



Hackney Carriage and Private Hire Licensing Overarching Policy



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1 Introduction

This document has been produced pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Ceredigion County Council as the Licensing Authority the duty to carry out its licensing functions in respect of hackney carriage and private hire vehicles and drivers.

In this Policy, the following abbreviations have been used:

CCC - Ceredigion County Council

The Policy - Ceredigion County Council's Hackney Carriage and Private Hire Licensing Overarching Policy

LA - Licensing Authority - Ceredigion County Council

LG(MP)A - Local Government (Miscellaneous Provisions) Act 1976

TPCA - Town Police Clauses Act 1847

DBS - Disclosure and Barring Service (formerly CRB)

Driver's Licence - Dual Driver's Licence

Driver's Badge – The Dual Driver's Badge

DVLA - Driver and Vehicle Licensing Agency

EA - Equality Act 2010

HC – Hackney Carriage

PHV – Private Hire Vehicle

1.1 Aims of the Licensing Authority

The five Strategic Objectives for Ceredigion County Council are to ensure that:

- The Council is an organisation fit-for-purpose to deliver improving services to meet the needs of our citizens;
- Conditions and opportunities in Ceredigion allow the economy and local business to develop and prosper;
- Aberystwyth will be developed as a recognised regional and national centre;
- The Council achieves the best learning outcomes and provides excellent education and training tailored to meet the needs of those seeking career opportunities in the County;
- The Council will provide services that contribute to a healthy environment, healthier lives and protect those who are vulnerable in the County.

To meet the above corporate objectives; the Licensing Authority's aim is to protect the public whilst ensuring that our residents have sufficient access to hackney carriage and private hire services.

The Licensing Authority is keen to support the local hackney carriage and private hire trade in order to sustain the local economy and:

- To ensure that the residents of Ceredigion have safe, reliable access to public transport.
- To ensure the safety of the public affected by the operation of hackney carriage and private hire services.
- To ensure the safety and comfort of users of hackney carriage and private hire services.
- To encourage the provision of high quality and accessible hackney carriage and private hire services.



1.2 About the Policy

- i) This Policy aims to:
 - Set out the Licensing Authority's approach to regulation, enforcement and sanction of vehicles, drivers and operators,
 - Define and offer guidance on the legislation in relation to the provision of hackney carriage and private hire vehicles,
 - To set out the licensing conditions applicable to drivers, vehicles and operators.
- ii) In exercising its discretion in carrying out its statutory functions, the LA will have regard to this Policy document and the aims and objectives set out above. The LA will also take into account the following:
 - Best Practice Guidance
 - Rehabilitation of Offenders Act 1974 (as amended)
 - Regulators' Code 2014
- iii) In undertaking its licensing function, the LA will have regard to:
 - Local Government (Miscellaneous Provisions) Act 1976 (as amended)
 - Town Police Clauses Act 1847 & 1889
 - Transport Act 1985, 1980 & 2000
 - Crime and Disorder Act 1998
 - Equality Act 2010 (as amended)
 - Road Traffic Act 1991 & 1988
 - Health Act 2006
 - Public Health Act 1936
 - Road Traffic Offenders Act 1988
 - Data Protection Act 1998
 - Disabilities Discrimination Act 2005 (as amended)
 - Road Safety Act 2006
- iv) Notwithstanding the existence of this policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the LA to depart substantially from the policy, clear and compelling reasons will be given.
- v) This Policy has been prepared in full consultation with all drivers and operators including representatives of the Ceredigion County Council Licensing Sub-Committee. The Policy will be formally reviewed as and when required; however the Policy and its appendices may also be changed in the interim period to accommodate changes in the law, corrections of errors and other triggers to policy change. The LA reserves the right to alter this Policy to ensure compliance with the law as a minor policy change without further consultation.
- vi) The conditions stated within this policy will apply to both hackney carriage and private hire drivers, vehicles and their operators. This therefore means any drivers' licence and badge granted will be known as the Dual Drivers Badge and/or Licence. However, it shall be noted that within this document there are circumstances where conditions relate specifically to private hire drivers and hackney carriage drivers.
- vii) Guidance detailing the process for all applications is available from the LA upon request.
- viii) The documents referred to in this policy as appendices form part of the policy and should be read in conjunction with this policy.



1.3 Delegated Powers / Scheme of delegation

- i) Authorised officers will refer to this policy, in using their discretion as to whether to grant authorisations/licences. In any other case, an application for a licence may be referred to the Licensing Sub-Committee (or other relevant decision-making body).

2. Drivers

2.1 Dual Driver Licences

- i) A person must be considered as fit and proper to hold a driver's licence with this Authority.
- ii) The LA does not issue separate driver's licences in respect of private hire and hackney carriages. Instead the LA issues a dual driver's licence which gives the holder the flexibility to drive either type of vehicle.
- iii) A licence will not be granted to a person who is under 18 years of age. In addition, a licence cannot be granted to anyone over 18 who has not held a full UK, DVLA driving licence for a period of 12 full months prior to application. This includes applicants who hold a drivers licence(s) within countries other than the United Kingdom.
- iv) The driver's licence shall remain in force for a period of three [3] years unless the LA specifies a shorter period, suspends or revokes a licence.
- v) With respect to the frequency a medical fitness certificate is required by the LA, the respective conditions are in line with the DVLA Group 2 Medical examination.
- vi) The Purpose of the driver's dress code is to seek a standard of dress that portrays a positive image of the County of Ceredigion and enhance the professional image of drivers licenced by this LA. It is therefore expected that drivers are dressed in a clean and presentable manner.
- vii) The LA has introduced a training programme for drivers of wheelchair accessible vehicles (WAV's). Those drivers are invited to attend a course in order to ensure that a high quality of service is provided to all passengers and ensure that drivers are educated and made aware of the difficulties faced by wheelchair users and passengers with other impairments. The course offers training on methods drivers can utilise in order to help the passenger enter or exit the vehicle and ensure passenger safety whilst travelling. A certificate will be issued to drivers who attend and satisfactorily complete the course and the driver's badge will have placed upon it an icon which will show that the driver has completed a competency course for the carriage of wheelchair users. The LA encourages all drivers to attend and as such the course is not limited to those who drive a WAV. Further information regarding the competency training can be obtained from the LA upon request.
- viii) The full criteria an applicant must meet to successfully obtain a dual driver's licence can be found at Appendix A - Dual Driver Conditions and Appendix E – Fitness Criteria for Drivers and Operators.

2.2 Conditions

- i) The LA is not empowered to attach conditions to an individual hackney carriage driver's licence. However the LA may impose conditions on a private hire driver's licence as it deems reasonable and necessary. As the LA issues dual drivers licences, all drivers licensed by this Authority are bound by the conditions laid out herein.
- ii) It is considered that the conditions set out in Appendix A – Dual Driver Conditions, are necessary, proportionate and appropriate for all drivers licensed by this Authority.



2.3 Grant and renewal of licences

- i) Although there is no duty upon the Licensing Authority to do so, holders of existing licences may be reminded approximately one month before their licences are due to be renewed.
- ii) Each application will be treated on its own merit and shall remain in force for a maximum period of three [3] years. It is the applicant's responsibility to ensure that an application for renewal is submitted in sufficient time prior to the licence expiry date as there is no automatic period of grace.
- iii) An application for a licence renewal received after the expiry date may be treated as a new application and therefore applicants must be minded to submit their renewal within sufficient time in order to account for any delays or items which may require amendment or correction prior to processing. The LA considers that a sufficient timescale to submit the renewal and/or documentation is 30 days; however the LA takes no responsibility for any delays caused by external factors or any circumstances beyond its control.
- iv) Applicants must arrange a suitable appointment in order to process any application. Appointments can be arranged by phoning the Licensing Section on 01545 572179.
- v) Applicants must submit to the LA an enhanced DBS disclosure that is no older than 6 weeks at the time of application and must submit a fresh DBS disclosure every three [3] years thereafter.
- vi) This LA only accepts enhanced DBS certificates which have been applied for via the Licensing Section of Ceredigion County Council.
- vii) Applicants must provide a medical certificate upon application and must submit a medical certificate every five [5] years thereafter unless the driver has attained the age of 65 where a medical examination and certificate attaining to the applicant's fitness is required on an annual basis. The frequency of medical examinations required by this LA is inline with those set out by the DVLA group 2 D4 medical guidelines and may be subject to change without prior notice.
- viii) If an applicant has lived abroad for any period or is from an EU member state or overseas, then a certificate of good conduct authenticated by the relevant Embassy is required before any application can be made to this Authority. All paperwork must be translated by the consular service or an approved translation service. Information regarding certificates of good conduct or similar documents from a number of countries is available from:

Passport and Documentary Service Group

Consular Directorate

Foreign and Commonwealth Office

Room G38

Old Admiralty Building

London

SW1A 2PA

www.fco.gov.uk

- i) The Home Office Employer's helpline (0845 010 6677) can be used to obtain general information on immigration documentation. Employers and the LA are also able to obtain case specific immigration status information; including whether an applicant is permitted to work in the UK or details of work restrictions from: **www.ukba.homeoffice.gov.uk**

UK Border Agency, North West Region

c/o Units 1-2 Dallas Court

South Langworthy Road

Salford



M50 2GF

2.4 The Driver's Badge

- i) The LA will supply the driver's licence and photographic ID card, known as the Dual Drivers Badge, the cost of which is included in the licence fee. The badge and licence remain the property of the LA and must be returned to the LA upon expiry, revocation or suspension of the licence.
- ii) Where a badge has been damaged, lost or stolen this must be reported to the LA immediately and a replacement obtained at the driver's expense.

2.6 Cautions, Warnings, Convictions and Endorsements

- i) The Licensing Authority has a Fitness Criteria for Drivers and Operators Policy. These criteria remain enforceable throughout the duration of the licence.
- ii) Where offences are committed by licensed drivers, it is important in the interests of public safety, consistency and transparency that a procedure should be in place to consider what effect the offences should have on their licence. Drivers licensed by this LA must report any convictions, cautions, warnings or reprimands by completing and submitting the prescribed form to the Licensing Service, Ceredigion County Council, Penmorfa, Aberaeron, SA46 0PA within fourteen [14] days. In the case of a custodial sentence the licensing authority should be notified as soon as is reasonably practicable.
- iii) Part of the Fitness Criteria for Drivers and Operators Policy outlines the principles and sanctions that will be applied upon each applicant /driver; however each case will be treated on its own merit.
- iv) The Fitness Criteria for Drivers and Operators can be found at Appendix E to this policy.

2.7 Licence Fees

- i) The LA shall review all licence fees on an annual basis. All fees in relation to hackney carriages, private hire vehicles, operators and dual drivers are currently based on the principle of cost recovery. All licence fees, including administration fees, shall be published on the Council's web site.

3. Vehicles

3.1 Hackney Carriage and Private Hire Vehicle Licences

- i) The vehicle licence will remain in force for a period of one year unless the LA specifies a shorter period or revokes or suspends the licence.
- ii) Vehicles must be suitable in type, size and design for use as a licensed vehicle. The LA is authorised to licence a vehicle which has been manufactured or adapted to carry up to 8 passengers (excluding driver) provided it meets the criteria set out at Appendices B and C to this policy.
- iii) The LA does permit a licensed vehicle to be licensed with another Authority, however, when considering offences, breaches and/or enforcing legislation, the conditions laid out by CCC shall take precedence.
- iv) In accordance with Section 40 of the TPCA (relating to hackney carriages) and Section 48(1) of the LG(MP)A (relating to private hire vehicles) the applicant for the vehicle licence must be the proprietor or part proprietor of the vehicle. All proprietors and part proprietors of the vehicle must be made known to the LA upon application, renewal or variation of such.



- v) As part of the application process for the grant of a hackney carriage proprietor's licence, the LA will require proof of ownership by way of a bill of sale or a hire purchase/lease agreement together with the V5 registration document. The V5 document is not proof of ownership.
 - vi) Private hire vehicles are licensed to perform pre-booked work only, which may be obtained by contacting a private hire operator. Hackney carriages are licensed to 'ply for hire', i.e. to pick up passengers in the street or whilst waiting at authorised taxi ranks and may also accept pre-booked fares.
 - vii) There are a number of taxi ranks within the County, the locations of which are available from the Licensing Service upon request.
 - viii) All vehicles must be in a safe and suitable condition, and approved for licensing by the LA to operate as a hackney carriage or private hire vehicle. All vehicle proprietors will therefore be required to produce a current MOT pass certificate on the following occasions:
 - f) New applications with the exception of vehicles less than three [3] years old.
 - g) Renewals
 - h) The replacement of a vehicle
 - i) At any vehicle inspection
 - j) At the request of the LA where deemed necessary
- The MOT test must be undertaken within 6 weeks of the appointed vehicle inspection date.

3.2 Limitation of numbers

- i) No powers exist for LAs to limit the number of private hire vehicles and hackney carriages that they licence. However, following an independent survey, a LA may restrict the number of hackney carriage proprietor licences it issues provided it is satisfied that there is no significant unmet demand for the services of hackney carriages.

3.3 Vehicle door and other signage

- i) All Hackney Carriages are provided with blue crescent door stickers which must be placed upon the vehicle's front doors and must remain affixed at all times throughout the duration of the licence in order for the carriage to be identifiable as a vehicle licensed by this LA.
- ii) No-Smoking stickers are provided by the LA and must be affixed to the inside of the rear windows of the vehicle to inform passengers that smoking is not permitted within the vehicle.
- iii) The roof sign must be centrally mounted and may only be white in colour with the exception of amber or red being permitted on the rear of the sign. The LEDS / bulbs within the roof sign must complement the external casing.
- iv) Private Hire vehicles may shall not be fitted with a roof sign.

3.4 Vehicle licence plates

- i) In accordance with Section 48(6)(a) of the LG(MP)A relating to private hire vehicles and Section 47(1) relating to hackney carriages, the vehicle licence plate, being one which has been approved and provided by this LA shall be affixed to the rear exterior of the licensed vehicle at all times throughout the duration of the licence. It shall be maintained in a good, clean condition and be clearly visible at all times.
- ii) The licence plate must be kept upon the vehicle at all times whilst licenced as a private hire vehicle or hackney carriage.
- iii) The internal plate issued by the LA must be displayed facing inwards on the inside left of the windscreen; displayed so as to not cause an obstruction to the driver's view and must be maintained in a clean and legible condition.



- iv) The loss or damage of a vehicle licence plate shall immediately be reported to the LA so that a replacement can be obtained on payment of the prescribed fee. Until a new licence plate is issued the vehicle shall not be used for the carriage of fare paying passengers.
- v) The vehicle licence plates remain the property of the LA and shall not be copied or used in a fraudulent manner.
- vi) The proprietor commits an offence if he/she fails to return the licence plate within seven [7] days and may be liable to a fine not exceeding level 3 on the standard scale plus a daily fine of an amount not exceeding ten pounds [£10].

3.5 Taxi Meters

- i) If a hackney carriage is used under a contract for private hire, the meter shall be used and a fare not greater than that shown on the meter may be charged. In addition the meter may only be engaged from the point in the controlled district where the hirer commences his/her journey.
- ii) No person shall tamper with any seal on any taximeter or alter any taximeter with intent to mislead. All letters and figures on the face of the meter must be visible at all times to any person being conveyed in the vehicle.

3.6 Advertising

- i) Where a proprietor of a hackney carriage vehicle wishes to place advertisements on or in the vehicle, he/she must obtain written consent from the Licensing Manager. Any authorisation and all applications shall be approved separately and individually and in accordance with the principles laid down at Appendices B & C to this policy.

3.7 Replacement Vehicles

- i) There is no statutory mechanism to transfer a vehicle licence once it has been issued. The LA however recognises that proprietors may wish to change their vehicle during the period of the licence. As such it is necessary for the proprietor to surrender the licence (which includes the licence plate) in respect of the original vehicle. Upon receipt of a new application and appropriate fee, the LA will issue a new licence (inclusive of licence plate) in respect of the replacement vehicle.
- ii) This approach will also be taken in respect of vehicles that have been involved in an accident where a temporary replacement vehicle is required. Regardless of the period of time the replacement vehicle is to be used for, the procedure as outlined above must be undertaken for the replacement vehicle, and again when the original vehicle is returned to service.
- iii) If a vehicle is provided on a temporary basis from a leasing/hiring company, it will be necessary to provide a hiring agreement specifying the length of the hire; this is to ensure the vehicle licence holder has a proprietorship interest in the vehicle.
- iv) For vehicles which are hired or supplied by an insurer for temporary use, the licence duration shall not exceed that of the hiring/lease agreement.

3.8 Conditions

- i) The LA 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. As these vehicles provide a service to the public, it is appropriate to set criteria by way of conditions for the external and internal condition of the vehicle, provided that these are not unreasonably onerous. These conditions are set out at Appendices B and C.



3.9 Hackney carriage fare table

- i) The LA shall fix the rates of fares for time and distance and all other charges in connection with the hire of a hackney carriage.
- ii) The current authorised table of fares must be displayed prominently within the vehicle to enable passengers to clearly view it at all times
- iii) It is unlawful to obtain more than the prescribed fare for a journey.
- iv) On receipt of an application for a proposed increase in fares for hackney carriages, the request shall be submitted to the Licensing Service who will consider the request in liaison with the Chair and Vice-Chair of the Licensing Committee. Requests for a fare increase shall be fair and proportionate, provide clear reasons for the request and must state a reasonable timescale for implementation. If the LA endorses the request, it shall publish a notice on one occasion setting out the proposed table of fares together with a date for the fares to take effect in at one local newspaper in Ceredigion with a consultation period of a minimum of fourteen [14] days. A copy of this Notice shall be made available for viewing at CCC's offices in Aberaeron and Aberystwyth. At the end of this period, the LA will consider the application and any objections received. Where there are relevant and valid objections, the fare increase will be postponed and will be returned to the LA to determine. Where there are no objections at the end of the consultation period, the LA shall implement those fares and distribute new tariff cards to hackney carriage proprietors as soon as is reasonably practicable.

4. Limousines, Contract & Other vehicles

4.1 Contract Vehicles

- i) Vehicles contracted to the Local Authority must be licensed by this LA as a HC or PHV. Some exemptions apply to dedicated ambulance vehicles and where a vehicle and driver service is provided voluntarily or on a not-for-profit basis.
- ii) The Driver, HC & PHV must be licenced by this same Authority.
- iii) The Driver must be licenced by this LA in order to drive under contract for the LA
- iv) The Driver, HC & PHV conditions are regulated and enforced by the Licensing Authority and the contract of agreement is regulated by the relevant service with whom the contract is held, notwithstanding section 3.1(iii) of this Policy
- v) Vehicles solely used for carrying passengers to and from funeral and/or wedding services are exempt from being licensed as a hackney carriage or private hire vehicle.

4.2 Stretched Limousines

- i) All limousines and other similar vehicles may be licensed by the LA and reasonable and proportionate conditions shall be attached to the licences as necessary to ensure that such vehicles are safe to convey members of the travelling public.
- ii) Limousines are elongated saloon cars that are primarily used for mainstream private hire work. These vehicles are considered private hire vehicles by the work they perform and as such this LA may licence these vehicles in line with the criteria set out in this Policy and Appendix C.
- iii) Each application must be accompanied by the vehicles' importation documents and must be verified as compliant by DVSA by means of successfully passing a Voluntary Individual Vehicle Approval (VIVA) examination. The relevant DVSA documentation attesting to the approval must be presented upon first presenting the vehicle for application and upon each renewal thereafter. No IVA is required for vehicles which are EWVTA compliant i.e. not modified and/or adapted since first manufacture.



- iv) All other relevant driver, vehicle and operator conditions imposed by this Authority apply to the licence.

5. Private Hire Operators

5.1 Operator's Licence

- i) An operator's licence is required for the purpose of making provision for the invitation or acceptance of bookings for a private hire vehicle. The LA may impose any conditions to the grant of an operator's licence as it considers reasonably necessary. The operator's licence will remain in force for a maximum period of five years unless the LA specifies a lesser period, revokes or suspends the licence. The licence is not transferable.
- ii) Applications for an operator's licence must be made on the prescribed form, together with the appropriate fee and supporting documentation. The LA will then decide whether the applicant is a fit and proper person to hold an operator's licence.
- iii) The operator is responsible for keeping records of the particulars of each booking, whether invited or accepted, and those records to made available for inspection upon request.

5.2 Conditions

- i) The LA has the power to impose such conditions on an operator's licence as it considers reasonably necessary. The standard conditions applicable to all operators licensed by this Authority are set out at Appendix D.

6 Complaints & Enforcement

6.1 Inspections

- i) An authorised Officer of CCC or Heddlu Dyfed-Powys Police shall have the power at all reasonable times to inspect and examine any vehicle licensed by this authority or a vehicle acting or posing as such, without prior notice.
- ii) An authorised Officer of CCC or Heddlu Dyfed-Powys Police shall have the right to scrutinise any driver licensed by this Authority or any driver acting or posing as such, at all reasonable times without prior notice.

An authorised Officer of CCC or Heddlu Dyfed-Powys Police shall have the right to inspect any operator bases including satellite bases without prior notice.

6.2 Complaints against Officers of the Licensing Authority

- i) All complaints against an Officer of the Licensing Authority should be made in writing and addressed to the Corporate Complaints Officer, Ceredigion County Council, Penmorfa, Ceredigion, SA46 0PA. The matter will then be investigated in accordance with CCC's complaints procedure.

6.3 Complaints against Drivers/Operators

- i) Complaints received from members of the public regarding the conduct of drivers, vehicles and operators will be considered and investigated by the Licensing Authority.
- ii) In general, where a complaint is received, an authorised officer of the Licensing Authority may:
 - i) Interview the complainant and take witness statements.
 - j) Investigate the matter by interviewing the driver/operator/proprietor. This may be done under caution where it appears a criminal offence has been committed.
 - k) Consider the driver/operator/proprietor's behaviour and public safety issues.
 - l) Consider the driver/operator/proprietor's previous history.



- m) Decide on whether to take no action, issue a written warning, suspend or revoke the licence, issue a simple caution or prosecute.
- n) In cases where the public are at risk or public safety is compromised the Driver/Operator will be referred to the Licensing Sub-Committee and the licence may be suspended or revoked with immediate effect.
- o) In cases of proven, repeated and persistent breach of conditions – the LA may consider prosecution, revocation or suspension of the licence, a review or a written warning.
- p) It is an offence to obstruct to an officer undertaking his duties.

*These actions are not exhaustive.

7 Principles when considering applications and reviews of existing licenses

- i) New applicants and applications for renewal together with reviews of licences will be determined in line with the principles set out in the Overarching Policy. New applicants and applications for renewal will either be granted (possibly with conditions) or refused. Reviews of licences can result in additional conditions being placed on the licence, the issuing of a warning, no further action or the suspension/ revocation of the licence.

7.1 Protection of the Public

- i) The purpose of hackney carriage and private hire licensing is to protect and ensure the safety of the travelling public.
- ii) The Fitness Criteria for drivers can be found at Appendix E.

7.2 General

- i) It shall be noted that these principles are not exhaustive.
- ii) The LA recognises that some of the offences listed in the policy are legislative offences; breaches of conditions and / or byelaws have their own separate procedures and penalties.
- iii) Where the LA has serious concerns for the public's safety, an immediate suspension or revocation of a driver's licence may be necessary.

7.3 Principles of the Rehabilitation of Offenders Act 1974

- i) When considering an application, the Licensing Authority takes into account all warnings, cautions, convictions, reprimands and any additional information on the DBS disclosure or that provided by the Chief Officer of Police, including a person's spent convictions, when determining whether or not a person is fit and proper to hold a licence.



7.4 Right of Appeal

- i) The following rights of appeal are provided by the LG(MP)A 1976:
 - a) **Section 47 (3)** - Appeal against conditions imposed on a hackney carriage proprietor's licence
 - b) **Section 48 (7)** - Appeal against refusal to grant a private hire vehicle licence or conditions imposed on such a licence
 - c) **Section 52 (1) & (2)** - Appeal against refusal to grant a private hire driver's licence or conditions imposed on such a licence
 - d) **Section 55 (4)** - Appeal against refusal to grant a private hire operator's licence or conditions imposed on such a licence
 - e) **Section 59 (2)** - Appeal against refusal to grant a hackney carriage driver's licence
 - f) **Section 60 (3)** - Appeal against suspension, revocation or refusal to renew a vehicle licence
 - g) **Section 61(3)** - Appeal against suspension, revocation or refusal to renew a hackney carriage or private hire driver's licence
 - h) **Section 62 (3)** - Appeal against suspension, revocation or refusal to renew a private hire operator's licence

The statutory rights of appeal in connection with:

- Dual Drivers' Licences,
- Private Hire Operators' Licences,
- Private Hire Vehicle Licences,
- Hackney Carriage Proprietor's Licence:

are to the Magistrates Court. These appeals can be both against a refusal to grant or renew a licence and in respect of a decision to suspend or revoke a licence that is in existence, as well as a right of appeal against any conditions that may be imposed on any such licence by the licensing authority.

- ii) Where an appeal is to the Magistrates Court, applicants and licence holders must lodge an appeal within a period of 21 days from the day on which the applicant was notified by the LA of any decision.
- iii) Section 52 of the Road Safety Act 2006 gives the LA the power to suspend or revoke a driver's licence with immediate effect where they are of the opinion that the interests of public safety require such a course of action. The driver may still appeal against this decision but it shall be noted that as this decision is immediate, the driver is unable to drive during the appeal period and the driver's badge must be returned to the LA until such determination has been concluded by the Magistrates.

7.5 Hearings

- i) Hearings of the Licensing Sub-Committee may take place in public, save for instances when the Sub-Committee considers that the private interest in the hearing (or part thereof) outweighs the public interest having regard to the Local Government (Access to Information) (Variation) Wales Order 2007
- ii) The Sub-Committee are at liberty to reconsider at any point within the hearing whether the public interest requires that a part of the hearing take place in the absence of the public or whether documents which are being considered by the Sub-Committee should be excluded from publication and make a ruling accordingly.
- iii) The procedure to be followed at a hearing is available from the LA upon request.



7.6 Dual Driver's Licence application requirements

- i) All applications and relevant documentation must be submitted to the LA in its entirety in order to prevent the possibility of documentation going astray and as such, no piecemeal applications will be processed.

THE FOLLOWING DOCUMENTATION MUST BE SUBMITTED:

7.6.1 Disclosure and Barring Service (DBS) Enhanced Check

- i) This check assists the LA in determining whether or not the applicant is a fit and proper person to hold a licence. DBS disclosure applications must be completed through Ceredigion County Council. Disclosures must be less than 6 weeks old at the time of application. With regard to the disclosure results or information contained in disclosures, the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 amends the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 in relation to hackney carriage and private hire drivers. This amendment allows the LA to take into account all convictions (spent or otherwise), other relevant information disclosed at the Chief Officer of Police's discretion, Simple Cautions, Fixed Penalties and Anti-Social Behaviour Orders, or any other matter to be considered.
- ii) With regard to the employment of foreign nationals, the LA recognises that the DBS disclosure will only provide information from the time the applicant has resided in the UK. In such circumstances the applicant will be required to obtain a DBS equivalent or Certificate of Good Conduct from his or her own Embassy. Any costs incurred in this process will be borne by the applicant. It is the applicant's responsibility to satisfy the LA that they are a fit and proper person; however, Ceredigion County Council shall take all reasonable and proportionate steps to ensure that a driver is a fit and proper person and each case shall be judged on its own merits. Where a DBS equivalent is obtained which requires translating into the medium of Welsh or English, this must be completed by a professional translation service and stamped/verified as such.
- iii) Photocopies of documents will not be accepted unless certified as a true copy of an original by an officer of the Licensing Authority. In any event, only original documents can be submitted if being used as supporting documents for a DBS disclosure application. The LA does not accept responsibility for original documents that are returned via Royal Mail. It is for this reason, wherever possible, that applicants are advised to submit and/or collect their documents in person.
- iv) The LA will only process DBS disclosure applications as part of a valid and complete application and not prior to submission of an application.

7.6.2 Crime & Disorder Act 1998 Disclosure

- i) All drivers are required to sign a declaration permitting the LA to submit to the relevant Police Service a S.115 disclosure request in order to obtain information regarding an individual's criminal and/or driving history.. It may also be used to confirm that an applicant has held a full driving licence for a period of at least twelve months and to prevent fraudulent activity such as obtaining multiple licences. There may be a charge for this service which must be borne by the applicant.
- ii) Information or intelligence disclosed to the LA by Heddlu Dyfed-Powys Police or another Authority may serve to be reason to place an applicant, driver, proprietor or operator before the Licensing Sub-Committee and will be disclosed during the hearing in order for the Sub-Committee to make a fully informed decision regarding the person's fitness and propriety.

7.6.3 Medical Certification

- i) A Medical Certificate is required on application and periodically thereafter. The medical examination shall be to the DVLA Group 2 standard and the examiner undertaking the medical examination must have access to the applicants/driver's most up to date medical history.



- ii) Reference should be made to the DVLA Medical Examination Report D4 information booklet (available from www.dvla.gov.uk) for a list of the medical conditions that may prevent an applicant from being certified medically fit to drive a hackney carriage or private hire vehicle.
- iii) With regard to a driver who has attained the age of 65, a Medical Certificate must be produced annually. In this case, the Certificate issued will be valid for a 12 month period only.
- iv) Those applicants who have already undertaken and satisfied the requirements of a DVLA Group 2 medical examination prior to application may not be required to undertake a further medical. Each case will be treated on its own merit however the medical certificate must cover the period of the licence and the LA reserves the right to require an up to date certificate where there are concerns.
- v) All drivers are subject to the frequency of group 2 medical examinations as per the DVLA guidelines, upon application and thereafter the initial grant.

Any costs associated with obtaining a relevant medical certificate are to be borne by the applicant. Further information can be obtained from the following guide:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526635/assessing-fitness-to-drive-a-guide-for-medical-professionals.pdf

7.6.4 DVLA Driving Licence

- i) All drivers must hold a full DVLA, Northern Ireland or European Economic Area (EEA) state driving licence. This licence must have been held for at least 12 months prior to the date of application.