

Application for a Hackney Carriage/Private Hire Vehicle Driver's Licence

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Application Process

To enable you to apply for a Hackney Carriage/Private Hire Vehicle Drivers Licence you must follow the procedure as set out below:

Make an appointment to apply:

- An appointment for a new applicant will take approximately ½ hour. You are advised to park your vehicle in the visitor's car park. Disabled bays are to be only used with the appropriate 'blue badge'.

Please note you will not be seen if you are late for your appointment and you will be required to make a new appointment.

You must bring the following with you to your appointment:

New Applicants

- Completed application form
- Completed DBS form
- Current DVLA Drivers licence
- 3 Forms of ID (as per the enclosed DBS Identification Documents)
- Form(s) of ID to show evidence of a right to work (as per the enclosed list of acceptable documents)
- Completed Group 2 Medical Form- **PLEASE DO NOT OBTAIN YOUR MEDICAL UNTIL YOU HAVE ARRANGED YOUR APPOINTMENT WITH THE LICENSING DEPARTMENT AS THE MEDICAL SHOULD NOT BE DATED MORE THAN 28 DAYS BEFORE YOUR APPLICATION IS SUBMITTED. NB - If you hold a valid HGV/PSV licence you are not required to provide a medical. This will be evidenced on your DVLA licence**
- 2 x passport size photographs (these photographs must show your current likeness)
- Certificate of Good Conduct (all applicants born outside the UK who moved to the UK after the age of 18)
- Knowledge Test Pass Certificate/Card
- Safeguarding Awareness Attendance Certificate
- Means of payment for Disclosure and Barring Service Fee (£44.00) - cash, cheque, debit or credit card (NB there is a 2% charge for credit card)
- During your appointment you will be required to complete a DVLA Mandate (D796) which has a £5.00 fee, please see below for further information.

NB If you do not produce ALL of the above or any of the information is incorrect your application will not be accepted and you will be required to make a new appointment. The licence fee will be required when licence has been issued.

DVLA Mandate

The DVLA mandate authorises Caerphilly County Borough Council to ask the DVLA for your driver record information and for DVLA to disclose it. This includes personal details, driving entitlements, endorsement details, disqualifications, convictions, photo images and CPC details (where appropriate). The mandate will expire when you cease to be licenced with CCBC or after 3 years.

Disclosure and Barring Service Checks

During your appointment a Licensing Officer will validate your DBS form and cross check with the identification documents you have provided.

If correct the form will be sent to the Disclosure and Barring Service for investigation.

You will be provided with the DBS form reference number, which you should use if you wish to track the progress of your application.

<https://www.gov.uk/disclosure-barring-service-check/tracking>

The Disclosure and Barring Service will send a certificate to the applicant. When you receive your certificate you should contact us to make an appointment.

If your DBS certificate is clear (no convictions) you will be issued your new Hackney Carriage/Private Hire Drivers Licence at this appointment.

Applicants for DBS checks may take advantage of joining the DBS update service for which there is an annual cost of £13.00. There are advantages in that having paid the initial £44.00 for the check the applicant may then subscribe to the DBS Update Service. An applicant can subscribe to this service within 28 days of creating the subscription using the form reference number within 28 days. Taxi driver applicants are advised to wait until the application reference form has been verified by the licensing authority, before applying for a subscription. Alternatively subscription can be made within 19 days of the date of issue displayed on the certificate. Further details regarding the Update Service is available on line at [https://www.gov.uk/government/organisations/disclosure-and-barring](https://www.gov.uk/government/organisations/disclosure-and-barring-service) –service or you can discuss with the Licensing Office.

The benefits for taxi drivers of subscribing to the Update Service are that it allows instant online checks of DBS certificates by employers and licensing officers, no more DBS forms to submit and you would not need to apply for another DBS check (provided no offences are committed after the issue of the original check), there will be a cost saving after the first three year period plus any potential savings from not being required for repeat attendance at the licensing office thereby saving you time and potentially money.



**Local Government (Miscellaneous Provisions) Act 1976
Town Police Clauses Act 1847**

Application for the GRANT/RENEWAL of a Hackney Carriage/Private Hire Vehicle Driver Licence.

Please complete all sections. Please use additional information boxes at end of form where necessary.

1. Family/Surname				
2. First Names				
3. Have you ever been known by any other names?(include details of any previous names changed by Deed Poll)	Yes		No	
	If you have answered YES Please give full details of the name(s) used including the dates they were used from and to.			
4. Do you have the right to reside and work in the UK? If you are unsure please contact the Licensing Office	Yes		No	
5. Do you operate under a trading name?	If Yes please provide the trading name:			
6. Are you registered with Companies House?	If Yes please provide your company registration number and company name.			
7. Date of Birth				
8. Place Of Birth	Town		Country	
9. If born outside of UK please provide date of becoming resident in UK.				
10. Contact Tel. Nos.				
11. Email Address				
12. National Insurance number				
13. Current Residential Address				
	Postcode:			
14. How long have you lived at this address	Years		Months	
15. If you have lived at this address for less than 5 years please give previous address				
16. Have you been convicted or received a caution, reprimand or warning for any Offence or have any such matters pending determination? By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, any spent convictions or cautions must be disclosed.	Yes		No	
	If you have answered YES Please give full details of the offence including detail of any conviction, caution, reprimand or warning. Provide details of all motoring and criminal convictions:			

17. Are you currently being investigated for any offence by any agency such as the Police, Benefits, Customs, Immigration, etc	Yes		No	
If Yes please give details of the investigation and the stage that the investigation(s) has reached, such as awaiting Court date, Investigating Authority etc.				
18. Do you have a medical condition that may affect your ability to act as a hackney carriage / private hire vehicle driver.	Yes		No	
If Yes please provide details:				
19. Have you ever had an application for a Hackney Carriage / Private Hire Vehicle driver licence refused by Caerphilly County Borough Council or any other Authority	Yes		No	
If Yes please provide details:				
20. Have you ever had a Hackney Carriage or Private Hire Vehicle driver licence refused, suspended or revoked by Caerphilly County Borough Council or any other Authority	Yes		No	
If Yes please provide details:				

Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976 states: If any person knowingly or recklessly makes a false statement or omits any material particularly in giving information he or she shall be guilty of an offence.

Declaration:

- (i) I hereby make an application for the grant of a hackney carriage/private hire vehicle driver licence.
- (ii) I also hereby certify that all statements made in this application are true and correct and that I have not withheld any information.
- (iii) I confirm that I have received and read the Council document relating to the relevance of criminal convictions.
- (iv) I confirm that I have produced the most current DVLA licence. I understand that failing to produce the most current DVLA licence may result in my application being rejected.
- (v) I confirm that if granted a Hackney Carriage/Private Hire Vehicle driver' licence by Caerphilly County Borough Council I intend to operate entirely or predominantly within the Caerphilly County Borough Council area.
- (vi) I confirm that my right to work in the UK will be checked as part of my application, which could include the Council checking my immigration status and sharing information with the Home Office. I understand that I must provide original document(s) that is stipulated as being suitable for this check, so that the check can take place. The document(s) will be copied and the copy/copies returned by the Licensing Authority. I understand that if there are restrictions on the length of time I may work in the UK, the licence will not be issued for any longer than this period. In such circumstances, the check will be repeated each time I apply to renew my licence. If during this period, I am disqualified from holding a licence because I have not complied with the UK's immigration laws, my licence will lapse and I must return it to the Council. Failure to do so is a criminal offence.

Signed.

Print Name.....

Date.

Data Protection Act 1998 - personal data supplied in connection with this application will be processed in accordance with the Data Protection Act 1998 by Caerphilly County Borough Council for the purposes of administration of licensing and maintenance of official registers, some of which are required to be made publicly available by law

National Fraud Initiative (NFI) - This authority is under a duty to protect the public funds it administers and ensure applicants are legally entitled to work in the UK. We may therefore use the information you have provided on this form for the prevention and detection of fraud and to check entitlement to work. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information on NFI, see the Council's website <http://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information> , or contact the Corporate Information Governance Unit at foi@caerphilly.gov.uk For more information on licensing and entitlement to work, contact Licensing on 01443 866750.

Additional Information

Please indicate which question number you are referring to:

Additional Information (contd)

Driver Specification

1. Before a driver's licence can be granted, the Council must be satisfied that the applicant is:-
 - (i) a person who has, for at least 12 months, been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1988 authorising him/her to drive a motor car;
 - (ii) not disqualified by reason of the applicant's immigration status from driving a hackney carriage or private hire vehicle;
 - (iii) a person who has not been disqualified from holding a licence as a result of their immigration status and has the right to remain and work in the United Kingdom;
 - (iv) a fit and proper person to hold a driver's licence.

2. Before a driver's licence is granted, the applicant must:
 - (i) have attained the age of 18 years of age;
 - (ii) complete and submit to the Council an application form prescribed by the Council and, in the case of applications for a first licence, submit two identical recent passport style photographs of himself/herself;
 - (iii) complete and submit the appropriate form to enable a Disclosure and Barring Service check to be made;
 - (iv) produce for examination a current driving licence issued to him/her under the Road Traffic Act 1988;
 - (v) produce for examination a form of photographic identification, such as DVLA Drivers Licence or passport;
 - (vi) produce for examination relevant document(s) to show evidence of a right to work in the UK;
 - (vi) pay to the Council, such fee as may be demanded for the issue of the licence;
 - (vii) on first application, produce a Group 2 medical. NB - If you hold a valid HGV/PSV licence you are not required to provide a medical. This will be evidenced on your DVLA licence.
 - (viii) in addition to condition (vii) the Council may require the Applicant to produce additional information certifying that he/she is physically fit to be the driver of a hackney carriage/private hire vehicle;
 - (ix) be aware that persons granted a licence to drive hackney carriages and private hire vehicles must carry passengers accompanied by guide, hearing and certain prescribed assistance dogs, unless medical evidence is supplied by his/her own general practitioner or specialist in support of an application for exemption from that requirement.
 - (x) provide such other information as may be required by the Council and comply with such other conditions as the Council may consider reasonably necessary.

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

2. The renewal of a licence should be made in advance to ensure continuity. **UNLICENSED DRIVING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES IS AN OFFENCE.** Therefore, any person found driving without a hackney carriage/private hire vehicle driver's licence may be prosecuted.

3. Where the licence fee is made by cheque, which is subsequently dishonoured, any licence will be null and void.

APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Disclosure and Barring Service – Enhanced Disclosure Check Acceptable Identity Documents*

You will need to provide three documents in total, one document from Group 1, and 2 further documents from Group 1, 2a or 2b (one of which must verify your current address). Please be advised, that it is a condition of your hackney carriage/private hire vehicle driver's licence application that you produce your current full driving licence.

NB – All documentation must be originals, not photocopies, and in your current name. You must declare all previous names used and provide documentary proof to support your change of name. You must also provide a full and continuous address history covering the last 5 years.

*Correct as at 11th May 2016.

Group 1: Primary Identity Documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photocard	UK, Isle of Man, Channel Islands and EU (full or provisional)
Birth certificate – issued within 12 months of birth	UK, Isle of Man and Channel Islands – including those issued by UK authorities overseas, e.g. embassies, High commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted Government Documents

Document	Notes
Current driving licence photocard (full or provisional)	All Countries outside the EU (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) – paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EU
Birth certificate – issued after time of birth	UK, Isle of Man and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

All driving licences must be valid.

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in the last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, eg pension or endowment	UK	Issued in the last 12 months
P45 or P60	UK and Channel Islands	Issued in last 12 months

Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, eg Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID Card	-	Must still be valid
Cards carrying the PASS accreditation logo	UK, Isle of Man and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK – for 16 to 19 year olds in full-time education – only used in exceptional circumstances if other documents cannot be provided	Must still be valid

Once you have received your Disclosure and Barring Service check you should contact the Licensing Section to arrange to produce it for inspection. If you have no criminal convictions or current motoring convictions, including a group 2 medical, your licence will be issued for a period of up to 3 years. If you have any convictions, however, your application will be referred to a meeting of the Licensing Sub-Committee (Taxi & General) for determination, for which you will be required to attend.

List of Acceptable Documents for Right to a Licence

The list of documents are based on those prescribed to show evidence of a right to work

List A: No immigration restrictions on right to a licence in the UK. Once the council has undertaken the necessary check in respect of an application made on or after 1 December 2016. You will not have to repeat the check when you subsequently apply to renew your licence

1.	A passport showing the holder; or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7.	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8.	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9.	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10.	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B: Immigration restrictions on the right to a licence in the UK. The council may issue the licence (subject to statutory limitations) up to the expiry date of the permission to work in the UK. You will need to produce documents each time you make an application to renew your licence.

1.	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4.	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
1.	A Certificate of Application issued by the Home Office under Regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for 6 months from the date of the Certificate of Application.
2.	A Verification issued by the Home Office Evidence and Enquiry Unit which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for 6 months from the date of the licence decision.

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

1.0 Introduction

- 1.1 The purpose of this document is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper or safe and suitable person to hold a licence.
- 1.2 The purpose of hackney carriage and private hire licensing is to protect and ensure the safety of the travelling public; there are many instances where an application will be refused, or a licence or revoked or suspended if the person falls short of the fit and proper test. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account.
- 1.3 The Licensing Authority makes decisions on the balance of probabilities rather than beyond reasonable doubt.
- 1.4 It is recognised that these guidelines are not legislation, it is however, the Authority's baseline for acceptability. As such, it will only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 1.5 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body).

2.0 Powers

- 2.1 Powers to grant driver/operator licences are contained within Section 51, Section 55 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 2.2 Powers to suspend, revoke or refuse to renew a driver's licence are contained within Section 61 of the Act, where the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 2.3 Section 61 (2B) allows the Licensing Authority, if it appears that in the interests of public safety, to suspend or revoke a driver's licence with immediate effect. A Decision Notice explaining why this decision has been taken will be issued to the driver and will have effect when the notice is given to the driver. The driver may appeal this decision but may not drive during the appeal period.
- 2.4 Section 62 of the Act allows the Licensing Authority to suspend, revoke or refuse to renew an operator's licence if the applicant/licence holder has been convicted of an offence under or non-compliance with the provisions of Part II of the Act; or grounds of any conduct on the part of the operator which appears to the Council to render him unfit, or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.

2.5 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

3.0 Appeals

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

4.0 Considerations

4.1 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour.

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

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

5.0 Guidance on Determination

5.1 There are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver, private hire driver (this authority adopts a dual badge for drivers that permits them to drive a private hire vehicle and a hackney carriage vehicle) and private hire operator. In relation to all of these licences, the authority has the discretion to grant, revoke and suspend a licence.

5.2 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 s51 and 59 in respect of drivers; s55 in respect of operators).

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

- 5.4 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership) is “safe and suitable” to hold the licence.
- 5.5 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.
- 5.6 Convictions for attempt or conspiracy will be regarded as convictions for the Convictions substantive crime. A caution is regarded in exactly the same way as a conviction. Fixed penalties and community resolutions will also be considered in the same way as a conviction.
- 5.7 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 5.8 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 5.9 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 5.10 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 5.11 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 5.12 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than

isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

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

Drivers

- 5.22 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 5.23 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 5.24 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 5.25 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.
- 5.26 **Crimes resulting in death**
Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.
- 5.27 **Exploitation**
Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.
- 5.28 **Offences involving violence**
Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 5.29 **Possession of a weapon**
Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 5.30 **Sex and indecency offences**
Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.

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

- 5.31 **Dishonesty**

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

5.32 *Drugs*

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

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

5.33 *Discrimination*

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

5.34 *Motoring convictions*

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

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

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

5.36 *Other motoring offences*

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

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

5.37 Hackney carriage and private hire offences

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

5.38 Vehicle use offences

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

5.39 Private Hire Operators

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

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

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

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

5.40 Vehicle Proprietors

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

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

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

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



CAERPHILLY COUNTY BOROUGH COUNCIL

INTENDED USE POLICY FOR THE LICENSING OF HACKNEY CARRIAGES

1. INTRODUCTION

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

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

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

3. APPLICATIONS FOR THE RENEWAL OF A HACKNEY CARRIAGE LICENCE

- 3.1 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to operate predominantly within the administrative area of Caerphilly County Borough Council under the terms of the licence for which application is being made.
- 3.2 There will be a presumption that applicants who do not intend to predominantly operate within the administrative area of Caerphilly County Borough Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of Local Government
- 3.3 Miscellaneous Provisions Act 1976 [LG(MP)A 1976] gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- 3.4 Even where the applicant intends to operate predominantly within the Caerphilly area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular application, there will be a presumption that the

application will be refused.

4. APPLICATION FOR THE TRANSFER OF A HACKNEY CARRIAGE LICENCE

- 4.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of a licensed vehicle who transfers his interest to another person must, within 14 days of the transfer, give written notice to the Council of the name and address of the new proprietor of the hackney carriage.
- 4.2 The Council has no power to refuse to register the new proprietor provided requisite notice has been given in accordance with section 49 of the LG(MP)A 1976, the Council will register the new proprietor of a licensed hackney carriage. This is a legal requirement.
- 4.3 New proprietors should note the obligation under section 73 of the LG(MP)A 1976 to give an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the LG(MP)A 1976.
- 4.4 New proprietors of existing licences will be expected to have a bona fide intention to predominantly operate within the administrative area of Caerphilly County Borough Council under the terms of the licence in respect of the vehicle being transferred.
- 4.5 Where the new proprietor of a licensed hackney carriage is found to have no intention to operate predominantly within the administrative area of Caerphilly County Borough Council and/or intends to trade in another authority's area also for a substantial amount of time and it appears that the purpose of the legislation and public safety will be compromised then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Caerphilly County Borough Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

5. REPLACEMENT VEHICLES

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

6. REVOCATION OF LICENCE

- 6.1 Where a licence has been granted under the terms that the applicant intends to operate predominantly within the administrative area of Caerphilly County Borough Council but is subsequently found not to be operating predominantly within the Caerphilly area and to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) there will be a presumption that the licence will be revoked.

7. EXCEPTIONAL CIRCUMSTANCES

- 7.1 Each application will be decided on its merits. However the presumptions that intended use is to operate predominantly within the administrative area of Caerphilly County Borough Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not compromise the purposes of the legislation or public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

8. REASONS FOR POLICY

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

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

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

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

The maximum period of a driver's licences has been extended from two years to three. The result has been that licensing requirements may be required to be verified during the course of the licence. Conditions 1,2 and 3 ensures that the Licensing Authority can be confident that the licence holder remains a fit and proper person to hold a driver's licence.

1. A Disclosure and Barring Service check is required on the ...Date.... , the check shall be submitted to the Licensing Office no later than 4 weeks after this date.
(Advisory - Failure to submit the DBS check will result in the matter being placed before the next available Licensing Committee for consideration of the licensee's fitness to hold a dual licence)

2. A Group 2 DVLA standard medical certificate is required on the ...Date...., the certificate shall be submitted to the Licensing Office no later than 4 weeks after this date.
(Advisory - Failure to submit a medical certificate of fitness to drive a licensed vehicle will result in the matter being placed before the next available Licensing Committee for consideration of the licensee's fitness to hold a dual licence) .

3. A signed DVLA mandate is required on the ...Date...., the mandate shall be submitted to the Licensing Office no later than 4 weeks after this date.
(Advisory - Failure to submit a signed DVLA mandate will result in the matter being placed before the next available Licensing Committee for consideration of the licensee's fitness to hold a dual licence).

4. The Licensee shall not assign or any way part with the benefit of the licence, which is personal to the Licensee, other than the licence must be delivered to the private hire vehicle operator employing the driver and to be retained by him whilst such driver remains in his employ.

5. The Licensee is advised that any private hire vehicle he may drive must be operated through a private hire vehicle operator licensed with this Council.

6. The Licensee shall, when driving a Hackney Carriage or Private Hire Vehicle, wear such badge issued to the Licensee by the Council, in such a position and manner as to be plainly and distinctly visible, bearing the number corresponding with the number assigned to the Licensee in the register kept by the Council for that purpose.

7. The Licence may be suspended, revoked or not renewed by the Council:
(i) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
(ii) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
(iii) if the driver becomes disqualified from driving under any of the Road Traffic Acts, in which case the licence shall be automatically revoked;
(iv) on any other reasonable grounds.

8. The driver's badge shall remain the property of the Council and if the driver's licence is suspended or revoked or the Council refuse to renew a driver's licence such badge shall be returned by the Licensee to the Council within seven days of a notice by the Head of Public Protection, requesting the Licensee to do so.

9. Application for renewal of a licence must be made before the expiry date, to ensure continuity. There is no automatic period of grace and unlicensed driving is an offence.

10. The licensee must throughout the period of his licence hold a valid driver's licence under the Road Traffic Act 1988. If he/she is disqualified from holding a driving licence for whatever reason, he/she must notify the Council immediately and return the badge and licence.

11. The Licensee shall notify the Council forthwith of any change or deterioration to his/her health during the period of his/her licence. The Council reserves the right to require an existing licensee to produce medical evidence of continuing fitness to drive during the period of the licence. Such

medical evidence shall be produced by the licensee to the Council within seven days of a notice by the Head of Public Protection requesting the licensee to do so.

12. The Licence holder shall at the request of any Authorised Officer of the Council or any Constable, produce for inspection his driver's licence and/or badge, either forthwith or before the expiration of five days beginning with the day following the date of request:-

(i) in the case of a request of an Authorised Officer to the Head of Public Protection at Penallta House, Tredomen, Ystrad Mynach, CF82 7PG

(ii) in the case of a request of a Police Constable at any Police Station within the Council's area and which is nominated by the Constable when the request is made.

13. The licence holder shall not cause or suffer or permit to be conveyed in a hackney carriage or private hire vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued and displayed on the hackney carriage or private hire vehicle licence plate issued by the Council in respect of that vehicle.

14. The Licence Holder shall not:

(i) Behave in an uncivil or disorderly manner, and shall not use abusive language or gestures to the general public, pedestrians, other road users or any other person.

(ii) Conduct themselves in a manner that causes offence, nuisance, or actions that may present a hazard to members of the public or passengers.

(iii) Drink or eat whilst carrying fare paying passengers in the vehicle

(iv) Without the consent of passengers, shall not use any radio, CD or MP3 or other sound reproducing instrument or equipment in the vehicle

(v) Consume alcohol at any time whilst driving or being in charge of a hackney carriage or private hire vehicle. (Advisory: Consumption of alcohol during or prior to driving a taxi may result in loss of the licence.)

(vi) Drive a vehicle unless he/she understands how to safely operate/install any equipment to make the vehicle accessible by disabled persons.

(vi) Use a hand held microphone or telephone handset whilst the vehicle is moving. Drivers shall only speak into a fixed neck sling or clipped on microphone or other suitable hands-free or Bluetooth type system, so as not to distract their attention from the road. Drivers must not stop on the hard shoulder of a motorway to answer or make a call (unless it is to dial 999), however urgent. It is a criminal offence to use a hand held mobile phone whilst driving and any such offence might impact upon the driver's fitness to hold a driver's licence.

(vii) Without consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

15. The driver shall notify the LA in writing within 7 days of any change of his/her address or telephone number whether of a temporary or permanent nature.

16. The licence holder shall be clean and respectable in his/her dress and person.

Vehicle

17. The licence holder shall:

(i) at all times maintain his/her vehicle in a roadworthy and clean condition both internally and externally. The driver must carry out a spot check on the vehicle lights and condition of tyres in particular, before using the vehicle.

(ii) ensure that the appropriate insurance cover is in force covering him/her to drive such vehicle. Where an insurance cover note has effect the driver shall, on expiry of that cover note, provide evidence to the LA of the new period of cover. It is the responsibility of the driver to provide the LA with a current and valid copy of their insurance policy and/or cover note and to ensure they have the appropriate insurance cover in place. In accordance with Section 60 of the LG(MP)A failure to provide this insurance cover to the LA will result in a suspension notice being served. The suspension shall remain in place until such time as the LA receives documentary evidence of valid and adequate insurance.

(iii) That the licence plate affixed to the front and rear of the vehicle does not become concealed from public view or be so damaged or defaced as to render it illegible.

(iv) The driver shall ensure that the licence plate is not removed from the vehicle at any time unless an authorisation of exemption has been granted.

Equality Act 2010

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

Obligations in respect of passengers / customers

19. If he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause. If the vehicle is to be delayed every effort should be made to contact the passenger and inform them of the reason for the delay. In addition, if the passenger is not immediately available the driver shall make all reasonable efforts to contact that passenger.

20. The driver when hired to drive to any particular destination shall, subject to any directions or request made by the hirer, proceed to that destination by the shortest direct route.

21. The driver shall drop off passengers in a safe zone and shall not permit passengers to alight onto a road where it can be avoided.

22. The driver shall not make any advances to passengers that could be construed as an attempt to procure any special relationship or sexual activity.

23. The driver shall:

(i) at all times comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

(ii) when requested by the hirer convey a reasonable quantity of luggage;

(iii) The driver shall afford reasonable assistance in loading and unloading any luggage or passenger belongings, including assistance in removing it to and from the entrance of any house or other place where he collects or sets down his passenger;

(iv) if requested by the hirer of a vehicle, provide him/her with a written receipt for the fare paid.

24. The driver shall immediately after the termination of any hiring, carefully search the vehicle for any property that may have been accidentally left therein, and if such property is found, take the same within 48 hours, if not sooner claimed by, or on behalf of its owner, to the Head of Public Protection, Penallta House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG whereupon the Licensee will be given a receipt for the property.

Taxi meters

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

Convictions

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

The Carriage of Animals

27. A driver must not carry in a hackney carriage or private hire vehicle any animal, which belongs to, or is being looked after by, himself or herself, the owner or operator of the vehicle whilst it is being used as a hackney carriage or private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner and do not cause an obstruction to the driver.

28. A driver must, however carry assistance dogs as defined in the Disability Discrimination Act 1995 regulations without any additional payment unless they are in possession of an exemption from this condition issued by the LA. (A certificate of exemption will be granted upon the production of suitable medical evidence. If the exemption is being applied for on the grounds of a chronic phobia of dogs, a psychiatrist or clinical psychologist must provide the report.)

29. The driver of a hackney carriage or private hire vehicle who has been issued with an exemption certificate must exhibit the notice of exemption in a vehicle by either, fixing it to the windscreen, facing outwards, or fixing it in a prominent position on the dashboard. [If the driver of a hackney carriage forges or makes a false statement in respect of an exemption certificate, he/she will be guilty of an offence. If the driver of a private hire vehicle forges or makes a false statement in respect of an exemption certificate, he/she will be in breach of his/her licence conditions and may render his/her licence liable to suspension or revocation.]

Accidents

30. The driver shall report all accidents to the LA as soon as is reasonably practicable but in any event within 72 hours of the occurrence of any such accident that may have caused damage materially affecting the safety, performance or appearance of the vehicle or comfort or convenience of persons carried therein. Any driver reporting an accident will normally be required to present the vehicle for inspection at the Licensing Office upon request.

Private Hire Vehicles

31. Private Hire Vehicle drivers are only permitted to take passengers who have pre-booked their journey via a licensed operator.

32. The driver of a private hire vehicle shall not park on, drop off or pick up at any taxi rank for any reason during the operation times of such rank.

33. The driver of a private hire vehicle shall not ply for hire on any public or private road, or tout or solicit any person to hire or to be carried in his/her private hire vehicle. The driver shall not accept any offer of immediate hire whilst the driver or vehicle is on the road or in any other public place.

34. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator.

Hackney Carriages

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

HACKNEY CARRIAGE BYE LAWS

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

INTERPRETATION

1. Throughout these byelaws:-

“THE COUNCIL” means the Council of the County Borough of Caerphilly

“TABLE OF FARES” means the table of fares fixed by the Council under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

“THE COUNTY BOROUGH” means the County Borough of Caerphilly.

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

2. The proprietor of a hackney carriage shall:-

(a) cause to be affixed on the outside and inside of the carriage the plates and disc provided by the Council on which shall be marked the number of the licence granted in respect of such carriage in a manner as follows, namely:-

i. The exterior plate shall be fixed and displayed outside and on the rear of the vehicle and be at all times clearly visible from the rear and be maintained in a clean condition:

ii. The interior plate shall be fixed on the inside of the carriage in such a position as to be easily observed by the passengers:

iii. The licence disc to be fixed and displayed inside the vehicle on the lower left hand corner of the windscreen in order to be clearly visible from the front of the carriage by persons outside the vehicle.

(b) the proprietor or driver of a hackney carriage shall:-

- i. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:-

- (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) Cause the roof or covering to be kept water-tight;
- (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) Cause the seats to be properly cushioned or covered;
- (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained, and in every way, fit for public service;
- (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) Provide an efficient fire extinguisher and first aid kit which shall be carried in such a position as to be readily available for use;
- (i) Provide and maintain an electric light in the interior of such carriage;
- (j) Carry a spare wheel and tyre and suitable tools for the replacement of damaged or punctured tyres;
- (k) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say:-

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

5. Every proprietor of a hackney carriage shall cause the same to be provided with a roof sign so constructed as to comply with the following requirements, that is to say:-

- (a) The sign shall bear the words "FOR HIRE" in plain letters at least two inches in height;
- (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

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

6. The driver of a hackney carriage provided with a taximeter shall:-

- (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the Byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) As soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness, this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time at the request of the hirer.

7. A proprietor or driver of a hackney carriage shall not tamper with, or permit any person to tamper with, any taximeter with which the carriage is provided, with the fitting thereof, or with the seals affixed thereto.

8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

11. The driver of a hackney carriage shall, when standing or plying for hire, when hired, display on his person in such a manner as to be plainly visible, the hackney carriage driver's badge issued to him by the Council.

12. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-

- (a) Convey a reasonable quantity of luggage;
- (b) Afford reasonable assistance in loading and unloading;
- (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

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

13. The proprietor or driver of a hackney carriage shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council's table of fares, for the time being in force, which it may not be possible to record on the face of the taximeter.

14. The proprietor of a hackney carriage shall cause the table of fares for the time being in force, to be exhibited inside the carriage, in clearly distinguishable letters and figures.

15. The proprietor or driver of a hackney carriage bearing the table of fares in accordance with the preceding byelaw, shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-
(a) carry it, as soon as possible, and in any event within 48 hours, if not sooner claimed by, or on behalf of its owner, to the Council Offices, Ty Penallta, Tredomen Park, Ystrad Mynach, Hengoed and leave it in the custody of the officer in charge of the office on his giving receipt for it;
(b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

PENALTIES

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