



## ***REGISTRATION AND LICENSING COMMITTEE***

***10.00 AM - MONDAY, 15 JUNE 2015***

***PORT TALBOT CIVIC CENTRE - COMMITTEE ROOM 1/2***

### **PART 1**

1. To receive any declarations of interest from Members.

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

2. Hackney Carriage Roof Signs - Advertising (*Pages 1 - 4*)
3. Dog Breeding Conditions (*Pages 5 - 14*)
4. Draft Taxi Licensing Policy (*Pages 15 - 168*)
5. Deregulation Update (*Pages 169 - 170*)
6. LGA Taxi and PHV Licensing - Councillors' Handbook (*Pages 171 - 212*)
7. Any urgent items at the discretion of the Chairman pursuant to Section 100B(4)(b) of the Local Government Act 1972.

**S.Phillips**  
**Chief Executive**

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

**Tuesday, 9 June 2015**

**Committee Membership:**

**Chairman:**           **Councillor H.G.Rawlings**

**Vice Chairman:**   **Councillor H.M.Bebell**

**Members:**           Councillors J.R.Bryant, J.S.Evans, R.James,  
A.Jenkins, Mrs.D.Jones, E.E.Jones, J.Miller,  
C.Morgan, Ms.C.Morgans, D.M.Peters, J.Warman,  
D.Whitelock and Mrs.A.Wingrave

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

## FINANCE AND CORPORATE SERVICES

### REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

15<sup>th</sup> June 2015

#### SECTION A - MATTER FOR DECISION

#### WARDS AFFECTED: All

#### Hackney Carriage Roof Signs - Advertising

##### 1. Purpose of Report

To consider a request from Mr Alexander Tam of Lufa Tech, who wishes to supply LED roof signs for hackney carriage vehicles which incorporates advertising.

##### 2. Background

The Licensing Authority has adopted a policy for Hackney Carriage and Private Hire vehicles. The policy prescribes the location and detail of advertising on vehicles. In relation to the roof sign the policy states that:

“A sign with lettering no more than 5cm high indicating the name and telephone number of the proprietor may be placed on the rear of the roof sign”.

In addition the policy states that:

“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 or matters of a sexual nature. The Council may permit advertisements that they consider to be for educational purposes.”

**3. Officer Report**

Additional information has been provided by Mr Tam, and this is attached at appendix 1.

The current conditions for hackney carriage vehicles, as set out in the vehicle policy, only permit limited advertising to be placed on the rear of the taxi roof sign; this would prevent a hackney carriage from utilising the roof sign being provided by Mr Tam.

Should members approve the LED taxi roof sign for use, it is suggested that the hackney carriage vehicle conditions, which restrict advertising on the rear of roof signs are amended accordingly.

**4. Recommendation**

That members consider the request after hearing all submissions.

**5. Background Papers**

None

**6. Officer Contact**

Neil Chapple  
Licensing Manager  
Tel. (01639) 763056  
Email: n.chapple@npt.gov.uk

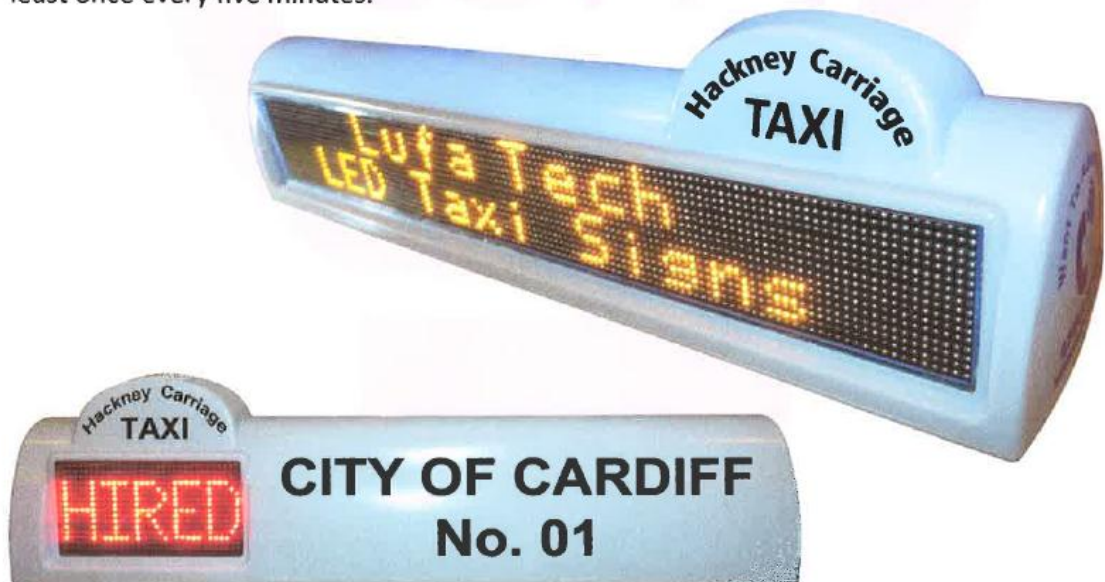
**7. Wards Affected**

All

## Roof Top LED Signs Applied to Taxis

LED Signs will help update the look of our current Taxis whilst also modernising the look and feel of the local area. LEDs are more energy efficient compared to it's alternatives like halogen bulbs. Therefore, not only do LEDs not only look great, but they have the added bonus of great light output with low power consumption!

One side of the sign will have a large LED screen to promote companies in the local area to help increase business. This LED panel will be dynamic meaning it will be possible for a variety of companies to be advertised on one taxi. Each advert will appear on a sign at least once every five minutes.



The smaller LED panel on the opposite side will be used to increase public safety and awareness when using taxis, whilst also helping to ensure that taxi drivers adhere to the rules that have been set by the local authorities.

It will be possible for private hire taxi cars to either display, 'On Call' or 'Hired' whilst hackney carriage cars will display either 'For Hire' or 'Hired'. This will allow a member of the public to easily differentiate the difference between the two types of taxis. This differentiating will be further back by the small semi circle above the LED screen, which will be used to clearly identify if a taxi is a hackney carriage or private hire taxi.

Hackney carriage cars will be able to utilise the space next to the LED screen to display the details of their taxi number, whilst private cars can use this to promote the details of the taxi firm they are operating under.

For more information, please contact: [lufatech@outlook.com](mailto:lufatech@outlook.com)

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## FINANCE AND CORPORATE SERVICES

### REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

15<sup>th</sup> June 2015

#### SECTION A - MATTER FOR DECISION

**WARDS AFFECTED: All**

#### **The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 – Welsh Local Authority Licence Conditions**

##### **1.0 Purpose of Report**

To inform members about new regulations in respect of dog breeding and to consider adoption of new dog breeding conditions, with a view to carrying out a consultation exercise

##### **2.0 Background**

On the 30<sup>th</sup> April 2015 The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014 came into force.

These regulations provide for the licensing of persons involved in the breeding of dogs. The consequence of this specification is that subject to qualifying criteria, any person wishing to breed dogs in Wales must obtain a licence from their local authority under these regulations. This requirement replaces the requirement to obtain a licence under the Breeding of Dogs Act 1973 in Wales.

The main changes introduced by the regulations are

1. Require the licensing of breeders who keep three or more breeding bitches and either breed, sell, supply, or advertise breeding or puppies for sale from their premises
2. Introduce stricter welfare standards for breeding establishments
3. Require breeders to adopt socialisation, enhancement and enrichment programmes for their animals
4. Create a minimum staff to adult dog ratio

### **3.0 Conditions**

The regulations contain nine mandatory conditions that must be attached to all dog breeding licences. These are: -

1. A condition specifying the maximum number of adult dogs and puppies to be kept under the terms of the licence.
2. A condition specifying a staff to adult dog ratio which must ensure as a minimum staff requirements:-
  - i. 1 full-time attendant per 20 adult dogs kept; or
  - ii. 1 part-time attendant per 10 dogs kept
3. The licence holder must implement an enhancement and enrichment programme that has been approved by the local authority
4. The licence holder must implement a socialisation programme that has been approved by the local authority
5. The licence holder must take all reasonable steps to protect dogs from pain, suffering, injury and disease.
6. The licence holder must ensure a breeding bitch –
  - i. Is not mated until she is 12 months old;
  - ii. Does not give birth to more than 1 litter of puppies in a 12 month period; and
  - iii. Does not give birth to more than 6 litters in total
7. The licence holder must retain ownership and possession of puppy on the premises occupied by the licence until it is at least 56 days old
8. (1) The licence holder must maintain a written record in relation to each breeding bitch kept setting out her
  - i. Name;
  - ii. Date of birth;
  - iii. Breed;
  - iv. Physical description including colour and identifying features;
  - v. Health status
  - vi. Mating details including;



1. In relation to the sire, the information required in sub-paragraph 1(a) to (e);
  2. In relation to each puppy born-
    - a. Date of birth;
    - b. When ownership is transferred, the new owners name and address
- (2) When ownership of a breeding bitch is transferred the name, address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and a copy of the record must be provided to the new owner and copy retained by the licence holder
- (3) The record referred to in sub-paragraph (1) must be available for inspection and retained by the licence holder for the lifetime of the breeding bitch.
9. (1) The licence holder must maintain a written record confirming the following details in relation to each puppy which is on the premises occupied by the licence holder:
- i. Sex;
  - ii. Date of birth;
  - iii. Breed;
  - iv. Physical description including colour and identifying features;
  - v. Health status
  - vi. In relation to the dam, the information required by condition 6(1)(a) to (e); and
  - vii. In relation to the sire, the information required by condition 6(1)(a) to (e).
- (2) When ownership of a puppy is transferred, the name address and telephone number of the new owner must be recorded by the licence holder on the record referred to in sub-paragraph (1) and copy of the record must be provided to the new owner and a copy retained by the licence holder.
- (3) The record referred to in sub-paragraph (1) must be available for inspection by the local authority at any time and retained by the licence holder for 3 years from the date of birth of the puppy.

#### **4.0 Additional Conditions**

The Welsh Animal Health and Welfare Technical Panel agreed that an all Wales set of licensing conditions would give clarity and consistency across Wales. A further 10 conditions have been agreed to be added to all dog breeding licences, these are shown numbered 10-19 in appendix 1.

The Chartered Institute of Environmental Health model conditions for the licensing of dog breeding establishments which have already been adopted will be replaced by the new conditions.

#### **5.0 Consultation**

It is proposed to carry out a consultation exercise with interested parties, prior to these additional conditions being adopted.

#### **6.0 Recommendation**

That the Welsh Local Authority Licence Conditions be issued for consultation with interested parties and a further report be presented to members.

#### **7.0 Background papers**

The Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014.

Dog Breeding Establishments Welsh Ministers Guidance to Local Authorities.

#### **8.0 Officer Contact**

Neil Chapple  
Licensing Manager  
Tel. (01639) 763056  
Email: n.chapple@npt.gov.uk

#### **9.0 Wards Affected**

All

**Regulation 8 (3) - Welsh Local Authority Licensing Conditions**

**Condition 10 – Size of Quarters**

The following are the minimum size requirements for :

**Small Size Dogs**

<b>No. dogs</b>	<b>Free access to exercise</b>	<b>Limited access to exercise</b>
1	2.5 sq m	4.5 sq m
2	2.5 sq m	4.5 sq m
3	4.5 sq m	6.5 sq m
4	6.0 sq m	8.5 sq m

**Medium Size Dogs**

<b>No. dogs</b>	<b>Free access to exercise</b>	<b>Limited access to exercise</b>
1	2.5 sq m	4.5 sq m
2	4.5 sq m	6.5 sq m
3	6.0 sq m	8.5 sq m

**Large Size Dogs**

<b>No. dogs</b>	<b>Free access to exercise</b>	<b>Limited access to exercise</b>
1	4.5 sq m	6.5 sq m
2	6.0 sq m	8.5 sq m

**Guidance:**

*Size of dogs:                      Small – Pugs, Bichon Frise, Terriers  
   Medium – Spaniels, Bearded Collie, Beagle  
   Large – Labrador, Boxer*

- *Free access to exercise means the dogs have unrestricted daily access to exercise area.*
- *Limited access to exercise means the dogs have restricted access to an exercise area.*
- *The kennel should be sufficiently large to allow each dog to be able to walk, turn around and wag its tail without touching the sides of the kennel, to play, to stand on its hind limbs and to lie down without touching another individual.*
- *When the animal/s is in the kennel there should be sufficient space for the door to open fully.*
- *Bitches with litters should be provided with double this space allowance.*

### **Condition 11 – Whelping Facilities**

- (a) All bitches must be provided with a designated area or kennel prior to whelping, with a suitable whelping box/bed.
- (b) Heating facilities must be adequate, secure and safe and capable of providing the range of temperatures, suitable for both pups and bitch.
- (c) An area must be provided where a bitch can rest away from her pups.

#### **Guidance:**

- *Bitches should generally be housed with other dogs in a pair or group, but should be individually housed for a few days prior to whelping. However, they should continue to have sight, sound and smell of other familiar bitches and daily contact with humans.*
- *The whelping area/kennel should cater for the maximum number of puppies taking account of breed size and litter size. To avoid crushing puppies, crush bars can be useful.*
- *From approximately 3 days after parturition, bitches should be given short periods of exercise away from their litter.*
- *Bitches due to whelp should be inspected regularly.*
- *When in labour, bitches should be closely monitored and if any signs of difficulty are shown, a vet should be contacted as a matter of urgency. Contact details for veterinary support should be readily available.*

### **Condition 12 – Supervision**

- (a) Where the Licensee is absent for some time then supervision of the premises must be by a suitable and competent person of least 16 years of age.
- (b) Those that supervise must have a thorough and detailed knowledge of the licensing conditions and comply with them at all times.
- (c) The Licensee must live in close proximity to the licensed premises, so as to be able to attend promptly at all times.
- (d) Dogs must be visited at regular intervals, as necessary to ensure their health, safety and welfare and prevent any unnecessary suffering.
- (e) Regular intervals must be a minimum of 3 times per day.

#### **Guidance:**

- *Anyone supervising the dogs, need to have sufficient knowledge and experience to be able to handle the dogs correctly and safely. They must also be able to recognise if a dog's behaviour suggests there is a problem and act appropriately.*
- *All breeders and staff should have access to and be familiar with the Code of Practice for the Welfare of Dogs and all other relevant legislation.*
- *They should have a sound working knowledge of dog breeding and be aware of good practice and trait(s) of the breed(s) in their establishment.*

### **Condition 13 – Health Status of dogs**

- (a) There must be a daily physical inspection of every animal to check for any signs of illness, injury or distress.
- (b) Stud dogs and breeding bitches must be physically and behaviourally sound.
- (c) Any breeding stock which appears to the licensing inspector to exhibit unsound hereditary or behavioural characteristics may be required to be verified as sound by the Licensee's veterinary surgeon.  
Advice from a veterinary surgeon must be sought without delay where a dog shows signs of disease, injury, illness or behavioural disorder and recorded in the dog's logbook and be available to potential purchasers.

#### **Guidance;**

- *Any breeding stock that show signs of fear or anxiety do not normally make a good parents.*
- *Puppies should be the product of healthy, sociable and environmentally competent parents.*

### **Condition 14 - Dog Identification**

- (a) Breeding bitches and stud dogs must be micro chipped by a suitably competent person and registered on a recognised national database.
- (b) The Licensee must complete a Breeding Bitch Record and a Puppy Log Book in the format detailed in the Welsh Minister's Guidance or in another format that replicates this information.
- (c) After the dogs have left the licensed premises, records must be kept for a minimum of 24 months and must be available on demand to authorised officers.

#### **Guidance;**

- *Please refer to the Welsh Ministers Guidance Schedule 1 for an example of a Breeding Bitch Record.*
- *Please refer to the Welsh Ministers Guidance Schedule 2 for an example of a Puppy Log Book.*

### **Condition 15 - Responsible Breeding**

- (a) Any breeding stock which proves to exhibit unsound hereditary or behavioural characteristics must not be bred from.
- (b) When intentionally breeding crossbreeds, breeders must have due regard to the breeds' compatibility for ease of whelping and to produce healthy puppies.

**Guidance;**

- Licensees should be familiar with the health screening tests available to their chosen breeds, in consultation with their own Veterinary Surgeon.
- Cross breeds are defined as offspring of any two or more recognised breeds of dogs.
- Breeding closely related animals should be carefully considered.
- Close breeding examples include mating between brother and sister, father and daughter, mother and son, grandparent and grandchild or half brother or sisters.

**Condition 16 - Strategy for the retirement of breeding bitches and stud dogs.**

- (a) All retired breeding bitches and stud dogs being kept within the licensed premises will still be included on the licence.
- (b) Breeders must have a plan for dealing with retired dogs.

**Guidance;**

*Breeders should plan for the retirement of their breeding dogs. Should retirement involve re-homing to a domestic environment dogs must be exposed, during their working lives, to a programme of stimulation designed to maintain their socialisation with humans and their competency with the domestic environment.*

**Condition 17 - Material change to / at the Licensed premises**

The Licensee must inform the licensing authority before making any material change to / at the licensed premises.

**Guidance;**

*A "material change" may include such things as building new kennels; significantly increasing the number of dogs, reduction in staff at the kennels etc*

**Condition 18 - Health Annual Check**

- (a) The licensing authority requires the Licensee to have all stud dogs and breeding bitches checked by a veterinary surgeon each year. The veterinary surgeon will compile a written Health and Welfare Report which details the dogs he inspected.
- (b) The Report will detail the health and welfare of the dogs and will state whether the dogs are fit to be used in the breeding establishment. This Report will be supplied to the Licence authority at the time of the Licence application.

- (c) The licensing authority will not accept an assessment of the dogs made by a veterinary surgeon for the Health and Welfare Report if the assessment has taken place more than 3 months prior to the date of the commencement of the Licence.
- (d) Where the veterinary surgeon has made recommendations in the report these will be considered as being mandatory requirements where they may affect the dogs health, welfare or safety.

**Condition 19 - Plan for a Licensed premises and displaying Licence**

- (a) The Licensee must submit a suitable plan showing the outline of the buildings, kennel layout, exercise yard and any other construction relevant to the Licensed premises.
- (b) The current Licence must be displayed on the premises.

**Guidance;**

*This outlined plan may be hand drawn but must be in a rough scale to other buildings. All outlines must be identified on the plan. The plan must have the name of the premises written on it, the date and the name of the person who has drawn it.*

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## FINANCE AND CORPORATE SERVICES

### REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

15<sup>th</sup> June 2015

#### SECTION A - MATTER FOR DECISION

**WARDS AFFECTED: All**

#### Taxi Licensing Policy

##### **1.0 Purpose of Report**

To consider the adoption of an overarching taxi licensing policy with a view to issuing it for consultation purposes.

##### **2.0 Background**

The Council has already adopted a number of procedures and policies in respect of the taxi licensing function. It is proposed that an overarching taxi policy be adopted incorporating all the existing procedures and policies, as well introducing some new ones.

##### **3.0 Proposals**

The draft taxi licensing policy is attached at appendix 1. It is proposed that a consultation exercise be carried out with interested parties.

The majority of the content included in the policy has already been consulted upon and adopted by the Council. It is therefore proposed that representation will only be able to be made on those parts of the policy that introduce new requirements or that are being amended

##### **4.0 Consultation**

The list below outlines the parts of the policy which will be included in the consultation exercise.

## Part 1 - Introduction

### **Included in the consultation**

## Part 2 – Driver procedures

### **Included in the consultation**

The main changes are: -

Licence duration – The majority of licences will be issued for 3 years rather than 1 year. However the Licensing Authority can issue licences for a shorter period given the circumstances of individual cases.

DBS Certificates – The result of a DBS check will be required prior to a renewal application being made.

Medicals – The frequency of medical reports will be increased for persons over the age of 45. Currently a medical is required every 5 years; the proposal is that this is every 3 years which will coincide with a licence expiry dates.

Dual Licences – The Council currently issue driver licences for either hackney carriage or private hire purposes, the proposal is that a single licence be issued allowing an individual to drive either type of vehicle.

## Part 3 - Vehicle Procedures

### **Included in consultation**

The main changes are:-

Paragraph 3.7 (CCTV) - introduces new requirements for CCTV in vehicles.

## Part 4 - Operators

### **Included in consultation**

The main changes are:-

Paragraph 4.1 - duration of an operator licence increased to 5 years from 1 year.

#### Part 5 – Fees

#### **Included in consultation**

#### Part 6 – Compliance and Enforcement

#### **Included in consultation**

The main changes are:-

Paragraph 6.4 – adoption of a new enforcement policy

#### Appendix A – Driver Application Process

#### **Included in consultation**

#### Appendix B – Policy on Assessing the suitability of Prospective and Existing Drivers and Operators

#### **Not included in consultation**

This has already been consulted upon and adopted by the Licensing Authority.

#### Appendix C – Conditions for Private Hire Drivers

#### **Not included in consultation**

This has already been consulted upon and adopted by the Licensing Authority. Minor amendments have been made to remove irrelevant conditions and some paragraphs have been relocated within the overall policy. There are no additional conditions being imposed.

#### Appendix D – Vehicle Application Process

#### **Included in consultation**

## Appendix E – Hackney Carriage Vehicle Specifications

### **Not included in consultation**

This has already been consulted upon and adopted by the Licensing Authority.

## Appendix F – Private Hire Vehicle Specifications

### **Not included in consultation**

This has already been consulted upon and adopted by the Licensing Authority.

## Appendix G – National Inspection Standards

### **Not included in consultation**

This has already been consulted upon and adopted by the Licensing Authority.

## Appendix H – Hackney Carriage Vehicles Conditions

### **Paragraph 20 only included in consultation**

Paragraph 20 has been amended to include the word “politics”. The rest has already been consulted upon and adopted by the Licensing Authority.

## Appendix I – Private Hire Vehicle Conditions

### **Paragraph 20 only included in consultation**

Paragraph 20 has been amended to include the word “politics”. The rest has already been consulted upon and adopted by the Licensing Authority.

## Appendix J – Closed Circuit Television Cameras Specifications

### **Included in consultation**

These are new requirements

## Appendix K – Stretched Limousines

### **Not included in consultation**

This has already been consulted upon and adopted by the Licensing Authority.

## Appendix L - Operator Conditions

### **Not included in consultation**

This has already been consulted upon and adopted by the Licensing Authority. Minor amendments have been made to remove irrelevant conditions. There are no additional conditions being imposed.

## Appendix M – Byelaws

### **Not included in consultation**

These have already been approved by the Welsh Government; they do not form part of the policy and are included for convenience purposes only.

## **5.0 Equality Impact Assessment**

A Screening Assessment has been undertaken to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010. After completing the assessment it has been determined that this policy does not require an Equality Impact Assessment.

## **6.0 Recommendation**

That the draft taxi licensing policy be approved for consultation, but representation be restricted to those parts as details in paragraph 5.0 above.

## **7.0 Background Papers**

Equality Impact Screening Assessment

## **8.0 Officer Contact**

Neil Chapple  
Licensing Manager  
Tel. (01639) 763056  
Email: n.chapple@npt.gov.uk

## **9.0 Wards Affected**

All

# Taxi Licensing Policy

(DRAFT)



Private hire and hackney carriage  
vehicles, drivers and operators

June 2015

## 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. 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.

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 and which were issued within the previous 3 months.

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 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.

[www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks](http://www.cpni.gov.uk/advice/Personnel-security1/Overseas-criminal-record-checks)

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's licence on the grounds that they are not a 'fit and proper' person has a right of appeal to the Magistrates' Court.

## 2.5 Knowledge Test

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

Applicants sitting the knowledge 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.

## 2.6 Medical Fitness

Applicants are required to submit a medical examination report (using the form prescribed by the Licensing Authority) completed by their own general practitioner (GP) or a general practitioner that has had access to the applicant's medical records. The General Practitioner carrying out the assessment will need to sign a declaration on the medical form confirming that the applicant's medical records have been examined. Medical examination reports must be issued within the previous 4 months.

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 whilst driving in the last 12 months;
- c) Attend an examination by a hospital consultant specialising in the treatment of diabetes at intervals of not more than 12 months and provide a report from such a consultant in support of each application which confirms a history of responsible diabetic control with a minimal risk of incapacity due to hypoglycaemia;
- d) Sign a declaration and provide evidence of at least twice daily blood glucose monitoring at times when

hackney carriage or private hire vehicles are being driven (those that have not held a licence to drive these vehicles in the preceding 12 months may provide evidence of blood glucose monitoring while driving other vehicles). 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.

## 2.7 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.

## 2.8 Duration of licence

The licensing authority will issue licences for a three 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.

## 2.9 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. Applications for renewal received after the expiry of the licence shall be returned and a new application will need to be submitted.**

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 application forms will be sent to the licence holder at least 4 months prior to the expiry of the licence. The completed application form needs to be submitted to the Licensing Authority in person, promptly to ensure the applicant receives the result of the DBS check prior to submitting the renewal application.

### Medical Examination Report

Medical Examination forms will be sent to the applicant at least 4 months prior the expiry of the licence. The applicant is encouraged to arrange an appointment with their GP or a GP with access to the applicant's medical records promptly to ensure the applicant receives a completed Medical Examination Report prior to submitting the renewal application.

## 2.10 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 is three 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 765046. 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 applied for prior to the expiry of the licence. Applications for renewal received after the expiry of the licence shall be returned and a new application will need to be submitted; the vehicle in these circumstances will need to comply with the vehicle specifications, vehicles that do not will need to be considered by the Registration and Licensing Committee.**

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.

## 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**

## 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**

#### **Driver Application Pack**

A driver application pack must be obtained from the Licensing Section, Civic Centre, Port Talbot SA13 1PJ Tel No: 01639 763050 email: [licensing@npt.gov.uk](mailto:licensing@npt.gov.uk) or from the One Stop Shop at Neath Civic Centre.

These notes are provided to assist you in completing your application for a drivers licence. If you require any assistance or information please contact the Licensing Section on the above number.

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

#### **STAGE 1 – 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 on page 3
- The DVLA mandate (D796) attached at the back of the application form must also be completed. You must also ensure that this form is signed and dated.

##### **The Medical Report**

- The Medical Report must be completed by your doctor or a doctor who has access to your medical records.
- Please note that you are required to sign the Medical form twice on page 11.
- You must also make sure that you have printed your name & date of birth on each page of the medical report.

- It is essential that the doctor has signed one of the declarations on page 12 which specifies whether you meet or do not meet the group 2 standards.
- The medical report **MUST** also be endorsed with the surgery stamp and signed and dated by your doctor. Ensure that you check this before leaving the surgery.
- Please ensure that all sections have been completed and all boxes ticked.

### The Disclosure & Barring Service (DBS) Form

Please note that the application forms cannot be downloaded and must be obtained from the Licensing Section.

- The DBS Form must be completed in black ink.
- Use capital letters when completing the form
- Complete all sections marked in yellow – if you do not, your form will be returned unprocessed and this will delay your application.
- You must provide original documentation only; photocopies will not be accepted. Refer to Disclosure & Barring Service (DBS) guidance which lists valid identity documents
- You must provide all the addresses where you have lived in the last 5 years
- Do not complete Section D on the application form.
- Check that all the details you have written on the form are correct, before signing at Section E.
- Do not complete Section W X & Y – (for Registered Body use only).

## **STAGE 2 – SUBMITTING YOUR APPLICATION**

A completed application pack must be submitted in person to the Licensing Section at the Port Talbot Civic Centre. Office hours for dealing with applications are:-

Monday to Friday 09.00am – 12.00pm and 1.00pm – 3.00pm

A completed application must include the following items:-

- A fully completed application form (including the DVLA Mandate) properly signed and dated.
- Your DVLA driving licence. Please note that the licence must show your current address.
- A Medical Report completed and signed by your own Doctor, or a doctor who has access to your medical records. (NB the doctor will make a charge for this report)
- A Signed DBS Form and original supporting documents (see DBS guidance note attached and also contained within the DBS application form). Photocopies are not acceptable
- Relevant fee for DBS check
- 1 Passport sized photograph taken within the last 3 months

### **STAGE 3 – DBS & DVLA CHECKS**

- The DBS & DVLA checks are submitted by the Licensing Section and your application cannot be progressed until these have been returned. At present these checks usually take between 2-6 weeks.
- The DBS check result 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.
- If there are any convictions shown on the DBS check result 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.
- If your application is approved confirmation will be sent to you in writing, although it is not necessary for you to have received this letter before you complete the application process.

### **STAGE 4 – KNOWLEDGE TEST**

- The knowledge test is administered by the Licensing Authority. Appointments to undertake the test can be made directly with the Licensing Section.
- The Knowledge test can be undertaken at any point during the application period.
- You will need to have successfully completed the Knowledge test and be in receipt of the completion certificate before a decision can be made on whether to grant a driver licence.
- 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 5 – ISSUE OF LICENCE**

- You will need to produce your DVLA driving licence again.
- You will need to pay the relevant fee for grant of the licence.

## **Appendix B**

### **Hackney Carriage and Private Hire Driver & Operator Licensing Assessing the Suitability of Prospective and Existing Drivers and Operators**

#### **1.0 Introduction**

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by Neath Port Talbot County Borough Council (the Licensing Authority) 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.
- 1.2 The guidance will normally be used to assess applicants and existing drivers who may have one or two current convictions or specified matters against them.  
The Committee is unlikely to grant a licence where there are significant convictions and or a pattern of repeat offending.
- 1.3 The overriding aim of the policy is to protect the safety of the public.

#### **2.0 General**

- 2.1 In this policy references to the “Committee” relate to the Registration and Licensing Committee of the Licensing Authority or such other Committee as may be appointed from time to time to discharge the Licensing Authority’s function relating to the licensing of hackney carriages and private hire drivers.
- 2.2 There may be occasions where it is appropriate to depart from these guidelines for example where the offence is a one off occasion or there are mitigating circumstances, or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.3 In assessing the action to take, the safety of the travelling public must be the paramount concern.

#### **3.0 Legislation**

- 3.1 Under the provisions of Sections 51 and 59, of the Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/ or private hire drivers or operators licence is a 'fit and proper' person to hold such a licence.
- 3.2 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle if convicted of an offence involving dishonesty, indecency, violence, failure to comply with the provisions of the Act or the Town Police Clauses Act 1847, or for any other reasonable cause.
- 3.3 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant, or the holder of a private hire or hackney carriage driver's licence, whether spent or not. Therefore the Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a pattern of repeat offending.

#### **4.0 Specified Matters**

- 4.1. When considering a licence application or issues relating to an existing licensed driver, the Licensing Authority will take into account the following specified matters which are considered relevant when assessing whether a person is fit and proper:-

1. Criminal convictions
2. Cautions
3. Fixed penalty notices
4. Anti-social behaviour orders
5. Drink banning orders
6. Breach of licensing conditions
7. Formal warnings
8. Charges awaiting trial

The existence of any of the above matters does not necessarily mean that an applicant will not be issued with a licence. However, the Licensing Authority will consider in detail:-

- The number and relevance of the matters listed above
- How serious the matters were, and;
- How recent they were
- The age of the individual at the time of their occurrence.

In addition in the case of an existing licensed driver the Licensing Authority will also take into account:-

- The period that the licence has been held.
- The conduct/history of the driver.

4.2 The information set out below is not exhaustive, nor is it in any order of priority. It is intended to guide the Committee in determining the degree of weight to give to a conviction, or other specified matter prior to reaching a conclusion about the case before them.

As a general principle:

- i) each case will be determined on it's own merit, and;
- ii) the overriding consideration will be the protection of the public, and;
- iii) where there is evidence causing significant doubt about the fitness or suitability of an applicant or licence holder, the Committee will exercise its discretion in order to protect the safety of the public and refuse the application, or revoke the licence;
- iv) the periods of time specified below relate to where there are no more than two convictions or other specified matters.
- v) The policy will apply to offences which are similar to, or replace those set out below including "attempted", "conspiracy to", etc.

#### Major Driving Offences

4.3 For the purposes of this policy the driving offence(s) specified in Appendix A are considered to be major driving offences. One conviction for a major driving offence within 6 months prior to the date of the application is likely to merit refusal. Two convictions for this type of offence within a period of five years prior to the date of the application is also likely to merit refusal.

#### Minor Driving Offences

4.4 For the purposes of this policy a minor driving offence is one that is not included in Appendix A. One conviction for a minor driving



offence will not usually result in refusal. Two convictions within twelve months prior to the date of application may result in a refusal, particularly where they are for the same offence e.g. speeding.

#### Breach of Licensing Legislation, Byelaw or Licence Condition

4.5 The holder of a hackney carriage or private hire driver licence found by an authorised officer of the Licensing Authority, or a police officer, to be in breach of licensing legislation or a byelaw or licence condition is on the first occasion, likely to be warned in writing as to future conduct, provided that in breaching the licensing legislation, the byelaw or condition the safety of passengers or the public was not put at risk.

4.6 The Committee may suspend or revoke a hackney carriage or private hire driver licence where the holder has committed more than one breach of licensing legislation, licence condition or byelaw, or a single breach is considered so serious as to require suspension or revocation.

The above is irrespective of any legal proceedings which may be pending or have been taken.

#### Disqualification from Driving (excluding Drink/Drive Offences)

4.7 Where a period of disqualification has been reduced due to the offender attending a designated course, the Licensing Authority will only take this into account if proof of attendance at the course is provided.

4.8 Where a recent conviction has resulted in a period of disqualification of up to 2 months, an application is unlikely to be granted unless a period of at least 12 months has elapsed from the end of the disqualification period. This period may be reduced, at the discretion of the Committee where an applicant has successfully completed further recognised driver training and or testing since the disqualification ended.

4.9 Where a recent conviction has resulted in a period of disqualification of up to 12 months, an application is unlikely to be granted unless a period of at least 2 years has elapsed from the end of the disqualification period. This period may be reduced at the

discretion of the Committee, where an applicant has successfully completed further recognised driver training and or testing since the disqualification period ended.

- 4.10 Where a recent conviction has resulted in a period of disqualification of 12 months or more, an application is unlikely to be granted unless a period of at least three years has elapsed from the end of the disqualification period. The three-year period may be reduced to no less than 2 years at the discretion of the Committee, where an applicant has successfully completed further recognised driver training and or testing since the disqualification ended.
- 4.11 The Committee is unlikely to grant an application for a private hire or Hackney carriage driver's licence from a person that has been disqualified from driving for a period of 3 years or more.

#### Driving Under the Influence of Alcohol

- 4.12 A serious view will be taken of a conviction for driving or being in charge of a vehicle whilst under the influence of alcohol. A single conviction may not result in an application being refused, provided that at least three years have elapsed since the ending of the disqualification. A conviction for 'refusing or failing to provide a specimen' will be treated in the same way.
- 4.13 Applicants with two convictions in the previous ten years for driving or being in charge of a vehicle whilst under the influence of alcohol or refusing or failing to provide a specimen are unlikely to be granted a licence.

#### Drug Related Offences

- 4.14 An applicant with a conviction for possession of an illegal substance will usually be required to show a period of at least three years free of conviction before an application is granted. If there are two convictions then a period of at least 5 years free of conviction must be shown. If the applicant has received treatment for addiction, then the period shall be five years following successful detoxification treatment.
- 4.15 The Committee is unlikely to grant an application from a person convicted of any offence involving the supply of illegal substances

to others, unless a period of at least ten years has elapsed since conviction.

#### Drunkenness (Not in a Motor Vehicle)

- 4.16 An isolated conviction for drunkenness is unlikely to result in an application being refused, provided it is not associated with other criminal conduct. Two convictions in the previous three years for drunkenness is likely to result in refusal of the application. Any indication of a medical problem will necessitate a medical report to be provided by the applicant. If an applicant is assessed as being alcohol dependant, a period of five years following successful treatment shall elapse, before a further licence application is considered.

A current licence holder may have his/her licence suspended pending the outcome of the medical report. A medical report confirming alcohol dependency will result in revocation of a licence.

#### Sex & Indecency Offences

- 4.17 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will be closely scrutinised. Those with convictions for the more serious sexual offences will be refused. For other offences, applicants will be expected to show a substantial period free of conviction for such offences before an application will be approved.
- 4.18 Unless there are exceptional circumstances, an application, will normally be refused where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults
- 4.19 Before an application is approved an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence such as:
- Sexual Assault
  - Indecent Assault
  - Possession of indecent photographs, child pornography
  - Exploitation of prostitution

- Trafficking for sexual exploitation

4.20 Before an application is approved an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for an offence such as:

- Indecent exposure
- Soliciting (kerb crawling)

4.21 In addition to the above the Licensing Authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

4.22 An application will normally be refused if an applicant has more than one conviction for a sex or indecency offence.

#### Violence

4.23 The Committee is unlikely to grant an application from a person convicted of an offence involving the use of violence unless a period of between three and ten years free of conviction can be demonstrated (dependent on the nature and seriousness of the offence). If a person has more than one conviction for this type of offence, then it is unlikely that the application will be granted.

4.24 Offences set out below will normally require a period of at least three years free of conviction from the date of application before it is likely that a licence will be issued.

#### Common Assault

Actual bodily harm

Affray

Sec 4 Public Order Act 1986 Causing harassment, alarm or distress

Sec 4a Public Order Act 1986 Intentional harassment, alarm or distress

Sec 5 Public Order Act 1986 Fear of provocation of violence

Obstruction

Possession of offensive weapon

Criminal damage

4.25 A period of at least five years free of conviction from the date of application will normally be required in respect of the following offences.

- Offences set out above in 4.24 which are racially-aggravated
- Malicious wounding
- Grievous Bodily Harm
- Assault on Police
- Resisting arrest

4.26 An application will also normally be refused where the applicant has a conviction for an offence below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police with intent to resist arrest
- Violent disorder

4.27 An application will normally be refused where the applicant has a conviction for an offence of:-

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

#### Dishonesty

4.28 The Committee is unlikely to grant an application from a person convicted of an offence involving dishonesty unless at least three years free of conviction from the date of application has elapsed. If a person has two convictions for this type of offence, then at least five years free of conviction should have elapsed, since the most recent conviction, before an application is considered

The following offences will be considered under this category

- i Theft

- ii Burglary
- iii Fraud
- iv Benefit fraud (including offences under sec111A and 112 Social Security Administration Act1992)
- v Handling/Receiving stolen goods.
- vi Forgery
- vii Conspiracy to defraud
- viii Obtaining property or money by deception.
- xi Other deception
- x Similar offences or offences which replace the above.

#### Repeat Offending

- 4.29 Whilst an applicant may not have committed recent offences and could comply with the criteria set in paragraph 4.3 to 4.28 the Committee is unlikely to grant an application from a person with a record of historic persistent offending, where the criminal record shows a lack of regard for the well being of others or for property.

#### Other Offences

- 4.30 The Committee will normally revoke a private hire or hackney carriage driver and or operators licence where the holder has been convicted of an offence involving obstruction of, or making a false statement to, or the use of violence or threatening behaviour towards, a police officer or an authorised officer of the Licensing Authority.
- 4.31 The Committee may take into account any other convictions, cautions\_or fixed penalty notices or charges awaiting trial not covered in the above categories, where it is considered relevant and appropriate.

## **5.0 Non Conviction Information**

- 5.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application. Such offences would include serious violent offences and serious sex offences.

## **6.0 Cautions**

- 6.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

## Major Traffic Offences

For the purpose of this policy, the following are deemed to be major traffic offences.

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
R70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs



- DR90 In charge of a vehicle when unfit through drugs
- IN10 Using a vehicle uninsured against third party risks
- LC20 Driving otherwise than in accordance with a licence
- LC30 Driving after making a false declaration about fitness when applying for a licence
- LC40 Driving a vehicle having failed to notify a disability
- LC50 Driving after a licence has been revoked or refused on medical grounds
- MS50 Motor racing on the highway
- MS60 Offences not covered by other codes
- MS90 Failure to give information as to identity of driver etc
- UT50 Aggravated taking of a vehicle

Offences of aiding, abetting, counselling, procuring, causing, permitting, or inciting, any of the above

## **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 7 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 must be submitted in person to the Licensing Section at the Port Talbot Civic Centre. Office hours for dealing with applications are:-

Monday to Friday 09.00am – 12.00pm and 1.00pm – 3.00pm

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.
- A valid M.O.T (where applicable)
- Current fee
- Where a vehicle has been converted or modified e.g. for wheelchair access, an appropriate type approval certificate shall also be required.

### **Stage 4 – Meter Test (hackney carriage vehicles only)**

A measured mile has been created on a road in close proximity of the Port Talbot Civic Centre. The applicant, accompanied by a licensing officer, will need to drive the vehicle along the measured mile, whilst the Licensing Officer tests the meter.

A licence will not be able to be issued until the meter is confirmed as accurate by the Licensing Officer.

### **Stage 5 – Issue of Licence**

Once all the above stages have been completed the licence can be issued. The applicant will be issued with 2 self-adhesive doors signs, a back plate and back plate holder.



## 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
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 licence will only be issued to wheelchair accessible vehicles.
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**  
**National Inspection Standards**

**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.



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.

---

## ACKNOWLEDGEMENTS

Name	Organisation	Position
Don Allison	Luton BC	Transport Manager
Phil Clifford	St. Edmundsbury BC	Fleet & Technical Manager
Chris Ruane	Freight Transport Association	Sector Head Public Authorities, Waste, Utilities, Construction & Plant
Andy Mair	Freight Transport Association	Head of Engineering Policy
Barry Pearson	Staffordshire County Council	Technical Officer
Simon Smith	Luton BC	Fleet Manager
Derek Rooker	Barnsley MBC	Fleet Engineer
Dave Moyle	Vale of Glamorgan	Workshops Supervisor
Barry Richards	Bath & North East Somerset Council	Service Team Manager – Fleet Management
Kevin Spiers	Oxford City Council	Transport Workshop Coordinator
Ken Stone	Liverpool City Council	Principal Licensing Officer
Dave Colligan	Liverpool City Council	Principal Enforcement Officer
Marten Pleaden	Walsall Council	Vehicle Examiner
Martin Hamer	City of Bradford MDC	Principal Licensing Officer
Paul Dibb	City of Bradford MDC	Workshop Manager
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Dave Pike	Vale of Glamorgan	Workshop Foreman
Keith Miller	Milton Keynes Council	Fleet Manager
Kevin Lewis	Neath & Port Talbot CBC	Fleet Technical Supervisor
Jim Sullivan	Neath & Port Talbot CBC	Licensing Manager
John Webb	Salisbury DC	Licensing Officer
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Mike Tonks	Salisbury DC	Transport Manager
Rob Armev	Wiltshire County Council	Fleet Inspector



# **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>

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### 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> <ul style="list-style-type: none"> <li>a. Check all electrical wiring for:               <ul style="list-style-type: none"> <li>o Condition</li> <li>o Security</li> <li>o Position</li> <li>o Signs of overheating</li> <li>o Heavy oil contamination</li> </ul> </li> <li>b. Battery and carrier for:               <ul style="list-style-type: none"> <li>o Security</li> <li>o Battery for leaks</li> </ul> </li> <li>c. Check all switches controlling all obligatory lights</li> </ul>	<ul style="list-style-type: none"> <li>a. Wiring               <ul style="list-style-type: none"> <li>o Not adequately insulated</li> <li>o Not adequately secured</li> <li>o 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>o With clear evidence of overheating</li> <li>o Heavily contaminated with oil</li> </ul> </li> <li>b. Battery and carrier:               <ul style="list-style-type: none"> <li>o A battery and /or carrier not secure and likely to become displaced</li> <li>o Battery leaking</li> </ul> </li> <li>c. Insecurity or malfunction of a switch controlling an obligatory light</li> </ul>

## 1.9. ADDITIONAL LAMPS

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

<b>Additional Lamps (continued)</b>	<b>Reason for Rejection</b>
<p data-bbox="315 440 595 470"><b>Method of Inspection</b></p> <p data-bbox="315 499 622 529">'For Hire' and Roof Signs</p> <p data-bbox="315 558 461 588">Check that:</p> <ul data-bbox="315 617 972 762" style="list-style-type: none"><li data-bbox="315 617 797 647">a. Correct style and type of sign fitted.</li><li data-bbox="315 676 972 707">b. Ensure the sign is securely fastened to the vehicle</li><li data-bbox="315 707 826 737">c. Check condition and security of wiring</li><li data-bbox="315 737 831 767">d. Functional test of signs for illumination</li></ul>	<p data-bbox="1151 528 1462 558">'For Hire' and Roof Signs</p> <ul data-bbox="1151 647 1982 820" style="list-style-type: none"><li data-bbox="1151 647 1982 707">a. Incorrect colour or details shown on sign, i.e. registration number, vehicle number etc.</li><li data-bbox="1151 707 1361 737">b. Insecure sign</li><li data-bbox="1151 737 1827 767">c. Wiring is not in good condition and is loose or chaffed</li><li data-bbox="1151 767 1982 820">d. Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.</li></ul>

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## SECTION 2 - STEERING

### Section Contents:

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



**2.1 STEERING CONTROL - STEERING WHEEL**

<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.	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. Push steering wheel away and then pull it towards you. Note any side play.	b. Excessive side play indicating worn top bearings or insecure top mounting bracket.
c. While steering wheel is rotated, check for deterioration in any flexible coupling or universal joint of steering column.	c. A flexible coupling or universal joint deteriorated, worn or insecure.
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).	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> <p>i. Examine the boot for access, contents, cleanliness, and water ingress.</p> <p>Additional items to be inspected in limousines and novelty vehicles:</p> <p>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.</p> <p>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.</p> <p><b>Note: <u>Any vehicle presented in a dirty, untidy condition will not be tested</u></b></p>	<p>i. Unable to open, close and or lock boot lid, failure of boot lid support mechanism, defective seals/evidence of water ingress, dirty boot and or carpets, loose items stored in boot (i.e. spare wheel tools and equipment etc).</p> <p>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.</p> <p>k. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers</p>





6.2 DOORS and SEATS

Method of Inspection	Reason for Rejection
<p><b>Doors and Emergency Exits</b></p> <p>Examine the condition of all doors and emergency exits. Check door locks, striker plates, handles and hinges for security, wear and missing and damaged trim/cover plates.</p> <p>Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible.</p> <p>Check that seats are secure, clean and not unduly worn.</p> <p><b>IMPORTANT NOTE: With the exception of 'novelty vehicles' only vehicles with forward and rear facing seats will be accepted.</b></p> <p><b>For more information on seating for novelty vehicles see Section 12.2</b></p>	<p><b>Doors and Emergency Exits</b></p> <ul style="list-style-type: none"> <li>a. A door or emergency exit does not latch securely in the closed position.</li> <li>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>c. Missing, loose or worn handles, lock or striker plate.</li> <li>d. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect.</li> <li>e. Missing, loose or damaged trim/cover plate.</li> <li>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)**

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
<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**

<b>Method of Inspection</b>	<b>Reason for Rejection</b>
<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>





### 8.3 WINDSCREEN - VIEW TO THE FRONT

Method of Inspection	Reason for Rejection
<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>o The condition of any visible piping</li><li>o The function of the operating mechanism, and</li><li>o 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>o Pipes inadequately clipped or supported</li><li>o Incorrect function of the wipers or leaking components</li><li>o 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 discoloration.</p> <p>b Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions.</p> <p>c Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows.</p> <p>d Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions</p> <p>e For all vehicles first used before 1 January 1959. As far as is practicable, check that glass fitted to windscreens and outside windows facing to the front is safety glass, except glass fitted to the upper deck of a double deck bus.</p> <p>f For all vehicles used on or after 1 January 1959, as far as is practicable, check that glass used for windscreens and all outside windows is safety glass, or safety glazing.</p> <p>g Vehicles first used on or after 1 June 1978, check that windscreens and other windows, wholly or partly, on either side of the drivers' seat are made from safety glass displaying an acceptable safety mark.</p>	<p>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 A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure.</p> <p>c Any external window or windscreen is obviously leaking.</p> <p>d A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged.</p> <p>e The windscreen and/or any outside window facing to the front of a vehicle obviously not safety glass fitted to a vehicle first used before 1 January 1959.</p> <p>f Glass used for a windscreen or an outside window is obviously not safety glass.</p> <p>g For vehicles first used on or after 1 June 1978, that windscreens and/or other windows wholly or partly on either side of the 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:**

<b>Sub-section</b>	<b>Subject</b>
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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

Method of Inspection	Reason for Rejection
<ul style="list-style-type: none"><li>a. Check that a speedometer is fitted.</li><li>b. Check the condition of the speedometer.</li><li>c. Check that the speedometer can be illuminated.</li></ul>	<ul style="list-style-type: none"><li>a. Speedometer not fitted.</li><li>b. Speedometer not complete or clearly inoperative, or dial glass broken or missing.</li><li>c. The speedometer cannot be illuminated.</li></ul>



## 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

Method of Inspection	Reason for Rejection
<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**

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

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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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## 10.6 TRAILERS & TOWBARS

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

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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
<ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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.</li> <li>h. A locking mechanism shall be fitted that holds the access door in the open position whilst in use.</li> <li>i. All wheelchair tracking must be fit for purpose and structurally sound.</li> </ul> <p data-bbox="315 1086 1093 1169"><i>Further information on disabled people's transport is available from the <b>Disabled Persons Transport Advisory Committee (DPTAC) website opposite</b></i></p>	<ul style="list-style-type: none"> <li>e. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109.</li> <li>f. Wheelchair access equipment is fitted to the off- side access door of the vehicle.</li> <li>g. There is not clear headroom in the aperture within the central third of 48 inches (1,220mm).</li> <li>h. No evidence of a suitable locking mechanism to hold the door open.</li> <li>i. Damaged or insecure tracking or detritus deposits within the tracking rails</li> </ul>
	<p data-bbox="1104 1145 1868 1177"><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>
a. Check the first aid kit for presence, the expiry date and the seal is intact.  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.	a. A first aid kit is missing, out of date, broken or the seal has been broken.  b. The first aid kit is not fitted in an accessible position or its position is not clearly marked.





## **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>

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## 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

Method of Inspection	Reason For Rejection
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.



**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: .....

<b>Inspection area</b>	<b>Description</b>	<b>Pass (✓)</b>	<b>Fail (x)</b>
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 ..... Date.....  
 \* 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 Vehicles 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.

## Spare Wheels and Emergency Puncture Repair Kits

14. 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.
15. 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.
16. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date
17. 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

18. 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.
19. 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)
20. 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.
21. 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

22. Vehicles shall be subject to two scheduled inspections at the Council's Vehicle Inspection Centre within a 12 month period.
23. 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.
24. 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.
25. 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.
26. 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

27. Any trailer used for the conveyance of luggage shall be submitted for inspection along with the licensed towing vehicle.
28. The trailer shall be fully covered for protection against wind and rain penetration and secured for the protection of the luggage carried.
29. The trailer shall be covered by a policy of insurance.
30. The trailer shall be of an approved type indicating: -
  - (i) unladen weight
  - (ii) gross weight
  - (iii) manufacturer's detail

31. The trailer shall display an additional licence plate issued by the Council.
32. Trailers shall be equipped with either,
  - A spare wheel in good condition and the tools to change wheel, or
  - An emergency puncture repair kit.
33. 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.
34. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date.
35. 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.
36. Trailers shall not be used when plying for hire.

#### 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 (excluding the rear windscreen). The plate shall be permanently attached to the vehicle at all times.
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. 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.
42. Vehicles shall have a copy of the current fare tariff prominently displayed inside the vehicle.
43. The luggage compartment shall be kept clear in order to accommodate a reasonable amount of luggage.

## Appendix I

### Private Hire Vehicles 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.

## Spare Wheels and Emergency Puncture Repair Kits

14. 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.
15. 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.
  16. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date
  17. 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

18. 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.
19. 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)
20. 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.
21. 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

22. Vehicles shall be subject to two scheduled inspections at the Council's Vehicle Inspection Centre within a 12 month period.
23. 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.
24. 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.
25. 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.
26. 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

27. Any trailer used for the conveyance of luggage shall be submitted for inspection along with the licensed towing vehicle.
28. The trailer shall be fully covered for protection against wind and rain penetration and secured for the protection of the luggage carried.
29. The trailer must be covered by a policy of insurance.
30. The trailer shall be of an approved type indicating: -
  - (i) unladen weight

- (ii) gross weight
- (iii) manufacturer's detail

31. The trailer shall display an additional licence plate issued by the Council.
32. Trailers shall be equipped with either,
  - A spare wheel in good condition and the tools to change wheel, or
  - An emergency puncture repair kit.
33. 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.
34. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date.
35. 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

36. 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.
37. 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.
38. 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
39. 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

40. The luggage compartment must be kept clear in order to accommodate a reasonable amount of luggage.
41. 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

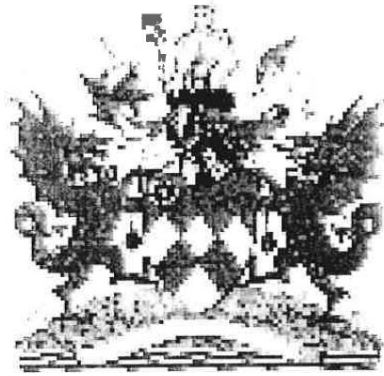
7. The operator shall provide adequate telephone facilities and staff to provide an efficient service to the public using the operator's facilities.
8. The operator's radio and computerised equipment shall be maintained in good working order and any defects shall be repaired promptly.

## 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.

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## FINANCE AND CORPORATE SERVICES

### REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

15<sup>th</sup> June 2015

#### SECTION B - MATTER FOR INFORMATION

**WARDS AFFECTED: All**

#### Deregulation Act 2015 update

##### 1. Purpose of Report

To inform members of changes to the taxi and private hire licensing function following the introduction of the Deregulation Act 2015.

##### 2. Background

The Deregulation Act 2015 received Royal Assent on the 26<sup>th</sup> March 2015; one of the purposes of the Act is to make provision for the reduction of burdens resulting from legislation to businesses, organisations and individuals.

Section 10 and 11 of the Act relate specifically to taxi and private hire licensing and the provision will become effective from the 1<sup>st</sup> October 2015

##### 3. Section 10 – Taxis and Private Hire Vehicles: Duration of Licences

The Licensing Authority currently has the discretion to issue licences for drivers of hackney carriage and private hire vehicles, of up to 3 years and private hire operator licences up to 5 years; this authority issue such licences for a 1 year period.

The Act amends the existing legislation which will remove the discretion currently available to the Licensing Authority. Consequently, driver licences will be required to be issued for 3 years and operator licences for 5 years. Licences of a shorter duration would only be able to be issued on a case by case basis where the Licensing Authority thinks it appropriate.

It is suggested that examples of the circumstances in which an annual licence may still be issued would include; probationary licences

where members have concerns over an applicant's criminal history; for medical reasons; or, so that licence renewals coincide with DBS expiry dates.

The Licensing Section is undertaking a review of the licensing fees in order to determine an appropriate fee level for the new multi-year licences. These fees will be implemented prior to 1<sup>st</sup> October 2015.

#### **4. Section 11 – Private Hire Vehicles: Sub Contracting**

Existing legislation does not permit a private hire operator licensed in one authority area subcontracting a booking to an operator licensed by another authority.

In simple terms a private hire operator will be able to subcontract a booking to a private hire operator licensed in any other authority area including London and Scotland.

#### **5. Recommendation**

That the report be noted

#### **6. Background Papers**

Deregulation Act 2015

#### **7. Officer Contact**

Neil Chapple  
Licensing Manager  
Tel. (01639) 763056  
Email: n.chapple@npt.gov.uk

#### **8. Wards Affeted**

All

## FINANCE AND CORPORATE SERVICES

### REPORT OF THE HEAD OF LEGAL SERVICES – D. MICHAEL

15<sup>th</sup> June 2015

#### SECTION B - MATTER FOR INFORMATION

**WARDS AFFECTED: All**

#### **LGA Taxi and PHV Licensing – Councillors’ Handbook**

##### **1. Purpose of Report**

To provide copies of the LGA publication “Taxi and PHV Licensing – Councillors Handbook” to members.

##### **2. Background**

In March 2015 the LGA published a Councillors’ Handbook on Taxi and Private Hire Licensing. The Handbook has been developed to assist members in understanding some of the key issues concerning taxi and PHV Licensing and is intended to be a starting point to explain some of the difficulties that can arise in this complex area of business regulation.

Members of the Registration and Licensing Committee have already received training in respect of the Taxi and PHV licensing function and this handbook does not seek to replace this requirement.

The Taxi and PHV Licensing Councillors Handbook will be provided to Members at the meeting and is attached at Appendix 1.

##### **3. Recommendation**

That the report be noted

##### **4. Background Papers**

None

**5. Officer Contact**

Neil Chapple  
Licensing Manager  
Tel. (01639) 763056  
Email: n.chapple@npt.gov.uk

**6. Wards Affeted**

All

# Taxi and PHV Licensing

Councillors' Handbook  
(England and Wales)





# Foreword

Taxis and Private Hire Vehicles (PHVs) are vital to our communities; whether it's the iconic black cab in our cities or the flexible minicab in a rural district. As elected members, we are responsible for ensuring the public travel safely and receive a good level of service, and that our systems attract good, reputable drivers.

Our critical responsibilities in licensing these drivers and vehicles have been highlighted by recent examples of licensed vehicle drivers and or operators being involved in the sexual exploitation of children. Taxis are regularly used to transport children during the school run. Elderly and disabled users also rely heavily on the door-to-door service taxis and PHVs provide, as it is often the only way for many residents to access local services. Clearly, drivers must therefore command the highest level of confidence before they can be entrusted with this responsibility. It is essential that we take seriously our responsibility to determine whether someone is a 'fit and proper' person to hold a licence.

There are economic benefits too in enabling visitors to move quickly and safely through your area. Taxis and PHVs have a particularly important role in the night-time economy, ensuring the public return home safely, and can be helpful in ensuring that people disperse quickly and peacefully after events.

Unfortunately, the existing licensing system is outdated and needs urgent reform. One of the main pieces of legislation dates from 1847, which means it predates even the earliest motor vehicles, let alone online and mobile booking apps. The LGA is lobbying for a Taxi and PHV Licensing Reform Bill which will modernise the governance system for taxis and PHVs and better protect passengers from the many and varied risks which now exist. Until then, it is incumbent on us to do the best we can with the tools at our disposal.

We have developed this handbook to help you use these tools and understand some of the key issues concerning taxi and PHV licensing. It is intended to be used as a starting point to explain some of the difficulties that can arise in this complex area of business regulation, but of course is not a replacement for training provided by your own authority.

We hope you find it useful.



**Councillor Tony Page**

LGA Licensing Champion, Safer and Stronger Communities Board



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# The regulatory framework for taxis and PHVs – an overview

## Terminology

Taxis are referred to in legislation, regulation and common language as ‘hackney carriages’, ‘black cabs’ and ‘cabs’. The term ‘taxi’ is used throughout this handbook and refers to all such vehicles.

Private hire vehicles (PHVs) include a range of vehicles such as minicabs, executive cars, limousines and chauffeur services. The term ‘PHV’ is used throughout this handbook to refer to all such vehicles.

Councils are only responsible for the licensing of vehicles which carry up to a maximum of eight passengers. Vehicles with a seating capacity of more than eight passenger seats, which can include some stretch limousines, are licensed by the Traffic Commissioners, who are appointed by the Transport Secretary.

## Legislation

Taxi and Private Hire Vehicle (PHV) legislation is primarily concentrated in the Town Police Clauses Act 1847 (the 1847 Act) and the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act). The legislation provides a broad framework for the licensing of drivers, vehicles and operators but the detail of how this is done, including standards and conditions, is the responsibility of individual councils. There are a number of other Acts which also have an impact; for example the Equalities Act 2010, which enables regulations to improve disabled access to taxis.

This mix of legislation is widely regarded as outdated and in 2014 the Law Commission published the results of a three year study into consolidating and updating the laws governing both taxis and PHVs into a single piece of legislation.<sup>1</sup> The Government has yet to respond to the report, although two clauses were brought forward early in the Deregulation Bill 2015<sup>2</sup>. A third clause, permitting anyone to drive a licensed vehicle when it was ‘off-duty’ was removed after lobbying from the LGA and other stakeholders.

The LGA, in consultation with our member councils, does not fully agree with all the Law Commission’s proposals, but feel that it does provide a sound basis for the reform that is very urgently needed. The LGA will therefore be lobbying for a Taxi and PHV Licensing Reform Bill to be brought forward in the next Parliament.

<sup>1</sup> The full report can be found on the Law Commission’s website: <http://lawcommission.justice.gov.uk/areas/taxi-and-private-hire-services.htm>

<sup>2</sup> This Bill had not received Royal Assent at the time of writing, but is expected to successfully complete its passage through Parliament in early 2015. It will enter legislation as the Deregulation Act 2015, and references to it in the Handbook should be read as such once that has happened.

### Facts and figures:

In England and Wales, there were around 78,000 taxis and 153,000 PHVs licensed as at the end of March 2013.

There are an estimated 27,000 licensed taxi and PHV drivers in England and Wales.

Taxis and PHVs together account for just over one per cent of all trip stages per person per year in Great Britain. This is about 600 million trip stages or around 3 million miles a year.

An estimated 58 per cent of all taxis are wheelchair accessible in England and Wales.

## Differences between taxis and PHVs

One of the key differences between the vehicles is that a PHV, unlike a taxi, cannot ply for hire, which means that all journeys must be pre-booked in advance through a licensed operator. It is an offence for PHVs to pick up passengers from any location unless pre-booked. Local councils can, if they wish, also regulate the fares charged by taxis, whereas there is no power to do so with PHVs.

	Taxi	Private Hire
Ply for hire	✓	x
Pre booked	✓	✓
Operating from a rank	✓	x
Fare meter required	✓	x
Fare tariff set by council	✓	x
Number of vehicles may be restricted by councils	✓	x
Taxis require two types of licence:		Hackney carriage proprietors (vehicle) licence Hackney carriage drivers licence
The provision of a private hire service requires three types of licence:		Private hire operators licence Private vehicle licence Private hire drivers licence

## Council role in taxi and PHV licensing in England and Wales

Taxi and PHV licensing in England and Wales is undertaken by district and unitary councils ('licensing authorities'), which have the responsibility for ensuring the public travel in safe, well maintained vehicles driven by competent drivers, as well as providing a fair and reasonable service for the taxi and PHV trade.

In London, taxi and PHV licensing is the responsibility of Transport for London and delivered by London Taxi and Private Hire, which is accountable to the Mayor of London and responsible for delivering the Mayor's Transport Strategy. Local councils in London have no direct role in licensing taxis and PHVs.

To deliver their responsibilities, councils' core functions in taxi and PHV licensing can be summarised as:

- setting the local framework, which can include fares, vehicles standards or limits on vehicle numbers
- considering applications and issuing, reviewing or revoking licences
- undertaking inspection and enforcement activities.

Taxi and private hire licensing may be undertaken within a single department but usually sits within one of the council's regulatory services such as environmental health or legal services. It is often also combined with other licensing functions.

In providing the licensing function, the council, under the provisions of the 1976 Act, is entitled to levy fees to recover the reasonable cost associated with:

- the administration and issue of licences
- the inspection of vehicles for the purposes of determining whether any such licence should be granted or renewed
- the provision of hackney carriage stands and administrative or other costs in connection with the control and supervision of hackney carriage and private hire vehicles.

With the exception of drivers' licences, the council is required to consult upon the fees it intends to levy through a public notice procedure. In determining the fees to be charged it would be reasonable to do so with a view to achieving full cost recovery.

Licensing income from these schemes must therefore be 'ring-fenced' in that licensing fees and charges cannot be spent on other areas of council activity – even other areas of licensing business. It is important to ensure that applicants and licensees receive value for money. As a councillor you should ensure that your authority's budgets can stand up to scrutiny by the District Auditor and under the Freedom of Information Act, which has been increasingly used in recent years by licensees and trade associations.

There are no statutory timescales or performance measures for taxi/PHV licensing, unlike some other licensing regimes. However many councils use internal targets to measure the service being provided to customers. A periodic review of the licensing service's processes and procedures can help to improve this. One council, for instance, subjected its licensing procedures to a LEAN business review and succeeded in reducing the time taken to process vehicle licences from 45 days to just one day.

## Department for Transport's role (DfT)

DfT's role is that of regulatory ownership and maintenance of the regulatory framework for taxis and private hire vehicles. The DfT provides non-statutory guidance to local councils as to how to discharge their duties under the regulatory framework. The Department collects and publishes statistics on a regular basis and produces guidance to assist local councils in carrying out their taxi and PHV licensing functions. The guidance is considered to be 'best practice' and addresses a number of issues where inconsistency of approach exists in taxi and private hire licensing in England and Wales.

## Strengths and weaknesses of the current system

Councils have a wide-range of powers that can be used to regulate taxis and PHVs, protecting the public and supporting local economies; but there are also some anomalies within the existing system.

Local councils have the power to attach conditions to taxis, PHVs, and the licences of PHV drivers, but not the licences of taxi drivers. They can also influence the local context in which vehicles operate, and a range of licensing policies have been developed to do this by councils, but they vary from relatively relaxed to very strict regimes. Many councils have also adopted local bylaws under the 1976 Act that regulate driver conduct, which can helpfully provide some of the otherwise missing influence over the conduct of taxi drivers.

However, over time this has created differing standards with little co-ordination within regions or nationally. The result is varying standards of service for passengers, particularly disabled users; confusion for taxi and PHV businesses; some types of vehicles operating unregulated; and taxis working in areas in which they are not licensed to do so. This is far from ideal.

Nonetheless, taken together these policies and bylaws offer a reasonable standard of influence when it comes to assessing applications to the licensing committee. The situation for enforcement activities is much less positive.

- First and foremost, councils have no ability to stop vehicles, which leaves them only able to intervene when a vehicle is stopped, and unable to do anything if it drives off – only the police may stop a vehicle.
- Secondly, a council may only take action against a vehicle or driver that it has licensed, meaning that there is absolutely nothing that a council can do if a vehicle or driver licensed elsewhere is operating in their area.

This is why the issue of cross-border hiring is perhaps the most acute problem facing many councils today. In one recent example, a driver applied to a council for a licence only to be refused after the police presented concerns to the licensing committee; the driver then applied to the neighbouring council, which was given the same information by the police but chose to licence the driver. The driver now operates in the first council's area and there is nothing they can do to stop it.

**This poses a risk to communities everywhere, as well as the reputation of local government as a whole. Every council should be mindful of its opportunities to protect communities outside of its immediate responsibility.**

The best councils will meet or communicate regularly with licensing committees and officers in neighbouring councils to ensure critical information is shared and that there is a consistency and robustness in decision-making. By working together, local government can make sure that this vital service is safe, respected, and delivering for local communities.

The following sections of this handbook set out guidance on how councils can deliver the best possible licensing regulation.

# Role of councillors

## Councillors and the council's regulatory/licensing committee

Councils will usually operate with a regulatory/licensing committee which may be made up of non-executive/cabinet councillors, and sub-committees made up of councillors of the parent committee. Apart from setting taxi fares and ranks, taxi/PHV licensing is a 'council' and not an 'executive' function.

The role of the parent committee is to consider and propose policy, including setting the overall approach of the council, conditions and standards for vehicles and drivers.

There is no requirement to create a single licensing statement or policy for taxi and PHV licensing in the way that there is for the Licensing Act 2003 and Gambling Act 2005. However, the LGA strongly encourages licensing authorities to create a unified policy that brings together all their procedures in one place; this could include policies on convictions, determining the 'fit and proper' person test, licence conditions, and vehicle standards.

Creating a single, unified policy that is reviewed on a regular basis will provide clarity for drivers and operators, as well as strengthening the council's position if there is a challenge against a decision in court.

For the purposes of simplicity, the rest of this document will refer to a single licensing statement, even though a licensing authority may choose to retain separate policy documents.

It is important to take account of the views of the trade and of customers, as well as other stakeholders, when establishing policy in the same way that other areas of council business are developed.

Decision-making in respect of individual cases, whether applications for licences or where matters are brought to the attention of the council following the grant of a licence (for example breach of conditions, convictions, driving endorsements etc), are often made by a regulatory/licensing sub-committee. This sits as a quasi-judicial body and therefore must follow the rules of natural justice – anyone affected by a decision has a right to be heard and no one should be a judge in his own cause. All decisions should be made without 'fear or favour', however difficult they may be.

Sub-committees have a range of options available to them including:

- in the case of licence applications, to grant a licence, with or without conditions
- in the case of licence applications, to refuse a licence
- in the case of existing licences where matters are brought to the council's attention, to
  - do nothing



- suspend a licence
- introduce conditions on a PHV driver's licence
- revoke a licence.

Suspension can be particularly helpful in improving standards or addressing complaints. For instance, a licence can be suspended until such time as the driver can undergo additional driver training or receive other improvement support. However, you cannot suspend a licence as an interim measure pending a final decision on a court case – it must always be used as a final decision.

Councils may attach conditions to licences – either standard ones that apply to every licence or specific ones bespoke for individual applicants. In either case the conditions must not:

- exceed the council's powers set out in the controlling legislation ('ultra vires')
- be unreasonable or disproportionate
- be beyond the applicant's powers to comply with
- be for an ulterior motive and
- must be clearly stated in order that they can be properly understood to be complied with and enforced.

**Decision-making may also be delegated to officers, and is an important tool where a serious offence is committed and immediate revocation is needed. All councils should consider having a delegation system in place for this contingency; the chief executive or deputy is often nominated for this role.**

Both applicants seeking new licences and the holders of existing licences will have the right of appeal to the local magistrates' or crown court if they are aggrieved by the decision of the council. In all cases where a licence is suspended or revoked, reasons must be given for that decision. Drivers must reach the standard of a 'fit and proper' person with each case being dealt with on its own merits, normally with reference to an objective policy published by the council. The overriding consideration is the safety of the public which may, in some cases, outweigh the right of the applicant to hold or continue to hold a licence.

## Training of councillors

**No councillor should be permitted to sit on a committee or sub-committee without having been formally trained. As a minimum, training should cover licensing procedures, natural justice, understanding the risks of child sexual exploitation and disability awareness as well as any additional issues deemed locally appropriate.**

It is important that training does NOT simply relate to procedures, but also covers the making of difficult and potentially controversial decisions, and the use of case study material can be helpful to illustrate this.

All training should be formally recorded by the council and require a signature from the councillor.

In addition to in-house training, there are a number of independent training providers, including the professional bodies – the National Association of Enforcement and Licensing Officers (NALEO), and the Institute of Licensing (IoL). The LGA has also made available a free online module on regulatory services for all councillors to use - <http://lga.learningpool.com/>.

## Appearance of bias

While third party lobbying of elected members is legitimate and certain members may make representations to the licensing committee on behalf of 'interested parties', it is crucial for the licensing authority and its committee to ensure that there is neither actual nor an appearance of bias in its decision-making. It should also be remembered that concerns about political lobbying were the basis of the concerns which lead to the first Nolan Committee on Standards in Public Life.

Section 25 of the Localism Act 2011 does not prevent members from publicly expressing a view about an issue or giving the appearance of having a closed mind towards an issue on which they are to adjudicate. However it is recommended that to avoid an appearance of bias the following advice should be observed:

- No member sitting on the licensing sub-committee can represent one of the interested parties or the applicant. If s/he wishes to do so s/he must excuse him/herself from membership of the sub-committee which is considering the application. Case law has also established they should not be in the room for the hearing once an interest has been declared.
- If a member who sits on the licensing sub-committee is approached by persons wishing to lobby him/her as regards the licence application then that member must politely explain that they cannot discuss the matter and refer the lobbyist to his/her ward member or the licensing officer who can explain the process of decision making. If the member who sits on the licensing sub-committee wishes to represent them then s/he will need to excuse him/herself from the licensing sub-committee.
- Members who are part of the licensing sub-committee must avoid expressing personal opinions prior to licensing sub-committee decision. To do so will indicate that the member has made up his/her mind before hearing all the evidence and that their decision may not be based upon the licensing objectives nor the statement of licensing policy.
- Political group meetings should never be used to decide how any members on the licensing sub-committee should vote. The view of the Ombudsman is that using political whips in this manner may well amount to findings of maladministration. It may be advisable that the chair of the licensing sub-committee should state, during proceedings, that no member of the sub-committee is bound by any party whip.
- Councillors must not be members of the licensing sub-committee if they are involved in campaigning on the particular application.
- Other members (ie those who do not sit on the licensing sub-committee) need to be careful when discussing issues relating to matters which may come before the licensing sub-committee members as this can easily be viewed as bias / pressure and may well open that sub-committee member to accusations of such. While a full prohibition upon discussing such issues with committee members by other members may be impractical and undemocratic, local authorities are advised to produce local guidance for members on how such matters can be dealt with.<sup>3</sup> Such guidance could include a definition of what is viewed as excessive e.g. attempting to obtain a commitment as to how the member might vote

<sup>3</sup> "It is undemocratic and impractical to try to prevent councillors from discussing applications with whomever they want; local democracy depends on councillors being available to people who want to speak to them. The likely outcome of a prohibition would be that lobbying would continue but in an underhand and covert way." (Nolan Committee Report into Standards in Public Life 285 p. 72)

- Members must also be aware of the need to declare any pecuniary or non-pecuniary interests in matters that may come before them, whether these relate to policy issues or to specific applications.
- Members must not pressurise licensing officers to make any particular decisions or recommendations as regards applications.
- Member behaviour is also governed by the member's code of conduct which you should have regard to, and most authorities also have a member/officer protocol which governs how members and officers should interact and the differences in their roles and responsibilities.
- Members should consult their monitoring officers for further advice where necessary.

# The ‘fit and proper’ person test<sup>4</sup>

Passengers should be at the centre of a licensing authority’s taxi licensing policies and processes, and there is no area where this is more important than in the application of the ‘fit and proper person’ test.

A licensing authority must not grant a taxi or PHV driver’s licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence. This is very different to the Licensing Act 2003 or Gambling Act 2005, where the presumption is to permit a licence application.

A licensing authority is also entitled to suspend or revoke a taxi or PHV driver’s licence if there is evidence to suggest that the individual is not a fit and proper person, and specifically<sup>5</sup>:

- if he has been convicted since the grant of the licence of an offence involving dishonesty, violence or indecency
- for non-compliance with the licensing requirements of [the 1847 Act or the 1976 Act] and related legislation, or
- for any other reasonable cause.

**Properly applying the fit and proper person test is essential for ensuring a robust licensing scheme that protects safety and commands the confidence of the general public.**

On receiving an application, councils should first make use of the Home Office’s free service to check the applicant’s right to work. This ensures that applications are not heard where the applicant has no legal right to work in the UK.<sup>6</sup> Once this is established, an inquiry into an applicant’s fitness to be licensed is likely to include enquiries into his health, local knowledge and understanding of the responsibilities of a licensed driver. However, character is usually investigated first.

Most councils have adopted a formal statement of policy about relevant convictions and how this will determine whether an applicant is fit and proper. While each application must be determined on its individual merits, the statement may set out a recommended minimum period free of conviction for offences falling into broad categories to act as a guideline to licensing committees.

The statements adopted by English and Welsh councils tend to be broadly similar and are based on Government guidance issued in the early 1990s. **The LGA is recommending that all councils review their policies, and update them as required.**

<sup>4</sup> The text in this section draws heavily on an article by Ian de Prez, Solicitor Advocate for Suffolk Coastal District Council, in *Local Government Lawyer* magazine. We are grateful to Mr de Prez and *Local Government Lawyer* for their permission to reproduce the points from the article.

<sup>5</sup> S60(1)(a)(b)(c), Local Government (Miscellaneous Provisions) Act 1976

<sup>6</sup> The service can be contacted at [EvidenceandEnquiry@homeoffice.gsi.gov.uk](mailto:EvidenceandEnquiry@homeoffice.gsi.gov.uk)

## Convictions policy

It is important to set out how your sub-committee will view convictions, spent or otherwise, and ideally include it as part of your consolidated taxi licensing policy. DfT has previously issued advice on the period of time that should lapse between certain types of conviction and the issue of a licence, but the most recent Best Practice Guidance in 2010 removed references to this, so councils should feel empowered to make their own decisions. The old advice is available, but councils should treat the recommendations as minimum standards.

The LGA has produced a sample policy which is available to assist officers in drafting this crucial part of your approach to licensing taxis and PHVs. You should ensure this is not directly replicated, but use it to inform your own discussions at your committee.

In particular, **the LGA encourages councils to take a strong stance on indecency offences, such as those relating to sexual assault or rape.** While each case must be considered on its own merits, the default position should be that if an applicant has a previous conviction for these offences, a licence will not be issued.

**It is important to remember that your decisions need not, and should not, be based solely on convictions.** Licensing committees are able to take into account soft intelligence provided by the police and other partners. You are also able to take full account of the applicant's responses in the committee hearing. The evidential threshold for licensing committees is based on the balance of probabilities, and not the 'beyond reasonable doubt' standard which is the criminal standard of proof for criminal trials.

In short, if you are 51 per cent certain that the applicant is not a fit and proper person then you are able to, and should, refuse the licence. You could also take proportionate steps to further test a candidate's suitability by issuing a licence for a short period of time, such as a month, before reviewing it, and issuing it for longer and longer periods of time as the applicant proves they are a fit and proper person. However, the provisions of the Deregulation Bill 2015, which create a presumption for licences to be issued for the full three years, means this approach may only be justified in exceptional circumstances and not adopted as a routine practice.

Where you have refused a licence, or granted a licence subject to strict conditions or criteria, or for a shorter period than three years, then you must set out these reasons in writing. Applicants have a right of appeal to the magistrates' court against those decisions and it aids both applicants and the court to understand the nature of the decision being appealed against.

If licensees are obliged under their licence to inform the local authority of their arrest or conviction and they fail to do so (or where they fail to notify the police that they hold a licence), this should be viewed particularly seriously as it prevents the local authority from taking that information into account when protecting public safety. This is also a breach of condition and can be actioned by the authority on that basis.

A licensing authority can take into account any spent conviction but of course must do so in a fair and proportionate way, following the authority's policy. It is still appropriate to note the distinction between spent and unspent convictions when considering an application, and there will be many cases in which a particular spent conviction is no longer relevant. Sometimes an applicant/driver will assert that he was wrongly convicted, or only pleaded guilty to get it over with, to shield a family member or to avoid the risk of a more severe sentence. However the licensing authority should not go behind the existence of the conviction in an attempt to 're-try' the case.<sup>7</sup>

Councils have a very broad discretion when refusing to grant a licence, providing the decision is reasonable, proportionate and – ideally – in line with a published policy. If the decision departs from the policy, then the council should state the reasons for this in writing to the applicant.

A decision to revoke, suspend or refuse to renew a licence will engage the licensee's rights under the Human Rights Act 1998 (the 1998 Act) by providing a right to a fair hearing and a right to an independent and impartial appeal tribunal (in this case the magistrates' court). It may also engage the licensee's rights not be deprived of their underlying economic interests in the licence unless that can be justified in the public interest and is proportionate.

There have been a number of challenges to decisions to suspend or revoke licences on the basis that a licence is a personal piece of property, and therefore revocation infringes the driver's human rights. However, case law has established that a decision maker dealing with a currently licensed driver should not regard the licence as a piece of property under the 1998 Act.<sup>8</sup>

**When making decisions at both the application stage or in a disciplinary situation with an existing driver, the sole deciding factor should be the safety of the travelling public.**

Exceptional mitigation may be relevant to assessing the risk to the travelling public if it shows that the driver/ applicant acted out of character, so that the misdemeanour is unlikely to be repeated – but personal circumstances are not a factor to weigh in the balance against the safety of passengers.

Anecdotal evidence suggests that some authorities have been reluctant to attach much weight to non-conviction information, and in some instances have even doubted the propriety of reporting it to members. However, there is no doubt that this information can be taken into account and may sometimes be the sole basis for a refusal, a suspension or revocation.

When dealing with allegations rather than convictions and cautions, a decision maker must not start with any assumptions about them. Allegations will have been disclosed because they reasonably might be true, not because they definitely are true. It is good practice for the decision makers with the help of their legal adviser to go through the contents of an enhanced disclosure certificate with an applicant/driver and see what they say about it. If, as sometimes happens in practice, admissions are made about the facts, that provides a firm basis for a decision.

It will not be possible to give a comprehensive list of points that will be considered as part of the fit and proper person test, but each council should set out in writing, preferably as part of its licensing statement, an outline of how the council intends to approach these decisions and what factors will carry the most weight.

<sup>7</sup> Nottingham City Council v Farooq 1998 EWHC Admin 991

<sup>8</sup> Cherwell DC v Anwar [2011] EWHC 2943 (Admin)

## PHV operator responsibilities

Taxi and PHV licensing is not an area where there is much scope for self-regulation, but PHV operators do have a key role in ensuring that the drivers they employ are fit and proper persons, and are properly trained in their roles.

Your policy should therefore cover the responsibility of PHV operators for ensuring that their drivers are fit and proper persons; as part of the process of granting and monitoring an operator licence, you may wish to require operators to demonstrate what steps they are taking to ensure that their drivers are fit and proper persons, as well as appropriately trained.

This responsibility will be even more important when, and if, the Deregulation Bill receives Royal Assent and operators are able to sub-contract bookings to other providers. There are existing obligations on operators who seek to pass on a booking and the first operator will always retain overall responsibility for its fulfilment. However, there is scope for councils to enhance this responsibility by placing conditions on an operator's licence to require them to set out how they will handle sub-contracting and ensure consumer protection.

This is an area that has not yet been explored and, once the relevant legislation is passed, offers a fertile ground for those innovative councils who wish to make full use of their powers to protect their communities. We encourage councils to explore this, and to share their new practice with the Local Government Association and other licensing authorities.

## Monitoring complaints

All councils should have a robust system for recording complaints, including analysing trends across the whole system as well as complaints against individual drivers. Drivers with a high number of complaints made against them should be contacted by the council and concerns raised with the driver and operator (if appropriate). Further action must be determined by the council, which could include no further action, the offer of training, a formal review of the licence, or formal enforcement action.

The licensing committee should review the complaints procedure and records on at least a yearly basis, and always before a review of the licensing policy. The committee should also have oversight of the council's 'mystery shopping' and test purchasing checks on licensed vehicles to ensure that the council is properly carrying out its enforcement responsibilities.

## Penalty points enforcement system: Rother District Council

When taxi and PHV drivers contravene conditions of their licence the only sanctions available to members of taxi licensing committees is that of revocation or suspension. For minor infringements, such as not displaying a name badge at all times, revocation or suspension can be too harsh a punishment. Drivers who make an error in judgment on any given day, with a previous unblemished career, may face all or nothing decisions by members if they are reported to committee following a complaint from a member of the public.

Also once drivers are licensed there is limited information available to continually assess whether they are fit and proper persons, and as such for members to have a clear view of their past conduct when drivers are called to committee for hearings.

In light of this Rother District Council decided to develop a 'penalty points enforcement scheme', where drivers can carry a fixed number of points for minor matters of misconduct that would allow the driver to continue driving until such time as they either reached the level set by members, or if officers decided that the nature of the complaint against a driver was too serious to deal with under the scheme.

Rother found that on the whole the trade agreed that the process led to improvements in behaviour, especially by those drivers who tend not to take their role as licensed drivers too seriously. The trade appreciated that the scheme is transparent and clear, and removes any ambiguity about whether officers or members felt that a matter was serious, or when the driver thought it was very minor.

The penalty points enforcement scheme gives councillors a more influential role in the licensing process, and it allows drivers to understand that members make the decisions on fitness and propriety and not officers. However, it is worth noting that the accumulation of points cannot automatically lead to a sanction and that the 'fitness' or otherwise of a licensee has to be dealt with separately and in its own way.

Many other councils have introduced similar schemes and there has been a noticeable improvement in both standards of behaviour and standards of compliance.

## Scrutiny

Public scrutiny is an essential part of ensuring that government remains effective and accountable, and this is especially true of quasi-judicial systems like licensing. Scrutiny ensures that executives and committees are held accountable for their decisions, that their decision-making process is clear and accessible to the public and that there are opportunities for the public and their representatives to influence and improve public policy.

There are a number of aspects of taxi and PHV licensing that are suitable for a scrutiny investigation, ranging from a review of the policy and framework, including how it contributes to a wider transport policy, its success in delivering accessible transport for disabled users, or the handling of complaints; to more specialist subjects such as the setting of fees, provision of taxi ranks, or the age and maintenance of the fleet.

The Centre for Public Scrutiny<sup>9</sup> provides guidance on how to hold effective scrutiny, and also has a number of case studies from councils that have already held scrutiny enquiries into their taxi and PHV licensing systems.

<sup>9</sup> <http://www.cfps.org.uk/>



# Public protection and enforcement

## Partnership working

Effective partnership working between local licensing authorities, the Driver and Vehicle Standards Agency (DVSA), police, other council services such as trading standards and environmental health as well as the local trade is vital to ensuring effective taxi and PHV regulation.

It is particularly important to join up enforcement operations with the police as taxi licensing officers do not have powers to stop and search vehicles. Similarly, licensing officers may only take action against drivers and vehicles that they have licensed, which is why the issue of cross-border usage is so problematic (see below). You should ensure your council taxi licensing officers meet regularly with their local police force and develop good relationships.

As a councillor, you are well placed to shape and influence how this crucial partnership relationship between your council and other bodies works and develops. There are many areas across England and Wales where these partnerships are working well.

It is particularly important to have effective intelligence sharing protocols in place with the local police force. The police have powers to disclose information under common law, which enables them to share information about relevant investigations with licensing teams even before an arrest or conviction is made.

There has also been a formal ability to share information under the Notifiable Occupations Scheme, but this has been challenged and is no longer used by many police forces. A replacement is being developed, but in the meantime all licensing authorities should use their local relationships to continue the flow of information. Councillors should seek the support of their local police and crime commissioner if necessary.

## Sharing intelligence: Norfolk councils and Norfolk Constabulary

### Safeguarding information sharing process

#### What is the issue?

Licences are issued by the local authority for a wide variety of purposes. For example, a licence is required to drive either a licensed hackney or a private vehicle (a dual licence allows a driver to drive a hackney carriage vehicle or private hire vehicle) and must work for a licensed taxi operator. When a licence is refused, suspended or revoked by the licensing authority or there are any other concerns raised which may be considered a safeguarding issue it has been agreed that the licensing authority will notify the police for intelligence purposes.

#### Why is this necessary?

Licence holders can operate in positions of trust and it is vital that any relevant information about safeguarding issues is shared so that individuals are blocked from becoming taxi operators or holding any other kind of licence in different council areas across the county/country. Without effective information sharing, there is a real risk of unsuitable people being granted licences to operate which puts people at risk.

#### How will this work?

When a licence is refused/suspended/revoked due to a 'safeguarding' issue then licensing authorities are to complete a template and submit it the police electronically via secure email. The referral template should also be used to report any safeguarding concerns about any licence holder. The police will create an intelligence report (IR) which becomes disclosable as part of any subsequent DBS check undertaken anywhere in the country, thereby reducing the risk of unsuitable persons being granted a licence.

### What is a 'safeguarding issue'?

**Physical** – Including hitting, slapping, pushing, kicking, restraint or inappropriate sanctions

**Sexual** – Including rape and sexual assault or sexual acts to which the vulnerable person (including any young person) has not consented, could not consent or was pressured into consenting

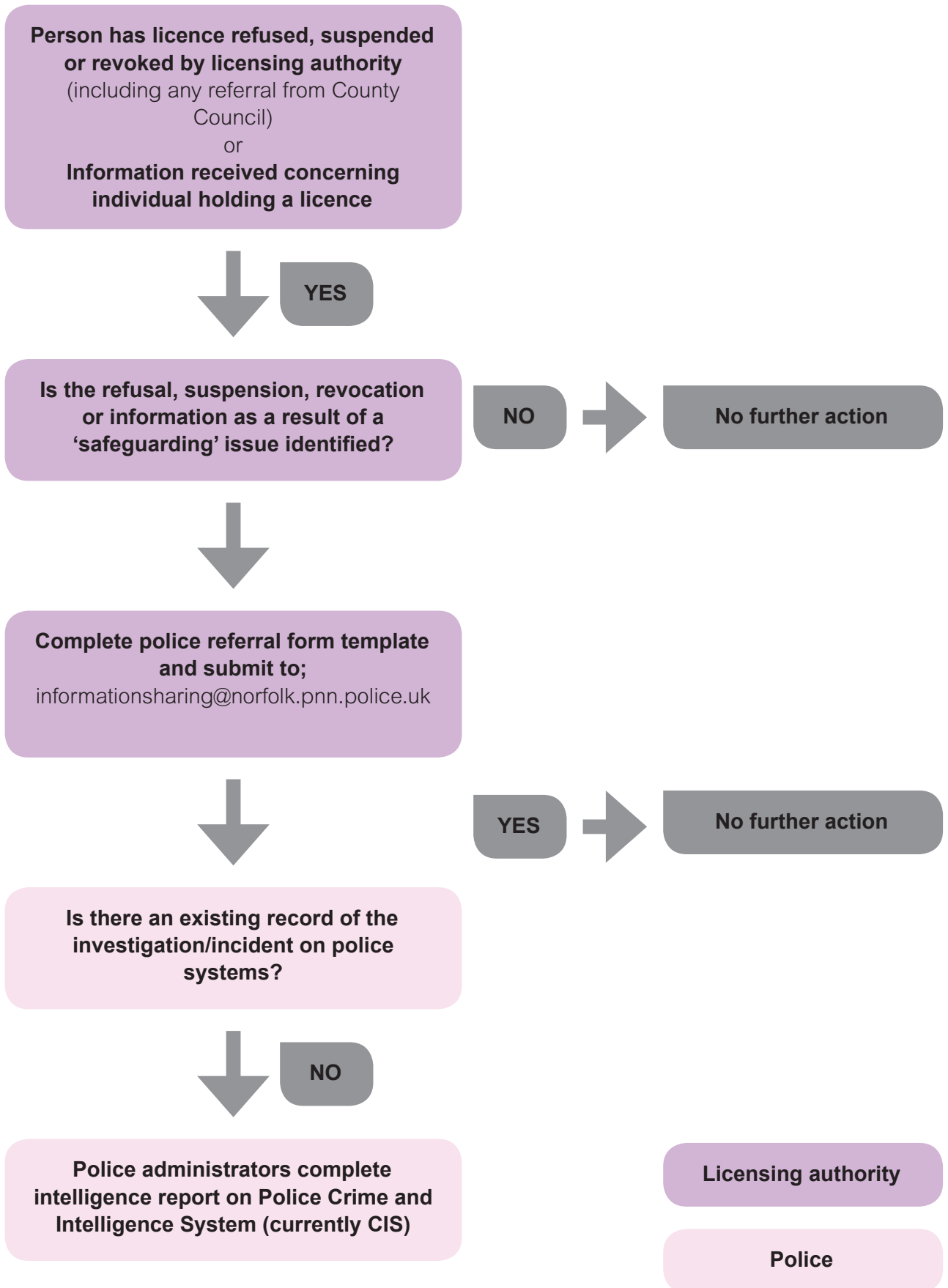
**Psychological** – Including emotional abuse, threats of harm or abandonment, deprivation of contact, humiliation, blaming, controlling, intimidation, coercion, harassment, verbal abuse, isolation or withdrawal from services or supportive networks

**Financial** – Including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, the misuse or misappropriation of property, possessions or benefits

**Neglect/failure to act** – Including ignoring medical or physical care needs, failure to provide access to appropriate health care, social care, education services or misuse of medication, adequate nutrition or heating

**Discriminatory** – Including racist, sexist behaviour and harassment based on a person's ethnicity, race, culture, sexual orientation, age or disability, and other forms of harassment, slurs or similar treatment

**Institutional abuse** – This can sometimes happen in residential homes, nursing homes or hospitals when people are mistreated because of poor or inadequate care, neglect and poor practice that affects the whole of that service.



# Police Referral Form Template

(submit to [informationsharing@norfolk.pnn.police.uk](mailto:informationsharing@norfolk.pnn.police.uk))

<b>Local Authority</b>							
<b>Disclosing Officer</b>							
<b>Role</b>							
<b>Driver/Applicant/Subject</b>							
<b>Surname</b>							
<b>Forename(s)</b>							
<b>Date of Birth</b>							
<b>Home Address</b>							
<b>Telephone</b>							
<b>Type of License Application (if applicable)</b>							
<b>Vehicle Details (if known/ applicable)</b>							
*include registrtaion / make / model							
<b>Information/Intelligence</b>							
<b>Refusal</b>	Yes/No	<b>Suspension</b>	Yes/No	<b>Revocation</b>	Yes/No	<b>Information</b>	Yes/No
<b>Date of refusal / suspension / revocation / information</b>							
<b>Circumstances *</b>							
(must include any relevant time / date / location information)							
<b>Additional Information</b>							

\* Circumstances should provide sufficient summary information to identify threats and risks associated with the applicant / driver. Full records of any investigation need not be disclosed on the IR as these will be retained locally by relevant authority

### **Joint operations: Blaenau Gwent Council**

Blaenau Gwent Council's Licensing Team co-ordinated roadside checks on taxis and private hire vehicles to make sure Blaenau Gwent pupils travelled to school safely.

On the morning of the school run the Council's licensing team, officers from the Council's school transport division and technical experts from DVSA checked 16 buses and eight taxis.

The school run checks were followed up with detailed safety inspections that resulted in one notice and a number of warnings.

- One deferred prohibition notice was issued for a defect. The company was told to carry out the repairs within a time period.
- Four drivers were given advice regarding minor defects.
- Six warnings were given for not wearing seatbelts.
- Four enquiries were made by Blaenau Gwent Council's education division about school contracts operating logistics.

During the day, Gwent Police traffic officers gave out 16 fixed penalties for no seatbelts, two fixed penalties for using mobile telephones while driving and ordered repairs for a cracked windscreen.

Chair of Blaenau Gwent Council's Licensing Committee, Councillor Jim Watkins said:

"We are committed to maintaining and improving the standards of the home-to-school transport service provided by independent operators and those contracted to us. Our regular check-ups are important. We have to thank our partners in Gwent Police and the DVSA, and the operators as well, for their cooperation."

## **Managing cross border hiring**

Cross border hiring is a term to describe when a taxi is lawfully used for PHV purposes in a district outside which it has been licensed to operate. This is a problem in many areas because there are disparities in conditions on licences; a prospective driver in one council district may apply to be licensed as a driver in another district because there are lower standards in driver testing, cheaper licence fees or less rigorous/fewer pre-licence checks. The term 'cross border' is also used when a PHV in one district picks up a passenger from another district. This is currently legal, provided the driver, vehicle and operator are all licensed by the first district, although the Deregulation Bill will make it possible for an operator to sub-contract a booking to an operator licensed in another council area, if it passes into law.

This is also problematic, because when a taxi is being driven for PHV purposes in another district, the local council has no powers to intervene if the driver contravenes any condition of the licence or provides a poor service to the passenger. It is also unfair on the trade in the local area, as they may face competition from drivers who may have paid cheaper licence fees or undergone less rigorous checks elsewhere.

**As a councillor you can take some simple steps to ensure that your local authority is not having a detrimental impact on other authorities and their communities.** Ask your taxi and PHV licensing service whether they have a high enough standard of conditions (see councillor

checklist) and consider where an applicant intends to work when issuing licences. You do have the legal right to refuse to issue a licence if the applicant does not intend to work mainly in your area and should recognise that the reputational impact to your council of knowingly licensing taxis to operate elsewhere could severely limit your ability to develop partnership working with neighbouring authorities.

If you seek to include a section on this in your licensing policy, then it is important to remember that a 'hackney carriage' cannot 'work' or 'operate' as a PHV. The law simply allows them to be used for 'private hire purposes'. This may sound like semantics, but has been tested in the courts and means that you cannot use your greater power to condition PHV driver licences to regulate the driver of a hackney carriage, even though they may at times be working in the same manner as a PHV driver (ie making pre-booked journeys, rather than plying for hire).

The most notable piece of case law on cross-border hiring was between Newcastle City Council and Berwick Borough Council. Between 2006 and 2008, Berwick's licensed fleet had grown from 46 taxis to 672. Many of the fleet were not operating in Berwick but had applied there as a result of a less stringent application process and were operating in neighbouring or nearby areas.

In his judgment, the judge rejected Berwick's arguments that it is obliged by law to issue a hackney carriage licence to any applicant, so long as they and their vehicles are fit.

Commenting on the potentially 'undesirable consequences' of Berwick's stance, he said the council is having to carry out its enforcement powers from a distance and faces difficulty in keeping its licensed cabs under observation.

He said: "It seems to me that it must be desirable for an authority issuing licences to hackney carriages to be able to restrict the issuing of those licences to proprietors and drivers which are intending to ply for hire in that authority's area."

He said the intention of the licensing system is that "it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used."

The judge added: "If the hackney carriages are used in areas remote from Berwick-upon-Tweed, enforcement will be very difficult and impracticable.

"It seems to me it is very difficult to exercise proper control over hackney carriages which are never, or rarely, used in the prescribed area.

"It is also undesirable for authorities to be faced with a proliferation of hackney carriages licensed outside the area in which they are being used and therefore not subject to the same conditions and bylaws as apply to those vehicles licensed in the area."

Judge Symons said he would leave it to the judgment and common sense of the borough council to decide how to react to his ruling, that it does have a 'discretion' to refuse to licence taxis if there is no 'unmet demand' for cabs in Berwick itself.

"While I cannot at the moment conceive of it being rational to grant a licence to those who intend to operate their hackney carriages remotely from Berwick-upon-Tweed, I am not prepared to say that it is bound to be unlawful," he concluded.

Until the Law Commission's proposals extending an authorised officer's powers are enacted, the protocol<sup>10</sup> below could be used by authorities to ensure rogue drivers and vehicles are prevented from hiding 'over the border' or routinely operating outside the reach of enforcement by their licensing authority. It allows councils to authorise officers from other councils to use enforcement powers on their behalf. This enables those councils to then take action against vehicles which are licensed by the other authority when they cross over council boundaries.

This practice was recently highly commended by the Transport Minister Baroness Kramer, citing some of Merseyside councils' practices since 1995. Transport is also often one of the issues identified as a priority by Combined Authorities. These new structures will make sharing enforcement powers increasingly attractive and could pave the way to extending your regulatory reach beyond your borders. In time, a shared framework similar to Transport for London could evolve.

The protocol is suggested as an easy way forward for those authorities wishing to consider such joint authorisations of officers.

**Protocol:**

1. All authorities agree what level of expertise/qualification/skills is the minimum for approval of authorisation of each individual.
2. All authorities establish, via their own schemes of delegation, what procedural steps need to be taken to validly authorise (ie chief officer's report, sub-committee or full committee decision).
3. All authorities agree the form and wording of the 'letter of authorisation' and 'photo warrant card' to be issued.
4. Each 'requesting council' formally requests authorisation of named individual officers.
5. Each 'receiving council' obtains authorisation and provides a 'letter of authorisation' in respect of the other authority's officers.
6. Each employing authority provides its own officers with a photo warrant card specifying that for the purposes of [specify Acts of Parliament] that officer [name] is a duly authorised officer of [list all authorising councils].
7. Each authority provides all officers with copies of appropriate byelaws, conditions and agreed methodologies/reporting mechanisms for dealing with defective vehicles and other issues from other areas.
8. Each authority seeks political and financial approval for pre-planned joint operations both with each other and also police/HMRC Customs & Excise.
9. Data sharing protocols, as required, be established between authorities, including standard incident reporting templates/operation logs to be used by all for consistency and scheme recording.

<sup>10</sup> The relevant enabling legislation is Section 32 Part I of the Local Government (Miscellaneous Provisions) Act 1976

32 Power of local authorities to execute works outside their areas.

Any power to execute works which is conferred on a local authority by any enactment may, unless the contrary intention appears in that or any other enactment, be exercised outside as well as inside the area of the authority.

## Protecting vulnerable people

Councils can help to protect some of their most vulnerable residents through effective licensing regimes, including children at risk of sexual exploitation. Sadly, both licensed premises and licensed vehicles have been used as opportunities to sexually exploit children, as recent high profile cases have underlined.

We know that many victims of exploitation are too traumatised for investigations to proceed to court, meaning that issues do not always show up through disclosures. This makes additional intelligence from all other sources critical to licensing deliberations.

A detailed exploration of tackling child sexual exploitation (CSE) is outside the remit of this guide, but all councillors and officers, across all services, should familiarise themselves with the LGA's guides on CSE, which can be found at <http://tinyurl.com/CSEguide>.

It is important to recognise that this is a subject that needs to be sensitively handled to avoid drivers feeling that they are being treated as potential criminals. However, the sensitivity around the subject must not mean that the issue is not discussed or that training is not provided.

Your local safeguarding boards also have an important role to play in licensing and you should ensure that safeguarding boards understand the role that licensing can play in their discussions. Your licensing officers should also be fully engaged with relevant safeguarding discussions.

This is particularly important in two-tier areas, with licensing located in the districts and child protection in the county council. A number of serious case reviews have highlighted a failure of communication between the two-tiers of local government as a contributing factor to child exploitation going undetected.

If allegations of CSE or other serious offences are made, then your council should have in place procedures to allow a rapid response from the council. In the most serious cases, it will not be appropriate to wait until a licensing committee or sub-committee can be held.

### **Safeguarding training: Scarborough Borough Council**

Working together, Scarborough Borough Council and North Yorkshire Police identified that working with taxi drivers was key to safeguarding practices linked to the local night-time economy (NTE), particularly in helping to prevent sexual exploitation, and in accessing the information and intelligence drivers held which they'd been reluctant to share with agencies.

An opportunity to capture those individuals arose when Scarborough Borough Council's Taxi Licensing Policy was renewed, introducing **mandatory safeguarding training for taxi drivers wishing to obtain or retain their licences**.

This comprises a two-hour tailored session, written and delivered by Sandra Rees, the Council's Community Safety and Safeguarding Manager and Sgt Rachel Wood, both of whom have operational experience in the NTE. It was essential, for the package to have maximum impact, that it had to be delivered by people who were not only passionate about safeguarding, but also had credible operational experience working in the NTE. The training covers safeguarding children and vulnerable adults, making referrals, signposting to relevant agencies, domestic violence, child sexual exploitation and 'hate and mate' crime.



As well as delivering this training to drivers, it gave an opportunity to establish closer working relationships with drivers going forward. Local taxi officers are now allocated a named PCSO to visit them on a weekly basis to share information and concerns. In addition to this, having listened to drivers' concerns, stickers with 'zero tolerance on abuse to drivers' were printed and distributed to all taxis, and information cards with relevant agency numbers were produced and given to all taxi companies for distribution by their drivers.

With perseverance and careful delivery, the outcomes have been very positive; forging closer relationships with drivers and impacting on their decisions to report concerns. For instance, it has led to a greater number of reports to police regarding drugs information.

### **Operation Sanctuary**

Operation Sanctuary is an investigation into allegations of a series of sexual offences predominantly within Newcastle, but also in other local authority areas, involving a number of men from a range of communities and vulnerable female victims, including teenagers and young adults.

Operation Sanctuary is about targeting men with appalling attitudes towards vulnerable teenagers and women, and stopping their behaviour.

"These crimes are happening behind closed doors, in local streets and it is likely that people living nearby recognise the behaviour we describe. It may be groups of men going into properties with teenage girls or one or two women. They might see women under the influence of drink or drugs who might appear distressed in some way. We need them to report this to us. If it is innocent then nothing will happen to them. But this allows us to check and may avoid someone else becoming a victim.

We also know some of these girls and women may frequent certain businesses which brings them into contact with these men so we will be visiting the premises and speaking to those who work there and those who hang around.

We also believe that the victims are transported in taxis to the different addresses – again we will be speaking to all taxi firms to ask for their help if they spot anything that appears suspicious or fits the description of what we are looking at.

To date 30 people have been arrested for conspiracy to rape women (28 men and 2 women). Those arrested come from a range of communities and backgrounds."Operation Sanctuary, Northumbria Police

As part of Operation Sanctuary, officers have been delivering leaflets in Newcastle city centre to taxi drivers, hotels, and other businesses.

The leaflets advise them of the ongoing operation, how it affects them and what to look out for to identify any potential vulnerable girls or young women.

It is another way we are keeping people informed and updated about the operation and how everyone has a part to play in ensuring information is reported to police.



# Information for taxi drivers and taxi firms

## How does it affect you?

Taxis are a very safe and reliable way to get around the city and we want to keep it that way.

We know that some victims are transported in taxis to addresses where they are then sexually assaulted or raped. We also know that some men have posed as taxi drivers and picked up women who have then been assaulted or raped.

We need the help of all legitimate taxi drivers to help us stop this criminal behaviour. If you spot anything that appears suspicious or fits the description of what we are looking for please take action and contact police.

## What is Operation Sanctuary?

Operation Sanctuary is about ensuring our towns and cities are safe places for women and girls to live, work and visit. In particular it is about everyone working together; the police, local authorities, businesses and all local communities to ensure those who may be vulnerable in some way are protected from anyone who seeks to take advantage of them by committing sexual crimes against them.

These crimes can range from those offenders who deliberately set out to target specific women and girls over a long period of time to those who commit such crimes when they come across someone in a vulnerable state

as a result of being under the influence of alcohol, drugs or for other reasons.

Only by working together can we make our communities safe and we all have a part to play. It is the responsibility of everyone to be vigilant and identify such criminal behaviour and to contact police if they have any concerns. If you witness something that doesn't look right or feel right then we need to know about it.

We have had tremendous support from the public and we need this to continue. Only then can we stop such crimes and bring offenders to justice.

## What to look out for:

- Females who appear to be in a vulnerable state due to excessive drink or drugs.
- Unlicensed vehicles hanging around areas where there are likely to be women in a vulnerable state looking for taxis to go home.
- Female passengers who are accompanied by a man when in this state and don't know where they are going.
- Passengers being dropped off at a location which causes you concern. Contact police immediately.

We are also encouraging passengers to take a photo of taxi licence plates of the vehicles they get into - reputable drivers have nothing to be worried about.

We have already received valuable information from the public that has helped to keep women and girls safe. We need this to continue. You are the eyes and ears in the community and can help stop this.

**If you see something, say something.**

Let us know on 101 or in an emergency call 999.



To see a higher resolution version, please visit: [http://www.northumbria.police.uk/advice\\_and\\_information/operation\\_sanctuary/downloads/index.asp](http://www.northumbria.police.uk/advice_and_information/operation_sanctuary/downloads/index.asp)

## **Liaison with Children's Safeguarding: Torfaen County Borough Council**

In Torfaen, licensing officers are regularly called in to a case conference by their children's services when they become aware that they are dealing with a licensed taxi driver. In the last five years there have been seven occasions where they have been invited to attend a case conference by children's services; not all result in action being taken as it is down to the meeting to decide how to respond.

However, there have been two notable occasions where formal action did result from these meetings.

1. At the case conference it was alleged that while not working a male taxi driver invited a 10 year old girl, a neighbour, into his home as she was waiting outside for her parents to return.

The girl alleged in a specialist interview that while in the man's house, he fondled her breasts and displayed other inappropriate behaviour. At the case conference it was accepted that there was insufficient evidence for the CPS to prosecute him.

The police had conducted an investigation which included a recorded interview with the girl. This information was released to the council who took immediate action to revoke the driving licence on the grounds of public safety. The driver was not prosecuted.

2. Information about a man who was on the register for inappropriate sexual activity with family children was discussed at the case conference. The man was no longer a taxi driver as he had not renewed his licence, however his new partner was a driver with the company he worked for and he was being used by the private hire company as an escort on an education contract.

The council could not take any action against the subject as he no longer held a licence, however, they approached the operator on a confidential basis with agreed information that could be disclosed to make them aware.

### **Rapid response to serious issues: Breckland Council and South Holland Council**

- All intelligence will be from a creditable source only and is restricted to the police or a qualified medical officer. Cases could include charges of rape, other sexual related incidences, violent attacks or medical related issues which means the driver no longer meets the DVLA group 2 standard.
- Reports of a serious nature by a member of the public will always be referred on to the police, in addition to recording by the council. For less serious reports, an investigation will be completed and taken to a committee panel for final decisions.
- On receipt of information from the police or medical practitioner the driver will be contacted by an officer to be made aware of the allegation and requested to attend the office to discuss the report and put forward his/her case - all reasons will be recorded in writing.
- A minimum period of two hours will be provided for this meeting and all methods of communicating the appointment will be explored, including telephone calls, voice mails, text, a visit to the home or a combination of these methods. All interviews are to be conducted in the council offices and only in extreme medical situations the officer should attend their home, accompanied by another member of staff.
- All discussions with the driver will be conducted by two members of staff and, if felt relevant due to the nature of the incident, with the police to ensure no-one is placed in any danger.
- If the driver decides not to attend the meeting, the matter is still dealt with in their absence and will not delay the decision-making process - this decision needs to be recorded.
- A decision would be made by the licensing officer or assistant licensing officer, a senior officer (licensing manager or head of service), a member of CMT and the chairman or vice chairman of the licensing committee.
- Once the decision has been agreed by the appropriate person, the licensing officer or the licensing manager has the relevant delegation to sign any revocations required.
- All decisions and actions should be taken within 48 working hours and ideally within 24 hours of receipt of the information.
- If a driver's licence is revoked under these procedures but later investigation clears the driver of the offence, then it will be a priority to get the licence re-instated. If there is a period of time left on the licence at the point of revocation, this will be the time reinstated on the licence issue and the department will not charge for such a licence.

### **Taxi marshals: Watford Borough Council**

Since 2005, taxi drivers servicing the late night economy in Watford, Hertfordshire have benefited from a taxi marshal scheme.

On three nights of the week – and other identified occasions – two taxi marshals work on the Rickmansworth Road rank, getting passengers in an orderly queue. Passengers who are excessively drunk, are eating or smoking, appear to be violent, don't know their destination or don't have enough money for their fare are refused carriage.

A third marshal at a remote feeder rank is radioed when more taxis are needed at the main rank.

The scheme is not cheap, and taxi drivers have been reluctant to contribute. Over the years, funding has principally come from licensed premises who make annual contributions, and grants from Hertfordshire County Council – who also fund taxi marshals in five other towns in the county. Money has also been obtained from Watford Borough Council, the Safer Watford Partnership, and from the Home Office's now-defunct Tackling Violent Crime programme.

An independent study by The Centre for Public Innovation in April 2008 found that: "Stakeholders agreed that the taxi marshal schemes were having a positive impact on both anti-social behaviour and certain crimes – although they were unable to quantify the extent of the impact. They also noted that the taxi marshal schemes played an important role in influencing perceptions of the night-time economies, sending out a clear message that councils were listening and responding to residents' concerns about the effects of the night-time economies."

Licensing Manager Jeffrey Leib says: "The scheme is generally welcome by many participants in our night-time economy. We have enhanced drivers' safety even further with marshals using CCTV and recording passengers' details before they get into a cab, to reduce the risk of attacks on drivers while en route."

## **Installing CCTV in cabs**

A number of councils require CCTV to be installed in taxis, as a way of reducing crimes and providing evidence to support prosecution. This approach can benefit both passengers and drivers, who can equally be the subjects of assaults, abuse or fraud.

However, it is important to weigh up the frequency of such instances against the cost of installing such equipment, which can be an issue for drivers. Consultation with your driver community will help determine a suitable approach; it is also possible to permit drivers to install CCTV without a requirement for all drivers to install it. You should always require voluntary installation to be notified to the council and check that it meets appropriate standards.

It is important to be aware of surveillance and data protection issues when considering the use of CCTV, particularly with regard to the recording of conversations.

The Information Commissioner's Office (ICO) has said it is not normally justified to use CCTV to record conversations between members of the public as "it is highly intrusive", but have also stated that council applications to install cameras in cabs are likely to be acceptable because of the number of crimes being committed in taxis.

“As well as assessing the impact on privacy, we have accepted they [councils] can take into account factors such as the likelihood of crimes being committed against drivers and passengers; the vulnerable one-to-one situation; the fact that taxis are travelling all over the area at different times of day; and CCTV can protect both the driver and passengers.”<sup>11</sup>

It is therefore essential that licensing authorities take account of people's right to privacy when deciding whether to impose CCTV as a licence condition for taxi drivers. Whether the installation of CCTV is mandatory or voluntary it is essential that the local authority has a strict specification for permissible systems to ensure that there are adequate safeguards, such as who can access the footage.

It is also important to note that the use of CCTV inside and outside the vehicle are treated differently, and that once a passenger is inside a vehicle that they have hired they have a right to privacy. This means that they must be notified that the vehicle has a CCTV system in operation.

Some councils have chosen to specify that audio recording should only be activated when there is a specific threat, in the same way that a panic button could be used.

Transport for London, acting on advice from the ICO, recommend:

- **Where recording is triggered due to a specific threat, eg a ‘panic button’ is utilised. Where this 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.**
- **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.**

Any specified company, organisation or individual vehicle owner who has a CCTV system installed in a licensed vehicle must register with the ICO (‘notification’) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of Taxis and Private Hire team (TPH) at any time during the term of the TPH vehicle licence. The notification requires renewal on an annual basis, and payment of the appropriate fee.

Due to the complexity of surveillance and privacy legislation and case law, this information is provided only as a summary. Councils wishing to explore this further should seek their own legal advice.

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<sup>11</sup> The Information Commissioner's Office, <https://ico.org.uk/about-the-ico/news-and-events/news-and-blogs/2014/10/ico-warns-cctv-operators-that-use-of-surveillance-cameras-must-be-necessary-and-proportionate/>  
<https://ico.org.uk/media/about-the-ico/documents/1042192/ico-annual-report-201213.pdf> at page 39

# Special considerations

## Driver training - disability awareness

93 authorities (30 per cent) have a requirement for disability awareness training for taxi drivers, compared to 75 having a requirement for PHV drivers.

It is important that your drivers are fully aware of their responsibilities to the public and their community.

The Equality Act 2010 sets out obligations for public bodies to advance equality of opportunity among people and eliminate discrimination. Taxi and PHV drivers need to have regard to this responsibility when they are operating, and also need to understand how to safely make use of their vehicles' ability to transport wheelchairs. Media stories relating to extra or over-charging for users of wheelchairs have appeared with some frequency in 2014, so councils should make clear to drivers that they cannot charge a disabled passenger more than any other passengers.

There are few training opportunities available to drivers, so many councils have chosen to provide their own training support. Not only does this ensure that your taxis and PHVs are fully compliant with the law, but it adds a roving network of eyes and ears in your area who can help identify and tackle issues such as child sexual exploitation and drugs misuse.

At a time when council enforcement and discretionary travel resources are heavily under pressure, engaging with your driver community in this way should not be underestimated and it repays the small investment needed.

### **Training packages: Telford and Wrekin Council**

Telford and Wrekin Council have developed a one-hour training package which includes a number of subjects aimed to increase drivers' knowledge of the role and improve their level of service.

A presentation is given which explains which acts are unlawful such as PHV drivers loitering in places of public resort without prior booking, drivers charging excessive fares, and drivers smoking in their vehicles.

The training includes useful tips on how to best assist disabled people, including the conveying of wheelchairs and having awareness of the different types of disability. There is also a section on drivers looking after themselves such as being aware of attacks and considering their overall health and fitness.

At the end of the training session the drivers are required to complete a multiple-choice test paper which contains 25 questions based on the driver training package and 52 questions based on street knowledge.

## Promoting equality awareness: Stockport Metropolitan Borough Council

Stockport Council's Licensing Team has worked in partnership with Disability Stockport to produce a brochure that includes:

- the contact details of licensed drivers who have successfully completed disability awareness training provided by Disability Stockport and Solutions SK, funded by Stockport Council
- information to enable disabled passengers to book transport with providers who best suit their needs
- guidance to passengers on the types of licensed vehicles available for hire in Stockport
- guidance to disabled passengers on how to hire a licensed vehicle in Stockport and what service they should expect
- advice to licensed drivers on how to assist disabled passengers
- guidance to licensed drivers on what is expected of them further to their disability awareness training
- Information on how to improve the service and awareness of it.

The guide has been recognised as good practice by the Government's Accessible Britain Challenge. The guide can be found at <http://tinyurl.com/stockportdisability>

## Quantity restrictions

Quantity restriction is a term used to describe a local council imposing limits on the number of taxi licences within its area. This is often seen as a controversial issue because in those areas that continue to impose quantity restrictions, the taxi trade is often a strong advocate of keeping a 'restricted fleet'. Currently only 88 councils in England and Wales continue to restrict numbers. The decision to restrict taxis is left to the local council, but the LGA suggests that councils consider the DfT's view and state your reasons for departing from it when setting out your licensing policy.

"Most local licensing authorities do not impose quantity restrictions; the Department regards that as best practice. Where restrictions are imposed, the Department would urge that the matter should be regularly reconsidered. The Department further urges that the issue to be addressed first in each reconsideration is whether the restrictions should continue at all. It is suggested that the matter should be approached in terms of the interests of the travelling public." **DfT Taxi and PHV Licensing Best Practice Guidance on quantity restrictions**



### **Restricting the number of taxis: Stockport Metropolitan Borough Council**

Local councils which limit the number of taxis within their fleets should regularly produce an unmet demand survey. The survey reviews the consumer demand for taxis and considers factors such as the length of time customers wait at ranks and waiting times for street hailings and telephone bookings.

In 2008 Stockport Metropolitan Borough Council carried out an unmet demand and public opinion survey, which indicated that there was no significant unmet demand. Stockport licensing committee agreed to maintain a limit on the number of taxis currently licensed by the authority. To ensure this was a balanced decision Stockport considered the guidance issued by the DfT in relation to maintaining limits and various consumer reports which indicate that a general increase in the number of taxis is beneficial for consumers. While maintaining a limit the Committee also agreed to increase that limit by five licences per year over the next three years.

They further committed to reviewing current rank facilities including creating new ranks, particularly night-time ranks in busy areas. The policy is kept under continuous review, with the most recent survey in late 2014 determining that there was no unmet demand and that restrictions should be maintained, although there is scope for providing additional ranking facilities.

### **Lifting quantity restrictions: Salford City Council**

Salford City Council previously had a policy of limiting taxi licence numbers. An unmet demand survey had been carried out in 2004 which recommended an increase in the issue of one licence which brought the total number of taxis in Salford to 79. If the council wished to retain this limit, an additional unmet demand survey would have been required in 2007 costing the council additional resources. It was recognised that a complete review of taxi and private hire licensing functions was required.

The decision to delimit was based on a number of factors:

- the Office of Fair Trading (OFT), now the Competition and Markets Authority (CMA), market study into 'The Regulation of Licensed Taxi and Private Hire Services in the UK' and the Department for Transport's Taxi and Private Hire Best Practice Guidance' which called for the removal of quantity restrictions
- the National Consumer Council campaign which also called for the removal of quantity restrictions
- representations from certain members of the taxi and private hire trades that the wheelchair users were unable to hire taxis at certain times of the day or in certain areas of the City
- feedback following consultation with the public, business community, wheelchair users, elected members and the taxi trade as to taxi availability.

Following adoption of the policy to delimit taxi numbers an interim injunction was served on the Council, on behalf of two taxi proprietors who operated a total of 18 vehicles, preventing implementation of the policy pending a judicial review.

The case was heard in the High Court where the judge ruled that none of the grounds put forward by the claimants were properly arguable for the purpose of judicial review, and the Council were awarded their costs in full.

## Stretched limousines

Many of these vehicles were built in America and do not comply with British requirements for a vehicle of this passenger capacity. This is also true of many other novelty vehicles, which should always be considered on a case-by-case basis. The recent Law Commission report proposed bringing all such vehicles within a standard licensing scheme and the LGA supports this proposal.

### **Limousines with up to eight passenger seats**

These vehicles should be licensed by your council. To become 'road legal' vehicles must meet certain standards before they can be licensed. Vehicles that meet these standards and operate unlicensed pose a risk to public safety.

### **Limousines with over eight passenger seats**

The DVSA licenses vehicles over eight seats such as buses and HGVs, and as such any stretched limousine which has a seating capacity of over eight passenger seats cannot be licensed by councils as a PHV.

#### **Stretched limousine enforcement: Basingstoke District Council**

In 2006 following concerns from the trade and parents, Basingstoke District Council developed a strategy to stop unlicensed stretched limousines plying their trade. Unlicensed vehicles are often in a dangerous state of disrepair and extremely unsafe for the public to travel in, and drivers who are not checked may have a prior serious criminal record.

Enforcement activity was targeted by writing to all secondary schools within the Borough to ask where and when their summer balls were to be held. They provided the schools with an advisory letter, which gave advice to parents about ensuring that the limousines they booked were properly licensed and what evidence to look for.

Basingstoke carried out over 16 joint enforcement operations at the summer balls over the next three years with local traffic police and DVSA checking over 100 vehicles and drivers.

The checks were carried out to ensure the safety of the pupils, and Basingstoke arranged private hire companies to be on standby if necessary and take any affected pupils home as a priority.

The majority of limousines checked were unlicensed by local councils or DVSA, and some drivers had serious criminal records, no DVLA licence and no insurance.

Where there had been serious issues such as unlicensed vehicles or drivers arrested the parents who booked the vehicles were advised in case they wished to claim back costs from the company and so they could also avoid using them again in the future.

# Checklist for councillors in England and Wales

This list is intended to help you gauge your council's effectiveness in providing a competent taxi and PHV licensing service. The answers should help you determine the quality of the service your council delivers, and whether changes should be made.

- Are the needs and safety of passengers placed at the centre of your licensing system?
- Are drivers assessed against agreed and appropriate standards to ensure they are 'fit and proper' and entitled to hold a licence? Many councils require applicants to undertake group 2 medical checks, enhanced Disclosure and Barring Service (DBS) checks and local knowledge tests before they are licensed to carry the public.
- Are your drivers provided with training on disability awareness, spotting child sexual exploitation and other locally relevant issues?
- Does your council have a taxi and PHV licensing policy document, which has been subject to regular review and has regard to the Department for Transport's Best Practice Guidance (last issued March 2010) and has been consulted on with the trade and user groups?
- Do your taxi licensing officers have a regular dialogue with neighbouring councils, with a view to adopting consistent standards, developing a common approach and to share relevant information?
- Do you have sufficient information and understanding to challenge or defend your council's taxi and PHV licensing activity in the context of an overview and scrutiny committee?
- Does your council have a multi-agency enforcement programme with the police, DVSA and neighbouring councils? Such operations help ensure the public remain safe.
- Does your council have adequate numbers of accessible taxis – to ensure people who are vulnerable in society such as disabled users can utilise the service?
- Does your council have effective consultation methods with taxi and PHV representatives and taxi users? Many councils have taxi liaison forums which meet on a regular basis.
- Are vehicles subject to agreed and routine stringent testing to ensure they are mechanically safe and suitable to transport the public?
- Are your licensing fees and charges sufficient to provide the resources for an efficient licensing service but which does not create a surplus? If there is a surplus, is this returned through a reduction in future fees?
- Does your council license stretched limousines under eight passenger seats? Many vehicles are operating unlicensed and unchecked as some councils refuse to license such vehicles.

# Glossary

**1847 Act** – Town Police Clauses Act 1847

**1976 Act** – Local Government (Miscellaneous Provisions) Act 1976

**1998 Act** – Human Rights Act 1998. This Act transposed the European Convention on Human Rights into UK law.

**CSE** – Child Sexual Exploitation. Sexual exploitation of children and young people under 18 involves exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (eg food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of them performing, and/or another or others performing on them, sexual activities.

**DVSA** – The Driver and Vehicle Standards Agency is an executive agency of the Department for Transport and is responsible for setting and improving standards for driving, including the roadworthiness of vehicles.

**DVLA** – The Driver and Vehicle Licensing Agency is an executive agency of the Department for Transport and maintains registers of drivers and vehicles in Great Britain.

**Hackney carriage** – See Taxi

**IoL** – The Institute of Licensing is a membership body for licensing officers, licensing lawyers and the licensed trade

**NALEO** – The National Association of Licensing and Enforcement Officers is a professional body for licensing officers.

**PHV** – See Private hire vehicle

**Ply for hire** – To be hailed in the street to pick up a passenger. This can only be done by taxis.

**Private hire vehicle** – Private hire vehicles (PHVs) include a range of vehicles including minicabs, executive cars, limousines and chauffeur services. They must be pre-booked and cannot be hailed by people on the street.

**Taxi** – Taxis are referred to in legislation, regulation and common language as ‘hackney carriages’, ‘black cabs’ and ‘cabs’. They can be hailed in the street, but can also be pre-booked.





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