



# Complete Agenda

Democratic Services  
Swyddfa'r Cyngor  
CAERNARFON  
Gwynedd  
LL55 1SH

Meeting

**GENERAL LICENSING COMMITTEE**

Date and Time

**10.00 am, MONDAY, 11TH SEPTEMBER, 2017**

**(TO FOLLOW ON FROM THE CENTRAL LICENSING COMMITTEE)**

Location

**Siambr Hywel Dda, Council Offices, Caernarfon, Gwynedd, LL55 1SH**

Contact Point

**Lowri Haf Evans**

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(DISTRIBUTED 5 September 2017)

# **GENERAL LICENSING COMMITTEE**

## **MEMBERSHIP (15)**

### **Plaid Cymru (8)**

Councillors

Steve Collings  
Dafydd Owen  
Rheinallt Puw  
Elfed Williams

Annwen Hughes  
Edgar Wyn Owen  
Peter Read  
Annwen Daniels

### **Independent (5)**

Councillors

John Brynmor Hughes  
Eryl Jones-Williams  
Dewi Wyn Roberts

Vacant seat  
Jason Wayne Parry

### **Llais Gwynedd (1)**

Councillor  
Gareth Williams

### **Lib / Lab (1)**

Sion W. Jones

### **Ex-officio Members**

Chair and Vice-Chair of the Council

# **A G E N D A**

## **1. APOLOGIES**

To receive any apologies for absence.

## **2. DECLARATION OF PERSONAL INTEREST**

To receive any declaration of personal interest.

## **3. URGENT ITEMS**

To note any items that are a matter of urgency in the view of the Chairman for consideration.

## **4. MINUTES**

4

The Chairman shall propose that the minutes of the meeting of this Committee, held on 19.6.17 be signed as a true record.

## **5. GENERAL LICENSING SUB-COMMITTEE MINUTES**

5 - 7

To submit, for information, minutes of the General Licensing Sub-committee meeting held on the following date –

a) 11.7.17

## **6. REVIEW OF GWYNEDD COUNCIL TAXI POLICIES**

8 - 57

To consider the report of the Head of Environment

# Agenda Item 4

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## GENERAL LICENSING COMMITTEE 19.06.17

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**Present:** Councillors, Steve Collings, Annwen Daniels, Annwen Hughes, John Brynmor Hughes, Louise Hughes, Sion W Jones, Eryl Jones-Williams, Dafydd Owen, Edgar Wyn Owen, Rheinallt Puw, Peter Read, Dewi Wyn Roberts, Elfed W. Williams and Gareth Williams

**Also in Attendance:** Gareth Jones (Senior Planning and Environment Manager), Gwenan Mai Roberts (Licensing Manager), Geraint B. Edwards (Solicitor) and Lowri Haf Evans (Member Support Officer)

### 1. ELECTION OF CHAIR

**Resolved to elect Councillor Peter Read as Chairman of this Committee for the period of 2017 - 2018**

Councillor Tudor Owen was thanked for his work as Chairman of the Committee for 2016 - 2017 and it was suggested that a card should be sent to him to that end.

### 2. ELECTION OF VICE-CHAIR

**Resolved to elect Councillor Elfed Williams as Vice-chair of the Committee for the period of 2017 - 2018.**

### 3. APOLOGIES

An apology was received from Councillor Jason W Parry

### 4. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

### 5. URGENT ITEMS

None to note

### 6. MINUTES OF THE PREVIOUS MEETING

The Chairman signed the minutes of the previous meeting of this committee, held on 6 March 2017, as a true record.

### 7. MINUTES OF THE GENERAL LICENSING SUB-COMMITTEES

Submitted, for information, the minutes of the meetings of the General Licensing Sub-committee held on 1.2.17, 17.2.17, 08.3.17, 15.3.17 and 27.4.17

The meeting commenced at 10.00am and concluded at 10:15am.

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## GENERAL LICENSING SUB-COMMITTEE 11.07.2017

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**Present:** Councillor Peter Read (Chairman), Councillors Edgar Owen and Elfed Williams

**Officers:** Sion Huws (Senior Solicitor (Corporate), Gwenan M Roberts (Licensing Officer) and Lowri Haf Evans (Member Support Officer).

### 1. APOLOGIES

None to note

### 2. DECLARATION OF PERSONAL INTEREST

No declarations of personal interest were received from any members present.

### 3. URGENT ITEMS

None to note

### 4. EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** to exclude the press and public from the meeting during the discussion on the following items due to the likely disclosure of exempt information as defined in paragraphs 12 and 13, Part 4, Schedule 12 A, of the Local Government Act 1972. These paragraphs applied as the individuals in question were entitled to privacy and there was no overriding public interest that required the disclosure of personal information relating to those individuals, nor their identities. Consequently, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

### 5. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE- MR A

The Licensing Manager submitted the written report on the application received from Mr A. for a hackney/private hire driver's licence. The Sub-committee was asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant criminal offences and convictions.

The applicant was invited to expand on his application and provide information about the background of the offence. He highlighted that the incident was a one-off, was out of character and that he had learned from his mistake. The applicant's prospective employer noted that the applicant had been driving taxis for him in the past and he had not received any complaints about his service. The applicant said that he would like the opportunity to work for the family company.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

**RESOLVED** that the applicant is a fit and proper person to be issued with a hackney/private hire driver's licence from Gwynedd Council.

In reaching its decision, the Sub-committee considered the following:

- the requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'
- the applicant's application form
- verbal observations presented by the applicant and his prospective employer during the hearing
- the Licensing Department's report along with the DBS statement that disclosed the convictions

Specific consideration was given to the following matters.

Following a fortnight's driving ban in 2013 for contravening a 'No Access' sign, it was noted that in accordance with paragraph 12.8 of the Council's policy, a six month period was required to elapse after a disqualification of less than 56 days before a licence could be issued. As the disqualification had ended more than 6 months ago, the Sub-committee did not consider this to be a reason to refuse the application.

Following a conviction by Gwynedd Magistrates' Court (January 2017) under section 4(1) (A) Public Order Act 1986 a single incident of using towards another person threatening, abusive or insulting words or behaviour to provoke violence, he received a sentence of an order to pay compensation and costs. In accordance with paragraph 6.5 of the Council's policy, the licence could not be issued unless 3 years had elapsed since receiving a conviction. It was considered that although this conviction was recent and the policy did apply, the Sub-committee was satisfied with the explanation provided and the circumstances and the evidence received in relation to the applicant's good character.

The Sub-committee was satisfied that the above reasons justified that the applicant was a fit and proper person to receive a hackney carriage and private hire licence with Gwynedd Council, albeit the three year term had not yet elapsed.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the Licensing Unit would confirm the licence's arrangement.

## **6. APPLICATION FOR A HACKNEY/PRIVATE HIRE DRIVER'S LICENCE - Mr B**

The Licensing Manager submitted the written report on the application received from Mr B for a new hackney/private hire driver's licence. The Sub-committee was asked to consider the application in accordance with the DBS record, and in accordance with the guidelines on relevant criminal offences and convictions.

The applicant was invited to expand on his application and provide information about the background of the offences. He noted that he apologised for his behaviour in the past when he was young and that he realised that he had behaved foolishly. He was now the father of four children and was eager to see them follow the right path. He explained that the theft offence related to working with people betting on gambling machines. He had developed a gambling habit and had stolen money in order to gamble. He confirmed that he had tried to seek support for his gambling problem and had apologised to his former employer and returned the money.

The applicant and his representative withdrew from the room while the Sub-committee members discussed the application.

**RESOLVED that the applicant was a fit and proper person to be issued with a hackney/private hire driver's licence from Gwynedd Council.**

In reaching its decision, the Sub-committee considered the following:

- the requirements of 'Gwynedd Council's Licensing Policy for Hackney Carriages and Private Hire'
- the applicant's application form
- verbal observations presented by the applicant and his prospective employer during the hearing
- a positive reference that was strongly in favour of the applicant was submitted to the hearing
- the Licensing Department's report along with the DBS statement that disclosed the convictions

Specific consideration was given to the following matters.

A lengthy series of convictions had been disclosed on the applicant's DBS between 2001 and 2009 which included offences with elements of violence, of being drunk and disorderly and in 2002 for driving without insurance during a driving ban. The most recent conviction was for theft (January 2009) in connection with an offence that had been committed in November 2008. In accordance with paragraph 16.1 of the Council's policy on re-offending, it must first be ensured that the convictions met with the policy guidelines individually, but together they created a history of re-offending which demonstrated a lack of respect towards the welfare of others and their property. The policy stated that 10 years must elapse since the most recent conviction. The most recent conviction was eight and a half years ago and the Sub-committee felt that the offences were pertinent to their decision.

The Sub-committee appreciated that the applicant had been open and honest about his criminal record and the problems he had experienced in the past. It also acknowledged the genuine attempt made to improve his behaviour and lifestyle, and there was no evidence of any problems in the last eight and a half years. The Sub-committee was satisfied that the applicant could be issued with a licence, but as the history of offences was a serious matter it was resolved to approve the licence for a year only in the first instance.

In response to a question by the Public Protection Manager, the Sub-committee confirmed that it would be happy for the subsequent licence to be for the standard period of three years provided nothing had changed at that point.

Under the circumstances the Sub-committee was satisfied that the above-mentioned reasons justified that the applicant was a fit and proper individual to receive a hackney vehicle and private hire licence from Gwynedd Council.

The Solicitor reported that the decision would be confirmed formally by letter sent to the applicant and the Licensing Unit would confirm the licence's arrangement.

The meeting commenced at 10.00am and concluded at 11.30am.

# Agenda Item 6

<b>COMMITTEE</b>	<b>GENERAL LICENSING COMMITTEE</b>
<b>DATE:</b>	<b>11 SEPTEMBER 2017</b>
<b>TITLE:</b>	<b>REVIEW OF GWYNEDD COUNCIL TAXI POLICIES</b> - Combined Hackney Carriage/Private Hire Vehicle Driving Licensing Policy - Hackney Carriages/Private Hire Vehicles Licensing Policy - Private Hire Operators Licensing Policy
<b>PURPOSE:</b>	<b>UPDATE AND OBTAIN THE COMMITTEE'S SUPPORT ON THE DIRECTION OF THE REVIEW PRIOR TO PUBLIC CONSULTATION ON A COMBINED TAXI LICENSING POLICY</b>
<b>AUTHOR:</b>	<b>HEAD OF ENVIRONMENT DEPARTMENT</b>

## 1.0 GENERAL INFORMATION

- 1.1 The current policies in relation to drivers, vehicles and operators were approved by the General Licensing Committee on 22 October 2010 and came into force on 1 December 2010.
- 1.2 Since 2010, minor changes have been made to the combined Hackney Carriage/Private Hire Driving Licensing Policy in 2014, along with a review of the 'Suitability Criteria for Drivers and Operators' policy.
- 1.3 On 22 June 2015, the General Licensing Committee resolved that it was necessary to update and review the Taxi Licensing policies because of the increase in the number of applications to license vehicles that did not comply with the policy and as a result of the Deregulation Act 2015. The present policies can be viewed in appendix 1 - 4
- 1.4 A report was submitted to this Committee on 14 September 2015 outlining the high level direction of the proposed changes to the policy; and this Committee authorised the Head of Regulatory Department to commence a report of the licensing policies in relation to hackney and private hire operators, vehicles and drivers; and support proposals for general direction as a starting point for the review.
- 1.5 It was noted at the meeting of this Committee on 1 December 2015 that the Cabinet had received a report on the situation and agreed with the principles and general direction; and that the existing policies needed to be reconciled.
- 1.6 You may remember that a proposal had been received to create a combined 'Gwynedd Council Taxi Policy', rather than having three separate policy documents as currently exist. The combined policy would also include a policy on 'Suitability Criteria for Drivers and Operators'; guidelines on deciding whether a person is 'suitable and appropriate' to be a driver or operator. The Combined policy will also include licensing conditions and vehicle standards.
- 1.7 One of the matters that came to the fore during the early phase of research for reviewing the policies, was the existence of by-laws that had not been highlighted in the 2010 review of taxi policies but which were referred to in 2003. The purpose of the by-laws is to ensure conditions for hackney vehicle driver licences. The Legal Department confirmed that the by-laws still existed; thus, in accordance with



procedure and accuracy, the by-laws must be included in the new combined Taxi policy.

## **2.0 PROPOSED HIGH LEVEL CHANGES TO THE POLICIES AND CONDITIONS - DRIVER**

- 2.1 It is not anticipated that any contentious changes will be made to the requirements of the existing policy or conditions for **DRIVERS** or **PRIVATE HIRE OPERATORS**. The changes emphasise the importance of checks to ensure a driver is a 'fit and suitable' person and also that new conditions ensure a driver's understanding and awareness of the importance of safeguarding children and vulnerable adults.
- 2.2 In 2016, the Licensing Unit's processes were subject to a Ffordd Gwynedd review - and the proposed policy and relevant conditions will adhere to the principles of Ffordd Gwynedd and will deliver on the action points created following the exercise.
- 2.3 The policy and conditions for drivers will also be updated to reflect the requirements of the Immigration Act 2016 and the Deregulation Act 2015; and will reflect the most recent good practice guidelines.

## **3.0 PROPOSED HIGH LEVEL CHANGES TO THE POLICIES AND CONDITIONS - VEHICLES**

- 3.1 The proposal to change the **HACKNEY CARRIAGES/PRIVATE HIRE VEHICLES's** Licensing Policy to reflect changes in legislation and changes to demands by the taxi industry in relation to vehicles was approved. At present, because of the nature of the current policies, conditions vary depending on the zone in which the application is made. For example, a hackney carriage must be under three years old on a new licence application in Arfon, but under 6 years old on a first application in Dwyfor or Meirionnydd.
- 3.2 Committee members agreed that a unified policy was needed that ensured a fair and consistent service across the County. It is proposed that a combined policy should ensure a consistent and fair service across the county to try to meet the needs of the industry and users and it will help achieve the key aims of Ffordd Gwynedd.
- 3.3 The Licensing Unit, following legal guidance, has been allowing deviation from the policy on matters such as vehicle age since September 2012, when applications were received with sufficient evidence to justify deviation from the policy. During the period 1<sup>st</sup> of April 2015 to the 31<sup>st</sup> March 2017 a total 144 'New Licences' were issued, contrary to the policy, to vehicles that did not meet the requirements in one way or another. It is, therefore, clear that the vehicle requirements stated in the current policy do not reflect the requirements of the industry and economic circumstances. The main priority that will guide any new policy clause is public safety, and the 'Grandfather Rights' of the licence holder will no longer affect the result of decisions to allow applications for vehicle licences.
- 3.4 The opportunity is taken to remind members of this committee that the high level proposals that guide the new policy are as follows -
- 3.5 **Proposal 1:** The 'Grandfather Rights' status for Arfon hackney carriage proprietors will be removed from the policy and all proprietors will be subject to the same conditions and vehicle requirements.

- 3.6 The requirements for all vehicles in all zones will be reconciled to create a transparent, equal and relevant policy for all taxi vehicle owners across the county.
- 3.7 **Proposal 2:** In all zones, an application to license a vehicle for the first time as a Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 6 years old on the date when the completed application is received by the Licensing Authority.
- 3.8 **Proposal 3:** In all zones, an application to renew the licence of Hackney Carriage or Private Hire vehicle must be in respect of a vehicle that is less than 12 years old on the date when the current licence expires.
- 3.9 **Proposal 4:** Gwynedd Council will permit the renewal of a licence of a Hackney Carriage or Private Hire vehicle beyond the upper age limit of 12 years if it can be shown that the vehicle is in an 'exceptional condition'. The proprietor of the vehicle will be expected to provide regular evidence of the suitability and safety of the vehicle.
- 3.10 **Vehicles with wheelchair access.** Historically, the percentage of hackney carriages that had wheelchair access was 13%. It is possible to confirm that the percentage has remained at 13%.
- 3.11 The Council will try to maintain the current ratio of 13% of vehicles with wheelchair access.
- 3.12 **Proposal 5:** All proprietors will be encouraged to license as many wheelchair-accessible hackney carriages as they deem necessary. However, Gwynedd Council will impose a requirement that for every seven hackney carriages in a fleet, of that seven at least one hackney carriage must be a wheelchair-accessible vehicle. Therefore, if the fleet's size was 14 hackney carriages, the requirement would be for at least two of the 14 vehicles to be wheelchair accessible.
- 3.13 It is anticipated that Proposals 1 – 5 may be considered contentious changes to the current policy and conditions regarding Hackney Carriages and Private Hire Vehicles by some proprietors or users, especially in the Arfon area. However, in 2016 the service underwent a thorough 'Ffordd Gwynedd' exercise; and, in accordance with the conclusions of the exercise, it is believed that the citizens of Gwynedd, including the taxi industry and visitors to the County would receive a fairer, efficient and consistent service through the implementation of these changes.

#### 4.1 **CONSULTATION**

- 4.2 The revised unified policy will be subject to a public consultation. The formal consultation period will last 28 days. The responses to the consultation document will be fully considered before the policy is approved by the General Licensing Committee.

#### **CONCLUSIONS AND RECOMMENDATION**

It is proposed that changes should be made to the current Licensing policies in order to provide a consistent and fair service across the county to try to meet the needs of the industry and users and to reflect the principles of Ffordd Gwynedd.

Members' opinions are sought regarding the high level changes referred to in this report and specifically on the proposal to create a combined Taxi Licensing Policy, and Proposals 1 - 5 as described. Members are also given the opportunity to decide whether any other matters need to be addressed in terms of the policy's high level direction before the draft policy embarks on a formal consultation.



## **GWYNEDD COUNCIL**

### **REGULATORY DEPARTMENT - PUBLIC PROTECTION SERVICE.**

### **HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES INFORMATION PACK**

**A WELSH VERSION OF THIS APPLICATION PACK IS  
AVAILABLE**

**ADOPTED BY THE COUNCIL - 22.10.2010  
COMMENCES - 1.12.2010.**

## APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLES LICENCE

Please find enclosed the application forms and guidance notes to assist you in making an application to the Council. If you require any further information or assistance regarding making an application for a Hackney Carriage/Private Hire Vehicles Licence, please do not hesitate to contact the Licensing Team at:

Licensing Dept (Arfon) Gwynedd Council. Shire Hall Street, Caernarfon, Gwynedd. LL55 1SH. Tel No. 01286 679925.	Licensing Dept (Dwyfor) Gwynedd Council Embankment Road, Pwllheli, Gwynedd. LL53 5AA 01758 704000	Licensing Dept (Meirion) Gwynedd Council Penarllog, Dolgellau, Gwynedd. LL40 2YB. 01341 424326
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The Licensing Team are:

Gwenan Mai Williams Ceridwen Pritchard Heilyn Williams Robert Taylor	Licensing Manager Licensing Officer (Arfon) Licensing Officer (Meirion) Licensing Enforcement (Arfon).
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**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE –  
STANDARD CONDITIONS OF LICENCE**

**A – LEGAL STATUS**

1. These Conditions were made pursuant to Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976 and adopted by the Gwynedd Council on xxxxxx and any subsequent modifications are noted where appropriate by reference to date.
2. Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 60 of the said Act.

**B – INTERPRETATION**

1. In these Conditions the following words shall bear the meanings ascribed to them below:-

“the Act of 1847”	-	The Town Police Clauses Act 1847.
“the Act”	-	the Local Government (Miscellaneous Provisions) Act 1976.
“the Council”	-	the Gwynedd Council.
“the licence”	-	a licence granted in respect of hackney carriage vehicle granted pursuant to Section 37 of the Act of 1847 or a licence granted in respect of a private hire vehicle pursuant to Section 48 of the Act.
“the licensee”	-	the holder of the licence.
“private hire vehicle”	-	a vehicle in respect of which there is a licence in force under Section 48 of the Act.
“hackney carriage”	-	a vehicle in respect of which there is a license in force under Section 37 of the Act 1847.
“vehicle licence number”	-	the number allocated by the Council to a licence granted for a private hire vehicle or a hackney carriage.
“licensed vehicle”	-	a private hire vehicle or a hackney carriage.
“speciality vehicle”	-	a Stretched Limousine/ Fire Engine, which is capable of carrying up to, but not exceeding, eight passengers.

(3)

- "vehicle plate" - the plate provided by the Council for affixing to a hackney carriage vehicle pursuant Section 38 of the of the Act 1847 and to a private hire vehicle pursuant to Section 48(5) of the Act.
- "BCF" - bromo-chloro-difluoro-methane.
2. References to the male gender shall be construed as including reference to the female gender where appropriate.
  3. All other words and phrases in these Conditions shall bear the meanings ascribed to them (if any) in the Act and the Act of 1847.

### **GENERAL:**

- (a) All vehicles to be licensed as a Hackney or Private Hire Vehicle for the first time, must be between new and under six years old at time of licensing in Dwyfor and Meirion. ( Private Hire only in Arfon) In Arfon the first 98 Hackney issued plates will still retain their 'Grandfathers Rights' until the time that plate has been surrendered or revoked. Plate 99 onwards must be issued to a vehicle that is between new and three years old and be a wheel chair accessible vehicle, being side loading, this will also apply to any of the first 98 plates that have been surrendered or revoked.
- (b) There will be a maximum age limit of 12 years placed on these vehicles.
- (c) On attaining the age of 10 yrs from date of first registration, that vehicle will be subject to the annual MOT, together with two annual Gwynedd Council Mechanical Check, thereafter.
- (d) The ZONES of Arfon, Dwyfor, Meirion will be retained as at present.
- (e) All vehicles – Hackney and Private Hire will be issued, by their respective owners, with a Maintenance Log Book. This book will remain in the vehicle at all times and made available for inspection on request by an Authorised Officer of the Council or Police. **This Maintenance Log Book will have daily records of the following checks** – physical check of engine, radiator, oil, bodywork, tyres, first aid box, fire extinguisher.
- (f) The Hackney or Private Hire Vehicle Licence will be valid for 12 months from date of issue.
- (g) All vehicles carrying a wheelchair must be capable of clamping/strapping the wheelchair safely within the vehicle, and in addition the occupant of that wheelchair safely strapped in with a legal safety belt.
- (h) A Penalty Point System is now in operation which will penalise any infringements of any rules; conditions; enactments, appertaining to Proprietors and vehicles.(Copy attached).

### **PART C - THE CONDITIONS**

1. Where a licensee needs to transfer his interest in a licensed vehicle to a person other than the proprietor named in the licence, both parties must complete a transfer form, when thereafter the licence shall be deemed to have been transferred to the new owner of that vehicle.

2. The licensee shall not permit a licensed private hire vehicle or a licensed hackney carriage vehicle to be driven by anyone who does not hold a current Combined Hackney Carriage/Private Hire Vehicle Driver's Licence issued by the Council, except a qualified mechanic, taking a licensed vehicle to or from an MOT test, or carrying out a road test as part of his normal duties.
3. **On expiry, surrender/change of vehicle, revocation or suspension of the licence (Sec 68), or after 21days(Appeal time Sec 60), the licensee shall forthwith return the vehicle plates to the Council.**
4. The licensee shall ensure that
  - (a) a current vehicle excise licence is displayed on the vehicle at all times and
  - (b) shall ensure that at all times there is in force in respect of the vehicle a motor insurance policy complying with the road traffic legislation and bearing an endorsement of its use for public hire in the case of hackney carriages and for private hire in the case of a private hire vehicle and the licensee shall produce the same to an authorised officer of the Council or Constable for inspection on request along with the registration documents.
  - (c) There is valid MOT certificate issued to that vehicle.
5. The licensee shall ensure that the licensed vehicle conforms throughout the currency of the licence with the Council's mandatory technical specifications as outlined below:-
  - (a) a licensed vehicle shall be equipped with four road wheels the tyres of which shall be of the same size and conform to all legal requirements. The vehicle, if licensed to carry not more than ONE passenger may have two doors, if licensed to carry TWO OR MORE passengers must have at least four doors except that London type taxi-cabs may have three doors.
  - (b) a licensed vehicle shall be right hand drive.(Except a Stretched Limo which can be a left hand drive)
  - (c) a licensed vehicle shall not carry more than eight passengers in addition to the driver. Each seat shall be deemed to provide seating for one person irrespective of age.
  - (d) minibuses which are licensed to carry eight passengers shall not contain seating for more than eight passengers and, for this purpose, where separate seats are fitted each seat shall be deemed to provide for one passenger (irrespective of age) and where continuous seats are fitted each complete length of 40 centimetres measured in a straight line lengthwise on the front of each seat shall be deemed to provide for one passenger.
  - (d) minibuses which were fitted with more than eight passenger seats, at the time of manufacture, shall remove the excess seating and be replaced with a fitted rear cage-type structure for the purpose of carrying luggage, which has been approved by the Council.



- (e) In the case of estate type vehicles or hatchbacks where the parcel shelf has been removed, a grille shall be fitted adequate to prevent luggage carried in the rear compartment from coming into contact with persons using the rear seat.
- (f) a licensed vehicle shall be fitted with seat belts which comply with and are installed in accordance with British Standards and current legal requirements.
6. The licensee shall ensure that the licensed vehicle at all times carries a spare wheel of the same size as the road wheels unless a factory fitted space saver wheel is fitted. The wheel shall comply with current legal requirements (paying particular attention to depth of tread). The licensee shall also ensure the carrying of a jack and wheel brace. Where the spare wheel is removed to facilitate the fitting of a liquefied petroleum gas (LPG) tank by a LPGA authorised agent, then a pressurised foam repair kit is to be carried. In such a circumstance, however, the vehicle shall not be driven at a speed or distance than that dictated by the manufacturer of the foam spray, and both the tyre and foam canister shall be replaced immediately after use. Where a pressurised foam repair kit is carried, there is no requirement to carry a jack and spare wheel.
7. The licensee shall keep the licensed vehicle and all its fittings in a safe, efficient, clean and tidy condition and shall permit an authorised officer of the Council or a Constable to inspect it on request and in that event the licensee:-
- (a) shall comply with any notice served on him under Section 68 of the Act by such officer or Constable suspending the licence and requiring him to present the vehicle for inspection or testing at such reasonable time and place as may be specified for the purpose of ascertaining its fitness.
- (b) shall ensure that the vehicle is not used to carry passengers for hire or reward until its fitness has been ascertained.
8. In addition to the Gwynedd Council Mechanical Check, which shall be required prior to the grant or, change of vehicle, the licensee shall present the licensed vehicle for inspection and testing on one occasion during the currency of the licence, (or twice when the vehicle has attained the age of 10 yrs), at a time and place designated by the Council for the purpose of ascertaining its fitness and any vehicle which fails the test:-
- (a) shall be submitted for a re-test at a place designated by the Council within fourteen days of the date of the original test, or such longer period as may be agreed by the Council.
- (b) shall not be used to carry passengers for hire or reward until its fitness has been ascertained on re-test.
9. The vehicle plate shall be affixed to the front and rear bumpers (or by means of an available bracket) of all licensed vehicles. In the case of private hire vehicles, further door stickers shall be affixed by means of self-adhesive material (**not magnetic**) to the front or rear offside/nearside doors, located just under the windows. Where a Trailer is being drawn for the purpose of carrying luggage an additional plate will be fixed on its rear as described above. The licensee shall ensure that:-

- (a) all vehicle plates are clean visible and legible at all times.
- (b) loss of a vehicle plate is immediately reported to the Council and that a replacement is obtained on payment of such reasonable fee as the Council may prescribe.
- (c) the interior vehicle plate issued by the Council is displayed in a prominent position within the vehicle so as to be visible to passengers and is maintained in a clean and legible condition.
- (d) **On change of vehicle, no new plates will be issued to the new vehicle, without the return of the old plates, to the Council.**

10 The licensee of the said licensed Hackney vehicle shall:

- (a) not wilfully or negligently cause or suffer any such licence number to be concealed from public view while the carriage is standing or plying for hire.
- (b) Not cause, or permit, the carriage to stand or ply for hire with any such sticker display so defaced that any figure or material particular is illegible.

11. A hackney carriage shall always be fitted with a taximeter and every taximeter, shall comply with the following requirements:-

- (a) the taximeter shall be fitted with a key, flag or other device, the turning of which brings the machinery or the taximeter into operation and causes the word "HIRED" to appear on the face of the taximeter.
- (b) such key, flag or other device shall be capable of being locked in a position so that the machinery of the taximeter is not in operation and that no fare is recorded on the face of the taximeter.
- (c) when the machinery of the taximeter is in operation there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which has been set by this authority as duly notified in writing to the operator.
- (d) the word "FARE" shall be printed on the face of the taximeter in plain letters so as to relate clearly to the fare recorded on it.
- (e) the taximeter shall be so placed that all letters and figures displayed on it are at all times plainly visible to any person being conveyed in the licensed vehicle, and for that purpose the letters and the figures shall be capable of being suitably illuminated during any period of hiring.
- (f) the taximeter and all ancillary fittings shall be affixed to the licensed vehicle with seals or other appliances at the time of fitting so that it shall not be practicable for any persons to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances. The meter shall be used for each and every run. The fare charged shall not be more than that displayed on the meter.

- (g) the taximeter must be maintained in a satisfactory working condition and must be presented for inspection at the place designated by an authorised officer of the Council or a Constable if so required by a notice under Section 68 of the Act or to comply with Condition 9 above.
12. A hackney carriage shall always be equipped with a roof mounted sign bearing the work "TAXI" in plain capital letters at least 5 centimetres in height and, except where the key, flag or other device connected to the taximeter and bearing the words "FOR HIRE" is plainly visible through the front windscreen of the vehicle, a further illuminated sign bearing the words "FOR HIRE" in plain capital letters shall be positioned within the hackney carriage so as to be plainly visible through the front windscreen and connected to the taximeter to enable it to be extinguished during the carrying of a fare whilst the taximeter is in operation.

**All private hire vehicles will not be equipped with any form of 'ROOF SIGN'.**

13. No sign, advertisement, notice, device or livery (whether painted on, affixed to or carried within the vehicle), shall be displayed on the licensed vehicle without the prior written consent of the Council with payment of appropriate fee and shall, if such approval has been obtained, appear wholly below the vehicle's window level.
14. The licensee shall keep any radio equipment installed in the vehicle in good working order but shall not install in the vehicle:-
- (a) any two-way radio equipment (including Citizens Band Radio) without first notifying the insurers of the vehicle and having their confirmation endorsed on the certificate of motor insurance.
  - (b) any radio equipment which is capable of scanning more than one frequency.
15. The licensee shall ensure that the licensed vehicle carries within it at all times:-
- (a) a 1.5 kg or larger dry powder/carbon dioxide fire extinguisher which must be secured with clips in a safe position which renders it readily available for use and shall be maintained in good working order.
  - (b) a first aid kit which conforms to "Industrial Size No. 1 Kit" as a minimum standard and shall be maintained in good order for use by the driver only.
  - (c) both above to be clearly marked with the Gwynedd Council Vehicle Licence Number of the vehicle carrying that particular equipment.

16. The licensee shall ensure that a table of fares for any journeys undertaken by the vehicle as a Hackney Carriage is displayed prominently in the vehicle at all times so as to be easily read by any person entering the vehicle.
17. The licensee shall notify the Council within 72 hours of :-
  - (a) any accident involving the licensed vehicle.
  - (c) any change of address of the licensee.
18. In the event of any accident resulting in damage which materially affects the safety, performance or appearance of the licensed vehicle the licensee shall be required to submit the vehicle for inspection and testing in accordance with Condition 9 above and shall not use the vehicle to carry passengers for hire or reward until its fitness has been ascertained.
19. Licensed Private hire and Hackney carriage drivers must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action. Drivers have a responsibility to ensure that their company is aware of such condition when they are first employed

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## **CONDITIONS APPLIED TO CONDITIONAL PRIVATE HIRE VEHICLES.**

These conditions, made under the Local Government (Miscellaneous Provisions) Act, 1976, are specific to Private Hire Vehicles governed by a specific contract, which has a start and end date of not less than seven days, and not use other than for those specific contracts. The purpose of these conditions are for public protection.  
**They apply in addition to the Gwynedd Council standard conditions.**

### **GENERAL:**

Conditional Private Hire vehicles do not have to be of a specific colour, but must be carrying out a specific contract, as above, before this section can apply.

### **CONDITIONS:**

1. Conditional Private Hire will not be supplied with external front/rear plates or door stickers, it will be supplied with an internal plate with 'Conditional Private Hire' thereon, and this will be exhibited in the windscreen with the above wording clearly visible to the public/police/ authorised officer of the Council.
2. The vehicle will also exhibit a written notice issued under Sec75(3) of LG(MP)Act 1976, whilst carrying out a specific contract.

3. The driver must also be the holder of a Local Authority Driver Licence.

## **CONDITIONS APPLIED TO STRETCHED LIMOUSINES** **(SPECIALITY VEHICLES)**

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory built vehicle. The purpose of these conditions is to protect public safety. **They apply in addition to the Authority's standard conditions** and take account of the fact that stretched limousines will:

- i) travel generally at slower speeds than normal taxis
- ii) not normally overtake other vehicles
- iii) be easily recognisable by the hirer
- iv) be heavier and considerably longer than standard cars
- v) usually be adapted or converted by someone other than the original manufacturer.

### **1. GENERAL**

- 1.1 These conditions apply to stretched limousines as defined in paragraphs 1.2 and 1.3 below, where the vehicle is constructed or adapted to seat up to 8 passengers, only.
- 1.2 A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture. Gwynedd Council will only licence a vehicle having an extension of not more than 120 inches.
- 1.3 An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
- 1.4 For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm. In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

### **2. CONDITIONS**

- 2.1 In the case of a stretched limousine, or American stretched limousine, originals of the following documentation will be required by the Council before an application can be properly considered:
  - (a) Completed importation documentation where applicable and single vehicle approval (SVA) certificate. (Note a Minister's Approval Certificate is not acceptable).
  - (b) DVLA Registration Document (V5).
  - (c) Valid Certificate of Insurance, with cover for hire and reward.
  - (d) Current MOT certificate issued by an approved Testing Station.

- (e) Where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- (f) Valid Road Vehicle Excise licence disc.

2.2 The Vehicle shall comply with the following:

- (a) Be equipped with a minimum of four road wheels and a full sized spare wheel.
- (b) Be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed. Applicant to provide evidence of tyre suitability if requested.
- (c) Seat belts, where fitted, must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
- (d) The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 120 inches.

2.3 Where alcoholic drink is supplied in the vehicle, the proprietor shall deposit a copy of his or her liquor licence with the Local Authority. No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol.

2.4 Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

2.5 Children under the age of 16 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.

2.6 It is the driver's responsibility to ensure that passengers use seat belts provided when the vehicle is in motion.

2.7 A Stretched Limousine may:

- (b) be left hand drive.
- (c) have some side facing seats.
- (d) have tinted glass.
- (e) will be exempt from displaying Gwynedd Council Doors Stickers.
- (f) must have all passenger seats fitted with seat belts.

2.8 The following activities are prohibited:

- (a) Striptease.
- (b) Lap Dancing
- (c) Pole Dancing.
- (d) Any other activity or performance of a like kind.

- 2.9 As well as an annual MOT a Stretched Limousine will be required to be submitted for a Gwynedd Council Mechanical Check as follows
- (a) up to 5yrs old – twice annually.
  - (b) over 5 years and up to 12 years – three times annually.

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## **CONDITIONS FOR FIRE ENGINE (SPECIALITY VEHICLES)**

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The vehicle is licensed in accordance with the Standard Terms and Conditions as laid down for Hackney Carriage/Private Hire Vehicles. The following additional Conditions also apply for this type of vehicle:

1. The vehicle shall be examined and issued with a certificate of fitness (MOT or HGV equivalent) prior to initial licensing and then a further test will be required during the 12-month period of validity of the certificate at the discretion of the licensing Authority.
2. The driver shall hold a full driving licence suitable for this type of vehicle.
3. Whenever passengers are entering or leaving the vehicle, physical assistance shall be provided by the operator/crew to ensure their safety.
4. Additional foot-steps shall be carried and used on the vehicle to facilitate access and egress from the passenger compartment of the vehicle.
5. All passengers shall be required to enter/leave the vehicle via the passenger doorway adjacent to the pavement.
6. Passengers shall be advised at the time of booking and again on the day of hire that they must not embark or disembark from the vehicle without assistance from the operator/crew.
7. Where the seating arrangements have been changed from the original specification then those seats shall be securely anchored to the floor of the vehicle.
8. Seatbelts shall be provided for all passengers which conform to current British Standards.
9. Suitable signage shall be prominently displayed in the passenger compartment advising all passengers to wear seatbelts.
10. It is the driver's responsibility to ensure that all children under the age of 14 years are wearing seatbelts at all times when the vehicle is in motion.
11. All external "lockers" of the vehicle shall be secured to prevent access by passengers or members of the public.
12. The floor area of the vehicle shall be kept clear and unobstructed at all times.
13. All "blue" lights, siren, flashing lights, reflective tape, ladders and any lettering which may give the public the impression that the vehicle is a fire engine are to be permanently removed.
14. No person involved in the operation of the vehicle may wear a uniform or helmet that may lead a member of the public to believe that that person is a member of the North Wales Fire and Rescue Services.
- 16 An audible alarm system shall be fitted to the rear passenger compartment doors and shall be in a working condition whenever the vehicle is carrying passengers.

(12)







## **GWYNEDD COUNCIL**

### **REGULATORY DEPARTMENT - PUBLIC PROTECTION SERVICE.**

### **COMBINED HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE INFORMATION PACK**

### **A WELSH VERSION OF THIS APPLICATION PACK IS AVAILABLE**

**ADOPTED BY THE COUNCIL - 22.10.2010.  
COMMENCES - 1.12.2010**

**APPLICATION FOR A COMBINED HACKNEY  
CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE AND  
BADGE**

Please find enclosed the application forms and guidance notes to assist you in making an application to the Council. If you require any further information or assistance regarding making an application for a Combined Hackney Carriage/Private Hire Vehicle Drivers Licence, please do not hesitate to contact the Licensing Team at:

Licensing Dept (Arfon) Gwynedd Council. Swyddfa Aron Penrallt Caernarfon Gwynedd, LL55 1BN Tel No. 01286 682613.	Licensing Dept (Dwyfor) Gwynedd Council Embankment Road, Pwllheli, Gwynedd. LL53 5AA 01758 704000	Licensing Dept (Meirion) Gwynedd Council Penarlag, Dolgellau, Gwynedd. LL40 2YB. 01341 424326
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The Licensing Team are:

Gwenan Mai Williams Ceridwen Pritchard Heilyn Williams Robert Taylor	Licensing Manager Licensing Officer (Arfon) Licensing Officer (Meirion) Licensing Enforcement (Arfon).
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The following information and guidance is contained within this information pack.

1. Guidelines relating to the Relevance of Convictions.
2. Application for the Grant of a Combined Hackney Carriage/Private Hire Vehicle Drivers License.
3. Medical Certificate
4. Standard Conditions of License
5. Guidance Notes - Applying for a disclosure

*Prior to completing an application form, the applicant will be given a copy of the rules and conditions to study, and thereafter sit and pass an examination. This is carried out to prevent any future breach of the Rules and Conditions, which may result in the suspension/revocation of the license.*

## **GUIDANCE ON LICENSING PROCEDURES**

### **RELEVANCE OF CONVICTIONS:**

Each case will be dealt with on its own merits.

A person with a conviction or convictions need not be permanently barred from obtaining a licence, but should be expected to be free from conviction for 3 to 5 years, according to the circumstances, before a licence is considered. Whilst the Council may exercise its discretion, the overriding consideration should be the protection of the public and someone who has committed an offence and has to wait a year or two before being accepted as a driver is more likely to value the licence and act accordingly.

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The following examples afford a **general guide** to action to be taken where convictions or police cautions are revealed.

Where, in these Guidelines, an 'application' is mentioned, this also refers to 're-application' upon revocation of a current licence or renewal of licence.

## Traffic Offences

- Convictions for minor traffic offences, such as obstruction, contravention of waiting regulations etc should not prevent a person from making application.
- If an applicant has previously accrued sufficient penalty points to require a period of disqualification, and has not been required to undergo a further driving test, then a licence may be granted after it's restoration, with a strict warning as to the high standards that are required of licensed drivers.
- If an applicant has a driving licence revoked following six or more penalty points accrued during the first two years since passing their driving test, then a period of 12 months free from further conviction **after** passing a further driving test should have elapsed before an application is considered.
- If an applicant has been ordered to retake a driving test after a period of disqualification for another offence which attract penalty points, then 6 months free from conviction, **after** passing the driving test, should have elapsed before an application is considered.

### TRAFFIC OFFENCES INVOLVING DISQUALIFICATION

- As isolated conviction for driving without due care and attention should not prevent a person from making an application.
- If an applicant has been convicted of an offence of dangerous driving, or other offence involving obligatory disqualification, and ordered to take an extended driving test at the end of that period of disqualification, a period of at least 12 months free from conviction, **after** passing the driving test, should have elapsed before an application is considered.

### DRIVING WITHOUT INSURANCE OR DRIVING WHILST DISQUALIFIED

- As licensed drivers are responsible for the safety of members of the public who are travelling in their vehicles, a serious view will always be taken of convictions for driving without insurance or driving whilst disqualified.
- An applicant will have to show a period of at least 6 months free from conviction of these types of offence before an applicant is considered.

- If an applicant has been disqualified from driving as a result of convictions of this type, then the 6 month period shall run from the date of restoration of the licence.
- If an applicant has more than 1 conviction of this type within the last 3 years, then a period of 12 months, from the restoration of the licence, must have elapsed before an application is considered.

### **PLYING FOR HIRE**

- This is regarded as a serious offence as the vehicle insurance may be invalidated if the driver is found guilty In a Magistrate Court of plying for hire in a vehicle other than a hackney carriage in a controlled district.
- A period of at least 6 months free from conviction should elapse before an application is considered.
- If a licence is granted, a strict warning will be given as to the conduct expected of licensed drivers.

### **FAILURE TO WEAR IDENTIFICATION BADGE**

- A serious view will be taken of persons convicted by a Magistrate Court of failing to wear the identification badge whilst acting as a licensed driver.
- An isolated conviction will not prevent an application being considered. However, if granted a strict warning will be given as to the conduct expected of a licensed driver.
- If an applicant has been convicted of this offence more than once, by a Magistrate Court, then a period of three months free of conviction shall have elapsed before an application Is considered.

### **DRUNKENNESS AND OTHER RELATED OFFENCES**

#### **i) WITH A MOTOR VEHICLE**

- A serious view will always be taken of convictions of driving or being in charge of any vehicle whilst under the influence of drink or drugs or failing to give a specimen for analysis.
- If an applicant has been disqualified and ordered to take either an extended driving test or driving test, then a period of at least 12 months free of convictions, **after** passing the necessary test, should have elapsed before an application is considered.

(5)

- If the offence arose as a result of the person being in charge of, or driving a licensed vehicle and ordered to take a further test, then a period of 2 years free from conviction after passing the necessary test should have elapsed before an application is considered.
- If no driving test has been ordered, then a period of 12 months free of conviction after the restoration of the licence should have elapsed before an application is considered.
- If an applicant has more than one conviction of this type then grave doubt should arise as to the applicant's suitability to hold a licence.
- At least 3 years must elapse after restoration of the driving licence and passing any further test before an application is considered.
- If there is **any** suggestion that the applicant is an alcoholic or illegal drug user, a special medical examination should be arranged by a medical practitioner nominated by the Council.
- This examination must be certified as satisfactory before an application is considered.
- If it is ascertained that the applicant is an alcoholic or illegal drug user then no application will be considered until at least 5 years have elapsed after any treatment has been completed.

**ii) NOT IN A MOTOR VEHICLE**

- An isolated conviction for a drink related offence should not debar an applicant from obtaining a licence.
- A number of convictions for this type of offence may indicate a medical problem necessitating further examination as mentioned above.
- In some cases a warning will be given as to the standards expected of licensed drivers.

**iii) DRUGS**

- An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free from conviction before an application is considered, or at least 5 years after detoxification treatment if the applicant was an addict.

**INDECENCY OFFENCES**

- Applicants with conviction for indecent exposure, indecent assault, importuning, or of any offence of a sexual nature should be refused a licence until a period of 3-5 years free from conviction has elapsed.
- If the applicant was required to register on the National Sex Offenders Register as a result of an offence. Then no application

(6)

- should be considered whilst the applicant remains on the Register.
- An applicant with more than one conviction for this type of offence should not be considered suitable to license until at least 5 years has elapsed following the most recent conviction.
- If a conviction of this type arose as a result of the person acting as a licensed driver then no application should be considered for at least 5 years after conviction or, if longer, the conclusion of the sentence imposed.
- In all cases, if a licence is granted, then it will be for a period of 6 months only, after which the person must undergo another criminal record check.
- If no further conviction has been obtained within the 6 month period of licence, no further application will be considered until a period of at least 5 years free of conviction has elapsed.

### **VIOLENCE**

- A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.
- An applicant must be free of conviction for at least 3 years before an application is considered.
- In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.

### **DISHONESTY**

- A serious view will be taken of any convictions involving dishonesty.
- In general a period of 3-5 years free from conviction should be required before an application is considered.

### **POLICE CAUTIONS**

- A Police caution is considered and administered where a person comes to the notice of the Police for the first time, and admits the offence.
- A Police caution is considered similar to a conviction, as, if the person is convicted at court of a similar offence within 5 years of the caution being administered. Then the caution can be brought to the attention of the court and any sentence passed would be regarded as being a second conviction and therefore sentence may be imposed.
- In general, an application showing a caution may be considered and approved but the overriding consideration should be the protection of the public

(7).



## OTHER OFFENCES

- Where a Binding Order or Restraint Order has been imposed by a court, no application will be considered whilst that order is still current.
- A period of at least 6 months free of conviction must have elapsed, after expiry of the order, before an application is considered.
- The overriding consideration should be the protection of the public.

## THE APPLICATION.

The following documentation is required to accompany your application:

1. Completed application form - As a joint Hackney/Private Hire Driver you are exempted from the provisions of the Rehabilitation of Offenders Act, 1974 and by the Rehabilitation of Offenders Act, 1974 (Exception) (Amendment) Order, 2002, applicants are required to disclose ALL convictions, Cautions, ASBO's, Fixed Penalty.

2. Medical Certificate completed by your own GP. A medical certificate is required to complete your application, but should you be unsure about whether a license will be granted to you, due to previous convictions or endorsements on your DVLA driving licence, you may delay your medical until all our checks have been completed and the application has been considered by the Licensing Committee.

3. Current Fee

4. DVLA driving licence (Having held it for 12months prior to the application).

5. 2-passport size photographs.

NB: an appointment must be made with an authorised officer of the Licensing Team so that a Criminal Records Bureau Disclosure(Enhanced) form may be completed. On attendance at this meeting you must bring your DVLA licence, Passport, Birth Certificate/Marriage Certificate and another form of identification showing your current address i.e. utility bill. No application will be processed until the appropriate fee has been received.

On receipt of a satisfactory reply to the CRB form, and submission of all the necessary documentation the applicant will be granted his/her Combined Hackney Carriage/Private Hire Vehicle Drivers License and Badge.

An application will need to be considered by the Licensing Committee if:

1. there are relevant conviction(s)

(8)

All matters relating to your application are confidential and will not be discussed with anyone other than those directly involved in the processing of your application.

## **GWYNEDD COUNCIL**

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

#### **COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE – STANDARD CONDITIONS OF LICENCE**

##### **PART A - LEGAL STATUS**

1. These Conditions were made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and all other enabling powers and adopted by the Gwynedd Council and any subsequent modifications are noted where appropriate.
2. Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the license pursuant to Section 61 of the said Act.

##### **PART B - INTERPRETATION**

1. In these Conditions the following words shall bear the meanings ascribed to them below:-

"**the Act**" - the Local Government Miscellaneous Provisions Act 1976.

"**the Council**" - the Gwynedd Council.

"**the licence**" - a combined hackney carriage/private hire vehicle driver's licence granted pursuant to Section 51 of the Act.

"**the driver**" - the holder of the license.

"**driver's identification badge**" - the badge issued by the Council to the driver.

"**private hire vehicle**" - a vehicle which is currently licensed by the Council under Section 48 of the Act.

"**driver's license number**" - the number allocated by the Council, to a license

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granted for a private hire vehicle licensed under Section 48 of the Act or for a hackney carriage under Section 37 of the Town Police Clauses Act 1847.

**"hackney carriage"** - a vehicle which is currently licensed by the Council under Section 37 of the Town Police Clauses Act 1847.

**"hackney carriage stand"** - a place designated by the Council as a hackney carriage stand.

**"vehicle plate"** - the plate provided by the Council for affixing to a private hire vehicle under Section 48(5) of the Act and to a hackney carriage under Section 38 of the of the Town Police Clauses Act 1847.

**"licensed vehicle"** - a vehicle licensed by the Council as a hackney carriage or private hire vehicle.

2. Reference to the male gender shall be construed as to include reference to the female gender where appropriate.

3. All other words and phrases used in these Conditions shall bear the meanings ascribed to them (if any) in the Act.

#### **PART C - THE CONDITIONS**

1. The license cannot be transferred to any other person.

2. The driver shall not carry passengers for hire or reward in any vehicle other than a licensed hackney carriage or private hire vehicle.

3. On expiry, revocation or suspension of the license the driver shall forthwith return his driver's identification badge to the Authorised Officer of the Council.

4. (a) the driver shall upon initial application and on every third anniversary thereafter, or at such other times as may be specified by the Council, produce a medical certificate completed by his own medical practitioner stating his fitness to drive, and such certificate shall include a report completed in accordance with Group II entitlement contained within the Document "Medical Aspects of Fitness to Drive" issued for the guidance of medical practitioners by the Medical Commission on Accident Prevention.

(b) A driver who has attained the age of 65 shall produce annually a certificate which complies with paragraph (a) of these conditions.

5. The driver shall not drive the hackney carriage or private hire vehicle whilst suffering from any illness or disability which could impair his ability to drive or whilst certified as unfit to drive by a registered medical practitioner.

6. The driver shall notify the Council in writing within 5 days after

(a) being convicted of any offence under Road Traffic Legislation or any offence of Dishonesty, Indecency or Violence or Drugs or any ASBO's Cautions, Fixed Penalty Notices or of contravening radio-telecommunications legislation.

(b) becoming aware of any illness or disability which could impair his ability to drive.

(c) any change of address of the driver.

7. (a) the driver shall on request produce the license for inspection to an Authorised Officer of the Council or any Constable and shall otherwise give such assistance and information as may be reasonably required by such an officer or Constable in relation to his statutory duties.

(b) the driver shall, immediately upon the issue of the license, deposit a copy of his license with any operator/proprietor by whom he is employed.

(c) the driver shall notify the Council forthwith on leaving the employment of an operator/proprietor and shall notify the Council of the identity of any new employer.

## **8. CONDUCT OF DRIVERS**

The Driver:-

(a) shall at all times be clean and respectably dressed and behave in a civil and orderly manner. **The following mode of dress will not be allowed - Vests; Shorts; Football Tops; Flip Flops.**

(b) shall not without the express consent of the hirer or other passenger drink or eat in the vehicle.

(c) shall take all reasonable steps to ensure the safety of passengers entering, being conveyed in and alighting from the licensed vehicle and assist in loading and unloading a reasonable quantity of luggage. **(With regard to Disabled Persons the Equality Bill, which is currently on its passage through Parliament would extend the requirements of Section 36 DDA,1995, to drivers of Hackney/Private Hire Vehicles, whilst operating normal services using wheelchair accessible vehicles)**

(d) shall not without the express consent of the hirer or other passenger play any radio or sound reproducing equipment other than for the purpose of sending or receiving messages in connection with the operation or the vehicle.

(e) shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, punctually attend the appointed time and place unless delayed or prevented by such sufficient cause.

(f) shall if required provide the hirer with a written receipt for the fare paid.

(g) shall not allow the engine of a hackney carriage to run while the vehicle occupies a hackney carriage stand or is stationary for a prolonged period at any other location.

(h) shall when driving a hackney carriage remain with the vehicle at all times during periods in which it occupies a hackney carriage stand.

(i) will not at any time smoke in the Hackney/Private Hire Vehicle.

(j) whilst driving a Private Hire Vehicle, will not accept a booking directly from a member of the public - **all bookings must be made through the Operator.**

## **9. DRIVING**

The Driver:-

(a) shall ensure that at all times the vehicle plate is clearly visible and that all information displayed on the plate is legible.

(b) shall at all times when driving, wear the driver's identification badge in a clearly visible position and shall immediately report the loss of the badge to the Council and obtain a replacement badge, the driver paying such fee as the Council may prescribe for the same.

(c) shall always deliver passengers to their destination by the shortest route unless otherwise instructed by the hirer.

(d) shall immediately upon termination of any hiring of a licensed vehicle, or as soon as is practicable thereafter, carefully search the vehicle for any property which may have been left in it, and unless claimed by or on behalf of the owner any property found by the driver or any other person shall be taken by the driver, as soon as is practicable, and in any case within 48 hours, to a Police Station within the district and left in the custody of the officer in charge upon the issue of a receipt.

(e) shall not demand of the hirer (private hire vehicle) in excess of that agreed between the hirer and the operator or, if the vehicle is fitted with a taximeter a fare greater than that shown on the taximeter . The taximeter must be used on all

journeys and the driver shall give the hirer the opportunity to examine the fare shown at the termination of the journey. There are three Tariffs on the meter Tariff 1 is the general tariff to be used by all hackney vehicles, **irrespective of its seating capacity**, Tariff 2 is to used only between midnight and 7am on any day except Christmas Day and New Year Day. Tariff 3 is to be used on Christmas Day and New Years Day.

In the case of a hackney carriage attending a pre-booked call, the fare shall be calculated from the point in the district at which the hirer commences his journey, the taximeter must be used and the fare charged shall not be greater than that shown on the meter.

**(f)** shall not use a private hire vehicle to ply for hire in any public place or imply, directly or indirectly, that he is acting as a hackney carriage driver.

**(g)** shall ensure that the licensed vehicle is maintained in a roadworthy condition at all times, by completing at the start and end of his/her duty, the vehicle maintenance log book, kept in that vehicle. That a current vehicle excise licence is correctly displayed. That its use for public hire (if a hackney carriage) or private hire (if a private hire vehicle) is covered by an endorsement on the motor insurance certificate.

**(h)** shall ensure that a licensed vehicle driven by him carries at all times a spare wheel which complies with current legal requirements (paying particular attention to depth of tread) and wheel changing equipment including a jack and wheel brace.

#### **10. PASSENGERS**

The Driver:-

**(a)** shall not convey a number of passengers (irrespective of age) greater than the number specified in the licence and displayed on the vehicle plate.

**(b)** shall not convey any animal unless it is in the custody of the hirer and in any case shall ensure that any such animal (with the exception of a guide, hearing and other prescribed assistance dogs) be carried in the rear of the vehicle.

**(c)** shall not without the consent of the hirer convey any other person in the licensed vehicle which is hired.

**(d)** shall at all times ensure that all passengers use the seatbelts provided in the proper manner. In the case of passengers under the age of fourteen years it shall be the driver's responsibility to ensure that seatbelts are worn - see Motor Vehicles ( Wearing of Seat Belts ) ( Amendment ) Regulations 2006.

**11.** The driver shall not while driving a licensed vehicle in exercise of the licence use in connection with a taxi business any radio equipment which is capable of scanning more than one frequency.

**12.** The driver shall not while driving or in charge of a licensed vehicle cause a nuisance to any occupiers of property or users of land.

**13.** A Penalty Point System is now in operation which will penalise any infringements of any rules; conditions; enactments, appertaining to the Driver or Vehicle. (Copy attached).

(12)



## **GWYNEDD COUNCIL**

### **PUBLIC PROTECTION SERVICE REGULATORY DEPARTMENT**

### **PRIVATE HIRE VEHICLE OPERATORS LICENCE INFORMATION PACK**

**A WELSH VERSION OF THIS APPLICATION PACK IS  
AVAILABLE**

ADOPTED BY COUNCIL – 22.10.2010.  
COMMENCES – 1.12.2010.

## APPLICATION FOR A PRIVATE HIRE VEHICLE OPERATORS LICENCE

Please find enclosed application forms and guidance notes to assist you in making an application to the Council. If you require any further information or assistance regarding making an application for a Private Hire Vehicle Operators Licence, please do not hesitate to contact the Licensing Team at:

Licensing Dept (Arfon) Gwynedd Council. Swyddfa Arfon Penrallt Caernarfon Gwynedd, LL55 1BN Tel No. 01286 682613.	Licensing Dept (Dwyfor) Gwynedd Council Embankment Road, Pwllheli, Gwynedd. LL53 5AA 01758 704000	Licensing Dept (Meirion) Gwynedd Council Penarlag, Dolgellau, Gwynedd. LL40 2YB. 01341 424326
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The Licensing Team are:

Gwenan Mai Williams Ceridwen Pritchard Heilyn Williams Robert Taylor	Licensing Manager Licensing Officer (Arfon) Licensing Officer (Meirion) Licensing Enforcement (Arfon).
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The following information and guidance is contained within this information pack.

1. Private Hire Vehicle Operator Application Form
2. Standard Conditions of Licence

You should ensure that you make yourself familiar with all conditions of licence relating to this application as any breach of condition may result in the suspension/revocation of your licence.

(2)

## PRIVATE HIRE VEHICLE OPERATORS LICENCE

### GUIDANCE ON LICENSING PROCEDURES

The following documentation is required to accompany your application:

1. Completed application form
2. Completed CRB Form (ENHANCED) – if not a driver of a Hackney/Private Hire
3. Fee.

No application can be processed until the appropriate fee has been received.

**Planning consent is not a pre-requisite for your licence, but you should ensure that you obtain the permission from the local planning authority, authorising you to conduct your business from the said premises.**

It should also be noted that if you do not own your property then you need to apply for landlord consent. This is not a pre-requisite for your licence but it is a condition of tenancy that anyone wishing to operate a business must obtain the relevant permission.

All matters relating to your application are confidential and will not be discussed with anyone other than those directly involved in the processing of your application.



# PRIVATE HIRE VEHICLE OPERATORS - STANDARD CONDITIONS OF LICENCE

## PART A - LEGAL STATUS

1. These conditions were made pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 and adopted by Gwynedd Council, and any subsequent modifications are noted where appropriate by reference to date.
2. Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the license pursuant to Section 62 of the said Act.

## PART B - INTERPRETATION

1. In these conditions the following words shall bear the meanings ascribed to them below:-  
"the Act"

- the Local Government (Miscellaneous Provisions) Act 1976.

"the Council"

- the Gwynedd Council.

"the license"

- a private hire vehicle operator's license granted pursuant to Sec 55 of the Act.

"the operator"

- the holder of the license.

"operate"

- to operate a vehicle in the course of business pursuant to the license.

"private hire vehicle"

- a vehicle which is currently licensed by the Council under Sec 48 of the Act.

"vehicle license number"

- the number allocated by the Council to a license granted for a private hire vehicle licensed under Sec 48 of the Act or a hackney carriage licensed Under Sec 37 of the Town Police Clauses Act 1847.

"driver license number"

- the number allocated by the Council to a license granted to the driver under Sec 51 of the Act or In the case of a hackney carriage, under Sec 46 of the Town Police Clauses Act 1847.

"the district"

- the County of Gwynedd

2. Reference to the male gender shall be construed as including reference to the female gender where appropriate.

3. All other words and phrases used in these Conditions shall bear the meanings ascribed to them (if any) in the Act.

(4)

## PART C - THE CONDITIONS

1. The licence cannot be transferred to any other person.  
2. The operator shall not operate any vehicle as a private hire vehicle within the district unless the vehicle and driver are licensed by the council.

3. The operator shall not operate any vehicle as a private hire vehicle if the Council notifies him that the vehicle is unsuitable for use as a private hire vehicle.

4. The operator shall for the purposes of Section 56(3) of the Act be required to keep a record in a suitable book, the pages of which must be numbered consecutively, or if on a computer, a daily printout must be kept in a file, the pages of which must clearly show the date. Before the commencement of each journey, of every Private Hire Booking, the operator must enter the following details:

- (a) the time and the date of the booking.
- (b) the name and (if practicable) the address of the hirer.
- (c) the way in which the booking was made, whether by telephone, personal call or otherwise.
- (d) the time and date of collection of the passenger.
- (e) the point of collection of passenger.
- (f) the destination.
- (g) the vehicle license number and the driver license number.
- (h) the time at which the booking was allocated to the driver.
- (i) details of any agreed fare or any sub-contract and (at the operator's discretion) any other remarks.

NOTE - ALL BOOKINGS MUST BE DIRECTED THROUGH THE OPERATOR, AND NOT THE DRIVER(S), BEFORE THE WORK CAN BE LEGALLY CARRIED OUT.

5. the operator shall keep a record in a suitable book / computer the particulars of all private hire vehicles operated under the license and shall enter in it in respect of each vehicle:-

- (a) the make, model and colour.
- (b) the registration number.
- (c) the vehicle licence number.

**He shall also be in possession of a valid Insurance for all vehicles/drivers operated by him. The Policy must stipulate that the vehicles are insured for the purpose of 'Public Hire', 'Private Hire', or 'Hire and Reward'.**

6. the operator shall not dispose of any records made in accordance with Condition 4 above within twelve months of the latest hiring entered in them.

7. the operator shall on request produce his licence and the records referred to in Conditions 4 and 5 above to any authorised officer of the Council or any Constable for inspection and permit copies of them to be taken.

**8. The operator shall notify the Council in writing within seven (7) days after:-**

- (a) being convicted of any offence under road traffic or radio - telecommunication legislation, or any offence of dishonesty, indecency or violence.**
- (b) any change of address of the premises from which private hire vehicles are operated.**
- (c) the commencement of a private hire vehicle operation from any additional premises.**

9. The operator shall provide a prompt, efficient and reliable service and shall in particular ensure the prompt attendance of vehicles at pre-arranged times and places. The vehicles will be in a clean and tidy condition at all times.

(5)

10. Any premises used by the operator in the course of business to which the public has access, whether for the purpose of booking or waiting, shall be kept clean and shall be provided with

adequate seating, heating, lighting and ventilation. He shall also not permit any person who is drunk or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force. The operator is also reminded of the " Smoke Free Premises etc (Wales) Regulations 2007". It is against the law for Operators, Staff, Customers and visitors to smoke in an enclosed public area. For further information on the smoking ban and the regulations go to [www.smokingbanwales.co.uk](http://www.smokingbanwales.co.uk) or contact the Council's Environmental Dept.

11. The operator shall not conduct his business in such a way as to cause a nuisance to any residential occupiers or any other occupiers of land.

12. The operator shall ensure that all radio equipment used in the course of his business  
(a) is maintained in sound working condition at all times.  
(b) is annually inspected at the operator's expense and certified to be in good condition by a reputable company, such certificate to be made available for inspection on request by an authorised officer of the Council or any Constable  
(c) complies with and is operated in accordance with current legislation.

13. The operator shall not use in connection with his business any radio equipment that is capable scanning more than one frequency and no such equipment shall be carried in any vehicle operated by him nor sited on any premises used by him in connection with his business.

14. In the event of the death of a licensed operator or his ceasing to operate, or the non-renewal, suspension or revocation of the licence by the Council, the licence shall be returned to the Council forthwith.

15. The operator shall ensure that the words "taxi", "taxis", and "cab" are not displayed on any private hire vehicle operated by him/her.

16. The operator shall not cause or permit any vehicle operated by him to be used to ply for hire in any public place unless it is a licensed hackney carriage. He will not tout or solicit on a road or other public place, for any person to hire or to be carried for hire in any Private Hire Vehicle, OR, cause or procure any other person to tout or solicit, on a road or other public place, for any person to hire or to be carried for hire in any Private Hire Vehicle.

17. The operator shall not cause or permit any vehicle operated by him to be used in contravention of any legal requirements or provisions.

18. The operator shall ensure that no advertisement relating to his business is displayed on any private hire vehicle operated by him at a height above the lower window level.

**19. The operator shall obtain and keep copies of the Combined Hackney Carriage/Private Hire Drivers Licence of all drivers employed by him and shall notify the Council forthwith of the departure of any driver from his employment and of the reason for his departure. He shall also hand the Licence back to the driver upon his departure from his employment.**

20. The operator will be responsible for **issuing each of it's Private Hire Vehicles with a Maintenance Book** and instruct that each driver conducts a physical check of engine; radiator; oil; body work; tyres; first aid; fire extinguisher; at the commencement of his duty and endorse the result within the maintenance book, and also enter mileage and time at beginning of duty and at the end of duty. This book will remain with the vehicle and be produced for inspection, on request, by an authorised officer of the Council or any Constable.

(6)

21. the operator upon receipt of any complaint, concerning a driver, vehicle or any contract for hire or purported contract related to or arising from his/her operation, shall notify the Council immediately in writing. The operator must indicate the action (if any) they have taken or propose to take in respect of the complaint.

OR

In the case of complaints made directly to the Council, the operator shall respond with similar notification within 7 days of the complaint being received.

**22.** the licence will only apply to the Premises specified and the operator shall not operate Private Hire Vehicles from any other premises without first having obtained the written consent of the Council.

The operator shall notify the council in writing of any change of his/her address from which they operate or otherwise conducts business as an operator within 7 days of such change taking place.

**23.** the operator shall within 7 days , notify the Council In writing of any conviction, caution, warning, fixed penalty or reprimand against himself/herself ( or If the operator is a company or partnership, on any of the directors or partners) during the period of the licence.

**24..**

**(a)** the operator will ensure that his driver will not demand from any hirer of a Private Hire Vehicle, a fare in excess of any amount previously agreed, for the hiring, between the hirer and the Operator, provided that the hirer does not require any variation(s) to the quoted destination.

**( b)** If the Private Hire Vehicle is fitted with a Taximeter and there has been no prior agreement as to the fare, the meter will calculate the fare from where the hirer commences his journey, and he will be required to pay the amount shown on the meter at the end of the journey.

**(c)** if the Private Hire Vehicle is fitted with a Taximeter for recording the fares, the operator will instruct his driver(s) not to cause the fare recorded thereon to be cancelled or concealed, until the hirer has had reasonable opportunity to examine it and has paid the fare.

**(d)** the hirer shall be provided with a receipt for the fare paid, upon request.

**(e)** the operator will ensure that Taximeters in his vehicles are calibrated and sealed annually and a copy of the certificate will be given to the Licensing Officer.

**25.** the operator will be responsible for marking the First Aid Box and Fire Extinguisher with the Gwynedd Council Vehicle Licence Number of the vehicle they are kept in.

**26.** all Private Hire Vehicles are Issued with Licence Plates (external and Internal), brackets and door stickers, it will be the responsibility of the operator to make sure that these items are fixed to the vehicle(s) concerned. **Magnetic Door Stickers will not be authorised by the Council.**

**27.** the operator will ensure that his Private Hire Vehicles are to be examined mechanically twice a year at six monthly Intervals - (a) M.O.T., (b) Gwynedd Council Mechanical Check. The Gwynedd Council Mechanical Check will be by way of an appointment system issued by the Gwynedd Council Licensing Officer.

All new vehicles/transfers will be subjected to a Gwynedd Council Mechanical Check prior to being issued with a Gwynedd Council Vehicle Licence.

**28.** the operator will be responsible for collating all lost property found within his vehicles, and hand them in at a Police Station.

**29.** a Penalty Point System is now in operation which will address any infringements of any rules; conditions; enactments, appertaining to an Operator (Copy attached)

(7)



## **GWYNEDD COUNCIL**

### **REGULATORY DEPARTMENT - PUBLIC PROTECTION SERVICE.**

#### **Taxi and Private Hire Licensing Policy Fitness Criteria for Drivers and Operators**

## 1.0 Introduction

1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver / operator licence.

1.2 The aim of this policy is to protect the safety of the public. The Licensing Authority is concerned to ensure:

- That a person is a fit and proper person;
- That the person does not pose a threat to the public;
- That the public are safeguarded from dishonest persons;
- The safeguarding of children and young persons;
- The safeguarding of vulnerable persons;
- That the public have confidence in their use of licensed vehicles.

1.3 This policy aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for driver / operator licences
- Existing licensed drivers / operators whose licences are being reviewed
- Licensing Officers and Police
- Members of the Licensing Committee/ Panel (or other relevant decision making body)
- Magistrates and Crown Court hearing appeals against local authority decisions

1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.

1.5 Where applicants fail to disclose any previous convictions; cautions; warnings; penalty notices, orders or reprimands on their application form including any pending court proceedings or other matters they may be referred to the Licensing Committee for determination.

## **2.0 General policy**

- 2.1 Each case will be decided on its own merits.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period (as set out below); and
  - b. Show evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).
- 2.3 For the purposes of this Policy, “other matters to be considered” may include but are not limited to the following:
- a) Criminal / motoring convictions;
  - b) Court Martial;
  - c) Cautions;
  - d) Fixed penalty notices or other penalty notices;
  - e) Anti-social behaviour orders or other similar orders;
  - f) Breach of licensing conditions;
  - g) Formal Warnings or Reprimands;
  - h) Charges or matters awaiting trial;
  - i) Fitness and propriety.
- 2.4 Where an applicant has a conviction(s) or other matter(s) to be considered for a criminal offence, the council cannot review the merits of the conviction or other matter.
- 2.5 Where an applicant / licence holder has a conviction or other matter to be considered for an offence of aiding, abetting, attempting, conspiring, counselling, procuring, causing, permitting or inciting any of the criminal or motoring convictions / matters specified in this guidance, they will be considered relevant for the substantive matter.

## **3.0 Appeals**

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

## **4.0 Powers**

- 4.1 Powers to grant driver / operator licences are contained within Section 51, Section 55 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 4.2 Powers to suspend, revoke or refuse to renew a driver's licence are contained within Section 61 of the Act, where the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.3 Section 61 (2B) allows the Licensing Authority, if it appears that in the interests of public safety, to suspend or revoke a driver's licence with immediate effect. A Decision Notice explaining why this decision has been taken will be issued to the driver and will have effect when the notice is given to the driver. The driver may appeal this decision but may not drive during the appeal period.
- 4.4 Section 62 of the Act allows the Licensing Authority to suspend, revoke or refuse to renew an operator's licence if the applicant/licence holder has been convicted of an offence under or non compliance with the provisions of Part II of the Act; or grounds of any conduct on the part of the operator which appears to the Council to render him unfit , or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.
- 4.5 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

## **5.0 Consideration of disclosed criminal history**

- 5.1 Under the provisions of Sections 51, 55, and 59, of the Act, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a driver / operator licence is a 'fit and proper' person to hold such a licence. However, if an applicant / licence holder has any matters to be considered, the Licensing Authority may take into account:



:

- How relevant the offence(s) are to the licence being applied for;
- How serious the offence(s) were;
- When the offence(s) were committed;
- The date of conviction and age of applicant at time of conviction;
- Sentence imposed by the court;
- Whether they form part of a pattern of offending;
- Any other factors that might be relevant.

## 6.0 Violence

6.1 Licensed drivers have close regular contact with the public. A serious view will be taken with those who have a conviction(s) or other matter(s) to be considered involving violence. An application will normally be refused or existing licence suspended or revoked if the applicant / licence holder has a conviction for an offence that involved the loss of life.

6.2 In other cases anyone of a violent disposition is unlikely to be licensed until **at least 3 years** free of such conviction(s) or other matter(s) to be considered. However, given the range of the offences that involve violence, consideration must be given to the nature of the offence.

6.3 Unless there are exceptional circumstances, an application will normally be refused or existing licence suspended or revoked where the applicant / licence holder has a conviction for an offence such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Or any similar offences or offences which replace the above.

6.4 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 10 years** prior to the date of application:

- Actual bodily harm which is racially / religiously aggravated;
- Arson;
- Assault Police;
- Common assault which is racially / religiously aggravated;
- Criminal damage which is racially / religiously aggravated;
- Grievous bodily harm with intent;

- Malicious wounding or grievous bodily harm which is racially aggravated;
- Possession of firearm;
- Resisting arrest;
- Riot;
- Robbery;
- Violent disorder;
- Similar offences or offences which replace the above.

6.5 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 3 years** prior to the date of application:

- Affray;
- Assault occasioning actual bodily harm;
- Common assault;
- Criminal damage;
- Obstruction;
- Possession of a weapon (or imitation weapon) or any other weapon related offence other than a firearm;
- S5 Public Order Act 1986 offence (harassment, alarm or distress);
- S.4 Public Order Act 1986 offence (fear of provocation of violence);
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
- Similar offences or offences which replace the above.

6.6 An application will normally be refused if an applicant has more than one conviction or other matter to be considered in the last **10 years** for an offence of a violent nature.

## 7.0 Sex and indecency offences

7.1 As licensed drivers often carry unaccompanied and vulnerable passengers, a firm line is to be taken with those who have convictions or other matters to be considered for sexual offences. An application will normally be refused or existing licence suspended or revoked for convictions or other matters to be considered for the more serious sexual offences. For other offences, applicants will be expected to show a substantial period free of conviction or other matter to be considered for such offences before an application will be approved.

7.2 Unless there are exceptional circumstances, an application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence such as:

- Assault by penetration;
- Exploitation of prostitution;
- Indecent assault;
- Offences involving children or vulnerable adults;
- Possession of indecent photographs, child pornography etc;
- Rape;
- Sexual assault;
- Trafficking for sexual or other exploitation;
- Similar offences or offences that replace the above.

7.3 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 7 years** prior to the date of application:

- Indecent exposure;
- Soliciting (kerb crawling);
- Similar offences or offences which replace the above.

7.4 In addition to the above the Licensing Authority is unlikely to grant a licence to any applicant who is currently on the Sex Offenders Register.

7.5 An application will normally be refused if an applicant has more than one conviction or other matter to be considered for a sexual offence.

## 8.0 Dishonesty

8.1 An applicant or existing licence holder is expected to be a trustworthy person. They deal with cash transactions and valuable property which may be left in their vehicles. Licence holders are required to deposit such property with police within 24 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

8.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction or other matter to be considered is **less than 3 years** prior to the date of application:

- Benefit fraud;
- Burglary;
- Conspiracy to defraud;
- Forgery;
- Fraud;
- Handling or receiving stolen goods;
- Obtaining money or property by deception;
- Other deception;
- Taking a vehicle without consent;
- Theft;
- Similar offences or offences which replace the above.

## 9.0 Drugs

9.1 A serious view is taken of any drug related offence. The Licensing Authority will consider the nature and quantity of the drugs involved within the following offences:

- Cultivation of a controlled drug;
- Importation of a controlled drug;
- Production of a controlled drug;
- Supply of a controlled drug;
- Or similar offences.

9.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for any of the above offences and has not been free of conviction(s) or other matters to be considered for **at least 5 years**.

9.3 An application will normally be refused or an existing licence suspended or revoked where the applicant has more than one conviction or other matter to be considered for offences related to the possession of drugs and has not been free of conviction or other matter to be considered for **at least 5 years**.

9.4 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has an isolated conviction or other matter to be considered for an offence related to the possession of

drugs within **the last 3 years**. Consideration should be given to the nature and quantity of the drugs involved.

- 9.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required. If the applicant was an addict then they would normally be required to show evidence of **3 years** free from drug taking.

## **10.0 Driving offences involving the loss of life**

10.1 A very serious view is to be taken of any applicant or existing licence holder who has a conviction or other matter to be considered for a driving offence that resulted in the loss of life.

10.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for any of the offences listed below and has not been free of conviction or other matter to be considered for **7 years**.

- Causing death by careless driving whilst under the influence of drink or drugs;
- Causing death by dangerous driving;
- Or any similar offences.

10.3 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for any of the offences listed below and has not been free of conviction or other matter to be considered for **5 years**.

- Causing death by careless driving;
- Causing death by driving: unlicensed, disqualified or uninsured drivers.

## **11.0 Drink driving/driving under the influence of drugs**

11.1 A serious view will be taken of a conviction(s) or other matter(s) to be considered for driving or being in charge of a vehicle while under the influence of alcohol / drugs. A single conviction or other matter to be considered may not result in an application being refused or an existing licence being suspended or revoked, provided that **at least 3 years** have elapsed since the ending of the disqualification. A conviction or other matter to be considered for 'refusing or failing to provide a specimen' will be treated in the same way.

11.2 Applicants with more than one conviction or other matter to be considered for driving or being in charge of a vehicle under the influence of alcohol / drugs or refusing or failing to provide a specimen are unlikely to be granted a licence unless a period of **10 years** has elapsed after the restoration of the driving licence following the last conviction or other matter to be considered.

## 12.0 Motoring Convictions

### 12.1 Major Traffic Offences

12.2 For the purposes of this Policy the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
DD40	Dangerous driving
DD90	Furious driving
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

12.3 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction or other matter to be considered for a major traffic offence and has not been free of the conviction or other matter to be considered for **at least 6 months**.

12.4 An applicant with more than one Major Traffic Offence, within the last 5 years will normally be refused and no further application should be considered until a period of **at least 3 years** free from such convictions or other matters to be considered have elapsed.

12.5 If any conviction or other matter to be considered for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

### 12.6 Disqualification from driving

12.7 The Licensing Authority will treat a period of a disqualification as being that which a driver would have been eligible to serve, and may disregard the decision of a court to waive or reduce a disqualification period either on the grounds of exceptional hardship under S.35 of the Road Traffic Offenders Act 1988 or for "special reasons" under S.34 of the Road Traffic Offenders Act 1988.

12.8 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of less than 56 days unless a period of **at least 6 months** has elapsed from the end of the disqualification period.

12.9 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of up to 12 months unless a period of **at least 12 months** has elapsed from the end of the disqualification period.

12.10 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matters to be considered resulting in a period of disqualification of 12 months or more, unless a period of **at least 18 months** has elapsed from the end of the disqualification period.

12.11 The Licensing Authority will not normally grant an application for a private hire or hackney carriage driver's licence from a person who has been disqualified from driving for a period of 5 years or more, unless a period of **at least 7 years** has elapsed from the end of the disqualification period.

### 13.0 Minor Traffic Offences

13.1 Other Traffic Offences not listed within this policy will be treated as 'Minor Traffic Offences'. A minor driving offence is one that incurs between 1 and 3 penalty points.

13.2 Where an applicant / licence holder has one conviction or other matter to be considered for a minor driving offence, this will not usually result in refusal or suspension / revocation.

13.3 More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions or other matters to be considered for the same offence e.g. speeding. A licensed driver may be referred to the Licensing Committee where there are more than two offences.

#### **14.0 Outstanding charges or summonses**

14.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but in the interest of public safety the matter will be considered and may be deferred for determination until proceedings are concluded.

#### **15.0 Non-conviction information**

15.1 If an applicant or existing licence holder has been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing or suspending / revoking the application / licence.

#### **16.0 Repeat offending**

16.1 While it is possible that an applicant may have a number of convictions or other matters to be considered that individually meet the above guidelines, an application will normally be refused where an applicant has a record of repeat offending which shows a lack of regard for the well being of others or for property, unless a period of **at least 10 years** has elapsed since the most recent conviction or other matters to be considered.

#### **17.0 Breach of Legislation, Byelaw or Licence Condition**

17.1 An applicant who has a conviction or other matters to be considered for a breach of legislation, byelaw or licence condition is unlikely to be granted a licence unless a period of **at least 12 months** has elapsed since the most recent breach.

17.2 An existing licence holder found to be in breach of legislation, byelaw or licence condition is on the first occasion, likely to be warned in writing as to future conduct, provided that the breach did not compromise the safety of passengers or that the public were not put at risk.



17.3 Where an existing holder is found to have more than one breach of licensing legislation, byelaw or licence condition, or a single serious breach, the Licensing Committee may suspend or revoke the licence.

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

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