

Neath Port Talbot Council

Taxi Licensing Policy

Revised August 2026

Private Hire and Hackney Carriage
Vehicles, Drivers and Operators

1.0 **Introduction**

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

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

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

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

The policy sets out general requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Licensing Authority 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 **Schedule 1**.

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 **General 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 undertake an Enhanced Disclosure and Barring Service (DBS) check in respect of each new application and prior to the renewal of a licence.

Where a licence holder has been granted an annual licence, a further Enhanced DBS check will be required every three years. The results of the DBS disclosure will be used by the Licensing Authority when determining whether an applicant or licence holder is a fit and proper person to hold a driver licence.

DBS applications are completed through an online application system. Applicants and licence holders must provide a valid email address to enable access to the online system and to facilitate communication regarding the application process.

Further information regarding the DBS application process is contained within the application procedure set out at Appendix A.

All costs associated with obtaining a DBS disclosure certificate and maintaining any related subscription services shall be met by the applicant or licence holder.

The Licensing Authority will only accept Enhanced DBS disclosure certificates obtained for the correct workforce category, namely **"Other Workforce"**.

The DBS disclosure certificate must have been issued no more than three months before the date on which the application is determined by the Licensing Authority. The relevant date is the date of determination and not the date on which the application is submitted.

Hackney Carriage and Private Hire Drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Accordingly, both spent and unspent convictions, cautions and other relevant information disclosed through the DBS process may be taken into account when determining whether an applicant or licence holder is a fit and proper person.

2.4 DBS Update Service

The Licensing Authority will undertake a DBS status check of all licensed drivers at six-monthly intervals in accordance with the standards issued by the Department for Transport and the Welsh Government.

To facilitate these checks, drivers are strongly encouraged to subscribe to the DBS Update Service and maintain a continuous subscription throughout the duration of their licence. Drivers must also provide the Licensing Authority with the necessary consent to undertake status checks through the DBS Update Service.

Drivers who choose not to subscribe to the DBS Update Service, or whose subscription lapses, is cancelled, or otherwise becomes unavailable, will remain subject to the Licensing Authority's six-monthly DBS monitoring requirements. In such circumstances, the driver will be required to obtain a new Enhanced DBS disclosure certificate at their own expense every six months to enable the Licensing Authority to continue assessing their suitability to hold a licence.

Failure to provide a satisfactory DBS disclosure when requested may result in the suspension of the driver's licence or, where applicable, the refusal of a licence renewal application. Any suspension will remain in force until the Licensing Authority has received and assessed a satisfactory Enhanced DBS disclosure and is satisfied that the driver remains a fit and proper person to hold a Hackney Carriage or Private Hire Driver Licence.

2.5 Certificate of Good Character

Applicants who have spent 6 months or more (whether continuously or in total), residing outside the United Kingdom while aged 18 or over, will need to provide the Licensing Authority with a criminal record check from the country / countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For those countries for which checks are not available, the Licensing Authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or

similar documents from a number of countries is available on [Criminal records checks for overseas applicants - GOV.UK](#)

2.6 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 **Schedule 2**.

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

2.7 National Register of Taxi Licence Refusals, Revocations and Suspensions (NR3S)

The Licensing Authority provides information to the National Register of Taxi Refusals, Revocations and **Suspensions** (NR3S), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Licensing Authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or private hire driver licence.

Therefore:

- Where a hackney carriage and private hire driver licence is revoked or suspended, or where an application is refused, the Licensing Authority will automatically record this decision on the NR3 register.
- All applications for a new driver licence or driver licence renewal will automatically be checked on the NR3S register. If a search of NR3S indicates a match with an applicant, the Licensing Authority will seek further information about the

entry on the register from the authority which recorded it. Any information received as a result of an NR3S register search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on the NR3S register itself will be limited to:

- Name
- Date of birth
- Address and contact details
- National insurance number
- Driving licence number
- Decision taken
- Date of decision
- Date decision effective

Information will be retained on the NR3S register for a period of 11 years.

2.8 Knowledge and Suitability Test

Applicants must successfully complete the Knowledge and Suitability Test before a decision can be made on the grant of a new driver licence.

The Knowledge and Suitability Test comprises a series of video-based assessments and questions covering the content of those videos, this Policy, relevant taxi licensing legislation, and local area knowledge. Applicants must achieve a minimum score of 80% in each section of the test.

As part of the assessment, applicants will be expected to demonstrate a detailed knowledge of the Neath Port Talbot County Borough area, including the locations, routes, facilities and key landmarks within Neath, Port Talbot and Pontardawe. This knowledge should be acquired prior to sitting the test.

2.9 Medical Fitness

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

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

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

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

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

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

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

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

Diabetes

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

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

immediately to the Licensing Authority any significant change in condition.

2.10 Equality Act 2010 medical exemptions

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

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

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

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

All applications for an exemption certificate will be determined by the **General Licensing Committee**.

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

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

2.11 Immigration checks

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

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

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

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

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

2.12 HMRC Tax Checks

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

First time applicants for a hackney carriage and private hire driver licence are not required to provide a tax check code and instead should follow the guidance on tax responsibilities, which can be

viewed here: <https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence>

2.13 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.

2.14 Duration of licence

The Licensing Authority will issue licences for a 3-year period, however there is a discretion to issue licences of a shorter duration, if it considers this to be appropriate in the circumstances of the case.

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.

2.15 Renewal of licence

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

The renewal application must be applied for prior to the expiry of the licence in order for officers to be able to determine the application. Applications for renewal which are received after the expiry date will be referred to the **General Licensing Committee**. The Committee will decide whether the licence can be renewed taking into account how long after the expiry of the licence the

application to renew was made and the reasons why the licence was not renewed prior to the expiry.

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

DBS Certificate

Drivers are strongly encouraged to subscribe to and maintain membership of the DBS Update Service. Where a driver is registered with the DBS Update Service, they need only provide their DBS certificate number on their renewal application form and sign the appropriate consent form authorising the Licensing Authority to undertake status checks throughout the duration of the licence.

Drivers who choose not to subscribe to the DBS Update Service will be required to obtain and submit a new enhanced DBS certificate every six months during the term of their licence, at their own expense.

Any driver wishing to provide a new DBS certificate every six months, rather than subscribe to the DBS Update Service, must notify the Licensing Authority of their intention. This will enable appropriate arrangements to be made to ensure that the DBS application process is commenced in sufficient time for a new DBS certificate to be issued and received before the expiry of the relevant six-month checking period.

Drivers should be aware that obtaining a new DBS certificate every six months is significantly more expensive and administratively burdensome than maintaining a subscription to the DBS Update Service. Failure to provide a satisfactory DBS certificate within the required timescales may result in the suspension of the driver licence until such time as the certificate is produced.

Medical Examination Report

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

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

2.16 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 **Schedule 3**.

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 **Schedule 4**.

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 **General Licensing Committee**. The specification for Hackney Carriage vehicles is set out in **Schedule 5** and for Private Hire vehicles at **Schedule 6**.

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 reaches 3-year-old from the date of first registration.

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

3.5 Vehicle inspections

The Licensing Authority carries out vehicle inspections in accordance with both the “Car and Light Commercial Vehicle Testing Manual” and the “National Inspection Standards for Hackney Carriage and Private Hire Vehicles”. The National Inspection Standards are higher than that of an M.O.T and will include additional items for inspection. The National Inspection Standards are set out in **Schedule 7**.

Vehicles that meet the required specifications must be submitted for a vehicle examination at the Licensing Authority’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 Licensing Authority’s testing station every 6 months. Proprietors will be notified when their inspection is due and they can book a convenient date and time for the inspection with the Licensing Authority.

Non-attendance

If a vehicle does not attend the inspection or if it is not inspected by the arranged date, the vehicle licence will be suspended (subject to formal appeal process) until it passes a rearranged inspection. Failure to attend a scheduled inspection without reasonable excuse is an offence under Section 50 Local Government Miscellaneous Provisions Act 1976 and is liable to prosecution.

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

Vehicle failure

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

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

Appeals

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

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

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

If the proprietor / driver is still unsatisfied with the outcome, Licensing Authority may ask for the opinion of an independent 3rd 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 **Schedule 8** for Hackney Carriage vehicles and **Schedule 9** 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 **Schedule 10**

3.8 Dashcams

Dashcams also known as Video Point of Impact Systems (VPIS) are external facing cameras that record footage external to the vehicle designed to capture footage in the event of a road traffic collision. Dashcams must not record audio or internal images. Devices used for internal images or audio must comply with Licensing Authority CCTV requirements.

Reversing cameras or similar live image functions are not dashcams because they do not record images. Dashcams have many advantages such as helping to identify who is responsible for causing an accident, providing evidence, resolving disputes, and it may lower insurance premiums in some instances.

Vehicle proprietors must comply with UK General Data Protection Regulations (UKGDPR). Taxi and private hire vehicle businesses have different operating modes and therefore businesses may use The Information Commissioners Office (ICO) data protection fee self-assessment to check if they should pay a fee and register with the ICO.

When a vehicle proprietor informs the Licensing Authority that they have installed a dashcam, the Licensing Authority will record this information to enable identification of all vehicles licensed with a dashcam used.

When a proprietor, or driver with proprietor permission, installs a dashcam device into a taxi or PHV, it must comply with the following conditions as set out in schedule 11.

3.9 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 **Schedule 12**.

3.10 Duration of licence

The Licensing Authority will issue licences for a one-year period, however there is discretion to issue licences of a shorter duration, if it considers this to be necessary given the circumstances.

3.11 Renewal of Licence

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

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

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

Where the applicant has notified the authority that the vehicle is unfit and therefore does not have a valid M.O.T, the application

can still be submitted but will not be issued until a valid M.O.T is received.

3.12 Equality Act designated list of vehicles

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

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

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

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

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 **Schedule 13**

4.3 Immigration Checks

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

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

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

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

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

5.0 **Byelaws**

The Licensing Authority 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 **Schedule 14** 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 Licensing Authority 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, Licensing Authority 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

7.0 Compliance and Enforcement

7.1 Suspension of licence

Where the **General 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 Licensing Authority 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 **General 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 Licensing Authority 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 **General 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

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.

Schedule 1

Hackney Carriage and Private Hire Driver Licence Application Procedure for Grant

A driver application pack can be obtained from www.npt.gov.uk/licensing or by requesting a pack by email licensing@npt.gov.uk.

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

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

A list of current fees are available on our website www.npt.gov.uk/licensing

STAGE 1 – KNOWLEDGE AND SUITABILITY TEST

- The Knowledge and Suitability Test is administered by the Licensing Authority. Appointments to sit the test can be arranged directly with the Licensing Section.
- Applicants must successfully complete the Knowledge and Suitability Test before submitting a valid licence application.
- Tests are held weekly on Wednesday mornings at Port Talbot Civic Centre. Retests are held on Wednesday afternoons.
- The appropriate fee must be paid in advance of attending a test or retest. Applicants who have not paid the required fee will not be permitted to sit the test.
- Applicants must bring valid photographic identification when attending a test or retest. All revision materials, notes, and other unauthorised items must be securely stored away before the test commences.

- The use of mobile phones, smart watches, tablets, or any other electronic device capable of assisting with answers during the test is strictly prohibited.
- Any applicant found cheating, attempting to cheat, or otherwise breaching the test conditions will be required to leave the examination room immediately. Their test paper will be withdrawn, the result will be recorded as a fail, and a further application may be subject to additional scrutiny by the Licensing Authority.

STAGE 2 – COMPLETING YOUR APPLICATION

The Application Form

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

The Medical Report

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

- Please ensure that all sections have been completed and all boxes ticked.

STAGE 3 – SUBMITTING YOUR APPLICATION

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

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

A completed application must include the following items:-

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

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

In your photo you must:

- be facing forwards and looking straight at the camera,
- have a plain expression and your mouth closed,
- have your eyes open and visible,
- not have hair in front of your eyes,

- not have a head covering (unless it's for religious or medical reasons),
- not have anything covering your face,
- not have any shadows on your face or behind you.

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

STAGE 4 – IDENTITY VERIFICATION

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

Disclosure and Barring Service Check (DBS)

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

this to the Licensing Authority forthwith to prevent any delays in your application.

Right to work check

- You must provide a Passport or UK Full Birth Certificate. If you provide a UK full Birth Certificate, you will also need to provide a National Insurance Document.
- If you do not have either of these documents, please contact the Licensing Authority to discuss alternative documentation that may be acceptable.

DVLA Driving Licence

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

STAGE 5 – DETERMINATION OF LICENCE

- If there are any convictions shown on the DBS check result, DVLA driving licence or if you have declared any other relevant information, then your application may need to be considered by the **General 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 General Licensing Licensing Committee, you have the right of appeal to the Magistrates' Court within 21 days of receiving written notice of refusal.

STAGE 6 – ISSUE OF LICENCE

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

Schedule 2

Guidance on determining the suitability of applicants and licensees in the taxi and private hire industry

Chapter 1: Introduction

1.1 This document was originally published by the Institute of Licensing in April 2018 and this revised edition follows extensive consultation and review. As previously, it has been produced by the Institute working in partnership with the Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO). We are grateful to all those organisations for their contributions and endorsement. The Guidance has also been endorsed by the National Anti-Fraud Network (NAFN) and the Welsh Local Government Association (WLGA).

1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Taxi or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Taxi and Private Hire services. It is a regulated activity, and the purpose of regulation is to ensure, so far as possible, that those engaging in this activity are suitable persons to do so. Entry requirements are necessarily high to ensure the safety of the public, and the reputation of those who are themselves licensed.³

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

1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications.⁴ The onus lies with the applicant or licensee to satisfy the Licensing Authority that they are or remain a fit and proper person.⁵ It is a key part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgement as to their fitness and propriety.

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

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

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

1.5 There is some Statutory and non-statutory guidance as to how such decisions should be approached or what matters are relevant or material to a decision contained in the DfT “Statutory Taxi and Private Hire Vehicle Standards”, “Taxi and Private Hire Vehicle Licensing best practice guidance for licensing authorities in England” and the Welsh Government’s “Taxi and private hire vehicles: licensing guidance”, but it is not comprehensive. This document complements that guidance as does the LGA’s Taxi and Private Hire Councillors Handbook and any further Government guidance. It is gratifying and seen as an endorsement of the previous edition of this document that the DfT accepted the suggested convictions guidance in Chapter 4, almost in its entirety.

1.6 Local authorities in England should be complying with the requirements of the Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 which requires use of the NR3S database hosted by the National Anti-Fraud Network. Such use is currently advisory in Wales.

1.7 Chapter 4 of this document provides licensing authorities and their decision makers with guidance on determining suitability, taking into account the character of the applicant or licensee. Licensing authorities are encouraged to adopt this guidance within their own Taxi and Private Hire policies. In particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their ‘fitness and propriety’ or ‘character’. As with any guidance it should not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case. Any departure from the adopted policy should be the exception, rather than the rule.

1.8 A Licensing Authority can say “never” in a policy, known as taking a ‘bright line approach’, but it remains a policy, and as such does not amount to any fetter on the discretion of the authority. This approach was endorsed by the High Court in *R (on the application of Nicholds)*.⁶ Each case will always be considered on its merits having regard to the policy, and the Licensing Authority can depart from the policy where it considers it appropriate to do so. This will only happen where the Licensing Authority considers that there are exceptional circumstances which warrant a different decision. Full and detailed reasons must be provided to the applicant or licensee for every decision, including the reasons for any departure from the Licensing Authority’s policy.

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

1.9 In Chapter 2 this document explores the current academic thinking behind an individual’s tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraphs 1.7 and 1.8 and Chapters 3 and 4.

1.10 Chapter 3 of this document sets out in overview form the Institute’s view of the current law, practice and procedure relating to Taxi and Private Hire licensing. Neither Chapter 3 nor any other

part of this document constitutes formal legal advice which licensing authorities should obtain for themselves where required.

1.11 The guidance in Chapter 4 contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by a Licensing Authority's policy or guidance as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.

1.12 The guidance in Chapter 4 cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national standards.

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

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

2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public.⁷ With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.

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

2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour. While all offending behaviour can be considered when it comes to fitness and propriety, the unique position that licensed taxi and private hire drivers occupy in terms of their occupation and the opportunities and risks that come with such employment mean that some focus and understanding of the nature and character of violent and sexual offences is valuable. Such offences are often important as indicators that an individual might present a risk of serious harm to other people.

2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining potential future behaviour as well as culpability, it is essential that the decision maker(s) considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed. The wider and broader the evidence base that can be considered, the better the judgement is likely to be.

2.4 Crime tends to emerge in teen years, and many people commit offences but do not find themselves persistently involved in crime and criminality. Those who do become more frequent offenders tend to share several risk factors: associations with delinquent peers; school/employment problems; family problems; certain types of mental health problems; and alcohol/substance abuse are the most important predictors of persistence in crime.

The predictors of persistence in crime highlight the multiple causes of persistent antisocial behaviour, and how antisocial behaviour and attitudes can be quite deep rooted. While people who commit crime can and do change and reform, there is also useful predictive value in previous conduct, as past behaviour is often a good indicator of underlying attitudes and potential future conduct.

2.5 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years, offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. While this is true, such points should not be used to downplay the vital role that disbarring people of bad character from roles and occupations which provide heightened opportunity for them to harm plays. What can be done, is to examine each case on its individual merits, and look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.

2.6 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is public protection. This includes assessing the risk of re-offending and the risk and scale of harm.⁸ Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences in the criminal justice system. Local Authorities are not always privy to this information, so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

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

2.7 Flaud⁹ noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place.¹⁰

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

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

2.8 In the Criminal Justice system, His Majesty's Prison and Probation Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards both static and dynamic factors. While no risk assessment can be infallible, there has been a growing recognition for the need to make justifiable and defensible decisions based on public protection.

2.9 Understanding the person, their history (including any offending) and their patterns of behaviour and establishing both risk factors related to future offending and protective factors which reduce the risk of future offending is at the centre of managing risk. Risk Factors are aspects of an individual offender's life that have inclined them towards harmful behaviour. Protective factors are the features of an individual's life that may incline them away from harmful behaviour.

2.10 Static factors are historical and do not change such as age, and previous convictions. These can be used as a basis for actuarial assessments and are core in considering an individual's potential to reoffend in future.¹¹ For example, about half imprisoned adults are reconvicted within two years of release from custody. It is also widely accepted that persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous convictions.¹² In 2022 adults released from custody or starting a court order had a proven reoffending rate of 33.4% within a year of their conviction in court or release from prison.¹³

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

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

¹³ *Proven reoffending statistics: April to June 2022* - GOV.UK (www.gov.uk)

2.11 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity.¹⁴ Behaviour can also be a factor in assessing risk, and behavioural changes can be used in making risk assessments. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated or is a risk, it is important to have regard towards the motivation behind their offending, and the dynamic risk factors present at the time of offences against the steps taken to address such factors, thus reducing the risk of re-offending.

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

2.12 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population.¹⁵ Many of these factors are interlinked and embedded in an individual's past experiences. These factors can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed. However, we also ought to recognise that, and at core, known previous behaviour is the best predictor of future behaviour bar none. Good risk assessment is evidence based and uses statistical evidence, understands offence type and risk factors, but also is individualised and takes account of factors that can reduce or increase an individual's risk. It is also holistic and takes account of behaviour in a range of contexts and a good understanding of the whole person at the centre of the assessment. It also requires a somewhat critical and sceptical attitude and doubt towards emotional claims and assertions of change. Often persistent offenders will claim that they have stopped offending only to be

reconvicted. These are assertions from the subject that are challenged by contradictory behaviours.

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

2.13 Whether a person who has offended is a risk in the future is a complex debate and has given rise to extensive publications, theories and changes in legislation, with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described in criminal justice as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”.¹⁶

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

2.14 Kurlychek, in her study noted that “a person who has offended in the past has been found to have a high probability of reoffending, but this risk is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”.¹⁷ In contrast though, one of the few long-term studies (The Sheffield Desistance Study)¹⁸ which examined the lives of 113 men aged 19–22 years over four years. Their subsequent convictions over the next ten years generally demonstrate a pattern of continuing convictions, but with major crime-free gaps suggesting with some very persistent offenders, desistance, if seen as continuing cessation from crime, may not be fulfilled.

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

¹⁸ Bottoms, A.E. & Shapland, J. (2016) *Learning to desist in early adulthood: the Sheffield Desistance Study*. In: J. Shapland, S. Farrall & A.E. Bottoms (Eds.) *Global perspectives on desistance: reviewing what we know, looking to the future*. Abingdon: Routledge or Shapland, J. (2022) *Once convicted? The*

long-term pathways to desistance. The Howard Journal of Crime and Justice, 61, 271–288. <https://doi.org/10.1111/hojo.12473>

2.15 A consistent finding in criminological literature is that many male offenders tend to desist from crime over time, and risk of offending even for those previously convicted reduces once individuals reach the aged 30 years and over.¹⁹ It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationship.²⁰ Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females is 14 compared to 19 for males.²¹ It is true that generally many people do age out of crime, but we should be careful not to count all crime as the same. Serious sexual and violent offences may not be the same as acquisitive offences.

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

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

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

2.16 Some people are convicted of crime and will not be further convicted. The Rehabilitation of Offenders Act 1974 aims to help some offenders re-enter the workforce and makes some convictions spent after a determined period. For people who have been involved in persistent and more serious offending, it is a difficult and complex process, likely to involve lapses and relapses. Some criminal convictions, especially those attracting lengthy prison sentences are not considered spent. Some individuals may never desist from crime.²² As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low risk of re-offending. Often the only way of achieving this is through lapse of significant time.

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

2.17 Typically, the longer the time elapsed since an offence has been committed, the more likely the individual has desisted from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance.²³ Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to re-offend or offend again than individuals who have offended in the recent past”.²⁴ This is likely substantively true, and yet there are some categories of crime, and some crime types, perhaps particularly sexual offences, where caution is very much needed, because those crimes are so much less frequently taken through the justice system successfully and the offence may illustrate more complex attitudinal and behavioural and thinking patterns. For general offences (not violence and sexual offences), some academics have suggested that a period of around seven years is when the risk of offending for convicted offenders and non-convicted population becomes the same.²⁵

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

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

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

2.18 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual's previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when deciding whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person's ability to

sustain such change. This can be a long process that can only be achieved over time.

2.19 Offences where taxi and private hire drivers are victims are much more frequent than offences by such drivers. Taxi and private hire drivers are often in situations where they can face victimisation in terms of violence, threat, assault and false allegations. It must be recognised that taxi and private hire drivers have access to people who are vulnerable because of their situation, very often as a sole individual unsupervised in a vehicle. A small minority of people may seek to abuse their positions, or even secure positions because of the potential to take advantage of passengers' trust and vulnerability.

2.20 It is estimated that 23.5 per cent of males in England and Wales in the age range 10 – 52 in 2006 had had a previous a conviction. For adult males aged between 18 and 52 the figure is 28.2 per cent. Almost a third of all adult males in the UK have a criminal conviction. However, often individuals will come to light and be recognised because of patterns of behaviour, not always criminal behaviour. It ought to be remembered that a great deal of criminal behaviour in some categories may never come to be known about by authorities, and it is widely accepted that, for example, violence against women and girls, domestic violence and sexual crimes tend to be the most under reported and least convicted.

2.21 According to ONS crime statistics for England and Wales,²⁶ 20% of women (1 in 5) and 4% of men will experience sexual violence in their lifetime. It is vital that it is recognised that a great deal, and likely most, of the sexual abuse may never be reported. It has been suggested that some 40% of adults who are raped will not report, and unreported childhood cases are likely much higher. The Crime Survey for England and Wales (CSEW) estimated that 1.1 million adults aged 16 years and over experienced sexual assault in the year ending March 2022 (798,000 women and 275,000 men).

²⁶

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

2.22 It is claimed that only some 10-15% of sexual offences are reported to the police in any year, and even when reported, sexual crimes are amongst the hardest to prove. In 2018 less than 1 in 65 reports of rape (1.5%) resulted in a charge or summons. However, according to CSEW statistics for the year ending March 2022, sexual offences recorded by the police were at the highest level recorded. In May 2021, there were 95,844 people on the sex offenders register in England and Wales, yet based on the accessing of Child Sexual Exploitation material the UK's National Crime Agency estimate that there could be between some 550,000 and 850,000 people in the UK who pose varying forms of sexual risk to children. While there is no consensus about the pathways between non-contact and contact offending, it seems sensible to consider even one incidence of possession of child sexual exploitation material must be seen as a risk flag.

2.23 There are a range of crimes that can be considered as sexual offences, including non- consensual crimes such as rape or sexual assault, crimes against children including child sexual abuse or grooming, and crimes that exploit others for a sexual purpose, whether in person or online. Crimes can occur between strangers, friends, acquaintances, current or ex-partners, or family members. The passage of time does not prevent the effective prosecution of sexual offences, and an increasing number of cases referred to the CPS by police feature allegations of a non-recent nature.

2.24 There is also complexity added to the category of sexual offences as there can be a sexual component in offences that may not be categorised primarily as a sexual offence, and the category runs a full gambit from sexually motivated homicides to non-contact internet offending in the form of possession of Child Sexual Exploitation material.

2.25 Sexual offences are prosecuted as part of the CPS Violence Against Women and Girls (VAWG) Strategy. This is an overarching framework to address crimes that have been identified as being committed primarily but not exclusively by men against women, but we ought not forget that men also commit sexual

offences against men and boys. Reynhard Sinaga, a postgraduate student jailed for life in 2020 is who is thought to be the UK's "most prolific rapist"²⁷ was convicted of 136 rapes in Manchester and is believed by police to have assaulted over 200 men. There is a huge variation in sexual offenders, and there is a range of complex factors in their offending, which can vary hugely and significantly. Some historic crimes are no longer crimes due to changes in legislation since their conviction. For example, alterations in the age of consent that existed for gay men.

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

2.26 There is no singular type when it comes to sexual offending, and there are many gaps in knowledge. We know that most sexual offenders are men. Sex offenders constitute a diverse population of individuals and can be classified into types based upon characteristics and motivations of offending. The most common classification systems are those differentiating between types of rapists, child molesters, female sex offenders, juvenile sex offenders and cyber-sex offenders. There is also sometimes a division between non-contact (online) and contact offending, and discussions about whether the former is a pathway to the latter. It is often said that reoffending amongst sexual offenders is lower than that of general offenders, but we need to be careful to also frame that with the general knowledge we have about the complexity and difficulty in securing convictions for sexual offences generally.

2.27 Sex offenders constitute a similarly diverse group of individuals who begin offending for a range of reasons. Many offenders do not fit into discrete categories. Like violent offenders, sexual offenders have unique personal and criminal histories, and the attitudes and beliefs that support their deviant behaviour can vary. There is no clear-cut profile of a sex offender. Some offenders were sexually abused as children, but others have no such history. Some are unable to function sexually with adult partners and so prey on children, while others also have sexual relations with adults. Research shows that sexual offenders exhibit a variety of characteristics. Abusive people, including sexual

offenders, typically think they are unique, they are different from other people, they have a sense of entitlement and do not have to follow the same rules as everyone else. Rather than being unique, abusers and sexual offenders often have a lot in common with one another, including their patterns of thinking and behaving. They are also often highly manipulative of other people and situations and will employ a range of tactics that can include lying, upsetting others or intimidating them with threats. Equally, they may attempt to charm people, engender feelings of sympathy to manipulate, feign interest or concern, or attempt to elicit sympathy. Sex offenders when compared to other offenders generally:

- Are more likely to deny their behaviour and guilt, can lack empathy (and victim) empathy and ability to understand or see things from the point of view of others.
- Have inappropriate or be very fixed in attitudes and character, including attitudes to sex.
- Put themselves in places and situations where vulnerable victims are present. (Offenders may frequent an amusement arcade or join a social media site or gaming platform where they will regularly be engaging with youth on a peer level or attempt to become a taxi or private hire driver" as referred to in the Telford report).²⁸
- The motivations to sexually offend can vary from offender to offender and offence to offence, but the specific deviant sexual motivations including paraphilias (a persistent and recurrent sexual interests, urges, fantasies, or behaviours of marked intensity involving objects, activities, or even situations that are atypical in nature) are often apparent. However sexual offenders will commit nonsexual offences.

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

2.28 Like sexual offenders, violent offenders are a diverse population, whose offences generally tend to be either expressive (a loss of control and anger) or instrumental (violence that is used to acquire or gain something, including some forms of acquisitive violence). We know that men commit far more violent offences than women and a very small group (less than

5% of the male population tend to commit around 50-70% of violent crime.²⁹ Often the most persistent violent offenders commence offending early in life and are characterised by criminal versatility, but because of their overt nature, much violence (with exceptions around domestic and intimate partner violence) has tended to be detected and prosecuted. Serious violence tends to result in conviction.

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

2.29 The risk of harm is not always linked to the offences committed previously, as persistent and repeat offenders often escalate or fluctuate in terms of the severity of crimes and the type of offences that they commit, and offenders often are not specialist and do not restrict themselves to one sort of crime.

2.30 Criminal versatility and a diversity of criminal offence types can also be indicative of underlying antisocial attitudes. Previous behaviour is a good indicator of future risks. Any conviction for a serious violent or sexual offence suggests at a degree of risk to the public that is heightened over those who have no convictions.

2.31 Beyond a very narrow core of hard cases, there are issues in both the boundaries of what constitutes the kind of behaviour that can be considered dangerous, which is open to dispute, and to what degree of likelihood of future risk should be required before an individual can be said to present a danger of future offending and subject to restrictions?

2.32 What is vital when considering violent and sexual offences are the access and opportunity that the offender requires to attempt to commit any offence. This is the focus of situational and administrative criminology. Situational crime prevention (SCP) is an applied criminological paradigm founded on two distinct, complementary conceptions of criminal situations. The first is the rational choice and the second is the routine activities perspectives.³⁰

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

2.33 SCP approaches consider criminal situations and understand that crime occurrences are essentially 'opportunities' that arise when an already motivated or criminally disposed offender, having rationally weighed up in terms of effort, risk, and reward decides to commit an offence. All else being equal, a crime is more likely to be committed when it requires little effort, when the would-be offender judges that there is a low risk of that crime being detected and punished, and when they anticipate they will meet their intended outcome. Core to the crime is a suitable target being available, there is the lack of a suitable guardian to prevent the crime from happening, and a motivated offender is present.

2.34 Licensing is a form of safeguarding and risk management. By virtue of the role and function of what opportunities and privileges a taxi or private hire drivers' licence affords, there can be a great deal of opportunity to access people who are situationally vulnerable, particularly those in the night-time economy. John Worboys (also known as John Radford) the British convicted serial sex offender, known as the Black Cab rapist, was convicted in 2009 for attacks on 12 women committed between 2007 and 2008. In 2019, he was convicted for attacks on four more women, the earliest of which took place in 2000. Police say he may have had more than 100 victims while operating in London and Dorset.

2.35 The taxi trade and licensing has also featured as part of the backdrop of discussions of Child Sexual Exploitation in a number of English towns. These crimes have frequently been discussed as the product of 'grooming gangs'. While this term has been controversial, the night-time economy (NTE) and particularly take aways, taxi and private hire companies and children's homes all also featured as part of the situational and social context of offending across a number of English towns such as Telford, Rotherham, Bradford, Luton, and Rochdale. Specifically vulnerable, young white females were predominately the victims of Bangladeshi and Pakistani male perpetrators', some of whom were employed as taxi drivers.

2.36 While the term 'grooming gangs' has become a contentious one bringing often unhelpful claims and counterclaims, the reality is that much Child Exploitation (CE), including Child Sexual Exploitation and Child Criminal Exploitation happens when vulnerable young people (under the age of 18) are encouraged, forced or manipulated into criminal or sexual acts. While not all victims of CE and CSE are vulnerable by virtue of factors other than age, many victims have a range of heightened vulnerabilities. These can include problems at home, statutory care experiences, trauma, emotional and physical neglect, experiences with a family member with mental health or substance use disorders, experiences of domestic violence and abuse, poverty, experiences or racism and discrimination and experiences of violence in the community. Those in the taxi and private hire trades can also gain useful local knowledge and insight around concerns about exploitation and can be extremely useful in crime prevention and encouraging and promoting community safety.

2.37 Individuals applying for or renewing taxi and private hire driver's licences are subject to an enhanced DBS with barred lists check. There are debates as to whether taxi and private hire driving should become a regulated activity within the provisions of the Safeguarding Vulnerable Groups Act 2006.

2.38 When making decisions around individuals being 'fit and proper' it is important that too much weight is not placed on individual testimony or evidence that cannot be substantiated. Rather, a focus should be on:

- What further offence(s) might the individual commit or exhibit?
- Would they cause serious harm?
- Who might the victim(s) be? Can they be accessed via occupational role?
- What features might contribute to serious harm (the risk factors)?
- What might protect against serious harm (the protective factors) and are they able to be guaranteed?
- How probable is a high-risk scenario (likelihood)?

- How quickly could a further serious harm take place (imminence)?

2.39 Focusing on questions of access and opportunity and seeing licensing as a mechanism of safeguarding is vital when deciding if someone should be -licensed. While refusal of a licence is a restriction for the individual, it is also a method of situational safeguarding that can serve to prevent future victims.

Chapter 3: 'Taxi' and Private Hire Licensing Overview

3.1 Taxis and private hire vehicles are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi or private hire driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.

3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for taxi and private hire licensing.

3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi and private hire licensing is detailed in the DfT "Taxi and Private Hire Licensing best practice guidance for licensing authorities in England" para 3. which states: "The primary and overriding objective of licensing [the taxi and PHV trades] must be to protect the public."

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

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

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

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

3.4 Within the two licensing regimes, there are 5 types of licence: taxi vehicle; private hire vehicle; taxi driver; private hire driver and private hire operator.

3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT,³¹ there are no national standards.³²

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

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

3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

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

3.8 In each case, it is for the applicant or licensee to satisfy the Licensing Authority that they are “fit and proper”, not for the authority to prove that they are not.

3.9 The authority has powers to grant or refuse a licence, renew or refuse to renew it on application and, during the currency of the licence, suspend or revoke it.

3.10 What is the role of these powers, and how do authorities determine an application, or take action against a licence? Each Licensing Authority should adopt a cohesive Taxi Licensing Policy.³³ If a matter or situation is not addressed or covered by the Policy, that does not mean that matter cannot be taken into account by the Authority: in such circumstances the Authority will have to consider the issue from first principles, as if it had not adopted any policy on this topic.

³³ see Para 3.1 Dft Statutory Standards

3.11 Whenever a decision is made by a Licensing Authority (whether that is by Councillors or Officers), full and detailed reasons for that decision must be given.³⁴ This requirement is not just for refusals. It is important that all decisions are recorded correctly, and reasons given. This will include grants (on first application and renewals), addition of conditions, suspension, revocations and refusals. To assist decision makers, Appendix 1 contains guidance on recording decisions against NR3S criteria and Appendix 2 contains an example of a Decision Notice, both of which are adaptable for a Licensing Authority's own purposes.

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

Taxi & Private Hire Drivers

3.12 There are two different occupations: taxi drivers and private hire drivers. In each case there are identical statutory criteria to be met before a licence can be granted. Some authorities grant separate taxi or private hire licences whilst others grant "dual" or "combined" licences to cover both occupations. Some authorities also issue "restricted" licences to drivers who only wish to perform home to school transport (H2S) work. Irrespective of the type or purpose of the licence, the decision-making criteria remain the same.

3.13 An applicant must hold a full DVLA or equivalent driver's licence, have the right to work in the UK, comply with tax conditionality requirements and be a "fit and proper" person.³⁵

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

3.14 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.

3.15 An applicant must have the right to remain, and work in the UK.³⁶ Again, this is ultimately a question of fact, and the local authority should follow the guidance issued by the Home Office.³⁷

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

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

3.16 The tax conditionality rules require any driver applying to renew their licence to demonstrate they are registered for tax with HMRC; new applicants must acknowledge that they will be required to register with HMRC.³⁸

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

3.17 Those requirements are all questions of fact. It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*.³⁹ Silber J said: “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”

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

3.18 This is reflected in a test suggested by the DfT Statutory guidance (although it is not a statutory test):

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their

condition, to travel alone in a vehicle driven by this person at any time of day or night?’⁴⁰

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

3.19 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

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

3.21 The local authority has the power to require an applicant to provide: “such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”⁴¹ This “information” can include any pre-conditions or tests that they consider necessary

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

3.22 Some of these are mandatory, such as Proof of right to work, Tax conditionality on renewal, NR3S search (conducted by the Licensing Authority, but this is only advisory in Wales). Others are universally required such as medical assessments.⁴² Some authorities may require further information such as:

- Enhanced DBS Certificates (recommended although widely regarded as mandatory),
- sign-up to the DBS update service;
- Knowledge tests;
- Driving tests;
- Disability awareness/training;
- Periodic signed declarations;
- Spoken and written English tests;
- CSAE (child sexual abuse and exploitation) awareness/training;
- County lines awareness/training.
- Relevant taxi qualifications

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

3.23 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.24 In making the decision, as to whether an applicant is, or remains a fit and proper person, the Licensing Authority can take into account any information which is relevant to determining that question. This can include information obtained by the LADO (the Local Authority Designated Officer). The LADO is a statutory appointment under the Children Act 1989 whose role is to oversee and manage investigations following allegations being made against individuals who work or come into contact with children regularly. Their role is described in detail in *Working Together to Safeguard Children 2023*. The basis of the lawfulness of the sharing of LADO information is that it is being used by the Licensing Authority for the same purpose as it was obtained by the LADO, namely safeguarding.

3.25 Both taxi and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared⁴³) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker.⁴⁴

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

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

3.26 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Adult and Children Barred Lists checks⁴⁵ and to provide this to the Licensing Authority. This must be for “other workforce”+ “taxi”. Where a driver undertakes home to school contract work for an Education Authority (EA), they must

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

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

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

3.27 If any new applicant has spent 6 months or more (whether continuously or in total), while aged 18 or over residing outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.⁴⁷ Where an applicant is unable to provide a satisfactory criminal record check, a licence will not be granted because the Licensing Authority cannot be satisfied as to their fitness and propriety.

⁴⁷ *There are considerable discrepancies between Government guidance across England and Wales about the timescales when overseas information is required. In Wales the Taxi and Private Hire Vehicles: Licensing Guidance refers to 6 or more continuous months spent outside the UK since the applicant's 10th birthday. The Home Office Guidance on the application process for criminal records checked overseas referred to in the DfT Statutory taxi and private hire vehicle standards requires criminal record checks where you have lived for 12 months or more (whether continuous or in total), in the last 10 years before the application, while aged 18 or over. This paragraph has been revised having regard to these recommendations. <https://www.gov.uk/government/publications/criminal-records-checks->*

foroverseas-applicants/guidance -on-the- application-process-for-criminalrecords-checks-overseas
<https://www.gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>

3.28 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability.⁴⁸ This may be 'never' due to the type of offence/behaviour and the risk of re-offending capability as a taxi driver.

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

3.29 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a fit and proper person to hold such a licence.

3.30 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.

3.31 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and their family is not a consideration that can be taken into account.⁴⁹ This then leads to the question of whether the stance taken by some local authorities is robust enough to achieve that overriding aim of public protection.

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

3.32 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that those making these decisions, whether they are Councillors or Officers, recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. The policy should only be departed from in exceptional circumstances and for justifiable reasons which should be carefully and comprehensively recorded. Licensing Authorities should monitor their decisions on an annual basis and examine how often they depart from the policy.⁵⁰

⁵⁰ See para 3.5 of DfT Statutory Standards

3.33 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been) to assault another sexually has demonstrated completely unacceptable standards of behaviour. Predators want taxi drivers' licences as it gives them easy access to victims.⁵¹ It should be noted that a Licensing Authority cannot prevent a person who has been refused a licence (or had it revoked) from re-applying to that, or any other, authority.

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

3.34 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. There should be a high standard of acceptability to enter the taxi industry. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. It also undermines the position and reputation of the vast majority of professional licensed drivers. The paramount responsibility of a Licensing Authority is to protect the public, not provide employment opportunities.

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

3.36 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant Licensing Authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.

3.37 As a society, we need to ask the question “who is driving my taxi or private hire vehicle?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law-abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own

policies, the public cannot have complete confidence in taxi and private hire drivers. This is detrimental to all involved.

3.38 In England, when any action is taken in relation to a drivers' licence: refusal to grant or renew, revocation or suspension, the authority must apply the legal test to determine if this action must be entered by that authority on the NR3S database in accordance with the Taxi and Private Hire Licensing (Safeguarding and Road Safety) Act 2022. It is recommended in DfT Guidance that this action is also undertaken in Wales. When considering any new application, the name or names of the applicant must be checked against the NR3S database. There is no mechanism for a driver to surrender or hand in their licence, or to withdraw an application to avoid suspension, revocation or refusal, and thus avoid such an entry being made. In such circumstances, licensing authorities must make decisions to revoke, suspend or not renew. This will ensure the NR3S Database is accurate.⁵² A failed applicant for a licence cannot avoid the recording of a refusal.

⁵² See *Journal of Licensing* (2019) 24 JoL 46

Private Hire Operators

3.39 A private hire operator ("PHO") is the person who takes a booking for a private hire vehicle ("PHV"), and then dispatches a PHV driven by a licensed private hire driver ("PHD") to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same authority.⁵³ A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK, on renewal meets the HMRC Tax Conditionality requirements, and is a fit and proper person.⁵⁴

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

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

3.40 As with taxi drivers the role of the PHO and their staff goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal

information. e.g. periods away from home, destinations, regular journeys. It is therefore vital that a PHO and their staff are as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Taxis can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a taxi driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.

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

3.42 The decision is made by the Licensing Authority. Each authority can decide by whom those decisions are made under their Scheme or Schedule of Delegations (contained in the Council’s Constitution). Decisions can be made by Licensing Councillors sitting on a Committee or delegated to Sub-committee, or officers.

3.43 Spent convictions, but not protected convictions, can be taken into account when determining suitability for a licence, and these must be declared on the application form. In addition, the applicant (or licensee on renewal) should be asked to obtain and then provide a Basic Disclosure from the Disclosure and Barring Service.

3.44 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.

3.45 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and in the absence of a DfT test, this is suggested: “Without any prejudice, and based on the information before you, would you be comfortable providing sensitive information such as holiday plans, movements of your family or other information to this person, and feel safe in the knowledge that such information would not be used or passed on for criminal or unacceptable purposes?”⁵⁵

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

3.46 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. A condition should be imposed on a PHO licence requiring them to have a policy to undertake checks on those they engage (whether as employees, workers or independent contractors) within their business to satisfy themselves that they are fit and proper people to undertake that task using the same criteria as the Licensing Authority used in relation to the PHO. The PHO must then retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

3.47 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation.⁵⁶ Only by so doing can a decision be made as to the fitness and propriety of the operating entity. In these circumstances, a condition should be imposed on the PHO licence requiring notification to the Licensing Authority of any changes in membership any partnership or directors or secretary of a limited company. Such notification must be made within 7 days of the alteration and be accompanied by a Basic DBS for every new person.

⁵⁶ See s57(1)(c) of the 1976 Act.

Vehicle Proprietors

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

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

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

3.49 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or who may be at risk of being, or are being, abused, exploited or enslaved.

3.50 In relation to both taxis and private hire vehicles, the local authority has an absolute discretion over granting the licence⁵⁸ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself.

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

3.51 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions (but not protected convictions or protected cautions) on initial application and every subsequent renewal. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs. This will not be required for proprietors who are already licensed as drivers and are registered with the DBS update service.

3.52 in the absence of a DfT test, this is suggested as a suitable test:

“Without any prejudice, and based on the information before you, would you be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be satisfied that they would not allow it to be used for criminal or other unacceptable purposes, and be confident that they would maintain it to an acceptable standard throughout the period of the licence?”⁵⁹

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

Chapter 4: Guidance on Determination

4.1 This Guidance is not binding on licensing authorities. They are all independent bodies, and it is for them to determine their own standards. This Guidance is intended to encourage greater consistency in decision making where it concerns the suitability of applicants for taxi and private hire licences.

4.2 This Guidance is also intended to enable licensing authorities, as the regulators of taxi and private hire drivers, vehicles and operators, to set standards that protect the public, and uphold the reputation of the trade and those licensed to work in it. As with any regulated activity, absolute certainty of safety cannot be achieved, and there will always be a tension between those regulated, and the regulators. The aim of this Guidance is to enable regulators to protect the public, whilst not preventing the vast majority of decent, law-abiding applicants and licensees to obtain and retain those licences. The 'public' is not restricted to passengers. It encompasses everyone: passengers, other road users and, of course, drivers.

4.3 As is clear from the Chapter 2: Offenders, Offending, Re-offending and Risk of Harm - An Overview above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk may reduce over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.

4.4 Many members of our society use, and even rely on, taxis and private hire vehicles to provide transportation services. This is especially true of disabled and vulnerable people. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.

4.5 Ideally, all those involved in the taxi and private hire trades (taxi and private hire drivers, taxi and private hire vehicle owners and private hire operators) would be persons of the highest

integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.

4.6 It is essential those making decisions (whether Licensing Councillors or officers) undertake regular (annual) training in the legislation relative to licensing and the purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

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

Vehicles:

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

Drivers:

- Enhanced DBS checks (Other Workforce + Taxi) with update service and overseas checks;

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

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

Operators:

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

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

4.9 In relation to each of these licences, the Licensing Authority has discretion as to whether or not to grant the licence.

4.10 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).

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

4.12 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership⁶⁰) is “safe and suitable” to hold the licence.

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

4.13 In determining safety and suitability, the Licensing Authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the taxi or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament. The categories of behaviours described below are introduced as “offences” which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

4.14 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction.⁶¹ Fixed penalties and community resolutions will also be considered in the same way as a conviction.⁶²

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

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

4.15 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute, police decide on no further action (NFA), bailed, released under investigation or where an investigation is continuing) can and will be taken into account by the Licensing Authority.⁶³ In addition, complaints and or investigations where there was no police involvement will also be considered. Within this document, any reference to “conviction” will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.

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

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

4.17 In all cases, the Licensing Authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.

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

4.19 As the Licensing Authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following

a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.

4.20 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.

4.21 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

4.22 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The Licensing Authority has powers to take action against the holder of all types of licence (drivers, vehicles and operators) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.

4.23 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

4.24 Although the direct impact on the public varies depending upon the type of licence applied for or held, to maintain public confidence in the integrity of the taxi and private hire licensing regimes, it is suggested that the same standards are applied to all

licences, except motoring convictions in relation to a private hire operator.

4.25 This Guidance suggests minimum periods of time that should elapse between the date of conviction or completion of the sentence (whichever is later) and the grant of a licence. Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. Convictions do become less important over time (hence the time periods) but multiple convictions or continued offending over any period of time will always be of significant concern to a Licensing Authority. The Licensing Authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.

4.26 Where an applicant/licensee is convicted of an offence, or has evidence of unsuitable behaviour, which is not detailed in this guidance, the Licensing Authority will take that conviction and/or behaviour into account and use these guidelines as an indication of the approach that should be taken.

4.27 These guidelines do not replace the duty of the Licensing Authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual. It must be remembered that these are guidelines. It is for each authority to determine and adopt its own previous convictions policy, and then determine applications in the light of that policy.

4.28 It must always be borne in mind that these are Guidelines, not fixed periods, and if there are “truly exceptional circumstances”⁶⁴ the time periods can be reduced in individual cases. Such instances should only be for “truly exceptional circumstances” and not frequent occurrences. The decision makers must consider each case on its own merits, taking into account all factors, including the need to protect the public, the circumstances and effect of the offence, and any mitigation that

has been offered. However, the conviction itself cannot be reconsidered.⁶⁵

⁶⁴ *DfT Statutory Standards Guidance para 5.15*

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

Drivers

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

4.30 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

4.31 As stated above, where an applicant persistently offends, which shows a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

4.32 In relation to single convictions, the time periods detailed in the following paragraphs should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted. For motoring offences see the paragraphs headed 'Motoring Offences' below.

4.33 As stated above, the categories of behaviours described below are introduced as "offences" which may or may not lead to convictions. Any such behaviours will be taken into account, whether or not it resulted in convictions or other sanctions.

Barred lists

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

Offences resulting in death

4.35 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Offences involving exploitation and criminal harassment

4.36 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, stalking without violence, but this is not an exhaustive list.

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

4.37 Violence includes situations where the victim is put in fear, alarm or distress without any physical contact. It is accepted that the concept of “violence” is wide, but any such behaviour will be of concern. This Guidance does not differentiate between different levels of violence. It will be for the Licensing Authority to determine whether there is any justification for departing from this time period, dependant of the facts of a particular case.

4.38 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.

Offences involving Public Order

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

Offences involving Possession of a weapon

4.40 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Offences involving Sex, indecency or obscene materials

4.41 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This includes any sexual harassment.

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

Offences involving Dishonesty

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

Offences involving Alcohol abuse, Misuse or Dependency

4.44 Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of the sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependence on

alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Drugs abuse Misuse or Dependency

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

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

4.47 If there are indications that an applicant or licensee has, or has had a history of, a medical problem associated with possible abuse, misuse or dependence of drugs, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on drugs, a licence will not be granted unless at least 5 years have elapsed since the dependency ceased.

Offences involving Discrimination

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

Offences involving Regulatory non-compliance

4.49 Regulatory crimes include local authority offences, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration would need to be given as to whether they are a safe and suitable person to hold a licence.

Motoring Offences

4.50 Taxi and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.

4.51 Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

4.52 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later.⁶⁶

⁶⁶ *Research shows driving while using a handheld device is potentially more dangerous than driving under the influence of alcohol:*

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

4.53 Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of conviction depending upon the offence as detailed in "Penalty points (endorsements)".⁶⁷ They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 or 11 years from the date of the conviction. or the date of the offence depending on the type of offence (see "Penalty points (endorsements)".⁶⁸

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

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

4.54 By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be fit and proper and the authority should assess their suitability. It is suggested part of the assessment is to undertake a driver awareness course and/or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority they are considering the suitability of the licence holder. Failure to do so strongly suggests the driver is not fit and proper and not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.

4.55 Any offence which resulted in injury to any person or damage to any property (including vehicles), or any insurance offence then a licence will not be granted until at least 7 years have elapsed since the completion of any sentence.

4.56 Any driver who has accumulated 12 or more points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the Licensing Authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.

4.57 Any driver who has been disqualified as a result of “totting-up”, which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation.

4.58 Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders should be reported to their Licensing Authority who may consider a period of suspension depending on the severity and frequency of the incidents reported.

Behaviours

4.59 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.

4.60 Behaviours such as

- Asking a passenger for their contact or social media details
- Asking personal or intimate questions
- Inappropriate physical contact with passengers or invade their personal space
- Inappropriate conversations, questions or behaviour

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

4.61 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour may be perceived by a vulnerable passenger.

4.62 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any applicant should not be licensed.

4.63 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

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

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

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

4.67 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, except motoring offences to recognise the operator is not connected with the use of a vehicle, which are outlined above.

Vehicle proprietors

4.68 Vehicle proprietors (both taxi and private hire) have two principal responsibilities.

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

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

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

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

Schedule 3

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

The Driver

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

must be conveyed in the rear of the vehicle. Dogs assisting blind or deaf passengers must always be permitted to be conveyed in the vehicle.

Fares

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

Written Receipts

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

Conditions

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

Police Check & Notification of Convictions

15. A driver of a licensed vehicle shall within 5 working days of a conviction, notify the Licensing Authority 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 Licensing Authority 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 Licensing Authority 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 Licensing Authority 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.

Schedule 4

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 Licensing Authority's testing facilities, which are located at Tregelles Court, Neath Abbey Road, Neath Abbey, SA10 7DF

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

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

Stage 3 – Submitting Your Application

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

A completed application must include the following items:-

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

Stage 4 – Issue of Licence

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

Schedule 5

Hackney Carriage Vehicle Specifications

The Licensing Authority has adopted the following vehicle specifications for Hackney Carriage Vehicles.

The Licensing Authority 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 Licensing Authority's Vehicle Inspection Centre.

Non Wheelchair Accessible Vehicles

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

Wheel Chair Accessible Vehicles

10. New vehicle licences will only be issued to wheelchair accessible vehicles and fully electric vehicles i.e., vehicles that are powered solely by battery and do not also have an internal combustion engine.
11. Where a wheelchair accessible vehicle is being replaced, the new vehicle shall also be wheelchair accessible.

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

19. Vehicles shall have a non-slip floor surface fitted to the passenger compartment.
20. Grab handles / rails shall be provided on all passenger door entrances. These shall be highly coloured to assist persons with limited vision.

General (applies to all vehicles)

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

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

light shall be linked to the meter or independently controlled.

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

Temporary Replacement Vehicles

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

Schedule 6

Private Hire Vehicle Specifications

The Licensing Authority has adopted the following vehicle specifications for Private Hire Vehicles.

The Licensing Authority 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 Licensing Authority'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.

Wheelchair 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 Licensing Authority’s taxi policy.

Temporary Replacement Vehicles

39. The Licensing Authority 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 Licensing Authority shall exempt the original replaced vehicle from the age and mileage restriction on relicensing. All other pre licensing requirements shall be complied with.

Schedule 7

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

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.

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

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.

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.

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**.

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
Adam Snape	Worcestershire CC	Fleet Manager
Jamie Robson	Worcestershire CC	
Brendan McNamara	City of Wakefield MDC	Transport Operations Manager
Rod Darton	Chichester DC	Assistant Director Contact Services
John Hoole	Chichester DC	Transport Manager
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
Paul Stretford	Wiltshire CC	Fleet Group
Mike Tonks	Salisbury DC	Transport Manager
Rob Arney	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 • Reversing Lamps • Front Fog/Driving Lamps • For Hire and Roof Signs

1.3. STOP LAMPS - HIGH LEVEL STOP LAMPS

Method of Inspection	Reason for Rejection
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. Check the high level stop lamp where fitted: a. Is not obscured, and is not obviously incorrectly positioned. b. At least 50% of the lamp must be visible from the rear.	High level stop lamp a. Obscured or obviously incorrectly positioned. b. Less than 50% of the lamp not working or obscured

1.8. ELECTRICAL WIRING AND EQUIPMENT

Method of Inspection	Reason for Rejection
This examination is limited to that part of the electrical system that can be readily seen without dismantling any part of the vehicle. a. Check all electrical wiring for: ○ Condition ○ Security ○ Position ○ Signs of overheating ○ Heavy oil contamination b. Battery and carrier for: ○ Security ○ Battery for leaks c. Check all switches controlling all obligatory lights	a. Wiring ○ Not adequately insulated ○ Not adequately secured ○ 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 ○ With clear evidence of overheating ○ Heavily contaminated with oil b. Battery and carrier: ○ A battery and /or carrier not secure and likely to become displaced ○ Battery leaking c. Insecurity or malfunction of a switch controlling an obligatory light

1.9. ADDITIONAL LAMPS

Method of Inspection	Reason for Rejection
With the ignition switched on check: Reversing lamps a. The reversing lamps emit a diffused white light when reverse gear is selected. b. The lamps extinguish when neutral gear is selected c. The lamps are in good working order and are secure. d. The lamps do not flicker when lightly tapped by hand. Front Fog/Driving Lamps Check that: e. A single front fog lamp emitting a white or yellow diffused light illuminates only when dipped beam is selected f. A pair of matched fog lamps both emitting a white or yellow diffused light should illuminate together g. A pair of matched, long-range driving lamps, both emitting a white diffused light should illuminate together.	A reversing lamp: a. That fails to operate or does not emit a white diffused light b. Fails to extinguish when neutral or forward gear is selected c. Are not in good working order or insecure. d. Lamps flicker when tapped lightly by hand. Front Fog/Driving Lamps e. Lamp inoperative or operates other than in dipped beam mode f. Lamps operate incorrectly g. Lamps operate incorrectly

Additional Lamps (continued)	Reason for Rejection
Method of Inspection 'For Hire' and Roof Signs Check that: a. Correct style and type of sign fitted. b. Ensure the sign is securely fastened to the vehicle c. Check condition and security of wiring d. Functional test of signs for illumination	'For Hire' and Roof Signs a. Incorrect colour or details shown on sign, i.e. registration number, vehicle number etc. b. Insecure sign c. Wiring is not in good condition and is loose or chaffed d. Illumination not consistent across the sign, i.e. all light bulb(s) LED(s) illuminated when switched on.

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

Method of Inspection	Reason for Rejection
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: a. Fractures in steering wheel hub. b. Fractures in steering wheel rim. c. Steering wheel spokes loose or fractured. d. Jagged edges on steering wheel rim. e. If possible, check the retaining device on steering wheel is fitted.	a. Steering wheel hub fractured. b. Steering wheel rim fractured. c. A steering wheel spoke loose or fractured. d. Jagged edges on steering wheel rim likely to injure the driver. e. A steering wheel hub-retaining device not fitted.

2.1 STEERING CONTROL - STEERING COLUMN

Method of Inspection	Reason for Rejection
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). Note: 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.

2.4 SUSPENSION SPRING UNITS AND LINKAGES

Method of Inspection	Reason for Rejection
Coil Springs a. Welding repairs	a. Repaired by welding

SECTION 3 - BRAKES

Section Contents:

Sub-section	Subject
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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
Condition of Tyres On all the tyres, including spare wheel - where fitted, examine each tyre meets all the requirements laid down in the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0-9549239-0-1) Note 1 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.	In accordance with the MOT Inspection Manual for Car & Light Commercial Vehicles (ISBN 0-9549239-0-1) Note 2 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'.
SPECIAL NOTICE – STRETCHED LIMOUSINES: 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.	STRETCHED LIMOUSINES More information, guidance and the procurement of suitable tyres can be obtained from: North Hants Tyres & Wheels, Henry John House 2 Ivy Road, Aldershot GU12 4TX Telephone: 01252 318666 OR National Limousine & Chauffeur Association on: www.nlca.co.uk

SECTION 5 – SEAT BELTS

Section Contents:

Sub-section	Subject
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No additional inspection requirements	
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SECTION 6 – BODY AND STRUCTURE

Section Contents:

Sub-section	Subject
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
Body Condition (Exterior) Examine the body thoroughly for security, corrosion, damage, poor repair/paint match or sharp edges that are likely to cause injury.	Body Condition (Exterior) a. An insecure or missing body panel, trim, step or accessory. b. Any sharp edge whatsoever which may cause injury. c. Heavy scuffing, abrasions or deformation to front and rear bumper. 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. e. More than 8 stone chips on any panel including door edges, provided the base coat has not been penetrated. f. More than 4 stone chips on any panel where the base coat has been penetrated to the metal and is untreated. g. A single dent of more than 80mm, or more than 3 dents of not more than 20mm in any one panel 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. 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. 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. k. Obvious signs of rust/corrosion of any size particularly those that are covered by advertising signs. l. Lack of clearly displayed or omission of 'No Smoking' signs.

6.1 VEHICLE BODY, SECURITY AND CONDITION – (INTERIOR)

Method of Inspection	Reasons For Rejection
Body Condition (Interior) a. Examine thoroughly the interior for damaged, insecure or loose fixtures, fittings or accessories. 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. c. Examine interior lights, motion door locks and warning lights. d. Examine heating, demisting and air condition systems for correct operation, including passenger compartment controls where fitted (includes electric front and rear screen demisters) e. Examine all windows ensuring they allow lowering and rising easily. f. Examine interior door locks, grab handles/rails safety covers g. Examine grills/partitions for security and condition h. Examine electrical wiring for condition, security, including intercom systems.	a. Insecure and loose fixtures, fittings or accessories. b. Missing, dirty, soiled, stained worn or insecure trim, carpets, headlining, and mats. 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 d. A system(s), which does not function correctly, or any part is missing including vents, controls and switches. e. An opening window that is inoperative or difficult to open and or close mechanism broken/missing. 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. g. A grill/partition which is insecure or has sharp edge which may cause injury to passengers or driver. 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.

Method of Inspection	Reason for Rejection
Body Condition (Interior) (continued) i. Examine the boot for access, contents, cleanliness, and water ingress. Additional items to be inspected in limousines and novelty vehicles: 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. 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. Note: <u>Any vehicle presented in a dirty, untidy condition will not be tested</u>	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). 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. k. No maximum seating capacity sign or signs displayed. A sign or signs not clearly visible to all passengers

6.2 DOORS and SEATS

Method of Inspection	Reason for Rejection
Doors and Emergency Exits 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. Check markings describing the presence and method of opening emergency exit(s) are readily visible on or adjacent to the exit and are legible. Check that seats are secure, clean and not unduly worn. IMPORTANT NOTE: With the exception of 'novelty vehicles' only vehicles with forward and rear facing seats will be accepted. For more information on seating for novelty vehicles see Section 12.2	Doors and Emergency Exits a. A door or emergency exit does not latch securely in the closed position. b. A door or emergency exit cannot be opened from both the inside and outside the vehicle from the relevant control in each case. c. Missing, loose or worn handles, lock or striker plate. d. Markings describing the presence and method of opening an emergency exit missing, illegible or incorrect. e. Missing, loose or damaged trim/cover plate. 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.

6.2 DOORS and SEATS (continued)

Method of Inspection	Reason for Rejection
Accessibility: Wheelchair Vehicles Door Configurations for wheelchair accessible vehicles: a. Single rear door – must open to a minimum of 90 degrees and be capable of locking in place. 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.	a. Door does not open to a full 90 degrees and cannot be secured in the open position b. Twin doors do not open to a full 180 degrees and cannot be secured in the open position

6.4 BUMPER BARS

Method of Inspection	Reason for Rejection
Examine the bumper bars and check: a. They are secure to their mountings. b. The mountings are secure to the vehicle. c. There is no evidence of damage.	a. A loose bumper bar or mounting. A weakened bumper bar and/or mounting is insecure because of poor repairs. 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. 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.

SECTION 7 – FUEL & EMISSIONS

Section Contents:

Sub-section	Subject
7.1	Exhaust System
7.2	Fuel System – Pipes & Tanks



7.1 EXHAUST SYSTEM

Method of Inspection	Reason for Rejection
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

Method of Inspection	Reason for Rejection
a. Examine fuel tank(s) for security and leaks b. Check that fuel tank filler caps are: - o Present - o Of the correct type - o Secure and seated properly to ensure correct function of sealing 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 d. Check that no fuel pipe runs immediately adjacent to or in direct contact with electrical wiring or the exhaust system	a. Fuel tank insecure or leaking b. A filler cap missing or unsuitable or in such condition that it would not prevent fuel leaking or spilling Note: Temporary/emergency fuel caps are not permitted. c. Damaged, chafed, insecure pipes, or pipes so positioned that there is a danger of them fouling moving parts d. A fuel pipe immediately to or in direct contact with electrical wiring or exhaust system

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
The number and position of all obligatory mirrors must be checked: a. Check the condition of each mirror reflecting surface and whether a person sitting in the drivers seat can see clearly to the rear	Note: A defective additional external mirror is not a reason for rejection. a. Mirror condition • A mirror reflecting surface deteriorated or broken. • In such a position that a person sitting in the driver's seat cannot see clearly to the rear.

8.3 WINDSCREEN - VIEW TO THE FRONT

Method of Inspection	Reason for Rejection
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. a. For all air operated wipers examine: ○ The condition of any visible piping ○ The function of the operating mechanism, and ○ The function of necessary valves to protect the braking system Note: 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.	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. a. Air operated wipers ○ Pipes inadequately clipped or supported ○ Incorrect function of the wipers or leaking components ○ Incorrect operation of protection valves

8.5 WINDOW GLASS OR OTHER TRANSPARENT MATERIAL

Method of Inspection	Reason for Rejection
a Visually check the condition of all windscreens, internal screens, partitions, side, rear, roof and door windows for cracks, surface damage and discolouration. b Check presence and security of all windscreens, side, roof, or rear windows, or internal screens or partitions. c Check for evidence of obvious leaks from all windscreens and side, rear, roof or door windows. d Check for presence, security and condition of guard rails or barriers at windows, internal screens or partitions 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. 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. 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. Note: Marking is not required for safety glass used on vehicles first used before 1 June 1978.	a A crack, surface damage or discoloration in glass or other transparent material that: - o Impairs the driver's front, side, or rear view of the road, or; - o Presents a danger to any person in the vehicle. b A windscreen or any other outside window missing, or any windscreen, window, internal screen or partition insecure. c Any external window or windscreen is obviously leaking. d A guard-rail or barrier at a window, internal screen or partition missing, insecure or damaged. 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. f Glass used for a windscreen or an outside window is obviously not safety glass. 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.

SECTION 9 – Tricycles & Quadricycles

Section Contents:

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

Section Contents:

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



10.1 SPEEDOMETER

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

10.2 TRANSMISSION

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



10.2 TRANSMISSION (cont'd)

Method of Inspection	Reason for Rejection
Front Wheel Drive a. Check the drive shaft inner and outer universal joint couplings and constant velocity joints for: ○ Wear and security ○ Damage to flexible rubber or fabric universal joints ○ Security and oil contamination of flexible rubber or fabric universal joints ○ Condition, presence and security of constant velocity joint gaiters	○ Drive shaft constant velocity or universal joint coupling worn or insecure ○ A flexible rubber or fabric universal coupling unit damaged by severe cracking or breaking up ○ A flexible rubber or fabric universal coupling unit excessively softened by oil contamination or insecure ○ A drive shaft constant velocity joint gaiter split, missing or insecurely mounted

10.4 OIL AND WATER LEAKS

Method of Inspection	Reason for Rejection
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. Note: If necessary, the engine can be run at <u>idle speed</u> to confirm the existence of an oil leak.	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: - o Contaminate areas - o Could potentially cause a health, safety or fire risk

10.5 LUGGAGE/LOAD SPACE

Method of Inspection	Reason for Rejection
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.	○ Load restraint system, if required, not present at time of test. ○ Load restraint system faulty or unserviceable.

10.6 TRAILERS & TOWBARS

Method of Inspection	Reason for Rejection
TRAILERS 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. Note: Trailers presented for inspection should be built by an approved or recognised trailer manufacturer. An example of a typical trailer inspection sheet can be found at Appendix 'A'. TOW-BARS b. Where tow bars are fitted checks must be made on the condition and security to the towing vehicle.	a. Rejections as indicated on the trailer inspection sheet shown at Appendix 'A' b. Rejections as indicated on the trailer inspection sheet shown at Appendix 'A'

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

Method of Inspection	Reason For Rejection
WHEELCHAIR RESTRAINT a. Where applicable check condition and operation of wheelchair restraint. b. A system for the effective anchoring of wheelchairs shall be provided within the vehicle in all spaces designated as wheelchair spaces. WHEELCHAIR ACCESS & EQUIPMENT A vehicle shall be fitted with either of the following forms of wheelchair access equipment: <u>Ramps</u> 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. <u>Wheelchair lift</u> 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. Note: Passenger lifting equipment will need to be thoroughly examined by a competent person, in use, at least once every six months.	a. A wheelchair restraint is defective, worn or missing. b. Wheelchair anchorage systems and devices does not conform to European Directive 76/115 EEC (as amended by 90/629 EEC). See Appendix 'B'. c. Ramps missing, insecurely stored, damaged/deformed, anti-slip covering in poor condition or missing. d. Vehicle not presented with a valid or current LOLER certificate.

11.1 WHEELCHAIR RESTRAINT & ACCESS EQUIPMENT (Continued)

Method of Inspection	Reason for Rejection
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. 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. 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. h. A locking mechanism shall be fitted that holds the access door in the open position whilst in use. i. All wheelchair tracking must be fit for purpose and structurally sound.	e. The installed ramp does not have any visible reference to a maximum safe working load or certification to BS 6109. f. Wheelchair access equipment is fitted to the off- side access door of the vehicle. g. There is not clear headroom in the aperture within the central third of 48 inches (1,220mm). h. No evidence of a suitable locking mechanism to hold the door open. i. Damaged or insecure tracking or detritus deposits within the tracking rails
<i>Further information on disabled people's transport is available from the Disabled Persons Transport Advisory Committee (DPTAC) website</i> 	www.dptac.gov.uk

11.2 FIRE EXTINGUISHER

Method of Inspection	Reason For Rejection
a. Check the fire extinguisher for presence: • the expiry date • Seal. • Type – water, CO₂ or foam or dry powder • Approved mark - BS5423 or EN3 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.	a. A fire extinguisher is missing or:; • out of date • broken or missing seal. • No approved marking visible or other non-approved marking shown b. Not fitted in an accessible position or its position is not clearly marked.

11.3 FIRST AID KIT

Method of Inspection	Reason For Rejection
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:

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



12.1 Vehicle Identification Number (VIN)

Method of Inspection	Reason For Rejection
Vehicle Identification Number (VIN), should be checked to ensure it complies with the guidance as follows: • For vehicles constructed from 1998 onwards the VIN should begin with ILI; • Pre 1998 vehicles (not recommended for licensing as private hire vehicles) VIN should begin with ILM; • If a VIN begins with ILN or anything other, then this is likely to be a non approved ('cut-and-shut') modification.	a. Inappropriate VIN markings displayed or no VIN markings present.

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: • Steering - Section 2 • Brakes - Section 3 • Tyres - Section 4

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:

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

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

Examined by (name)

Signature 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 ₁	Vehicles designed and constructed for the carriage of passengers and comprising no more than eight seats in addition to the drivers seat.
M ₂	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 ₃	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

Schedule 8

Hackney Carriage Vehicle Conditions

The Licensing Authority 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 Licensing Authority.
2. No alterations shall be made to any licensed vehicle without the written approval from the Licensing Authority.
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.

Notification of Accidents and Vehicle Damage

7. The proprietor of a licensed vehicle shall notify the Licensing Authority, as soon as reasonably practicable and in any event within 72 hours, of any accident involving the vehicle or any damage to the vehicle that materially affects, or is likely to materially affect, the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers*.

*Compliance with this condition does not affect any obligation under Section 170 Road Traffic Act 1988 to stop, provide details, and where required report a road traffic accident to the Police.

8. Notification must be made using the online accident reporting form available on the Licensing Authority's website or, where this is not possible, by completing and submitting the Licensing Authority's approved paper accident report form.
9. The Licensing Authority may require the vehicle to be inspected before it is permitted to continue operating as a licensed vehicle and may suspend the vehicle licence until it is satisfied that the vehicle remains fit for use

Equipment

10. 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.
11. 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 Licensing Authority's taxi policy.

12. 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.
13. 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.
14. 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.
15. Wheelchair accessible vehicles shall have the ramps readily available at all times and maintained in a safe condition.
16. When transporting a wheelchair user, approved anchorages (i.e. straps/ clamps) shall be used to secure both the wheelchair and the occupant.
17. ~~“Designated Vehicles” under Section 167 Equality Act 2010 shall have the driver medical exemption holder provided by the Licensing Authority affixed directly behind the front windscreen on the nearside (closest to the pavement) of the vehicle.~~

Spare Wheels and Emergency Puncture Repair Kits

18. 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.
19. 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.
 20. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date
 21. 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

22. No signs or advertisements shall be attached to the outside of a vehicle without the written consent from the Licensing Authority. Proprietors may apply on the prescribed form to have signs or advertising placed on the vehicle.
23. Where the Licensing Authority 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)
24. 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.
25. 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 Licensing Authority may permit advertisements that they consider to be for educational purposes.

Vehicle Inspections

26. Vehicles shall be subject to two scheduled inspections at the Licensing Authority's Vehicle Inspection Centre within a 12-month period.
27. 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.~~
28. ~~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.~~
29. 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.~~
30. 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

31. Any trailer used for the conveyance of luggage shall be submitted for inspection along with the licensed towing vehicle.

32. The trailer shall be fully covered for protection against wind and rain penetration and secured for the protection of the luggage carried.
33. The trailer shall be covered by a policy of insurance.
34. The trailer shall be of an approved type indicating: -
 (i) unladen weight
 (ii) gross weight
 (iii) manufacturer's detail
35. The trailer shall display an additional licence plate issued by the Licensing Authority.
36. Trailers shall be equipped with either,
- A spare wheel in good condition and the tools to change the wheel, or
 - An emergency puncture repair kit.
37. 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.
38. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date.
39. 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.
40. Trailers shall not be used when plying for hire.

Licence Plate and Door Signs

41. The vehicle licence plates are the property of the Licensing Authority and are not transferable except with the written permission of the Licensing Authority.

42. Vehicles shall display the licence plate issued by the Licensing Authority externally on the rear of the vehicle (excluding the rear windscreen). The plate shall be permanently attached to the vehicle at all times.
43. Vehicles shall display the current door signs issued by the Licensing Authority centrally on the nearside and offside front doors.
44. Door signs must be affixed directly to the vehicle doors using the self-adhesive backing supplied with the signs. The use of magnets, magnetic backing, temporary fixing methods, or any other means of attaching the door signs is not permitted.
45. Door signs must remain securely affixed and clearly visible at all times while the vehicle is licensed.
46. If the vehicle licence, licence plate, or door signs are lost, damaged, stolen, or no longer securely affixed, replacements must be obtained from the Licensing Authority before the vehicle can be used for further fares.

Miscellaneous

47. 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.
48. Vehicles shall have a copy of the current fare tariff prominently displayed inside the vehicle.
49. The luggage compartment shall be kept clear in order to accommodate a reasonable amount of luggage.

Schedule 9

Private Hire Vehicle Conditions

The Licensing Authority 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 Licensing Authority.

General

1. Licensed vehicles shall comply with these conditions at all times unless specific written exemption has been given by the Licensing Authority.
2. No alterations shall be made to any licensed vehicle without the written approval from the Licensing Authority.
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.

Notification of Accidents and Vehicle Damage

7. The proprietor of a licensed vehicle shall notify the Licensing Authority, as soon as reasonably practicable and in any event within 72 hours, of any accident involving the vehicle or any damage to the vehicle that materially affects, or is likely to materially affect, the safety, performance or appearance of the vehicle, or the comfort or convenience of passengers*.

*Compliance with this condition does not affect any obligation under Section 170 Road Traffic Act 1988 to stop, provide details, and where required report a road traffic accident to the Police.

8. Notification must be made using the online accident reporting form available on the Licensing Authority's website or, where this is not possible, by completing and submitting the Licensing Authority's approved paper accident report form.
9. The Licensing Authority may require the vehicle to be inspected before it is permitted to continue operating as a licensed vehicle and may suspend the vehicle licence until it is satisfied that the vehicle remains fit for use

Equipment

10. Where a vehicle is fitted with a taximeter it shall comply with current legislative requirements.
11. 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 Licensing Authority's taxi policy.
12. 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.

13. 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.
14. 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.
15. Wheelchair accessible vehicles shall have the ramps readily available at all times and maintained in a safe condition.
16. When transporting a wheelchair user, approved anchorages (i.e. straps / clamps shall be used to secure both the wheelchair and the occupant.
17. ~~“Designated Vehicles” under Section 167 Equality Act 2010 shall have the driver medical exemption holder provided by the Licensing Authority affixed directly behind the front windscreen on the nearside (closest to the pavement) of the vehicle.~~

Spare Wheels and Emergency Puncture Repair Kits

18. 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.

19. 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.
20. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date
21. 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

22. No signs or advertisements shall be attached to the outside of a vehicle without the written consent from the Licensing Authority. Proprietors may apply on the prescribed form to have signs or advertising placed on the vehicle.
23. Where the Licensing Authority 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)
24. 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.
25. 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 Licensing

Authority may permit advertisements where they consider that they are for educational purposes.

Vehicle Inspections

26. Vehicles shall be subject to two scheduled inspections at the Licensing Authority's Vehicle Inspection Centre within a 12-month period.
27. 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.~~
28. ~~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.~~
29. 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.~~
30. 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

31. Any trailer used for the conveyance of luggage shall be submitted for inspection along with the licensed towing vehicle.
32. The trailer shall be fully covered for protection against wind and rain penetration and secured for the protection of the luggage carried.

33. The trailer must be covered by a policy of insurance.
34. The trailer shall be of an approved type indicating: -
- (i) unladen weight
 - (ii) gross weight
 - (iii) manufacturer's detail
35. The trailer shall display an additional licence plate issued by the Licensing Authority.
36. Trailers shall be equipped with either,
- A spare wheel in good condition and the tools to change wheel, or
 - An emergency puncture repair kit.
37. 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.
38. Emergency repair kits shall be maintained in a good condition and shall not have passed the expiry date.
39. 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

40. The vehicle licence plates are the property of the Licensing Authority and are not transferable except with the written permission of the Licensing Authority.
41. Vehicles shall display the licence plate issued by the Licensing Authority externally on the rear of the vehicle in a position approved by a licensing officer.
50. Vehicles shall display the current door signs issued by the Licensing Authority centrally on the nearside and offside front doors.

51. Door signs must be affixed directly to the vehicle doors using the self-adhesive backing supplied with the signs. The use of magnets, magnetic backing, temporary fixing methods, or any other means of attaching the door signs is not permitted.
52. Door signs must remain securely affixed and clearly visible at all times while the vehicle is licensed.
53. If the vehicle licence, licence plate, or door signs are lost, damaged, stolen, or no longer securely affixed, replacements must be obtained from the Licensing Authority as soon as possible.

Miscellaneous

42. The luggage compartment must be kept clear in order to accommodate a reasonable amount of luggage.
43. 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.

Schedule 10

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

Introduction

CCTV can improve driver and passenger safety in licensed vehicles by:

- deterring the occurrence of crime
- reducing the fear of crime
- assisting the police/ local authority with investigations
- assisting insurance companies in investigating motor vehicle accidents

These requirements are designed to ensure that CCTV systems installed in licensed taxis or private hire vehicles (PHVs) are responsibly managed.

In this policy, we define a CCTV system as:

- any electronic recording device capable of capturing and retaining visual images and audio
- attached to the inside of a vehicle
- capable of capturing footage inside or both inside and outside a vehicle.

The policy applies to any licensed vehicle containing a CCTV system as described above.

Systems that record both internal and external images must also comply with the taxi and private hire vehicles dash cam policy.

CCTV requirements

Any CCTV system must, as a minimum, meet the requirements set out in the specification in Appendix A of this policy. Only CCTV systems meeting these requirements can be installed into taxis and private hire vehicles.

A certificate of installation (or copy) must be produced to the local authority, confirming the installed system meets the required specification detailed in this policy.

The installation and operation of CCTV must also comply with the requirements of the Information Commissioner's Office (ICO): "In the picture: A data protection code of practice for surveillance cameras and personal information".

Signage

All taxis and private hire vehicles with CCTV must display signage to indicate CCTV is in operation.

Signs must:

- be displayed at each passenger entry point, e.g. one at each door
- be visible to passengers before entering the vehicle
- cause minimal obstruction of vision from within the vehicle
- make it clear that audio recording may be carried out

This may also be verbally brought to the attention of passengers.

Drivers must verbally inform passengers with a visual impairment that CCTV is installed in the vehicle.

Additionally, internal signage should:

- identify who the data controller is
- inform passengers how they may access CCTV data

Audio recordings

Approved CCTV systems are permitted to record audio, however, cannot be capable of continuous sound recording.

Sound can only be recorded via a 'panic' button operated by the driver and passenger.

The driver should only operate the sound recording in the following circumstances:

- when they believe there is a risk to themselves or their passenger's safety
- when they are concerned about passenger behaviour (for example, someone is verbally abusive)
- to protect their livelihood e.g. disputes about payment, concern of potential damage to the vehicle.

Where audio recording is justifiable, signs must make it clear that the CCTV system is capable of audio recordings. Passengers with a visual impairment must be informed of this verbally.

Maintenance and use

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

Download of data

Data will only be downloaded for the following purposes:

- a) in response to a legitimate data access request under the Data Protection Act 2018, in relation to the vehicle/driver
- b) in response to a Subject Access Request compliant with the Data Protection Act 2018
- c) where a complaint has been made to the Licensing Section

regarding the vehicle/driver and the complaint cannot be resolved in any other method.

Data retention

Data retrieved by the Licensing Authority for the above specified reasons will only be retained for the following periods:

- a) cases leading to prosecution 10 years from date of trial
- b) formal caution 3 years from date of caution
- c) written warning or no formal action 3 years from date of decision
- d) Subject Access request 6 years from date of request.

Data controller

The Information Commissioner's Office (ICO) defines a data controller as the body which has legal responsibility under the UK General Data Protection Regulation (GDPR) for all matters concerning the use of personal data.

Voluntary CCTV installed in any licensed vehicle must comply with this policy.

The Licensing Authority will not be named the data controller for any CCTV voluntarily installed in its licensed vehicles. The driver/vehicle proprietor or other person/ organisation who is in control of the data must be named the data controller and registered with the ICO. The data controller will determine how access to the data will be controlled and used in compliance with the ICO guidance.

Third party data processor

Where a service provider is used for the remote storage of CCTV data they will function as a data processor. A data processor, in relation to personal data, means any person (other than an

employee of the data controller) who processes data on behalf of the data controller either by cloud or via a server, in response to specific instructions. The data controller retains full responsibility for the action of the data processor.

All CCTV systems in Neath Port Talbot licensed taxis and private hire vehicles must be installed in compliance with this policy.

Appendix A: Licensed vehicle CCTV technical specification and system requirements

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

1.0 Operational technical specifications

Ref	Specification	Details
1.1	100% solid state design or a proven vibration and shock resistant system.	The system should not have any fan and the recording should be vibration and shock proof, i.e.: Flash-based SSD (100% industrial grade) hard disk with both mechanical anti-vibration and anti-shock mechanism, self-recovery and self-check file writing system. SD cards within the camera head will not be acceptable.
1.2	8 to 36 Volts DC.	Operational between 8 and 36 volts DC.
1.3	Reverse polarity protected.	System must be protected against reverse

Ref	Specification	Details
		voltage.
1.4	Short circuit prevention.	System to be protected against short circuits.
1.5	Over voltage protection.	System to be protected against high voltage transients likely to be encountered in the vehicle electrical system.
1.6	Automotive electromagnetic compatibility requirements.	The camera equipment must be UKCA-marked or CE-marked with confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles.
1.7	System override switch to be located in a position where it is not accessible from inside the driver or passenger compartment of the vehicle (i.e. in the boot) The override switch must be illuminated when switched “on”	The system is required to be active when the vehicle is being used as a licensed vehicle. The override switch will allow the CCTV to be deactivated during times when the vehicle is being used for private purposes (e.g. domestic use). The switch that deactivates the system must not be located inside the driver or passenger compartment of the vehicle (e.g. the boot/ luggage compartment will be suitable)
1.8	First-in/first-out buffer recording principle.	The system must automatically overwrite to create a constant cycle recording.
1.9	Access record.	A service log must be kept and maintained by the approved installer and the licensed

Ref	Specification	Details
		vehicle proprietor.
1.10	Security, duration and auto-clearing of log files.	
1.11	Image recording formats and media.	Images must be encrypted to a minimum of FIPS 140/2.
1.12	Image protection during power disruption.	Images must be preserved in the event of loss of power. Battery back-up should be avoided where possible.
1.13	Unit must operate without the ignition being turned on.	The Unit must have the ability to operate for at least 30 minutes without power from the ignition. The device must be hard wired to both constant and ignition supply.
1.14	Image and audio data shall be recorded and stored in a unit separate from the camera head.	Self-contained storage cards within the camera head will not be acceptable.
1.15	GPS capability.	System must have GPS capability.
1.16	The system must be capable of recording audio time and synchronized to the recorded images.	If activated, the audio must record within the video file. Not in a separate file or folder.
1.17	The system shall not record audio except when audio recording is activated by means	The system should have the ability to start recording audio data by means of a trigger

Ref	Specification	Details
	of an approved trigger/ panic switch.	button/ switch. One trigger button must be capable of being activated from the driver seat. Once the trigger is activated the system must begin to record audio data. The system will continue to record audio until the same trigger is used to deactivate the audio (i.e. a trigger/ switch could be pressed to begin audio recording, pressing the same trigger/ switch again would stop audio recording) The second trigger/ switch must be capable of being activated by the passengers from the main passenger compartment of the vehicle, independently of the driver trigger/ switch. Both audio activation triggers / switches must be independent of each other – this means that audio recording can only be deactivated by means of the same trigger / switch (driver or passenger) that was used to activate the audio recording.
1.18	Audio data and image data must be stored together, not in separate files, and must be protected against unauthorised access or tampering.	Protected by password access.
1.19	The system must support testing of the audio function for installation set-up and inspection purposes.	

Ref	Specification	Details
1.20	Images recorded by the system shall not be displayed constantly within the vehicle.	The monitor must display live images as clearly visible by having a glance around as per ICO specifications, it must not display images constantly.
1.21	The system must include a visual indicator that will clearly show when audio recording is taking place. This indicator must be visible to all passengers within the vehicle.	This may take the form of an indicator LED built into the audio activation switch, or a remote LED that can clearly be seen by passengers.

2.0 Storage capacity technical specification

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

3.0 Camera Head Technical Specification

Ref	Specification	Details
3.1	Camera installation non-obstructive.	The camera and all system components shall be installed in a manner that does not interfere

Ref	Specification	Details
		with the driver's vision or view of mirrors or otherwise normal operation of the vehicle.
		The camera and components must not be fitted to areas of the vehicle that may damage or impede airbag deployment in the event of an accident.
3.2	Protected camera disconnect.	The camera head shall be designed to disconnect for ease of removal and replacement only by maintenance personnel.
3.3	Special tools for adjustment/removal.	To prevent inappropriate interference only tools supplied to authorised fitters should be capable of conducting adjustments or removal.
3.4	Field of view to capture all passengers in the vehicle.	The lens or the position of the camera must be of a type that captures the driver and all passengers of the vehicle on the recorded image. The lens must be of a style not to create a "fishbowl" effect.
3.5	Compatible for use in vehicles with a partition (shield).	The camera system must be adaptable to provide clear images when a vehicle is equipped with a partition/ shield. This may be accomplished with the use of multiple camera heads.
3.6	Multiple cameras.	The unit shall be capable of supporting up to 4 cameras. Four cameras may be required to provide adequate coverage in larger vehicles and/or certain purpose-built vehicles or external

Ref	Specification	Details
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images.

4.0 Technical specification: storage device

Ref	Specification	Details
4.1	Impact and shock resistance.	The recorder shall be impact resistant, sufficient to withstand a typical car accident, or striking with a large, heavy object such as a suitcase.
4.2	Controller in concealed location.	The storage unit shall be concealed from within the passenger compartment and effectively inaccessible except by authorised personnel (e.g. luggage area).
4.3	Download port provision.	The recorder shall be equipped with a communication port within the hard drive housing (caddy) for downloading by authorised personnel.
4.4	Download port shall be located in an easily accessible location.	The recorder download port shall be positioned in a location that does not require the removal of panels and is accessible to authorised personnel.
4.5	Where a download port is required, the cable length must be one (1) metre minimum.	Download port shall be at least one metre in length for ease of connectivity.
4.6	Recorder to be securely affixed to the vehicle.	

Ref	Specification	Details
4.7	Log to register each user access.	
4.8	Log to register camera system parameter modifications.	
4.9	Log to register each image download session.	
4.10	Log to register exporting of downloaded images.	
4.11	Log to register exporting of downloaded clips.	
4.12	Log file protected against unauthorised access.	
4.13	Time/ date stamp.	All stored images must be time and date stamped.
4.14	Vehicle ID number stamp.	All stored images must have two fields for vehicle identification (VIN & vehicle registration number).
4.15	Controller non-modifiable ID code stamp.	Each recorded image shall be automatically stamped with a unique and non-modifiable code that identifies the controller that was used to record the image.
5.0 Specifications for video and audio recording rate		

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

6.0 Downloading technical specification

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

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

7.0 Requirements in relation to system information

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

8.0 System requirements in relation to vehicle inspection facility

Ref	Specification	Details
8.1	Provision of system status/health indicator.	The driver shall have an indicator showing when the system is operational and when there is a malfunction. This includes the images shown to verify the status of each camera.
8.2	Mounting location of system status/health indicator to be seen.	The indicator or monitor shall be mounted in such a way to allow for ease of view.
8.3	Design and/or installed to be testable as part of the vehicle compliance test. (or persons acting on behalf of the Licensing Authority (e.g. vehicle inspectors/ authorised licensing officers)	The system shall be designed and installed to allow the system to be easily tested as part of vehicle compliance checks (e.g. monitor to demonstrate the camera images) see specification 1.20

9.0 General system requirements

Ref	Specification	Details
9.1	Vandal and tamper resistance.	All component parts must be securely mounted, hard wired, small, and discreet enough to remove the risk of tampering.
9.2	Written confirmation from the company or supplier installing the CCTV will be provided to the local authority.	In addition to a formal test of all aspects of this requirement specification, when installation is complete, a written/ printed installation certificate shall be provided

Ref	Specification	Details
		to the Licensing Authority to confirm the CCTV system is compliant with this specification.
9.3	Reliability in operational and environmental conditions.	The system shall provide reliable and full functionality in all operational and environmental conditions encountered in the operation of taxis and private hire vehicles.
9.4	Programmability of image timing parameters.	It shall be possible to change timing and parameters without the requirement to change components.
9.5	Training, technical support and equipment.	Manufacturer or supplier must provide the data controller with technical support.
9.6	Software and Hardware.	Manufacturer or supplier to provide the data controller with a supply of cables and software required to access the data as and when required.
9.7	Agreement between the camera manufacturer or supplier and the data controller.	Agreement to allow the data controller to access the relevant software.
9.8	All equipment must comply with any legislative requirements on respect of the Motor Vehicle Construction and Use Regulations.	

Appendix B: Licence conditions

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

The vehicle proprietor shall ensure that:

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

Hackney Carriage/Private Hire Driver licence conditions:

1. Audio recording must be activated by the driver any time the driver and passenger/s are in a dispute and/or the driver feels the need to record audio due to the language or behaviour of passenger(s).
2. The driver must not tamper or otherwise interfere with the system or the footage that is contained within it (nor must the driver allow the system to be tampered or interfered with by any person that does not have the suppliers authority to do so), except as would be expected in order to operate the system or perform maintenance in accordance with the manufacturer or suppliers directions.

Schedule 11

Conditions for Hackney Carriage and Private Hire Vehicle with Dashcams

The Licensing Authority requires all dashcams used in taxis or private hire vehicles to comply with these requirements.

1. The data controller or owner of the system is responsible for the data captured and must only capture external images (no internal images).
2. The dashcam must be capable of muting or disabling audio, audio use within a public use vehicle may only be used when panic/trigger switches are used (see CCTV policy).
3. The dashcam device must be UKCA-marked or CE-marked.
4. If a driver intends to install a dashcam, the driver must receive permission from the vehicle proprietor who holds the hackney carriage or private hire vehicle licence.
5. The vehicle proprietor must inform the Licensing Authority in writing within 5 working days of installing or removing a dashcam in a licensed vehicle. The proprietor must identify the appropriate vehicle.
6. The dashcam may not be used without clear legible signage facing the direction the images are to be captured, for example if the dashcam is used to record images in front of the vehicle, signage across the top of the windscreen will be acceptable, any dashcam and associated signage or cabling must not obstruct the required view of the driver.
7. Upon request for captured recordings by an authorised officer of the Licensing Authority or Police, the data

controller or vehicle proprietor shall attempt to provide the unedited dashcam footage as soon as reasonably practicable, and in any event respond within 7 days of the request.

Schedule 12

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

Schedule 13

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 and 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 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 Licensing Authority.
13. The operator shall notify the Licensing Authority 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.

Schedule 14

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 face 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 16th day of September
2014

A stylized, handwritten signature in black ink, likely belonging to the Minister for Local Government and Communities.

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.

