NALEO) and the Local Government Association (LGA).

#### **Foreword**

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC Cornerstone Barristers

April 2018



## **Chapter 1: Introduction**

1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.

1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.

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<sup>1</sup>. It is the final 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 judgment as to their fitness and propriety.

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

1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.

1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA’s Taxi and Private Hire Licensing Councillor’s Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti-fraud Network

database on refusals and revocations of hackney carriage and private hire licences.

1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own 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 need 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.

1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the authority. 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 normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*<sup>2</sup>.

<sup>2</sup> [2007] 1 WLR 2067

1.8 In Chapter 2 this Guidance explores the current 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 paragraph 1.7 and Chapters 3 and 4.

1.9 This Guidance 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 the Policy 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.

1.10 This Guidance 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 minimum standards.

1.11 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 Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

## **Chapter 2: Offenders and Offending - An Overview**

2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public<sup>3</sup>. 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.

3 DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

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.

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 future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.

2.4 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. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.

2.5 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 harm<sup>4</sup>. Risk assessment tools are regularly employed by those

who are responsible for managing individuals who have committed offences. Local Authorities are not always privy 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.

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

2.6 Flaud<sup>5</sup> 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<sup>6</sup>.

5 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.

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

2.7 The National Offender Management 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 static and dynamic factors.

2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future<sup>7</sup>. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%<sup>8</sup>. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences<sup>9</sup>.

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

8 Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

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

2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity<sup>10</sup>. 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, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.

10 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

2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population<sup>11</sup>. Many of these factors are interlinked and embedded in an individual's past experiences. This 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.

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

### Risk of re-offending:

2.11 The issue of recidivism and increase in serious crime rates 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 by the National Offender Management Service 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"<sup>12</sup>.

2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”<sup>13</sup>.

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

2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over<sup>14</sup>. 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 relationships<sup>15</sup>. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males<sup>16</sup>

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

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

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

2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist<sup>17</sup>. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.

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

2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance<sup>18</sup>. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

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

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 recidivate than individuals who have offended in the recent past”<sup>19</sup>.

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

2.16 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 making a decision as to 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.



## **Chapter 3: 'Taxi' Licensing Overview**

3.1 Taxis 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 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 hackney carriage 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 licensing is detailed in the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8 which states: "The aim of local authority licensing of the taxi and PHV trades is to protect the public."

3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage 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, there are no national standards.

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).

3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.

3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.

3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

### Taxi Drivers

3.10 The term “taxi driver” encompasses two different occupations: hackney carriage drivers and private hire drivers. “Taxi driver” is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person<sup>20</sup>.

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

3.12 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.

3.13 An applicant must also have the right to remain, and work in the UK<sup>21</sup>.

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

3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office<sup>22</sup>.

22 “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1st December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

3.15 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<sup>23</sup>. 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.”

23 [2002] EWHC 1145 (Admin), [2003] RTR 199

3.16 This is reflected in a test widely used by local authorities:

‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’<sup>24</sup>

24 Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

3.17 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.

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers’ licence?

3.19 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”<sup>25</sup>.

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

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

3.20 Some of these are universal, such as medical assessments<sup>26</sup>. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

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

3.21 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.

3.22 Both hackney carriage 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 declared<sup>27</sup>) 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<sup>28</sup>.

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

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

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks<sup>29</sup> and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

29 “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” DBS email 31st August 2017.

3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.

3.25 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<sup>30</sup>.

30 As recommended by the DfT “Taxi and Private Hire Licensing – Best Practice Guide” para 59

3.26 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 safe and suitable person.

3.27 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.

3.28 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 his family is not a consideration to be taken into account<sup>31</sup>. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.

31 Leeds City Council v Hussain [2002] EWHC 1145 (Admin), [2003] RTR 199 and Cherwell District Council v Anwar[2011] EWHC 2943 (Admin)

3.29 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 Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.

3.30 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.

3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.

3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

3.33 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.

3.34 As a society, we need to ask the question “who is driving my taxi?” 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 drivers. This is detrimental to all involved.

### Private Hire Operators

3.35 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<sup>32</sup>. A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person<sup>33</sup>.

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

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

3.36 As with taxi drivers the role of the PHO 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. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?

3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.

3.39 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.

3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used: “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”<sup>34</sup>

34 Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and 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.

3.42 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<sup>35</sup>. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

<sup>35</sup> See s57(1)(c) of the 1976 Act.

### Vehicle Proprietors

3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). 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. 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.

3.44 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 children who may be at risk of being, or are being, abused or exploited.

3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence<sup>36</sup> and should therefore ensure that both their enquiries and considerations are robust. It is much more involved

than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.

36 S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

3.46 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. 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.

3.47 A suitable test would be:

“Would I 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 he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”<sup>37</sup>

37 Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

## **Chapter 4: Guidance on Determination**

4.1 As is clear from the overview of Offenders and Offending 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 reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. 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.

4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage 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.

4.4 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**

4.5 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;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

#### Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti-Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

#### Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.

4.7 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).

4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.

4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with

its directors and secretary, or all members of a partnership<sup>38</sup>) is “safe and suitable” to hold the licence.

38 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.

4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

4.11 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<sup>39</sup>. Fixed penalties and community resolutions will also be considered in the same way as a conviction<sup>40</sup>.

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

40 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.

4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

4.14 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.

4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.

4.16 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.

4.17 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.

4.18 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.

4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types

of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.20 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.

4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.

4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.

4.24 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.

## Drivers

4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.

4.26 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.

4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

## Crimes resulting in death

4.29 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.

## Exploitation

4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.



### Offences involving violence

4.31 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.

### Possession of a weapon

4.32 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.

### Sex and indecency offences

4.33 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.

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

### Dishonesty

4.35 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.

### Drugs

4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

4.37 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.

### Discrimination

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

### Motoring convictions

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

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

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

4.41 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 sentence or driving ban imposed, whichever is the later.

### Other motoring offences

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

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

### Hackney carriage and private hire offences

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

### Vehicle use offences

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

### Private Hire Operators

4.46 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.

4.47 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.

4.48 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.

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

#### Vehicle proprietors

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

4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.

4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

4.53 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.

4.54 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.

### Acknowledgements

In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

The Institute is delighted to have the Local Government Association, the National Association of Licensing and

Enforcement Officers and Lawyers in Local Government contributing to and supporting this project with IoL.

The Institute is also grateful to others who have contributed to the work of the project group, including former probation officer Hannah Jones (now Housing Officer at Flintshire Council) who has assisted the group in providing the chapter on 'Offenders and Offending'.

This project has been further enhanced by invaluable contributions from the following individuals and organisations:

- Ellie Greenwood and Rebecca Johnson, Local Government Association
- Tim Briton, Lawyers in Local Government
- Ben Atrill
- Suzy Lamplugh Trust
- Councillor Richard Wright, North Kesteven District Council
- Professor of Criminology Fiona Measham, Durham University
- Councillor Philip Evans, Conwy County Borough Council
- Councillors Catriona Morris and Mick Legg, Milton Keynes Council
- Louise Scott Garner
- Jenna Parker, Institute of Licensing

Finally, grateful thanks go to all those who responded to the initial fact-finding survey and the subsequent consultation on the draft guidance.

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The Institute of Licensing (IoL) is the professional body for licensing practitioners across the UK. [www.instituteoflicensing.org](http://www.instituteoflicensing.org)

The Local Government Association (LGA) is the national voice of local government. [www.local.gov.uk](http://www.local.gov.uk)

Lawyers in Local Government (LLG).  
[www.lawyersinlocalgovernment.org](http://www.lawyersinlocalgovernment.org)  
National Association of Licensing and Enforcement Officers  
(NALEO). [www.naleo.org.uk](http://www.naleo.org.uk)

## **Appendix C**

### **Conditions for the Licensing of Private Hire Drivers**

#### **Introduction**

These conditions apply to drivers of private hire vehicles.

#### **General**

1. The licence is granted to the person named thereon to act as a driver of a Private Hire Vehicle within the district of the Council subject to the consent of the operator/proprietor of such vehicle and to such Acts and Bye-Laws as are or may from time to time be in force in the said district.
2. Private Hire drivers shall not display signs etc., in or on the vehicle, which suggests the vehicle is for hire.
3. If the driver is permitted or employed to drive a Private Hire Vehicle of which he is not the proprietor, he/she shall before commencing to drive that vehicle, deposit their licence with that proprietor for retention by him/her until such time as the driver ceases to be permitted or employed to drive any vehicles owned by the proprietor.

#### **Driver Badge**

4. The badge issued by the Council must be worn so as to be plainly and distinctly visible in a conspicuous position (on the upper part of the body **not** at the waist) at all times whilst the driver is undertaking licensed duties.
5. Where a licence or badge is lost a duplicate must be obtained as soon as possible.



## **The Driver**

6. Shall at all times;
  - (i) Convey a reasonable quantity of luggage;
  - (ii) Afford reasonable assistance in loading and unloading passenger luggage;
  - (iii) Afford reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he/she may take up or set down such persons;
  - (iv) Whilst on duty behave in a civil and orderly manner towards all passengers and members of the public;
  - (v) Be appropriately dressed in suitable clean clothing, and comply with any code of guidance issued by the authority.
  - (vi) Not without the express consent of the hirer, drink or eat in the vehicle;
  - (vii) Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
  - (viii) At no time cause or permit the noise emitted by any radio or previously mentioned equipment in the vehicle which he/she is driving to be the source of nuisance or annoyance to any persons whether inside or outside the vehicle;
  - (ix) Keep licensed vehicles to a high degree of cleanliness;
  - (x) Refrain from smoking in the vehicle.
  
7. Every driver of a licensed vehicle shall not permit to be conveyed in that vehicle a greater number of passengers exclusive of the driver than the number of persons specified in the licence issued in respect of that vehicle;
  
8. The driver shall not allow to be conveyed in the front of a licensed vehicle any child below the age of 10 years
  
9. The driver shall not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in the vehicle.

10. The driver shall at his/her discretion convey animals, which are in the custody of the hirer and in this case the animal, must be conveyed in the rear of the vehicle. Dogs assisting blind or deaf passengers must always be permitted to be conveyed in the vehicle.

### **Fares**

11. If a Private Hire Vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of scrutinising it and has paid the fare.
12. The driver of a private hire vehicle shall not demand from any hirer a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter and there is no previous agreement as to the fare, the fare shown on the face of the taxi meter.

### **Written Receipts**

13. Every driver of a licensed vehicle shall if required by the hirer, provide him/her with a written receipt for the fare paid.

### **Conditions**

14. Every driver shall at times when driving a licensed vehicle, carry with him a copy of these conditions, and shall make them available for inspection by the hirer or any other passenger on request.

### **Police Check & Notification of Convictions**

15. A driver of a licensed vehicle **shall** within **5** working days of a conviction, notify the Council in writing of all and any convictions imposed upon him/her namely:-
  - (i) Any offence under the Road Traffic Acts and Regulations made thereunder;
  - (ii) Any criminal offence;

### **Vehicle Checks**

16. Every licensed driver shall carry out on a daily basis an examination of the interior and exterior of the vehicle to ensure that relevant lighting requirements and the Construction and Use Regulations are complied with and that the vehicle is suitable and safe (interior & exterior) for use as a licensed vehicle. Any defects must be rectified immediately by the driver or proprietor.
17. Every licensed driver shall advise the proprietor in writing immediately of any defects, which may affect the safety of the driver, passengers or other persons.

### **Change of Address**

18. The driver shall notify the Council in writing of any change of his/her address during the period of the licence and within 7 days of such change taking place.

### **Medical**

19. Every driver must notify the Council of any medical condition that may affect their fitness to drive.

### **Lost Property**

20. The driver of a licensed vehicle shall immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the vehicle for any property left by passengers.
21. If any property left by any passenger is found, the driver shall take it as soon as possible and in any event within 48 hours (unless claimed by the owner) to a police station in the district and leave it in the custody of the officer in charge. The driver must obtain a receipt for it.

### **Fire Extinguisher in vehicle**

22. The driver shall immediately notify the operator or proprietor of the vehicle if the extinguisher provided is defective or has been discharged.

### **Prompt Attendance**

23. The driver of a licensed vehicle shall, if he/she has been hired to be in attendance at an appointed time and place, punctually attend at the appointed time and place.
24. The driver, when hired to drive to any particular destination, shall subject to any directions given by the hirer, proceed to that destination by the shortest available route.

### **Suspension, Revocation & Prosecution**

36. The Council has the power to suspend, revoke or refuse to renew a licence on appropriate grounds. Where a licence has been obtained by giving false or incomplete information, consideration will be given to suspending, revoking or refusing the licence. The driver will also be liable to prosecution.
37. Failure to comply with these conditions could result in suspension or revocation of the licence and/or prosecution.

## **Appendix D**

### **Application Procedure for a Hackney Carriage / Private Hire Vehicle Licence**

#### **Stage 1 – Vehicle Specifications**

An applicant wishing to licence a vehicle as a Hackney Carriage or Private Hire Vehicle must ensure that the vehicle complies with the vehicle specifications shown at **Appendix E** for Hackney Carriage vehicles and **Appendix F** for Private Hire vehicles.

For vehicles which have not previously been inspected and measured by the Licensing Section, the applicant will need to arrange for the vehicle or an identical model to be made available for inspection at the Port Talbot Civic Centre. A list of approved vehicles which meet the size requirements contained in the vehicle specifications is available from the Licensing Section.

Applicants are strongly advised not to purchase a vehicle until it has been approved.

#### **Stage 2 – Vehicle Inspection**

Applicants are required to arrange with the Licensing Section for their vehicle to be inspected at the Council's testing facilities, which are located at Tregelles Court, Neath Abbey Road, Neath Abbey, SA10 7DF

Vehicles are inspected in accordance with the "Hackney Carriage and Private Hire National Inspection Standards" and the "VOSA Car and Light Commercial Vehicle Testing Standards"

Once the vehicle inspection is complete, the applicant will receive an inspection report detailing whether or not the vehicle has passed the inspection. A vehicle must achieve a pass result before it can be licensed.

### **Stage 3 – Submitting Your Application**

A completed application should be submitted electronically to [licensing@npt.gov.uk](mailto:licensing@npt.gov.uk). If you wish to submit your application in person, this is possible on an appointment only basis at the Licensing Section, Port Talbot Civic Centre. An appointment can be arranged directly with the Licensing Section.

A completed application must include the following items:-

- A fully completed application form properly signed and dated.
- The full vehicle registration document (V5)
- An insurance certificate or cover note that expressly indicates the correct insurance cover for its class.
- Where a vehicle has been converted or modified e.g. for wheelchair access, an appropriate type approval certificate shall also be required.
- For hackney carriage vehicles – a calibration certificate, confirming that the meter has been calibrated to be at or below the current approved tariff rate.

### **Stage 4 – Issue of Licence**

- If your application is approved, you will be contacted by a Licensing team member for payment.
- The licence will be posted along with 2 self-adhesive doors signs, a back plate and back plate holder. In the case of a wheelchair accessible vehicle a medical exemption holder will also be issued.

## **Appendix E**

### **Hackney Carriage Vehicle Specifications**

The Neath Port Talbot County Borough Council “the Council” has adopted the following vehicle specifications for Hackney Carriage Vehicles.

The Council will use these as a basis for exercising its discretion when making decisions about licensing vehicles as hackney carriages.

#### Documents to accompany applications

1. All applications shall be made in writing on the prescribed form.
2. All documentation shall be originals except where documents are provided directly to the authority from the issuer.
3. All applications shall be accompanied by the Vehicle Registration Document (V5). In situations where the Registration Document has been sent to the DVLA for processing, it shall be presented to the Licensing Section within 21 days of the issue of the licence.
4. Where a vehicle has been modified post DVLA registration, applications shall be accompanied by the appropriate type approval issued by VOSA.
5. All applications shall be accompanied by a valid certificate of insurance which covers the use of the vehicle for public hire and reward. Where the vehicle is covered under a fleet policy, the application shall also be accompanied by the policy schedule of vehicles.

6. Applications for vehicles that are one year old shall also be accompanied by a Ministry of Transport test certificate (M.O.T)
7. Applications shall be accompanied by a satisfactory test certificate issued at the Council's Vehicle Inspection Centre.

#### Non Wheelchair Accessible Vehicles

8. Non wheelchair accessible vehicles shall only be considered for licensing as a replacement for an existing non wheelchair accessible vehicle, with the exception of fully electric vehicles i.e., vehicles that are powered solely by battery and do not also have an internal combustion engine.
9. Vehicles shall meet the following minimum dimensions without modification to the manufacturer's specification:-
  - (a) Height (Inside)  
From the top of the seat cushion to the roof at the lowest part shall not be less than 800mm.
  - (b) Knee Space  
Each seat shall have at least 200mm knee space.
  - (c) Seats (Width)  
The width of the back seat from the squab to the front edge shall not be less than 450mm.
  - (d) Rear Seat (Length)  
The rear seat measured between the arm rests shall provide not less than 400mm per person.

#### Wheel Chair Accessible Vehicles

10. New vehicle licences will only be issued to wheelchair accessible vehicles and fully electric vehicles i.e., vehicles that are powered solely by battery and do not also have an internal combustion engine.



11. Where a wheelchair accessible vehicle is being replaced, the new vehicle shall also be wheelchair accessible.
12. Vehicles shall meet the following minimum dimensions without modification to the manufacturer's specification:-
  - (a) Height (Inside)  
From the top of the seat cushion to the roof at the lowest part shall not be less than 800mm.
  - (b) Knee Space  
Each seat shall have at least 200mm knee space.
  - (c) Seats (Width)  
The width of the back seat from the squab to the front edge shall not be less than 450mm.
  - (d) Rear Seat (Length)  
The rear seat measured between the arm rests shall provide not less than 400mm per person.
13. Vehicles shall be equipped with a ramp / lift for the loading of a wheelchair and occupant. An adequate locating device shall be fitted to ensure the ramp does not slip or tilt when in use.
14. All ramps and lifts are to be clearly marked with a safe working load (SWL) specified in kilograms.
15. Lifts shall be maintained and inspected in accordance with current legislative requirements.
16. Ramps shall be provided with a non-slip surface with a contrasting colour at the edges.
17. Vehicles shall have adequate provision for the storage of ramps without impeding access or egress of passengers.

18. Vehicles shall be equipped with approved anchorages for securing the wheelchair. A separate approved seatbelt/ restraint shall be provided for securing the passenger whilst travelling in the wheelchair.
19. Vehicles shall have a non-slip floor surface fitted to the passenger compartment.
20. Grab handles / rails shall be provided on all passenger door entrances. These shall be highly coloured to assist persons with limited vision.

General (applies to all vehicles)

21. Vehicles shall be constructed and maintained so as to be safe and comfortable
22. Vehicles shall be coloured black, which shall be confirmed on the vehicles registration document (V5)
23. Vehicles shall be right hand drive
24. Vehicles shall be fitted with at least 4 doors.
25. Vehicle seats, floor covers and interior trims shall be clean and free from tears, damage, grease or any other contamination.
26. The vehicle body shell shall be in a good condition, free from rust, holes, broken metal or any other visible damage.
27. Vehicle doors shall open sufficiently wide so as to allow easy access to and egress from the vehicle and cause no inconvenience to passengers.
28. All vehicle doors and windows when closed, shall be suitably sealed so that there are no gaps which allows wind and / or weather to enter the vehicle.

29. All seats shall be fitted with seat belts that comply with the relevant British or European standards.
30. Vehicles shall be equipped with interior lighting that is either operated automatically when the doors are opened or by a separate switch located near the driver.
31. Vehicles shall have adequate space for luggage, which shall either be in the form of a separate luggage compartment or an area where luggage can be properly restrained in the event of an accident or emergency stop.
32. Vehicles shall be equipped with childproof locks to the rear doors.
33. Vehicles adapted to use LPG shall have the tank installed within the luggage compartment of the vehicle. Adequate space for luggage shall be retained.
34. Vehicles shall be equipped with either,
  - A spare wheel of full or space saver design in good condition and the tools to change a wheel, or
  - An emergency puncture repair kit which has not passed the expiry date.
35. Where the road to floor height of the vehicle is 400mm or more then a suitable retractable step shall be fitted. The step shall be a minimum of 250mm deep and provided with a non slip surface and edged in a highly visible contrasting colour.
36. Vehicles shall be fitted with an approved taximeter which complies with current legislation requirements. It shall be capable of registering at least three tariffs.
37. The application of films or tints to windows is not permitted other than manufacturer's factory fitted tints. Windscreen shall allow at least 75% of light to pass through. All other windows shall allow at least 70% of light to pass through.

38. The vehicle shall be fitted on or above the roof with an illuminated sign with the wording "TAXI or TACSI". The light shall be linked to the meter or independently controlled.
39. Consideration will be given to the licensing of dual or alternative fuelled vehicles, where:-
  1. Factory fitted by the manufacturer
  2. Retro fitted and certified by an installer approved by the relevant manufacturer or recognised approval scheme
  3. The installation does not impact on the storage of luggage.
40. Vehicles that have a screen or partition between the front and rear seats shall have a suitable means of communication between the driver and the passengers. The screen or partition shall also have a suitable aperture for the payment of fares.
41. Where a vehicle is equipped with a CCTV system, this must comply with the "Specifications and Conditions for Closed Circuit Television Cameras (CCTV) in Hackney Carriage and Private Hire Vehicles" as set out in the Council's taxi policy.

#### Temporary Replacement Vehicles

42. The Council shall consider the temporary licensing of a vehicle as a replacement for an existing licensed vehicle which has been involved in an accident.
43. Vehicles to be licensed as a temporary replacement shall comply with the pre licensing requirements as detailed above.

44. The Council shall exempt the original licensed vehicle from the age and mileage restriction on relicensing. All other pre licensing requirements shall be complied with.

## **Appendix F**

### **Private Hire Vehicle Specifications**

The Neath Port Talbot County Borough Council “the Council” has adopted the following vehicle specifications for Private Hire Vehicles.

The Council will use these as a basis for exercising its discretion when making decisions about licensing vehicles as private hire vehicles.

#### **Documents to accompany applications**

1. All applications shall be made in writing on the prescribed form.
2. All documentation shall be originals except where documents are provided directly to the authority from the issuer.
3. All applications shall be accompanied by the Vehicle Registration Document (V5). In situations where the Registration Document has been sent to the DVLA for processing, it shall be presented to the Licensing Section within 21 days of the issue of the licence.
4. Where a vehicle has been modified post DVLA registration, applications shall be accompanied by the appropriate type approval issued by VOSA.
5. All applications shall be accompanied by a valid certificate of insurance which covers the use of the vehicle for public hire and reward. Where the vehicle is covered under a fleet policy, the application shall also be accompanied by the policy schedule of vehicles.

6. Applications for vehicles that are three years old shall also be accompanied by a Ministry of Transport test certificate (M.O.T)
7. Applications shall be accompanied by a satisfactory test certificate issued at the Council's Vehicle Inspection Centre.

#### Non Wheelchair Accessible Vehicles

8. Vehicles shall meet the following minimum dimensions without modification to the manufacturer's specification:-
  - (a) Height (Inside)  
From the top of the seat cushion to the roof at the lowest part shall not be less than 800mm.
  - (b) Knee Space  
Each seat shall have at least 200mm knee space.
  - (c) Seats (Width)  
The width of the back seat from the squab to the front edge shall not be less than 450mm.
  - (d) Rear Seat (Length)  
The rear seat measured between the arm rests shall provide not less than 400mm per person.

#### Wheel Chair Accessible Vehicles

10. Wheelchair accessible vehicles may be side or rear loading.
11. Vehicles shall meet the following minimum dimensions without modification to the manufacturer's specification:-
  - (a) Height (Inside)  
From the top of the seat cushion to the roof at the lowest part shall not be less than 800mm.

(b) Knee Space

Each seat shall have at least 200mm knee space.

(c) Seats (Width)

The width of the back seat from the squab to the front edge shall not be less than 450mm.

(d) Rear Seat (Length)

The rear seat measured between the arm rests shall provide not less than 400mm per person.

12. Vehicles shall be equipped with a ramp / lift for the loading of a wheelchair and occupant. An adequate locating device shall be fitted to ensure the ramp does not slip or tilt when in use. Lifts shall be maintained and inspected in accordance with current legislative requirements.
13. Ramps shall be provided with a non-slip surface with a contrasting colour at the edges.
14. Vehicles shall have adequate provision for the storage of ramps without impeding access or egress of passengers.
15. All ramps and lifts are to be clearly marked with a safe working load (SWL) specified in kilograms.
16. Vehicles shall be equipped with approved anchorages for securing the wheelchair. A separate approved seatbelt/ restraint shall be provided for securing the passenger whilst travelling in the wheelchair.
17. Vehicles shall have a non-slip floor surface fitted to the passenger compartment.
18. Grab handles / rails shall be provided on all passenger door entrances. These shall be highly coloured to assist persons with limited vision.

General (applies to all vehicles)

19. Vehicles shall be constructed and maintained so as to be safe and comfortable.
20. The vehicle colour shall not be black as confirmed by the vehicles registration document (V5)
21. Vehicles shall be right hand drive.
22. Vehicles shall be fitted with at least 4 doors.
23. Vehicle seats, floor covers and interior trims shall be clean and free from tears, damage, grease or any other contamination.
24. The vehicle body shell shall be in a good condition, free from rust, holes, broken metal or any other visible damage.
25. Vehicle doors shall open sufficiently wide so as to allow easy access to and egress from the vehicle and cause no inconvenience to passengers.
26. All seats shall be fitted with seat belts that comply with the relevant British or European standards.
27. Vehicles shall be equipped with interior lighting that is either operated automatically when the doors are opened or by a separate switch located near the driver.
28. Vehicles shall have adequate space for luggage, which shall either be in the form of a separate luggage compartment or an area where luggage can be properly restrained in the event of an accident or emergency stop.
29. All vehicle doors and windows, when closed, shall be suitably sealed so that there are no gaps, which allows wind and / or weather to enter the vehicle.
30. Vehicles shall be equipped with childproof locks to the rear doors.



31. Vehicles adapted to use LPG shall have the tank installed within the luggage compartment of the vehicle. Adequate space for luggage shall be retained.
32. Vehicles shall be equipped with either,
- A spare wheel of full or space saver design in good condition and the tools to change a wheel, or
  - An emergency puncture repair kit which has not passed the expiry date.
33. Where the road to floor height of the vehicle is 400mm or more, then a suitable retractable step shall be fitted. The step shall be a minimum of 250mm deep and provided with a non-slip surface and edged in a highly visible contrasting colour.
34. Where vehicles are fitted with a taximeter, this shall comply with current legislative requirements.
35. The application of films or tints to windows is not permitted other than manufacturer's factory fitted tints. The Windscreen shall allow at least 75% of light to pass through. All other windows shall allow at least 70% of light to pass through.
36. Consideration will be given to the licensing of dual or alternative fuelled vehicles, where:-
- i. a) It is factory fitted by the manufacturer, or  
b) It is retro fitted and certified by an installer approved by the relevant manufacturer, or under a recognised approval scheme.
  - ii. The installation does not impact on the storage of luggage.
37. Vehicles that have a screen or partition between the front and rear seats shall have a suitable means of communication between the driver and the passengers.

38. Where a vehicle is equipped with a CCTV system, this must comply with the “Specifications and Conditions for Closed Circuit Television Cameras (CCTV) in Hackney Carriage and Private Hire Vehicles” as set out in the Council’s taxi policy.

#### Temporary Replacement Vehicles

39. The Council shall consider the temporary licensing of a vehicle as a replacement for an existing licensed vehicle which has been involved in an accident.
40. Vehicles to be licensed as a temporary replacement shall comply with the pre licensing requirements as detailed above.
41. The Council shall exempt the original replaced vehicle from the age and mileage restriction on relicensing. All other pre licensing requirements shall be complied with.

## Appendix G

# **BEST PRACTICE GUIDE FOR THE INSPECTION OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES**

## **PART 1**

### **INTRODUCTION**

This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage & private hire vehicles. It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage & private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why, a vehicle presented for inspection, has not been issued with a pass certificate.

## INTRODUCTION

### 1.1 BEST PRACTICE GUIDE

This Best Practice Guide has been prepared by the Technical Officer Group (TOG) to assist Hackney Carriage (HC) and Private Hire Vehicle (PHV) operators, vehicle presenters, licensing authorities and vehicle inspectors

It is intended that this Best Practice Guide will endorse a *minimum* national vehicle inspection standard. It will be appreciated that it is for individual local licensing authorities to reach their own decisions, both on overall policies and on individual inspection standards, in the light of their own operational needs and geographical circumstances.

Various interested parties, including the Department for Transport (DfT), Vehicle & Operator Services Agency (VOSA), Disabled Persons Transport Advisory Committee (DPTAC) and the Institute of Licensing, have been consulted on this Best Practice Guide.

The Technical Officer Group commends the *DfT* for the production of the Taxi and Private Hire Vehicle Licensing: Best Practice Guidance. Vehicle operators, local licensing authorities and vehicle inspectors are strongly advised to refer to the *DfT* guide in conjunction with this Best Practice Guide. More information can be obtained on the *DfT* web site at:

[www.dft.gov.uk](http://www.dft.gov.uk)

### 1.2 APPLICATION TO DEVOLVED ADMINISTRATIONS

The Department for Transport (*DfT*) has responsibility for HC and PHV legislation in England and Wales and, accordingly, the guidance that has been published will be directed at local authorities in England and Wales. Responsibility for HC and PHV licensing in Scotland and Northern Ireland is devolved, but the respective Administrations have been involved in the preparation of the Licensing Guidance and will decide for themselves the extent to which they wish to make use of or adapt to suit their own purposes.

### 1.3 TECHNICAL SAFETY ISSUES

The aim of a local licensing authority is to protect the public. Local licensing authorities will be aware that the public should have reasonable access to safe and well maintained HC and PHVs. For example, it is clearly important that somebody using a HC or PHV should be confident that the vehicle is safe.

To this end, this best practice guide will detail specific vehicle safety issues based on expert technical knowledge and experience of the Technical Officer Group (TOG). This guide will focus therefore on technical safety issues and make recommendations towards safe working practices. For example, the TOG supports the *DfT* recommendation that there is no upper age limit for HC and PHVs provided there is documentary evidence to support a routine maintenance regime.

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Local licensing authorities will want to ensure that each of their various licensing requirements is properly justified by the risk it aims to address. This is not to propose that a detailed, over-zealous inspection regime creates difficulties for the HC and PHV trades but primarily to promote vehicle safety for the protection of passengers and not for the benefit of operators.

#### **1.4 SCOPE OF THE GUIDANCE**

This guidance deliberately seeks to embrace safety aspects of vehicle inspections using, as a basic inspection standard, those laid down in The MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA. This Best Practice Guide provides additional testing requirements to those in the MOT Inspection Manual. It is advised that local licensing authorities use the Best Practice Guide in conjunction with the VOSA MOT Inspection Manual as an advocate to public safety.

This Best Practice Guide has been developed to provide all local licensing authorities with a benchmark with regard to vehicle inspections and safety.

#### **1.5 SPECIFICATION OF VEHICLE TYPES THAT MAY BE LICENSED**

The legislation gives local authorities a wide range of discretion over the types of vehicle that they can license as HC or PHVs. Some authorities specify conditions that in practice can only be met by purpose-built vehicles but the majority license a range of vehicles.

Normally, best practice is for local licensing authorities to adopt the principle of specifying as many different types of vehicles as possible. Indeed, local licensing authorities might usefully specify only general criteria, (such as vehicles with four doors as HC) leaving it open to the HC and PHV trades to put forward vehicles of their own choice which can be shown to meet those criteria. In that way, there can be flexibility for new vehicle types to be readily taken into account.

It is suggested that local licensing authorities should be particularly cautious about specifying only purpose-built HC, with the strict constraint on supply that this implies. (There are at present only two designs of purpose-built HC.) However, purpose-built vehicles are amongst those that a local licensing authority could be expected to license.

#### **1.6 ACCESSIBILITY**

In addition to their general conditions, local licensing authorities will want to consider the accessibility for disabled people (including - but not only - people who need to travel in a wheelchair) of the vehicles they license as Hackney Carriage. For more details, see Section 2 – Accessibility.

Licensing authorities will be aware that it remains the Department for Transport's intention to make accessibility regulations for Hackney Carriage vehicles under the Disability Discrimination Act 1995. In the meantime, licensing authorities are encouraged to introduce HC accessibility policies for their areas.

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### 1.7 TYPE APPROVAL

It may be that from time to time a local licensing authority will be asked to license, as a HC or PHV, a vehicle that has been imported independently (that is, by somebody other than the manufacturer). Such a vehicle might meet the local licensing authority's criteria for licensing, but may nonetheless be uncertain about the wider rules for foreign vehicles being used in the UK. Such vehicles will be subject to the 'type approval' rules. For passenger cars up to 10 years old at the time of first GB registration, this means meeting the technical standards of either:

- European Whole Vehicle Type approval;
- British National Type approval; or
- British Single Vehicle Approval (before 29 April 2009) or:
- Individual Vehicle Approval (from 29 April 2009)

Most registration certificates issued since late 1998 should indicate the approval status of the vehicle. Further information about these requirements and the procedures for licensing and registering imported vehicles can be seen at:

[www.dft.gov.uk](http://www.dft.gov.uk)

**It is important for local licensing authorities to insist that at least one of the above 'type approvals' is produced prior to any imported vehicle being licensed as a Hackney Carriage or Private Hire Vehicle.**

### Voluntary Inspections

Vehicles that are already registered for use in the UK are not eligible for a Single Vehicle Approval, however, there are situations where evidence of compliance with the approval standard would be beneficial or be a requirement. An example would be a local licensing authority that may require evidence of compliance for a vehicle that has been modified since original registration, or where evidence of compliance is being used as part of a contractual agreement on a modified vehicle. To facilitate this requirement a non-statutory "Voluntary SVA" or "Voluntary IVA" test is available. The test criteria applied will be dependant on the vehicle category/class nominated on the application form VSVA 1. The fees are the same as those appropriate to the particular class of vehicle/test required other than VAT is payable. If the vehicle is found to meet the requirements a letter of compliance with the technical standards will be issued and not a Minister's Approval certificate. The letter of compliance is not acceptable for First Licensing/Registration purposes.

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## 1.8 VEHICLE TESTING

There is considerable variation between local licensing authorities on vehicle testing. This best practice guide provides local licensing authorities with a *minimum* standard for vehicle inspections. All HC and PHV must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual - Car and Light Commercial', ISBN 0-9549239-0-1.

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

The purpose of the HC & PHV test is to confirm vehicles meet these more stringent standards. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. If in the opinion of the vehicle examiner the vehicle has not been fully prepared, the test will be terminated and a further full test could be required.

It is an offence under the road traffic regulations to use an unroadworthy vehicle on the public highway.

HC & PHV operators failing to maintain their vehicles in a safe and roadworthy condition may have their licence suspended, curtailed or revoked by the Local Licensing Authority.

This Best Practice Guide should be read in conjunction with Vehicle & Operator Services Agency (VOSA) publication 'MOT Inspection Manual - Car and Light Commercial Vehicle Testing', ISBN 0-9549239-0-1 or as amended. This best practice guide provides a working document for those who inspect, maintain and prepare vehicles for inspection prior to being issued with a hackney carriage or private hire licence. Although detailed in its content the best practice guide is not exhaustive.

However, in assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the HC & PHV test.

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## 2 NOVELTY VEHICLES (STRETCHED LIMOUSINES)

This section of the best practice guide offers advice to local licensing authorities on the requirements for licensing novelty vehicles. The standard of the test for novelty vehicles will be at the same standard as for other private hire vehicles. That is; as a basic inspection standard, those laid down in The MOT Inspection Manual for Car & Light Commercial Vehicle Testing issued by VOSA and this best practice guide. *(For the purpose of clarity, novelty vehicles in this guide will refer to stretch limousines only until such times as further guidance is obtained on any other such vehicle, i.e. fire tenders etc).*

A novelty vehicle shall only be registered as a private hire vehicle if it complies with the following conditions:

- Vehicles with no more than 8 passenger seats as indicated on the V5C. The V5C will state the number of seats and **must be produced to the local licensing authority prior to the vehicle being licenced or inspected**. If the number of seats differs to what is indicated on the V5C, then contact VOSA and your local area Traffic Commissioner immediately. Failure to produce a valid and current V5C for the vehicle to be tested could result in refusal to inspect the vehicle.
- Evidence of either European Community Whole Vehicle Type Approval (ECWVTA) or Single Vehicle Approval (SVA) or Individual Vehicle Approval (IVA) being presented for inspection.
- Local licensing authorities may consider, as novelty vehicles are not factory produced, that a recommended vehicle maintenance inspection be applied every 10 weeks. The frequency of maintenance inspections is recommended by Traffic Commissioners, VOSA and the National Limousine and Chauffeur Association (NLCA).
- The inspection standards to be applied to novelty vehicles are the same standards as those applied to other hackney carriage and private hire vehicles with the following additions:
  - Any additional item previously mentioned in this paragraph with regard to seating capacity, the production of the relevant documents and frequency of vehicle inspections.
  - See Section 4 – Tyres and roadwheels. Reference in this section is made to tyre rating to be applied to novelty vehicles.
  - See Section 12 - Vehicle Identification Number (VIN). VIN markings should be checked to ensure compliance, seating capacities and undue stresses.

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that the vehicles with side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seatbelts.**

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It is strongly advised that notices forbidding children to be carried in side facing seats are displayed in prominent positions, i.e. on entry to the passenger compartment and on either side of the passenger compartment. Local licensing authorities may also require additional outward facing signs adjacent to all entrance/exit doors to the passenger compartment.

### **3 GENERAL INFORMATION**

Only vehicles complying with the following conditions will generally be considered for licensing as private hire vehicles: -

- Cars fitted with at least four doors and four wheels.
- Right-hand drive vehicles - with the exception of stretch limousines (where applicable).
- Vehicles with adequate space for luggage.
- Vehicles must be capable of carrying at least four and not more than eight passengers in addition to the driver.
- With the exception of stretch limousines, vehicles will not be accepted with blacked out windows. Passengers being carried in the vehicle must be visible from the outside. In *exceptional circumstances*, tinted windows may be acceptable.
- To allow a thorough examination of a vehicle or any part thereof, it must be presented for test in a clean condition. The vehicle presented, will fail the test if, in the opinion of the vehicle examiner, the vehicle is so dirty that it would be unreasonable for the test to be carried out.
- A test will not be carried out unless the License fee/Examination Fee has been paid in advance.

#### **Statement of Undertakings and Declaration:**

In the interests of road and passenger safety, the licenced operator undertakes to make proper arrangements so that vehicles are kept in a roadworthy condition at all times.

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## ACKNOWLEDGEMENTS

Name	Organisation	Position
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# **BEST PRACTICE GUIDE FOR THE INSPECTION OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLES**

## **PART 2**

### **PROCEDURES & STANDARDS OF INSPECTION**

This best practice guide sets out the procedures and standards for those who carry out inspections of hackney carriage & private hire vehicles.

It is recommended that the guide is also made freely available to owners, proprietors, operators and drivers of hackney carriage & private hire vehicles, who may find it useful as it details the standards that vehicles are subjected to. The guide also explains the reasons why, a vehicle presented for inspection, has not been issued with a pass certificate.

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## SECTION 1 - LIGHTING AND SIGNALLING EQUIPMENT

### Section Contents:

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

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**1.3. STOP LAMPS - HIGH LEVEL STOP LAMPS**

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
<p>Any additional stop lamps fitted and connected must be tested. Where high level stop lamps are fitted and there is doubt as to whether they are connected, the benefit of this doubt should be given to the presenter.</p> <p>Check the high level stop lamp where fitted:</p> <ul style="list-style-type: none"><li>a. Is not obscured, and is not obviously incorrectly positioned.</li><li>b. At least 50% of the lamp must be visible from the rear.</li></ul>	<p>High level stop lamp</p> <ul style="list-style-type: none"><li>a. Obscured or obviously incorrectly positioned.</li><li>b. Less than 50% of the lamp not working or obscured</li></ul>



### 1.8. ELECTRICAL WIRING AND EQUIPMENT

Method of Inspection	Reason for Rejection
<p>This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle.</p> <p>a. Check all electrical wiring for:</p> <ul style="list-style-type: none"> <li>○ Condition</li> <li>○ Security</li> <li>○ Position</li> <li>○ Signs of overheating</li> <li>○ Heavy oil contamination</li> </ul> <p>b. Battery and carrier for:</p> <ul style="list-style-type: none"> <li>○ Security</li> <li>○ Battery for leaks</li> </ul> <p>c. Check all switches controlling all obligatory lights</p>	<p>a. Wiring</p> <ul style="list-style-type: none"> <li>○ Not adequately insulated</li> <li>○ Not adequately secured</li> <li>○ Positioned so that it is chafing or clipped to a fuel line or likely to be damaged by heat so that insulation will become ineffective</li> <li>○ With clear evidence of overheating</li> <li>○ Heavily contaminated with oil</li> </ul> <p>b. Battery and carrier:</p> <ul style="list-style-type: none"> <li>○ A battery and /or carrier not secure and likely to become displaced</li> <li>○ Battery leaking</li> </ul> <p>c. Insecurity or malfunction of a switch controlling an obligatory light</p>



**1.9. ADDITIONAL LAMPS**

Method of Inspection	Reason for Rejection
<p>With the ignition switched on check:</p> <p>Reversing lamps</p> <ul style="list-style-type: none"> <li>a. The reversing lamps emit a diffused white light when reverse gear is selected.</li> <li>b. The lamps extinguish when neutral gear is selected</li> <li>c. The lamps are in good working order and are secure.</li> <li>d. The lamps do not flicker when lightly tapped by hand.</li> </ul> <p>Front Fog/Driving Lamps Check that:</p> <ul style="list-style-type: none"> <li>e. A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected</li> <li>f. A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together</li> <li>g. A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together.</li> </ul>	<p>A reversing lamp:</p> <ul style="list-style-type: none"> <li>a. That fails to operate or does not emit a white diffused light</li> <li>b. Fails to extinguish when neutral or forward gear is selected</li> <li>c. Are not in good working order or insecure.</li> <li>d. Lamps flicker when tapped lightly by hand.</li> </ul> <p>Front Fog/Driving Lamps</p> <ul style="list-style-type: none"> <li>e. Lamp inoperative or operates other than in dipped beam mode</li> <li>f. Lamps operate incorrectly</li> <li>g. Lamps operate incorrectly</li> </ul>



Additional Lamps (continued)	Reason for Rejection
<p><b>Method of Inspection</b></p> <p>'For Hire' and Roof Signs</p> <p>Check that:</p> <ul style="list-style-type: none"> <li>a. Correct style and type of sign fitted.</li> <li>b. Ensure the sign is securely fastened to the vehicle</li> <li>c. Check condition and security of wiring</li> <li>d. Functional test of signs for illumination</li> </ul>	<p>'For Hire' and Roof Signs</p> <ul style="list-style-type: none"> <li>a. Incorrect colour or details shown on sign, i.e. registration number, vehicle number etc.</li> <li>b. Insecure sign</li> <li>c. Wiring is not in good condition and is loose or chaffed</li> <li>d. Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.</li> </ul>

## SECTION 2 - STEERING

### Section Contents:

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



**2.1 STEERING CONTROL - STEERING WHEEL**

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
<p>With both hands rock the steering wheel from side to side at right angles to steering column and apply slight downward and upward pressure to the steering wheel rim (in line with column). Note:</p> <ul style="list-style-type: none"><li>a. Fractures in steering wheel hub.</li><li>b. Fractures in steering wheel rim.</li><li>c. Steering wheel spokes loose or fractured.</li><li>d. Jagged edges on steering wheel rim.</li><li>e. If possible, check the retaining device on steering wheel is fitted.</li></ul>	<ul style="list-style-type: none"><li>a. Steering wheel hub fractured.</li><li>b. Steering wheel rim fractured.</li><li>c. A steering wheel spoke loose or fractured.</li><li>d. Jagged edges on steering wheel rim likely to injure the driver.</li><li>e. A steering wheel hub-retaining device not fitted.</li></ul>

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**2.1 STEERING CONTROL - STEERING COLUMN**

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

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#### 2.4 SUSPENSION SPRING UNITS AND LINKAGES

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
Coil Springs a. Welding repairs	a. Repaired by welding



## **SECTION 3 - BRAKES**

### **Section Contents:**

<b>Sub-section</b>	<b>Subject</b>
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	No additional inspection requirements
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## SECTION 4 – TYRES & ROADWHEELS

### Section Contents:

Sub-section	Subject
4.1	Tyres – Condition





## 4.1 TYRES

Method of Inspection	Reason for Rejection
<p><b>Condition of Tyres</b></p> <p>On all the tyres, including spare wheel - <b>where fitted</b>, examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car &amp; Light Commercial Vehicles (ISBN 0-9549239-0-1)</p> <p><b>Note 1</b> Where a doughnut tank is fitted in the boot for LPG, the spare wheel if still carried in the boot must be properly secured. Alternatively, a spare wheel cage installed to manufacturers and British Standards may be fitted to the underside of the vehicle.</p>	<p>In accordance with the MOT Inspection Manual for Car &amp; Light Commercial Vehicles (ISBN 0-9549239-0-1)</p> <p><b>Note 2</b> Space saver tyres should only be approved with the support of a method statement highlighting driver responsibilities with regard to the maximum permitted speed and that space savers are a temporary 'get-you-home tyre'.</p>
<p><b>SPECIAL NOTICE – STRETCHED LIMOUSINES:</b> In the case of American imported stretched limousines, vehicle inspectors will need to be vigilant when inspecting tyres for suitability. Most converted stretched limousines are converted from Ford Lincoln Town Cars with a number of Cadillac variants also. In approved 'stretch' limousine conversions, the maximum weight is approximately 7,100lbs (3.2tonnes) and care should be exercised when determining suitable tyre ratings. Generally speaking a Ford Lincoln or Cadillac would require a tyre rating index of at least 107 T, which gives a load rating of 2,149 lbs (975 kgs) with a maximum speed of 118 miles per hour.</p>	<p><b>STRETCHED LIMOUSINES</b> More information, guidance and the procurement of suitable tyres can be obtained from: North Hants Tyres &amp; Wheels, Henry John House 2 Ivy Road, Aldershot GU12 4TX Telephone: 01252 318666</p> <p style="text-align: center;"><b>OR</b></p> <p>National Limousine &amp; Chauffeur Association on: <a href="http://www.nlca.co.uk">www.nlca.co.uk</a></p>

## **SECTION 5 – SEAT BELTS**

### **Section Contents:**

<b>Sub-section</b>	<b>Subject</b>
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	No additional inspection requirements
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# SECTION 6 – BODY AND STRUCTURE

**Section Contents:**

<b>Sub-section</b>	<b>Subject</b>
6.1	Vehicle Body and Condition – (Exterior)
6.1	Vehicle Body, Security and Condition – (Interior)
6.2	Doors and Seats
6.4	Bumper Bars



## 6.1 VEHICLE BODY AND CONDITION – (EXTERIOR)

Method of Inspection	Reason For Rejection
<p><b>Body Condition (Exterior)</b> Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.</p>	<p><b>Body Condition (Exterior)</b></p> <ul style="list-style-type: none"> <li>a. An insecure or missing body panel, trim, step or accessory.</li> <li>b. Any sharp edge whatsoever which may cause injury.</li> <li>c. Heavy scuffing, abrasions or deformation to front and rear bumper.</li> <li>d. More than 8 stone chips visible on a bonnet/grill that has not penetrated to the metal or more than 4 stone chips that have penetrated to the metal.</li> <li>e. More than 8 stone chips on any panel including door edges, provided the base coat has not been penetrated.</li> <li>f. More than 4 stone chips on any panel where the base coat has been penetrated to the metal and is untreated.</li> <li>g. A single dent of more than 80mm, or more than 3 dents of not more than 20mm in any one panel</li> <li>h. More than 4 scratches and or abrasions of more than 50mm in length in any one panel provided that the base coat has not been penetrated.</li> <li>i. Dull, faded paintwork which has lost its gloss finish or paint miss match to a panel(s) to such an extent that it detracts from the overall appearance of the vehicle.</li> <li>j. Evidence of poor repairs and or paint finish to a repaired panel(s) including runs and overspray to adjoining panels/trim that detracts from the overall appearance of the vehicle.</li> <li>k. Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs.</li> <li>l. Lack of clearly displayed or omission of 'No Smoking' signs.</li> </ul>

6.1 VEHICLE BODY, SECURITY AND CONDITION – (INTERIOR)

Method of Inspection	Reasons For Rejection
<p><b>Body Condition (Interior)</b></p> <ul style="list-style-type: none"> <li>a. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories.</li> <li>b. Dirty, missing and worn trim, carpets, seat belts, mats, headlining, boot area and inclusion of prescribed items. Remove mats to inspect carpets underneath for cleanliness and wear.</li> <li>c. Examine interior lights, motion door locks and warning lights.</li> <li>d. Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted(includes electric front and rear screen demisters)</li> <li>e. Examine all windows ensuring they allow lowering and rising easily.</li> <li>f. Examine interior door locks, grab handles/rails safety covers</li> <li>g. Examine grills/partitions for security and condition</li> <li>h. Examine electrical wiring for condition, security, including intercom systems.</li> </ul>	<ul style="list-style-type: none"> <li>a. Insecure and loose fixtures, fittings or accessories.</li> <li>b. Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats.</li> <li>c. An inoperative interior light (all lights must illuminate if they are part of the manufacturer's standard equipment). Missing or defective motion switch/lock or warning lamp not illuminated</li> <li>d. A system(s), which does not function correctly, or any part is missing including vents, controls and switches.</li> <li>e. An opening window that is inoperative or difficult to open and or close mechanism broken/missing.</li> <li>f. Missing, defective or loose door locks, child locks, protective covers grab handles and rails. Grab handles/rails, which are rigid to aid the blind and partially sighted, and are worn to excess.</li> <li>g. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver.</li> <li>h. Frayed, chaffing wiring, non-shielded terminals and cables so routed that they cause a trip hazard, cables that can be easily disconnected. Intercom system defective, warning light inoperative and signs illegible/missing.</li> </ul>

Method of Inspection	Reason for Rejection
<p><b>Body Condition (Interior) (continued)</b></p> <ul style="list-style-type: none"> <li>i. Examine the boot for access, contents, cleanliness, and water ingress.</li> </ul> <p>Additional items to be inspected in limousines and novelty vehicles:</p> <ul style="list-style-type: none"> <li>j. All fixtures and fittings i.e. mirror balls, drinks cabinets, televisions etc must be stored securely and not hinder the ingress or egress from the passenger compartment.</li> <li>k. A notice identifying the maximum seating capacity to be displayed in the passenger compartment and clearly visible to all passengers. It may be necessary to display more than one sign indicating the maximum seating capacity.</li> </ul> <p><b>Note: <u>Any vehicle presented in a dirty, untidy condition will not be tested</u></b></p>	<ul style="list-style-type: none"> <li>i. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc).</li> <li>j. Any fixture or fitting, that is loose or insecure or where walkways are blocked that prevents ease of ingress or egress from the passenger compartment.</li> <li>k. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</li> </ul>



6.2 DOORS and SEATS

Method of Inspection	Reason for Rejection
<p data-bbox="338 464 696 493"><b>Doors and Emergency Exits</b></p> <p data-bbox="338 520 1099 604">Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.</p> <p data-bbox="338 716 1099 801">Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible.</p> <p data-bbox="338 855 1003 884">Check that seats are secure, clean and not unduly worn.</p> <p data-bbox="338 911 1099 995"><b>IMPORTANT NOTE: With the exception of 'novelty vehicles' only vehicles with forward and rear facing seats will be accepted.</b></p> <p data-bbox="338 1023 1099 1078"><b>For more information on seating for novelty vehicles see Section 12.2</b></p>	<p data-bbox="1115 464 1473 493"><b>Doors and Emergency Exits</b></p> <ul style="list-style-type: none"> <li data-bbox="1115 520 1865 576">a. A door or emergency exit does not latch securely in the closed position.</li> <li data-bbox="1115 576 1865 660">b. A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case.</li> <li data-bbox="1115 660 1771 689">c. Missing, loose or worn handles, lock or striker plate.</li> <li data-bbox="1115 716 1865 772">d. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect.</li> <li data-bbox="1115 799 1677 828">e. Missing, loose or damaged trim/cover plate.</li> <li data-bbox="1115 855 1865 967">f. Seat cushion(s) stained, torn, holed, worn or insecure. A seat that does not provide adequate support at base or backrest. Torn, slashed or badly stained seats are not acceptable.</li> </ul>



6.2 DOORS and SEATS (continued)

Method of Inspection	Reason for Rejection
<p><b>Accessibility: Wheelchair Vehicles</b></p> <p>Door Configurations for wheelchair accessible vehicles:</p> <ul style="list-style-type: none"><li>a. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place.</li><li>b. Twin rear doors – both must open to a minimum of 180 degrees and be capable of being locked in place. This is to enable an attendant (driver or guide) to assist the wheelchair passenger if required.</li></ul>	<ul style="list-style-type: none"><li>a. Door does not open to a full 90 degrees and cannot be secured in the open position</li><li>b. Twin doors do not open to a full 180 degrees and cannot be secured in the open position</li></ul>





#### 6.4 BUMPER BARS

Method of Inspection	Reason for Rejection
<p>Examine the bumper bars and check:</p> <ul style="list-style-type: none"><li>a. They are secure to their mountings.</li><li>b. The mountings are secure to the vehicle.</li><li>c. There is no evidence of damage.</li></ul>	<ul style="list-style-type: none"><li>a. A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs.</li><li>b. A fractured mounting bracket. Mounting bolts so worn or elongated that the bumper bar is likely to detach partially or completely from the vehicle when in use. A bumper bar secured by wire or other temporary means is regarded as insecure and must be rejected.</li><li>c. Bumper bars which have jagged edges, cracks, splits or projections, which may cause injury to persons near the vehicle. Paint miss match or fading which is significantly different to that of the rest of the paintwork.</li></ul>



# SECTION 7 – FUEL & EMISSIONS

**Section Contents:**

<b>Sub-section</b>	<b>Subject</b>
7.1	Exhaust System
7.2	Fuel System – Pipes & Tanks



## 7.1 EXHAUST SYSTEM

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
Where applicable, check for presence, security and adequacy of grease shields to hot exhausts.	A heat shield missing, insecure or inadequate



**7.2 FUEL SYSTEM - PIPES & TANKS**

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



## SECTION 8 – DRIVERS VIEW OF THE ROAD

### Section Contents:

Sub-section	Subject
8.1	Mirrors
8.3	Windscreen – View to the Front
8.5	Window Glass or Other Transparent Material



## 8.1 MIRRORS

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

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### 8.3 WINDSCREEN - VIEW TO THE FRONT

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

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## 8.5 WINDOW GLASS OR OTHER TRANSPARENT MATERIAL

Method of Inspection	Reason for Rejection
<p>a Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration.</p>	<p>a A crack, surface damage or discoloration in glass or other transparent material that:</p> <ul style="list-style-type: none"> <li>o Impairs the driver's front, side, or rear view of the road, or;</li> <li>o Presents a danger to any person in the vehicle.</li> </ul>
<p>b Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions.</p>	<p>b A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.</p>
<p>c Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.</p>	<p>c Any external window or windscreen is obviously leaking.</p>
<p>d Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions</p>	<p>d A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged.</p>
<p>e For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus.</p>	<p>e The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959.</p>
<p>f For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing.</p>	<p>f Glass used for a windscreen or an outside window is obviously not safety glass.</p>
<p>g Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark.</p>	<p>g For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the drivers seat that are not made from safety glass display an acceptable safety mark.</p>
<p><b>Note:</b> Marking is not required for safety glass used on vehicles first used before 1 June 1978.</p>	



## SECTION 9 – Tricycles & Quadricycles

### Section Contents:

Sub-section	Subject
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No additional inspection requirements	
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# SECTION 10 – ADDITIONAL REQUIREMENTS

Section Contents:

Sub-section	Subject
10.1	Speedometer
10.2	Transmission
10.3	Engine & Transmission Mountings
10.4	Oil & Water Leaks
10.5	Luggage/Load Space
10.6	Trailers & Towbars



**10.1 SPEEDOMETER**

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



## 10.2 TRANSMISSION

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

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10.2 TRANSMISSION (cont'd)

Method of Inspection	Reason for Rejection
<p>Front Wheel Drive</p> <p>a. Check the drive shaft inner and outer universal joint couplings and constant velocity joints for:</p> <ul style="list-style-type: none"><li>o Wear and security</li><li>o Damage to flexible rubber or fabric universal joints</li><li>o Security and oil contamination of flexible rubber or fabric universal joints</li><li>o Condition, presence and security of constant velocity joint gaiters</li></ul>	<ul style="list-style-type: none"><li>o Drive shaft constant velocity or universal joint coupling worn or insecure</li><li>o A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up</li><li>o A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure</li><li>o A drive shaft constant velocity joint gaiter split, missing or insecurely mounted</li></ul>



**10.3 ENGINE AND TRANSMISSION MOUNTINGS**

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
<p>a. Examine condition of:</p> <ul style="list-style-type: none"><li>○ mountings</li><li>○ sub-frames</li></ul> <p>And</p> <p>b. The security to chassis and check for:</p> <ul style="list-style-type: none"><li>○ fractures</li><li>○ looseness</li><li>○ Deterioration</li></ul>	<p>Any mounting or sub-frame</p> <ul style="list-style-type: none"><li>- loose</li><li>- fractured</li><li>- deteriorated</li><li>- inappropriate repair</li></ul>



#### 10.4 OIL AND WATER LEAKS

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

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**10.5 LUGGAGE/LOAD SPACE**

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
<p>Physical separation is not so much an issue as is the safety of passengers in the event of an accident. The luggage should therefore be secure and prevented from becoming dislodged in an accident in such a manner as may cause injury. Such security can be by means of a sheet or net, which could be anchored to the floor of the luggage area. Clearly if the luggage compartment is not physically separated from the passenger compartment then care will need to be taken so as not to carry any hazardous items such as fuel cans, detergents or other loose items that could leak if they become damaged.</p>	<ul style="list-style-type: none"><li>○ Load restraint system, if required, not present at time of test.</li><li>○ Load restraint system faulty or unserviceable.</li></ul>

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## SECTION 11 – ANCILLARY EQUIPMENT

### Section Contents:


Sub-section	Subject
11.1	Wheelchair Restraint & Access Equipment
11.2	Fire Extinguisher
11.3	First Aid Kit



**11.1 WHEELCHAIR RESTRAINT & ACCESS EQUIPMENT**

<b>Method of Inspection</b>	<b>Reason For Rejection</b>
<p><b>WHEELCHAIR RESTRAINT</b></p> <p>a. Where applicable check condition and operation of wheelchair restraint.</p> <p>b. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces.</p> <p><b>WHEELCHAIR ACCESS &amp; EQUIPMENT</b> A vehicle shall be fitted with either of the following forms of wheelchair access equipment:</p> <p><u>Ramps</u></p> <p>c. Check that appropriate ramps fitted are securely installed in the designated storage area. Examine for damage, deformity, sharp edges etc. and provision of anti-slip covering.</p> <p><u>Wheelchair lift</u></p> <p>d. A purpose designed wheelchair lift shall conform to the LOLER 98 Regulations. A report, confirming that the lifting equipment is safe to use, shall be presented at the time of the vehicle inspection. Vehicles presented for inspection with a wheel chair lift will require a LOLER certificate that is valid for a period of six months from the date of issue.</p> <p><b>Note:</b> Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.</p>	<p>a. A wheelchair restraint is defective, worn or missing.</p> <p>b. Wheelchair anchorage systems and devices does not conform to European Directive 76/115 EEC (as amended by 90/629 EEC). See Appendix 'B'.</p> <p>c. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing.</p> <p>d. Vehicle not presented with a valid or current LOLER certificate.</p>

11.1 WHEELCHAIR RESTRAINT & ACCESS EQUIPMENT (Continued)

Method of Inspection	Reason for Rejection
<p>e. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250 kgs and certified to BS 6109.</p> <p>f. Wheelchair access equipment shall be fitted either into the rear or side access door of the vehicle. Where it is fitted to a side door this shall be the door situated on the near side of the vehicle, i.e. kerbside when stopped in a normal road.</p> <p>g. The aperture of the door into which the access equipment is fitted shall have minimum clear headroom in its central third of 48 inches (1,220mm). The measurement shall be taken from the upper centre of the aperture to a point directly below on either, the upper face of the fully raised lift platform, or the upper face of the ramp fully deployed on level ground.</p> <p>h. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</p> <p>i. All wheelchair tracking must be fit for purpose and structurally sound.</p>	<p>e. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</p> <p>f. Wheelchair access equipment is fitted to the off- side access door of the vehicle.</p> <p>g. There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</p> <p>h. No evidence of a suitable locking mechanism to hold the door open.</p> <p>i. Damaged or insecure tracking or detritus deposits within the tracking rails</p>
<p><i>Further information on disabled people's transport is available from the <b>Disabled Persons Transport Advisory Committee (DPTAC) website</b> </i></p>	<p><a href="http://www.dptac.gov.uk">www.dptac.gov.uk</a></p>



## 11.2 FIRE EXTINGUISHER

Method of Inspection	Reason For Rejection
<p>a. Check the fire extinguisher for presence:</p> <ul style="list-style-type: none"><li>• the expiry date</li><li>• Seal.</li><li>• Type – water, CO<sub>2</sub> or foam or dry powder</li><li>• Approved mark - BS5423 or EN3</li></ul> <p>b. The fire extinguisher must be kept in an accessible position inside the vehicle. The extinguisher may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a. A fire extinguisher is missing or:;</p> <ul style="list-style-type: none"><li>• out of date</li><li>• broken or missing seal.</li><li>• No approved marking visible or other non-approved marking shown</li></ul> <p>b. Not fitted in an accessible position or its position is not clearly marked.</p>



### 11.3 FIRST AID KIT

<b>Method of Inspection</b>	<b>Reason For Rejection</b>
<p>a. Check the first aid kit for presence, the expiry date and the seal is intact.</p> <p>b. The first aid kit must be kept in an accessible position inside the vehicle. The first aid kit may be carried out of view, i.e. in a fastened glove compartment provided there is a clear sign on the dashboard, stating the location.</p>	<p>a. A first aid kit is missing, out of date, broken or the seal has been broken.</p> <p>b. The first aid kit is not fitted in an accessible position or its position is not clearly marked.</p>



## **SECTION 12 – NOVELTY VEHICLES (STRETCH LIMOUSINES):**

### **Section Contents:**

<b>Sub-section</b>	<b>Subject</b>
12.1	Vehicle Identification Number (VIN)
12.2	Seating Capacity
12.3	Undue Stresses
12.4	Passenger Notices



**12.1 Vehicle Identification Number (VIN)**

<b>Method of Inspection</b>	<b>Reason For Rejection</b>
<p>Vehicle Identification Number (VIN), should be checked to ensure it complies with the guidance as follows:</p> <ul style="list-style-type: none"> <li>• For vehicles constructed from 1998 onwards the VIN should begin with ILI;</li> <li>• Pre 1998 vehicles (not recommended for licensing as private hire vehicles) VIN should begin with ILM;</li> <li>• If a VIN begins with ILN or anything other, then this is likely to be a non approved ('cut-and-shut) modification.</li> </ul>	<p>a. Inappropriate VIN markings displayed or no VIN markings present.</p>





## 12.2 Seating Capacity

Method of Inspection	Reason For Rejection
It is strongly recommended that prior to the inspection of a novelty vehicle the inspector checks the seating capacity on the V5C to ensure it does not exceed 8 passenger seats.	If the V5C states more than 8 passengers, then this vehicle MUST NOT be tested or licensed as a Private Hire Vehicle. The vehicle should be referred to VOSA for licensing as a passenger carrying vehicle (PCV).



### 12.3 Undue Stresses

<b>Method of Inspection</b>	<b>Reason For Rejection</b>
Vehicle inspectors should be aware of undue stresses caused to the steering, brakes and tyres due to the additional weight imposed on the vehicle at the modification process.	Tolerances and wear should be as defined in the VOSA Car & Light Commercial Vehicle Testing Manual as follows: <ul style="list-style-type: none"><li>• Steering - Section 2</li><li>• Brakes - Section 3</li><li>• Tyres - Section 4</li></ul>



## 12.4 Passenger Notices

### Driver Declaration

Local licensing authorities are strongly advised to obtain a declaration, from the operator of a licensed novelty vehicle, that vehicles with side facing seats will never be used to carry passengers under 16 years of age, **regardless of whether the vehicle is fitted with or without seatbelts.**

### Passenger Notices

- i. In addition, notices forbidding children to be carried in side facing seats must be displayed in prominent positions, i.e. on entry to the passenger compartment and on the inside of the vehicle on either side of the passenger compartment. In addition, local licensing authorities may require outward facing signs adjacent to all entrance/exit doors to the passenger compartment.
  - ii. Further notices should be displayed inside the vehicle, where all passenger can clearly read the notice, advising passengers of the maximum carrying capacity of the vehicle and a warning to passengers that should the capacity be exceeded then the vehicle will not be insured.
-

APPENDIX 'A'

HACKNEY CARRIAGE & PRIVATE HIRE

TRAILER INSPECTION SHEET

Plate Number of towing vehicle: .....

Registration number of towing vehicle: .....

Registered owner of vehicle: .....

Manufacturers plate showing chassis number: .....

Manufacturers plate showing maximum weight: .....

Inspection area	Description	Pass (✓)	Fail (x)
Licence plate	Contains details & complies with local licensing authorities format		
Licence plate	Clearly displayed, legible, and securely fixed		
Licence plate	Serviceable – not damaged or defaced		
Trailer couplings	Check condition & operation and presence of a safety <i>breakaway</i> cable.		
Tow bar mounting brackets	Check condition and security		
Trailer body	Check condition of side and rear tailboards		
Trailer chassis	Check condition		
Suspension	Check condition and operation		
Wheel bearings	Check for excessive free play or roughness in bearings		
Tonneau cover & fittings	Check for condition		
Wheels and tyres	Check security, condition and wear		
Braking system	Operates satisfactorily		
Lighting	All obligatory lights work		
Indicators	All indicators work		
Reflective triangle	Check presence and condition		
Number plate	Check condition, security of fitting and displayed clearly		
Speed restriction notice	Check condition and displayed clearly		

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

Examined by (name) .....

Signature .....

\* Delete as appropriate

DEFINITION OF MOTOR VEHICLES

Appendix 'B'

Category	Definition
M	A motor vehicle with at least four wheels designed and constructed for the carriage of passengers.
M <sub>1</sub>	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the drivers seat.
M <sub>2</sub>	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the drivers seat, and having a maximum mass not exceeding five tonnes
M <sub>3</sub>	Vehicles designed and constructed for the carriage of passengers and comprising more than eight seats in addition to the drivers seat, and having a maximum mass exceeding five tonnes

## **Appendix H**

### **Hackney Carriage Vehicle Conditions**

The Neath Port Talbot County Borough Council “the Council” has adopted the following licensing conditions for Hackney Carriage Vehicles.

#### **General**

1. Licensed vehicles shall comply with these conditions at all times unless specific written exemption has been given by the Council.
2. No alterations shall be made to any licensed vehicle without the written approval from the Council.
3. The licensed vehicle shall be maintained so as to comply at all times with :-
  - Construction & Use Regulations
  - Town Police Clauses Act 1847
  - Local Government Miscellaneous Provisions Act 1976
  - The Conditions set out in this document

#### **Appearance**

4. Vehicles shall be maintained so as to be safe and comfortable.
5. Vehicle seats, floor covers and interior trims shall be maintained to be clean with no unpleasant odours and free from tears, damage, grease or any other contamination.
6. The vehicle body shell shall be maintained in a good condition, free from significant or any visible damage.

## Equipment

7. All vehicles shall be fitted with a taximeter which complies with current legislative requirements, and which has been tested and in good repair and working order. All charges shall be calculated from the point in the district at which the hirer commences his or her journey. All meters shall display the current fare tariff. Where the fare tariff is amended, meters shall be adjusted without undue delay.
8. Where a vehicle is equipped with a CCTV system, this must comply with the "Specifications and Conditions for Closed Circuit Television Cameras (CCTV) in Hackney Carriage and Private Hire Vehicles" as set out in the Council's taxi policy.
9. All vehicles shall carry and maintain a British Standard or European Standard fire extinguisher which is fixed in a position approved by an authorised officer. The vehicle plate number shall be permanently marked on the extinguisher body. The extinguisher shall not have passed its expiry date.
10. All vehicles shall carry and maintain a first aid kit. The vehicle plate number shall be permanently marked on the case / cover of the first aid kit. The first aid kit shall not have passed its expiry date.
11. Any communication or audio equipment shall be of such specification and so operated as to meet with the relevant legal requirements. This equipment shall be operated so as to ensure that no annoyance or nuisance arises which may affect passengers or members of the public.
12. Wheelchair accessible vehicles shall have the ramps readily available at all times and maintained in a safe condition.

13. When transporting a wheelchair user, approved anchorages (i.e. straps/ clamps) shall be used to secure both the wheelchair and the occupant.
14. "Designated Vehicles" under Section 167 Equality Act 2010 shall have the driver medical exemption holder provided by the Licensing Authority affixed directly behind the front windscreen on the nearside (closest to the pavement) of the vehicle.

#### Spare Wheels and Emergency Puncture Repair Kits

15. Vehicles shall be equipped with either,
  - A spare wheel of full or space saver design in good condition and the tools to change a wheel, or
  - An emergency puncture repair kit which has not passed the expiry date.
16. Where fitted, spare wheels shall meet the legal tread depth limit and the tools to change a wheel shall be maintained in good working order.
17. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date
18. Vehicles that utilise a spare wheel or emergency puncture repair kit in order to complete a hiring shall not be used for any further hiring until the wheel or tyre has been replaced.

#### Advertising

19. No signs or advertisements shall be attached to the outside of a vehicle without the written consent from the Council. Proprietors may apply on the prescribed form to have signs or advertising placed on the vehicle.



20. Where the Council gives written consent for signs or advertisements to be displayed on the vehicle, it will be restricted to the following locations:-
- The offside and/or nearside rear door (excluding the windows)
  - The offside and/or nearside panel (excluding the windows)
  - The rear of the vehicle (excluding the windows)
21. A sign with lettering no more than 5 cm high indicating the name and telephone number of the proprietor may be placed on the rear of the roof sign and / or at the top of the front / rear windscreen provided they do not impair the driver's vision.
22. 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 or matters of a sexual nature. The Council may permit advertisements that they consider to be for educational purposes.

### Vehicle Inspections

23. Vehicles shall be subject to two scheduled inspections at the Council's Vehicle Inspection Centre within a 12 month period.
24. Proprietors shall ensure that the vehicle is presented for inspection at the scheduled time and date. Vehicles which fail to attend are likely to have their licence suspended until a satisfactory vehicle inspection report has been obtained.
25. Vehicles that fail to attend a scheduled inspection without adequate prior notice being given to the authority will be subject to a re-inspection fee.

26. Proprietors shall ensure that vehicles presented for inspection are clean and in good working condition, vehicles that are not presented in this fashion will not be inspected and will be subject to a re-inspection fee.
27. Vehicle inspections will be carried out in accordance with the “VOSA Car and Light Commercial Vehicle Testing Standards” and the “Hackney Carriage and Private Hire National Inspection Standards”

### Trailers

28. Any trailer used for the conveyance of luggage shall be submitted for inspection along with the licensed towing vehicle.
29. The trailer shall be fully covered for protection against wind and rain penetration and secured for the protection of the luggage carried.
30. The trailer shall be covered by a policy of insurance.
31. The trailer shall be of an approved type indicating: -
  - (i) unladen weight
  - (ii) gross weight
  - (iii) manufacturer’s detail
32. The trailer shall display an additional licence plate issued by the Council.
33. Trailers shall be equipped with either,
  - A spare wheel in good condition and the tools to change the wheel, or
  - An emergency puncture repair kit.
34. Where fitted, spare wheels shall meet the legal tread depth limit and the tools to change a wheel shall be maintained in good working order.

35. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date.
36. Trailers that utilise a spare wheel or emergency puncture repair kit in order to complete a hiring shall not be used for any further hiring until the wheel or tyre has been replaced.
37. Trailers shall not be used when plying for hire.

#### Licence Plate and Door Signs

38. The vehicle licence plates are the property of the Neath Port Talbot County Borough Council and are not transferable except with the written permission of the Council.
39. Vehicles shall display the licence plate issued by the Council externally on the rear of the vehicle (excluding the rear windscreen). The plate shall be permanently attached to the vehicle at all times.
40. Vehicles shall display the current door signs issued by the Council on the nearside and offside front doors. The door signs shall be permanently attached to the vehicle at all times.
41. If the vehicle licence, licence plate or the door signs are lost, damaged or stolen then replacements shall be obtained as soon as possible.

#### Miscellaneous

42. Animals in the charge of the hirer may be transported at the discretion of the driver. All animals shall be carried in the rear passenger compartment of the vehicle. N.B. It is a legal requirement to permit assistance dogs to be carried in the vehicle.
43. Vehicles shall have a copy of the current fare tariff prominently displayed inside the vehicle.

44. The luggage compartment shall be kept clear in order to accommodate a reasonable amount of luggage.

## Appendix I

### Private Hire Vehicle Conditions

The Neath Port Talbot County Borough Council “the Council” has adopted the following licensing conditions for Private Hire Vehicles. Licensed vehicles shall comply with these conditions at all times unless specific written exemption has been given by the Council.

#### General

1. Licensed vehicles shall comply with these conditions at all times unless specific written exemption has been given by the Council.
2. No alterations shall be made to any licensed vehicle without the written approval from the Council.
3. The licensed vehicle shall be maintained so as to comply at all times with :-
  - Construction & Use Regulations
  - Road Tax requirements
  - Local Government Miscellaneous Provisions Act 1976
  - The Conditions set out in this document

#### Appearance

4. Vehicles shall be maintained so as to be safe and comfortable.
5. Vehicle seats, floor covers and interior trims shall be maintained to be clean with no unpleasant odours and free from tears, damage, grease or any other contamination.
6. The vehicle body shell shall be maintained in a good condition, free from significant or any visible damage.

## Equipment

7. Where a vehicle is fitted with a taximeter it shall comply with current legislative requirements.
8. Where a vehicle is equipped with a CCTV system, this must comply with the “Specifications and Conditions for Closed Circuit Television Cameras (CCTV) in Hackney Carriage and Private Hire Vehicles” as set out in the Council’s taxi policy.
9. All vehicles shall carry and maintain a British Standard or European Standard Fire Extinguisher which is fixed in a position approved by an authorised officer.

The vehicle plate number shall be permanently marked on the extinguisher body. The extinguisher shall not have passed its expiry date.

10. All vehicles must carry and maintain a first aid kit. The vehicle plate number shall be permanently marked on the case / cover of the first aid kit. The first aid kit shall not have passed its expiry date.
11. Any communication or audio equipment shall be of such specification and so operated as to meet with the relevant legal requirements. This equipment shall be operated so as to ensure that no annoyance or nuisance arises which may affect passengers or members of the public.
12. Wheelchair accessible vehicles shall have the ramps readily available at all times and maintained in a safe condition.
13. When transporting a wheelchair user, approved anchorages (i.e. straps / clamps shall be used to secure both the wheelchair and the occupant.
14. “Designated Vehicles” under Section 167 Equality Act 2010 shall have the driver medical exemption holder provided by

the Licensing Authority affixed directly behind the front windscreen on the nearside (closest to the pavement) of the vehicle.

### Spare Wheels and Emergency Puncture Repair Kits

15. Vehicles shall be equipped with either,
  - A spare wheel of full or space saver design in good condition and the tools to change a wheel, or
  - An emergency puncture repair kit which has not passed the expiry date.
16. Where fitted, spare wheels shall meet the legal tread depth limit and the tools to change a wheel shall be maintained in good working order.
17. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date
18. Vehicles that utilise a spare wheel or emergency puncture repair kit in order to complete a hiring shall not be used for any further hiring until the wheel or tyre has been replaced.

### Advertising

19. No signs or advertisements shall be attached to the outside of a vehicle without the written consent from the Council. Proprietors may apply on the prescribed form to have signs or advertising placed on the vehicle.
20. Where the Council gives written consent for signs or advertisements to be displayed on the vehicle, it will be restricted to the following locations:-
  - The offside and/or nearside rear door (excluding the windows)
  - The offside and/or nearside panel (excluding the windows)
  - The rear of the vehicle (excluding the windows)

21. A sign with lettering no more than 5 cm high indicating the name and telephone number of the proprietor may be placed on the rear of the roof sign and / or at the top of the front / rear windscreen provided they do not impair the driver's vision.
22. All advertisements must conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, gambling, alcohol, politics or matters of a sexual nature. The Council may permit advertisements where they consider that they are for educational purposes.

### Vehicle Inspections

23. Vehicles shall be subject to two scheduled inspections at the Council's Vehicle Inspection Centre within a 12 month period.
24. Proprietors must ensure that the vehicle is presented for inspection at the scheduled time and date. Vehicles which fail to attend are likely to have their licence suspended until a satisfactory vehicle inspection report has been obtained.
25. Vehicles that fail to attend a scheduled inspection without adequate prior notice being given to the authority will be subject to a re-inspection fee.
26. Proprietors shall ensure that vehicles presented for inspection are clean and in good working condition, vehicles that are not presented in this fashion will not be inspected and will be subject to a re-inspection fee.
27. Vehicle inspections will be carried out in accordance with the "VOSA Car and Light Commercial Vehicle Testing Standards" and the "Hackney Carriage and Private Hire National Inspection Standards"



## Trailers

28. Any trailer used for the conveyance of luggage shall be submitted for inspection along with the licensed towing vehicle.
29. The trailer shall be fully covered for protection against wind and rain penetration and secured for the protection of the luggage carried.
30. The trailer must be covered by a policy of insurance.
31. The trailer shall be of an approved type indicating: -
  - (i) unladen weight
  - (ii) gross weight
  - (iii) manufacturer's detail
32. The trailer shall display an additional licence plate issued by the Council.
33. Trailers shall be equipped with either,
  - A spare wheel in good condition and the tools to change wheel, or
  - An emergency puncture repair kit.
34. Where fitted, spare wheels shall meet the legal tread depth limit and the tools to change a wheel shall be maintained in good working order.
35. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date.
36. Trailers that utilise a spare wheel or emergency puncture repair kit in order to complete a hiring shall not be used for any further hiring until the wheel or tyre has been replaced.

### Licence Plate and Door Signs

37. The vehicle licence plates are the property of the Neath Port Talbot County Borough Council and are not transferable except with the written permission of the Council.
38. Vehicles shall display the licence plate issued by the Council externally on the rear of the vehicle in a position approved by a licensing officer.
39. Vehicles shall display the current door signs issued by the Council on the nearside and offside front doors. The door signs shall be permanently attached to the vehicle at all times
40. If the vehicle licence, licence plate or the door signs are lost, damaged or stolen then replacements shall be obtained as soon as possible

### Miscellaneous

41. The luggage compartment must be kept clear in order to accommodate a reasonable amount of luggage.
42. Animals in the charge of the hirer may be transported at the discretion of the driver. All animals must be carried in the rear passenger compartment of the vehicle.  
N.B. It is a legal requirement for assistance dogs to be carried in the vehicle.

## **Appendix J**

### **Specifications and Conditions for Closed Circuit Television Cameras (CCTV) in Hackney Carriage and Private Hire Vehicles**

#### **Data Controller**

The information Commissioner defines a “data controller” as the body which has legal responsibility under the Data Protection Act 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of a CCTV system in Hackney Carriage and Private Hire Vehicles, the “data controller” will be the holder of the licence and not the driver.

The licence holder, as the data controller, will therefore be responsible for ensuring compliance with these specifications and conditions and with all relevant data protection legislation, including the Data Protection Act 1998. The data controller is legally responsible for the use of all images including breaches of legislation.

#### **Third Party Data Processor**

Where a service provider is used for the remote storage of CCTV data they will act as a “data processor”. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller however retains full responsibility for the action of the data processor.

There must be a formal written contract in existence between the data controller and data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. A copy of the contract must be provided to an authorised officer of the Licensing Authority, or to the Police, on reasonable request.

## General Requirements

1. The installation and operation of CCTV shall comply with the requirements of the Information Commissioner's CCTV code of practice.
2. All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations
3. All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger, or other road users.
4. All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a qualified auto-electrician.
5. The CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
6. All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red which emits at such a level that may cause distraction or nuisance to the driver and/or passengers
7. All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle

8. Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.
9. Viewing screens within the vehicle for the purpose of viewing captured images shall not be permitted.
10. All wiring must be fused as set out in the manufacturer's technical specification and be appropriately routed.
11. The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the Hackney Carriage or Private Hire driver and passengers, and not for any other purpose.
12. All equipment must be checked regularly and maintained to the manufacturer's operational standards, including any repairs after damage.
13. All system components requiring calibration in situ should be easily accessible.

#### Automotive Electromagnetic Compatibility Requirements (EMC)

14. CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as in-vehicle CCTV system installed after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in the directive.
15. CCTV equipment should be e-marked or CE-marked. If CE marked, confirmation by the equipment manufacturer as being

non-immunity related and suitable for use in motor vehicles is required.

### Audio Recording

16. CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in exceptional circumstances. You must choose a system without the facility wherever possible; however, if the system comes equipped with sound recording facility then this function must be disabled (subject to the proviso in 7 below)
17. Audio recording will only be justified where the recording is triggered due to a specific threat to the driver or passenger safety, e.g. 'panic button' is utilised and must be subject to the following safeguards:-
  - i. Where the audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.
  - ii. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment

### Security of Images

18. All images captured by the CCTV system must remain secure at all times.
19. The captured images must be protected using encryption software which is designed to guard against the compromise of stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner that the data controller ensures that any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection

access codes will also be required to ensure permanent security.

### Retention of Images

20. The CCTV equipment selected for installation must have the capability of retaining images either:
  - i. Within its own hard drive
  - ii. Using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
  - iii. Or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS (GSM telephone) signalling to a secure server within the service provider's monitoring centre.
  
21. Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside of the vehicle.
  
22. The CCTV system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture.
  
23. Where a service provider is used to store images on a secure server, the specified retention period must also be for a maximum period of 31 days from the date of capture.

### Use of Information Recorded Using CCTV

24. Requests may be made to the data controller by Authorised Officers of the Licensing Authority, the Police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to view captured images, or obtain audio recordings if applicable. The licence holder, as the data controller, is responsible for responding to and dealing with

such requests in accordance with the Data Protection Act 1998.

25. All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required by the requestor.
26. Under Section 7 of the Data Protection Act 1998, members of the public have a legal right to make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are made in writing and include sufficient proof of identity (which may include a photograph to confirm they are in fact the person in the recording).
27. Data controllers are also entitled to charge a fee (currently up to a maximum of £10) for responding to a subject access request as published in the Information Commissioner's CCTV Code of Practice.

### Signage

28. All Hackney Carriages and Private Hire Vehicles with CCTV must display signage within the vehicle to indicate that CCTV is in operation. The driver must also verbally bring to the attention of the passengers that CCTV equipment is in operation within the vehicle.
29. The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.
30. In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out and this must also be verbally brought to the attention of the passengers.
31. Where a CCTV system is installed within the vehicle in order to record incidents outside of the vehicle, it will not be practical



to display a sign. Instead, when the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured – as soon as practicable after the incident. They should also be informed of the purpose for which the device has been installed, being driver and passenger safety.

### Contact Details

32. The name and the contact telephone number of the licence holder, as data controller must be included on the sign

## **Appendix K**

### **Stretched Limousines** **Pre-Licensing Requirements and Conditions**

Stretched limousines shall comply with the private hire vehicle specifications and conditions unless an exemption is listed below.

#### **Exemptions**

1. Vehicles may be right hand or left hand drive.
2. Vehicles with sideways facing seats can be considered for PHV licensing.
3. Vehicles are permitted to have heavily tinted glass in the rear offside/nearside windows. Glass in the driver cockpit must meet legal requirements.
4. Vehicles will not be obliged to display door signs or a back plate, but must display a sticker issued by the Licensing Authority on the front windscreen.

#### **Pre-Licensing Requirements**

1. Vehicles must hold a valid Individual Vehicle Approval (IVA) Certificate
2. Vehicles must be fitted with tyres that meet both the size and weight specification
3. Vehicles must have a maximum of 8 passenger seats (which includes any passenger seat located in the driver cockpit)
4. All forward and rear facing seats must be fitted with seatbelts. Seatbelts are not required on sideways facing seats.

#### **Conditions**

1. Any seats in the driver's cockpit (other than the driver's seat) shall not be used to carry passengers.
2. All containers/bottles shall be stored securely in the vehicle

3. All drinking vessels must be of polycarbonate or similar materials. Glass drinking vessels shall not be used.
4. The playing of any performance of media that, given its age classification or content, is unsuitable for the age of the passengers shall not be permitted.
5. Children under the age of 16 years shall not be carried unless accompanied by a responsible adult

## **Appendix L**

### **Conditions for the Licensing of Private Hire Operators**

1. The operator's premises where open to the public, shall be kept clean, adequately heated, ventilated and lit.
2. The operator shall ensure that any waiting area for the use of prospective hirers shall be provided with adequate seating properly cushioned or covered.
3. The operator shall ensure that where any passenger waiting area or room is provided, it is kept physically separate from any driver resting area and operations room.
4. The operator shall ensure that members of his/her staff, drivers and vehicle proprietors do not congregate in any passenger waiting area or room.

### **Vehicle and drivers**

5. The operator shall keep an current list of all drivers and vehicle licences which includes registration numbers, plate numbers and details of any radio call sign
6. The operator shall ensure that all licensed vehicles, including those not owned by the operator, have appropriate private hire insurance at all times that the vehicles are used to satisfy bookings made through the operator.

### **Equipment**

7. The operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the operator's facilities.
8. The operator's radio and computerised equipment shall be maintained in good working order and any defects shall be repaired promptly.

## Bookings

9. Every contract for hire of a private hire vehicle shall be deemed to be made with the operator whether or not the vehicle is provided by that operator.
10. A record of every hiring accepted by the operator shall be kept in chronological order on a computerised system or in a bound book, the pages of which shall be numbered
11. Each record of hiring shall contain the following information:
  - a. Time and date of hire;
  - b. How the booking was made;
  - c. Pick-up point;
  - d. Destination
  - e. Name and address of hirer
  - f. Vehicle used
  - g. Name of the driver
  - h. Details of any sub-contract to another operator
12. The operator shall keep all records of hiring for at least six months and the operator shall produce any information or records on request to a police officer or any authorised officer of the council.
13. The operator shall notify the Council of any conviction, including traffic and criminal, imposed upon them as soon as reasonably practicable, and in case within 72 hours.
14. When the operator accepts a hiring, the operator shall, unless prevented by some sufficient cause, ensure that a licensed private hire vehicle attends at the appointed time and place.

## **Appendix M**

**NEATH PORT TALBOT COUNTY BOROUGH COUNCIL**



### **BYELAWS With respect to hackney carriages**

**Made under Section 68 of the Town Police Clauses Act 1847 and  
Section 171 of the Public Health Act 1875, by Neath Port Talbot  
County Borough Council with respect to hackney carriages in the  
County Borough of Neath Port Talbot**

## BYELAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by Neath Port Talbot County Borough Council with respect to hackney carriages in the County Borough of Neath Port Talbot

### INTERPRETATION

- 1 Throughout these byelaws "the Council" means Neath Port Talbot County Borough Council.

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

- 2 The proprietor of a hackney carriage shall cause to be permanently affixed to the carriage, the plates and door signs provided by the Council on which shall be marked the number of the licence granted in respect of the carriage in the following manner namely:-
  - (a) The exterior plate to be permanently fixed to the rear of the carriage in a conspicuous position where it is legible and can be easily viewed.
  - (b) The interior plate to be fixed to the inside of the carriage in such position as to be easily observed by passengers.
  - (c) The door signs to be permanently fixed to the offside and nearside front doors of the vehicle.
- 3 A proprietor or driver of a hackney carriage shall not:-
  - (a) Wilfully or negligently cause or suffer any such plates or door signs to be removed or concealed from public view while the carriage is standing or plying for hire;
  - (b) Cause or permit the carriage to stand or ply for hire with any such door signs or plates so defaced that any detail is illegible.

- (c) Cause or permit any plate, sign, sticker, mark, insignia or motif to be affixed either to the outside or inside of the carriage except as required by law, or as approved by the Council.

**Provisions regulating how hackney carriages are to be furnished or provided**

4 The proprietor of a hackney carriage shall:

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept watertight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
- (g) provide a means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) provide the carriage with a fire extinguisher and first aid kit;
- (i) provide at least two doors for the use of persons conveyed in the rear of such carriage and one door for persons conveyed in the front of the vehicle, with a separate means of ingress and egress for the driver.

5 The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements:

- (a) the taximeter shall be fitted with a device, the operating of which will bring the machinery of the taximeter into action



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

**Provision relating to the conduct of proprietors and drivers of hackney carriages plying within the council area in their several employments and determining whether such drivers shall wear any and what badges**

- 6 The driver of a hackney carriage shall:
- (a) when standing or plying for hire, keep the taximeter fitted in pursuance of the byelaw in that behalf, locked in that position in which no fare is recorded on the fare of the taximeter.

- (b) Before beginning a journey for which a fare is charged by time as well as for distance bring the machinery of the taximeter into action by moving the device so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
  - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness (as defined for the purposes of the Road Vehicles Lighting Regulations 1989 or thereafter as amended by any subsequent legislation) and also at any other time at the request of the hirer.
- 7 A proprietor or driver of a hackney carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with any seals affixed thereto.
- 8 The driver of a hackney carriage, when plying for hire in any street and not actually hired, shall:
- (a) proceed with reasonable speed to one of the ranks provided by the Council in that behalf;
  - (b) if a rank, at the time of arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another rank;
  - (c) on arriving at a rank not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the rank and so as to face in the same direction and remain with the carriage and be ready to be hired at once by any person;
  - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
- 9 A proprietor or driver of a hackney carriage, when standing or plying for hire shall not, by calling out or otherwise,

importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.

- 10 The driver of the hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
- 11 The driver or proprietor of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
- 12 The driver or proprietor of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
- 13 The badge provided by the Council and delivered to the driver of a hackney carriage shall, when standing or plying for hire, and when hired, be worn by the driver in such a position and manner as to be plainly visible.
- 14 Any second badge provided by the Council and delivered to the driver of a hackney carriage, when standing or plying for hire, and when hired shall be displayed within the vehicle in a prominent position as to be plainly visible to all passengers.
- 15 The driver of a hackney carriage shall ensure that any radio set fitted to the vehicle or any installation for playing music shall not be operated in a manner so as to cause annoyance by reason of its loud, continuous or repeated use. Any equipment (other than for receiving messages) shall be turned off if requested by the hirer.
- 16 The driver of a hackney carriage must report to the Council, within 3 working days, should his/her licence or badge be lost or stolen.

- 17 The driver of a hackney carriage must return his/her badge to the Council within 7 working days of its expiry or on suspension or revocation of his/her driver's licence.
- 18 The driver of a hackney carriage shall not use the vehicle's horn to attract the attention of the customer on attending a booking.
- 19 The driver of a hackney carriage must be properly dressed in suitable clean clothing and appropriate footwear in accordance with any guidance or dress code adopted by the Council.
- 20 The driver of a hackney carriage, when hired shall not drink or eat in the vehicle.
- 21 The driver of a hackney carriage when cautioned or convicted of any offence during the period of his licence shall inform the Council, in writing, within 5 working days of such caution or conviction.
- 22 The driver of a hackney carriage shall immediately notify the proprietor of the vehicle if the fire extinguisher provided for use in the vehicle has been used for any purpose.
- 23 The proprietor or driver of a hackney carriage shall produce a current certificate of insurance when requested by a Police Officer or authorised officer of the Council.
- 24 The driver of a hackney carriage, when hired shall not carry or allow to be carried any other person, without the consent of the hirer on that journey.
- 25 The proprietor and driver of a hackney carriage must notify the Council, in writing, and within 5 working days, any change of name and or address.
- 26 The driver of a hackney carriage, when requested by any person hiring or seeking to hire the carriage, shall:-
  - (a) convey a reasonable quantity of luggage, shopping or items of a similar nature;

- (b) afford reasonable assistance in loading and unloading; and
  - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
- 27 The proprietor or driver of a hackney carriage shall be entitled to claim a sum not greater than that approved by the Council from any person who soils the vehicle in such a way as to cause the vehicle to be internally valeted or fumigated.

**Provisions securing the safe custody and redelivery of any property accidentally left in hackney carriages and fixing the charges to be made thereof**

- 28 The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
- 29 The proprietor or driver of a hackney carriage, if any property is accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him, shall:-
- (a) carry it as soon as possible and in any event within twenty four hours if not sooner claimed by or on behalf of its owner, to any police station within the Council's area, and leave it in the custody of the officer in charge of the station on his giving a receipt for it, and
  - (b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station whichever be the greater) but not more than five pounds.

**Provision fixing the rates or fares to be paid for hackney carriages within the Council's area and securing the due publication of such fares**

- 30 The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare approved by the Council, the rate or fare being calculated by a combination of time and distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a hackney carriage furnished with a taximeter shall be hired by a combination of time and distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.
- 31 The proprietor of a hackney carriage shall cause a statement of the of the fares tariff fixed by the Council to be exhibited inside the carriage, in clearly distinguishable letters and figures.
- 32 The proprietor or driver of a hackney carriage shall not wilfully or negligently cause or suffer the letters or figures in the statement of fares tariff to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

### **Penalties**

- 33 Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the Standard Scale and in the case of a continuing offence to a further fine not exceeding £2 for each day during which the offence continues after conviction therefore.

### **Repeals**

- 34 Byelaws made by Lliw Valley Borough Council on the 22nd day of September 1988 and which were confirmed by Secretary of State for Transport on the 1st day of April 1989.

Byelaws made by Neath Borough Council on the 26th day of April 1949 and which were confirmed by the Secretary of

State for the Home Department on the 1st day of August 1949.

Byelaws made by Neath Rural District Council on the 8th day of February 1956 and which were confirmed by the Secretary of State for the Home Office on the 1st day of June 1956.

Byelaws made by the Borough of Afan on the 5th day of March 1981 and which were confirmed by the Secretary of State for the Home Office on the 1st day of May 1981

The Common Seal of Neath Port Talbot  
County Borough Council was hereunto  
affixed this 22 day of December  
2011 in the presence of:-



David Michael  
Head of Legal and Democratic Services  
Proper Officer

*David Michael* 10514

The foregoing byelaws are hereby confirmed by the Welsh Government  
and shall come into operation on the 16<sup>th</sup> day of September  
2014

A handwritten signature in black ink, appearing to be "S. Jones".

Signed by Authority of the Minister for Local Government and  
Communities, one of the Welsh Ministers

~~Head of Integrated Transport~~ Deputy Director of Public Transport Division  
Welsh Government.



## Appendix N

### Specifications and guidance for the installation of temporary protective screens during the Covid-19 pandemic

Taxi and private hire operators provide an essential service to the public and under current government guidelines can continue to operate. If you're a taxi driver working during the COVID-19 crisis, you are no doubt be worried about your own health and safety as well as that of your passengers.

The situation is constantly changing and so passengers, drivers and operators are advised to keep up to date with the most recent travel guidance. Welsh Government have published [information on coronavirus \(COVID-19\)](#) and [travel and transport advice](#) and guidance for [passengers and operators](#).

Drivers and operators owe a duty to take reasonable care for the safety of their passengers and so are advised to translate the principles and examples in the government guidance into specific actions.

Following the most up-to-date hygiene and social distancing advice will help keep you and your customers safer.

- Do not work as a driver or travel as a passenger if you have COVID-19, are experiencing any of the [main symptoms](#) or if you believe you have been exposed to the virus through a passenger (or elsewhere).
- Keep the vehicle well-ventilated: open windows if comfortable and air conditioning should not be set to recirculate.

- Follow [social distancing guidance](#) and avoid physical contact: use contactless payments where possible.
- Wash your hands regularly and do not touch your face. Drivers may wish to have hand sanitiser and tissues on hand for themselves and passengers.
- After each customer, the vehicle should be cleaned thoroughly using disinfectant spray, in particular the surfaces customers are likely to touch, such as door handles and seat belt clips.
- Drivers are advised to clean the areas of the vehicle they touch regularly a few times throughout the day and always at the start and end of each shift. This includes door handles, steering wheel, handbrake and switches.
- [Face Masks](#) are currently not compulsory in hackney or private hire vehicles in Wales. The evidence suggests that wearing a face covering does not protect you, but it may protect others if you are infected. A requirement that passengers wear a face mask should be made clear prior to accepting a booking. It is important for passengers to be able to identify you as a legitimate driver. Therefore, please be prepared to remove face coverings so passengers can see your identity matches up with your displayed licence badge, following appropriate social distancing guidance.
- There has been an increase in interest of the use of screens as a way of providing physical separation between drivers and passengers in order to reduce the

transmission of COVID-19. There is no evidence available that demonstrates that partitions in taxis or PHVs reduce the risk of transmission of COVID-19 infection, but may have consequences as to what might happen inside the vehicle in the event of a collision. It is important that the installation of any a protective screen is safe and doesn't introduce new and unintended safety hazards. The Council currently does not intend to make the installation of screens a requirement. Drivers wishing to install a screen would need to do so in accordance with the Council's policy for installing temporary safety screen in private hire vehicles including obtaining permission from the licencing department. The policy is to be found here.

A private hire operator is under no obligation to enter into a contract to provide a private hire vehicle for anybody, provided any such refusal is not based on a protected characteristic under s. 4 of the Equality Act 2010 (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation). Further guidance on when it would be reasonable to refuse a fare can be found on the [institute of licensing's website](#).

Further useful information can be found on the [Welsh Government website](#).

## Summary

1. The Council's conditions of licence require any modifications to the vehicle to be approved by the licensing authority. If a driver/operator wants to fit a temporary screen they should follow the approval procedure below.
  
2. It is the responsibility of the driver/operator to ensure that the device installed is compliant with government and industry regulations, is fit for purpose and does not compromise public safety.
  
3. Screens need to be regularly cleaned and appropriately maintained
  
4. The Council reserves the right to require the removal of any screens if concerns as to their safety, fitness for purpose or compliance with health and safety legislation exist.

## Introduction

5. Due to the Coronavirus pandemic, we have recently received enquiries from drivers regarding the installation of protective screens in their vehicles between the front and rear seats.
  
6. Partitions or safety screens provide a physical barrier between drivers and passengers in the vehicle. They are

commonly installed as a safety feature to protect the driver from physical attacks or theft. There has been an increase in interest of the use of screens as a way of providing physical separation between drivers and passengers in order to reduce the transmission of COVID-19.

7. There is no evidence available that demonstrates that partitions in taxis or PHVs reduce the risk of transmission of COVID-19 infection. Partitions in taxis or PHVs do not provide a fully sealed compartment which completely separates the driver from the passenger. Therefore, whilst it is possible that partitions may reduce the risk of transmission of infection, the risk would not be eliminated entirely.
  
8. The Licensing Team appreciates that anything which helps to protect drivers and passengers from the spread of coronavirus is to be welcomed, but it is important that the installation of any aftermarket equipment is safe and doesn't introduce new and unintended safety hazards.
  
9. Following comprehensive safety testing, vehicles will have achieved European Whole Vehicle Type Approval and changing or adding to the interior of the vehicle can potentially alter the 'type approval' of the vehicle. Additionally, badly fitted, inappropriately constructed units, or products made using unsafe materials, could have a catastrophic impact in the event of a vehicle being involved in a road traffic accident.
  
10. The Council is aware that there are companies advertising the installations 'that have been fully risk

assessed', which do not conform to legal requirements. Drivers should also be aware that screen installation may also affect the vehicle's ability to pass an MOT, such as where they restrict the movement of the front seats. Drivers are advised to obtain independent confirmation from the vehicle manufacturer, an independent product engineering, testing, consultancy and certification agency e.g. MIRA, Millbrook (or comparable body) and their insurer before incurring the expense of installing a screen which may not be compliant and may be unsafe.

11. The Council's conditions of licence state:

*No alterations shall be made to any licensed vehicle without the written approval from the Council*

12. For these reasons, prior to voluntarily installing any screening device in your vehicle you must apply for approval to install a temporary screen following the procedure below.

### General requirements

13. The decision to install a safety screen is for the driver, proprietor and/or operator to make, after carrying out your own risk assessment. Due to the wide and diverse variety of vehicles and different types of safety partition screens available, it is not possible to offer specific purchase or installation advice in respect of these devices, however the following minimum requirements need to be satisfied:

- a. The device must be purpose-built to use as a safety screen within a vehicle and must be suitable for the specific make and model of vehicle.
  
- b. Not wrap around the driver seat and create a partition between the two front seats, in addition to the rear cabin area.
  
- c. The installation and / or design of the device must not adversely influence or interfere with the structural integrity or driver and passenger safety systems (including airbags) in the vehicle. In particular the installation must:
  - i. Not put passengers and/or the driver at any additional risk during a collision and/or when in use generally as a taxi or private hire vehicle.
  
  - ii. Not interfere with the safe operation of the vehicle and/or the vehicles safety features at any time.
  
  - iii. Not obscure or interfere with the view of the driver and/or passengers in any way.
  
- d. Screens must be professionally and securely fitted and maintained in accordance with the manufacturer's specifications and recommendations

- e. Devices should remain free of scratches, clouding or stickers which would impede the drivers or passengers' visibility.
  - f. Screens should not impede the driver's movement or communication with passengers.
  - g. Screens should not impede driver or passenger entry or egress to the vehicle or present a trip hazard.
14. If you have installed an approved safety screen in your vehicle you must ensure that you clean the screen after each passenger journey, along with other hard surfaces such as door handles, window winders, seat belts, car payment devices, the rear or the front seats and other surfaces passengers may have touched using normal household disinfectant. Drivers should then wash/sanitise their own hands. A thorough clean of the vehicle with normal cleaning products should be completed at the end of each shift/working day.
15. The proprietor shall ensure that the safety screen 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 Council, or a Police officer.



## Approval Procedure

16. If you wish to fit a protective screen you will need to apply to the Council at [licensing@npt.gov.uk](mailto:licensing@npt.gov.uk) providing confirmation that:
- a. The installation will be conducted in accordance with the requirements of this policy.
  - b. Your insurance will still be valid if you fit the protective screen.
  - c. The product to be installed is compliant with government and industry regulations, will not compromise the safety of the vehicle and is approved by an independent product engineering, testing, consultancy and certification organisation e.g. MIRA, Millbrook (or comparable body) for use in the UK.
  - d. You agree to remove the protective screen in less than 21 days after the date the Welsh Government officially declares an end to the current social distancing restrictions relating to Covid-19.
17. Upon the Authority being satisfied that the proposed installation meets the criteria outlined above you will be permitted to install a safety screen in your vehicle.

18. Once the partition or screen is installed the vehicle owner must email the Licensing Section with the following:
- a. Certification from the installer or other evidence to prove that the installation is:
    - i. Compliant with government and industry regulations, for example the Road Vehicle (Construction and Use) Regulations and relevant safety, UK and European Community (EC) legislation;
    - ii. Certified by the vehicle manufacturer as not compromising the safety of the vehicle;
    - iii. Compliant with the relevant UN ECE/EU standard for an original equipment type approval test covering interior fittings. The screen and installation should be approved by an independent product engineering, testing, consultancy and certification organisation e.g. MIRA, Millbrook or other comparable organisation
  - b. Photograph(s) of the partition or screen installed in the vehicle.
  - c. A copy of the vehicle owner/operators email to the insurance company and the insurance company's acknowledgment that the insurance cover remains valid.

~~19. The Council reserves the right to require the screen to be removed if not satisfied that it is safe, fit for purpose and legally compliant.~~

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## Impact Assessment - First Stage

### 1. Details of the initiative

<b>Initiative description and summary: Taxi Licensing Policy – Administrative and minor amendments</b>
<b>Service Area: Legal Regulatory Services</b>
<b>Directorate: Strategy and Corporate Services</b>

### 2. Does the initiative affect:

	Yes	No
Service users	✓	
Staff	✓	
Wider community		✓
Internal administrative process only	✓	

### 3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		✓				There is no impact on any of these groups as the proposed policy amendments relate to the internal administrative processes of dealing with licence applications and other amendments which will have a minor or no impact to existing licence holders.
Disability		✓				
Gender Reassignment		✓				
Marriage/Civil Partnership		✓				
Pregnancy/Maternity		✓				
Race		✓				
Religion/Belief		✓				
Sex		✓				

Sexual orientation		✓				
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**4. Does the initiative impact on:**

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		✓				There is no impact on these as the proposed policy amendments relate to the internal administrative processes of dealing with licence applications and other amendments which will have a minor or no impact to existing licence holders.
Treating the Welsh language no less favourably than English		✓				

**5. Does the initiative impact on biodiversity:**

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		✓				There is no impact on these as the proposed policy amendments relate to the internal administrative processes of dealing with licence applications and other amendments which will have a minor or no impact to existing licence holders.
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		✓				

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
<b>Long term</b> - how the initiative supports the long term well-being of people	✓		The policy amendments will allow perspective and existing licence holders to access the licensing service digitally, whilst ensuring that those that cannot access the service digitally, can still arrange in person appointments with licensing staff.  The policy amendments also take account of the Council's hybrid working policy which enables staff (where appropriate) to work more flexibly.
<b>Integration</b> - how the initiative impacts upon our wellbeing objectives	✓		Taxi drivers play an important role in ensuring a safe night-time economy, providing an essential service for people to get home safely. The policy amendments will ensure that the Council continues to provide an accessible and efficient licensing service to those that wish to licence as a taxi driver.
<b>Involvement</b> - how people have been involved in developing the initiative	✓		Regular meetings are arranged to ensure that policy amendments, taxi driver concerns and problems are discussed with trade representatives, officers and members.
<b>Collaboration</b> - how we have worked with other services/organisations to find shared sustainable solutions	✓		The proposed policy amendments form part of a wider review of taxi licensing Policies in Wales and reflects work that is ongoing between the Licensing Expert Panel (22 local authority licensing leads) and Welsh Government.
<b>Prevention</b> - how the initiative will prevent problems occurring or getting worse	✓		The proposed policy amendments will ensure that the Taxi Licensing Policy remains up to date and compliant with legislation.

**7. Declaration - based on above assessment (tick as appropriate):**

A full impact assessment (second stage) <b>is not</b> required	✓
Reasons for this conclusion	
The proposal is to make administrative and minor changes to the Taxi Licensing Policy only.	

	<b>Name</b>	<b>Position</b>	<b>Date</b>
Completed by	<b>Neil Chapple</b>	<b>Legal Regulatory Manager</b>	<b>12-02-2024</b>
Signed off by	<b>Craig Griffiths</b>	<b>Head of Legal &amp; Dem. Serv.</b>	<b>12-02-2024</b>



By virtue of paragraph(s) 13 of Part 4 of Schedule 12A  
of the Local Government Act 1972.

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