



CARDIFF COUNTY COUNCIL

**STATEMENT OF LICENSING POLICY RELATING
TO HACKNEY CARRIAGE AND PRIVATE
HIRE VEHICLES, OPERATORS AND DRIVERS**

June 2008

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INTRODUCTION

The Council considers all applications and determines them on their individual merits. However in the interests of consistency, openness and fairness the Public Protection Committee has over the years adopted a number of general policies and principles to guide it in its consideration of applications. The details of the policies and principles applicable to hackney carriage and private hire operators, drivers and vehicles are laid out in this document. The main principle adopted by the licensing authority in respect of hackney carriage and private hire licensing is that the safety of the public is paramount. The authority will expect all those involved in the business of hire and reward to be fit and proper persons who will ensure that vehicles they use are well maintained and able to be used in safety and comfort by fare paying passengers.

Hackney carriages and private hire vehicles have a specific role to play in an integrated transport system. They are able to provide safe, secure and comfortable transport, providing an on-request door to door service in various circumstances, including where public transport may not be available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.

In setting out its policy, the licensing authority seeks to promote the following objectives:

- (i) Protecting the health and safety of the public.
- (ii) Protection of the environment.
- (iii) Provision of an efficient and effective public transport service equally available to all sections of the community.
- (iv) Provision and maintenance of a professional and respected hackney carriage and private hire trade.

The aim of the licensing process, in this context, is to regulate the hackney carriage and private hire trade in order to promote the above objectives.

As hackney carriage and private hire licensing matters are constantly evolving, the Public Protection Committee is frequently required to amend or update its policy and these changes may not be immediately reflected in this policy document. Although the authority will deal with each matter on its merits it will have regard to its policies in determining applications.

The licensing authority is determined to be as open as possible in its decision making and provide the trade with a voice in the decisions which affect them and as a matter of Policy the Committee have agreed that draft reports should be shared with the hackney carriage and private hire trade prior to consideration to provide an opportunity for comment.

1. GENERAL VEHICLE STANDARDS.

- 1.1 In the interests of public protection only vehicles approved by the authority may be used as either hackney carriage or private hire vehicles. All vehicles must be presented for inspection when and where required, and must comply with all current statutory requirements for road vehicles and meet the conditions and requirements imposed by the licensing authority.
- 1.2 All vehicles must be fitted with a right hand drive and four doors. No fittings, except those approved by the Council shall be attached to the inside or outside of the vehicle
- 1.3 The licensing authority maintains a list of suitable vehicle types. To ensure that vehicles are safe and comfortable Purpose Built Type Vehicles must be approved following inspection by the Public Protection Committee prior to use in Cardiff as of a type suitable for use as a hackney carriage. Classification of vehicles as Prestige is a matter for the Committee. Applications are considered on their merits taking into account accessibility, external appearance, internal passenger space, passenger comfort, quality of interior and luggage space.

1.4 Vehicle Testing

All vehicles must be tested in accordance with the standards required by the Authority. All vehicles will require a MOT Inspection Certificate as well as a Declaration of Fitness to test additional items not included in the MOT. Both must be from a VOSA approved MOT testing station within the City of Cardiff.

A MOT certificate and Declaration of Fitness will be required to support any application for a licence.

- (a) Vehicles under the age of 4 years from date of first registration will be tested annually and on passing the test will be issued with a 12 month licence.
- (b) Vehicles over the age of 4 years from date of first registration will require a test every 6 months and on passing the test will be issued with a 6 month licence.
- (c) Vehicles which the Council recognises as purpose-built vehicles will be subject to annual licensing and testing up to a maximum age limit of 10 years.

All vehicles must meet the colour requirement. If the vehicle has been re-sprayed this must be done professionally including the boot, door edges and frames.

On failure a further test appointment should be made immediately in which case the authority will guarantee to book a re-test within 7 days.

A valid test certificate will only be accepted if it is produced in support of an application within 28 days of its issue and the vehicle must not have covered more than 2000 miles since the certificate was issued.

1.5 Licence Plates

- (i) Vehicle plates must be fitted on the outside rear of the vehicle in a clear and conspicuous manner either directly above or directly below or directly to the left or right hand side of the vehicle registration number plate.

- (ii) The plate must be securely fixed directly onto the vehicle by either nuts and bolts, self tapping screws or rivets, or indirectly by means of a bracket that is similarly fixed to the vehicle.
- (iii) The interior plate shall be fixed on the inside of the vehicle in such a position as to be easily observed by the passengers.
- (iv) External plates shall be returned to the Council on the expiry of a Licence. A returnable deposit will be charged and a charge will be made for any replacement plates.

1.6 Fire Extinguisher and Spare Wheels

- a) A fire extinguisher in good condition should be carried in an easily accessible position on the vehicle.
- b) Unless the vehicle is fitted by the manufacturers approved run flat tyres or has an emergency tyre repair kit, a spare wheel of full or compact design in good condition must be carried together with the appropriate tools to change a wheel.
- c) If the vehicle has to be used with a space saver spare wheel fitted to complete a hiring, it may not be used for any further hiring's until the wheel has been replaced.
- d) Where a tyre has been repaired using an emergency tyre repair kit to complete a hiring, the vehicle shall not be driven at a speed or distance that exceeds the manufacturer of the repair kit's instructions. The vehicle may not be used for any further hirings until the tyre is repaired or replaced and a replacement repair kit is purchased.

1.7 Windscreens And Windows

Windscreens and Windows must be in a good clean condition and free from damage. The windscreen must allow at least 75% of light to pass through with all other windows allowing 70% of light to pass through Vehicles will not have further darkened glass without the written permission of the Council

1.8 Liquid Petroleum Gas

The Committee has approved the conversion of licensed vehicles to dual fuel vehicles, subject to a requirement that such conversions be undertaken by companies who provide a certificate confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association Code of Practice. The conversion of a licensed vehicle must not compromise the existing access arrangements for the carrying of a spare wheel, and there should remain sufficient space for adequate luggage or a folded wheelchair to be carried.

1.9 Camera Recording Equipment and GPS Management & Dispatch Systems

- 1.9.1 Interior CCTV equipment of a type previously approved by the Authority may be fitted in accordance with the manufacturer's instructions, subject to:
- a) a sign indicated that recording equipment is in use being clearly displayed within the vehicle, and;
 - b) all images downloaded from the camera being made available to the Police and Authorised Officers, upon request.
- 1.9.2 A GPS taxi management & dispatch system consisting of a mobile vehicle data head and a central dispatch system, of a type approved by the City of Cardiff Council, may be fitted in accordance with the manufacturer's instructions. The GPS system is not a taximeter. In Hackney carriage vehicles it can be used alongside the vehicle's approved taximeter but must not replace it.
- 1.9.3 Forward facing CCTV cameras with the purpose of recording accidents and protecting against motor insurance fraud can be fitted in the vehicle providing the following criteria are met:
- a)The camera is forward facing only and cannot be adjusted to view the interior of the vehicle;
 - b)The system is not capable of audio recordings;
 - c)The data is encrypted and kept in a lockable unit;
 - d)The system is installed and maintained in accordance with the manufacturer's instructions.

2. HACKNEY CARRIAGE VEHICLE LICENCES

*[Legislation – Local Government (Miscellaneous Provisions) Act, 1976 Part III
Town Police Clauses Act, 1847
Transport Act, 1985]*

2.1 In the interests of public safety an applicant for a hackney carriage vehicle licence is required to:

- Complete an application form
- Provide the DVLA V5 registration document or Bill of Sale if the V5 is not available and this is the first time of licensing.
- Provide a Certificate of mechanical inspection for the vehicle
- Provide a current MOT Certificate
- Provide a current certificate of insurance for public hire
- Provide a valid Meter Test Certificate
- Pay the appropriate fee.

2.2 Types of Hackney Carriage Vehicles.

Vehicles will only be licensed if they are of a type suitable for use as a hackney carriage. As a general guide the types of vehicle approved by the authority are:

Saloon and MPV Hackney Carriages – a list of approved vehicles is maintained at the Licensing Office. Such vehicles may only be used to replace existing licensed saloon type vehicles i.e. those with a licence plate number 1 to 400. The vehicles must be coloured black with a white bonnet. In the case of applications for minibus type vehicles, in calculating passenger capacity, only one seat in the front row should be utilised for the conveyance of members of the public, so as to ensure the safety and comfort of both the public and the driver.

Prestige Hackney Carriages – these are saloon or MPV type vehicles which are considered to be of a higher specification following inspection by Public Protection Committee Members. The fact that they are considered to be prestige type vehicles will be indicated on the list of approved vehicle types maintained at the Licensing Office. They must be black with a white bonnet.

Purpose Built Hackney Carriages – these are vehicles which have been specifically manufactured or adapted as hackney carriage vehicles which are able to carry a passenger in a wheelchair. Such vehicle types must be used to replace existing vehicles from licence plate number 401 onwards. They must be black with a white bonnet. Purpose built vehicles include those such as London Cabs which additionally meet the Metropolitan Police Conditions of Fitness, these may be all black and do not need to have a white bonnet but must be fitted with an approved Central Door Locking System. Only purpose built hackney carriage type vehicles which are under 3 years of age will be accepted for the grant of a new hackney carriage vehicle licence.

Consideration for approval as purpose built will only be given to vehicles possessing either EC Whole Vehicle type approval, or UK Low Volume type approval for use as passenger carrying motor cars.

The different requirements for each of the vehicle types is detailed in the following table:

Specification	Type of Hackney Carriage		
	Saloon Car	Prestige Vehicle	Purpose Built
Maximum age at first application	25 months	Under 10 years	Under 10 years
Maximum permitted age	6 years	10 years	10 years
Age at which it may be annually tested	Under 4 years	Under 4 years	N/A
Headroom Required	Over 32 inches	Over 32 inches	N/A
Rear Leg room Required	Over 30 inches	Over 30 inches	N/A
Rear Seat Depth Required	Over 18 inches	Over 18 inches	N/A
Rear Seat Width Required	Over 54 inches	Over 54 inches	N/A

2.3 Applications for new Hackney Carriage Licences

The licensing authority has not set any restrictions on the number of hackney carriages it will licence in accordance with the best practice advice provided by the Department of Transport (DfT), which recognises that the imposition of quantity restrictions often results in a premium on vehicle licences which prevents operators entering into the taxi market. The DfT state “This indicates that there are people who want to enter the taxi market and provide a service to the public, but who are being prevented from doing so by the quantity restrictions. This seems very hard to justify.” In respect of applicants for the grant of a new hackney carriage vehicle licence the grant of a licence will be subject to the following conditions:-

- (i) the vehicle must be less than three years old and of a type approved by the Authority as a purpose built hackney carriage; and
- (ii) the vehicle must not be used by a driver that is currently not licensed by Cardiff County Council.

Once granted a licence the vehicle can only be replaced with a purpose built type vehicle.

2.4 Accessibility

The Government continue to work on proposals which are aimed to substantially improve taxi provision for people with disabilities. The government’s proposals to implement the taxi provisions of the Disability Discrimination Act 1995 involve splitting implementation into two phases.

The authority is aware that it is ultimately the Department for Transport's intention to make taxi accessibility regulations under the Disability Discrimination Act 1995. The regulations will be to meet a broad range of disabled people's needs and will target those areas where accessible taxis are likely to make the biggest impact in meeting disabled people's needs and where additional cost will not have a major detrimental effect. These are to be the "first phase" licensing authorities and Cardiff is included. The authority approves the DfT's guidance in relation to the use of hackney carriages, in particular the importance that "a disabled person should be able to hire a taxi on the spot with the minimum delay or inconvenience, and having accessible taxis available helps makes that possible." The authority will encourage the use of wheelchair accessible vehicles while maintaining a mixed fleet of vehicles.

2.5 Display of signs and advertisements

In the interests of maintaining standards which the public would expect of a licensed hackney carriage no signs or advertisements, except those approved by the Council shall be attached to the inside or outside of a vehicle. The following conditions apply.

A. Hackney Carriage Saloon Cars

- (a) Exterior advertising is permitted on the outside front door panel, provided it does not exceed the dimensions of the panel, and is restricted to one advertisement only with no other form of advertising displayed on the exterior of the vehicle.
- (b) Rear windscreen advertising in the form of transparent "innervision" type signs not exceeding 8 inches in depth are permitted provided no other form of advertising is displayed on the vehicle.
- (c) External advertising in the form of hubcap display is approved subject to the advertisement being approved by the authority, in writing, prior to its use and that the hub cap display and any other advertisement on the vehicle being for the same single product or service.
- (d) External advertising in the form of illuminated roof sign permanently affixed to the vehicle is approved subject to the advertisement being approved by the authority, in writing, prior to its use.

B. Hackney Carriage Purpose Built Vehicles

- (a) Exterior advertising is permitted on the outside front door panels provided it does not exceed the dimensions of the door panel and is restricted to one advertisement only, with no other form of advertising displayed on the exterior of the vehicle.
- (b) Exterior advertising is permitted on the double doors of purpose built Hackney Carriage Vehicles provided only one advert covers both doors, does not exceed the dimensions of the two door panels with no other form of advertising displayed on the exterior of the vehicle.
- (c) Rear windscreen advertising in the form of transparent "innervision" type signs not exceeding 8 inches in depth are permitted provided no other form of advertising is displayed on the vehicle.

- (d) Interior advertising is permitted on the underside of the drop seats and must not exceed 14" x 14" in size.
- (e) Interior advertising on the interior bulkhead panel is permitted and must not exceed 39" x 4".
- (f) Full external advertising livery for one product is permitted on the whole of the vehicle subject to the advertisement being approved by the authority, in writing, prior to its use. This condition applies only to purpose built vehicles which meet the Metropolitan Police Conditions of Fitness.
- (g) External advertising livery for one product is permitted on the whole sides of the vehicle in superside or megaside format subject to the advertisement being approved by the authority, in writing, prior to its use.
- (h) External advertising in the form of hubcap display is approved subject to the advertisement being approved by the authority, in writing, prior to its use and that the hub cap display and any other advertisement on the vehicle being for the same single product or service.
- (i) A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle, provided that the screen shall not be within the vision of the driver of the vehicle, one slide must indicate that the advertisements will be switched off at the request of a passenger, and subject to each individual advertisement being approved by the Authority, in writing prior to its use. This condition applies to the purpose built vehicles which meet the Metropolitan Police Conditions of Fitness.
- (j) External advertising in the form of illuminated triangular roof signs permanently affixed to the vehicle by means of bolts through the roof is approved subject to the advertisement being approved by the authority, in writing, prior to its use.

All advertisements must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature.

An external sign may be placed on the bonnet of a Hackney Carriage which displays the words 'Out of Town Journeys Charged on the Meter' in black lettering on a gold background.

- 2.6 The licensing authority has established Hackney Carriage Byelaws and standard licence conditions which must be complied with.

3. PRIVATE HIRE VEHICLE LICENCES

*[Legislation – Local Government (Miscellaneous Provisions) Act, 1976 Part III
Town Police Clauses Act, 1847, Transport Act, 1985]*

3.1 The applicant for a private hire vehicle licence is required to:

- Complete application form
- Provide DVLA registration document or Bill of Sale
- Provide a Certificate of mechanical inspection for the vehicle
- Provide a current certificate of insurance for hire and reward use
- Provide a current MOT Certificate
- Provide a meter test certificate (if taximeter fitted)

3.2 In the interest of passenger safety and comfort only vehicles which have been approved by the licensing authority will be licensed. The licensing authority maintains a list of vehicles, including those classified as prestige vehicles, which have been approved as suitable for use as private hire vehicles.

3.3 The licensing authority has established standard licence conditions which a licence holder must comply with.

3.4 In the interests of protecting the public the Committee has adopted the following policies:

- (a) Vehicles presented for first time licensing must be under 25 months old, and will not be re-licensed if they are over 6 years old.
- (b) Any vehicle classified by the licensing authority as a Prestige vehicle, when presented for first time licensing must not be more than 10 years old, and will not be re-licensed if more than 10 years old.
- (c) Vehicles under the age of 4 years from date of first registration require an annual test and on passing the test are issued with a 12 month licence.
- (d) Vehicles over the age of 4 years from the date of first registration require a test every 6 months and on passing the test will be issued with a 6 month licence.
- (e) Vehicles will not have darkened glass without the written permission of the Council
- (f) To clarify the position in the case of applications for minibus type vehicles, in calculating passenger capacity, only one seat in the front row should be utilised for the conveyance of members of the public, so as to ensure the safety and comfort of both the public and the driver.
- (g) No fittings or signs, except those approved by the Council may be attached to the inside or outside of the vehicle.
- (h) Where the registered name of the company includes the word “cab” or “taxi” then the word “private hire” must also be displayed in letters not less than 2 inches in height.

3.5 Vehicles may be of any colour other than that adopted for hackney carriages, so they may **NOT** be black with a white bonnet, but they must be of a uniform colour as described in the vehicle V5 registration document.

- 3.6 To avoid confusion about the nature of a private hire vehicle, vehicles type approved as purpose built hackney carriages which do not meet the Metropolitan Conditions of Fitness are approved for licensing as private hire vehicles subject to the condition that they should be any single colour other than black.
- 3.7 In respect of ambulance type vehicles the licensing authority has agreed for a period of five years ending in January 2013, to remove the age limit requirement for any specially adapted private hire vehicle used only to provide school transport on a contract with Cardiff Council.
- 3.8 Display of signs and advertisements

In the interests of ensuring the standards expected by the public no signs or advertisements, except those approved by the Council shall be attached to the inside or outside of the vehicle. The following conditions apply:-

- (a) Exterior advertising is permitted on the outside rear door panel provided it does not exceed the dimensions of the panel and is restricted to one advertisement only with no other form of advertising displayed on the exterior of the vehicle.
 - (b) Visor and rear screen signs are permitted subject to the following:-
 - (i) they must not exceed 4½ inches in depth;
 - (ii) the lettering must not exceed 3½ inches in height;
 - (iii) in addition to the name of the company, the telephone may be displayed; and
 - (iv) neither the front or the rear screen sign to be illuminated.
 - (c) Where the registered name of the company includes the words “Cab” or “Taxi” in any sign the words “Private Hire” must also be displayed in letters not less than 2 inches in height. Where the registered name is more than 2 inches in height, the words “Private Hire” must be of an equal size to the registered name.
 - (d) All advertisements must conform with the standards of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and must not relate to matters concerning tobacco, alcohol or matters of a sexual nature.
 - (e) A screen displaying scrolling or moving advertisements may be securely fitted within the vehicle provided that the screen shall not be within the vision of the driver of the vehicle, one slide must indicate that the advertisements will be switched off at the request of a passenger, and subject to each individual advertisement being approved by the Authority, in writing, prior to its use.
- 3.9 The display of identification plates and badges is important in terms of protecting the public and the taxi trade. However, it is recognised that there are limited occasions, such as the operation of chauffeured, executive and limousine vehicles, where identification of the vehicle may have a negative effect both in terms of customer

safety and commercial considerations. The licensing authority may grant, or revoke, an exemption from the display of the external plate, and the use of darkened glass, in respect of vehicles operated solely as chauffeured, executive and limousine vehicles. Each application will be judged on its own merits.

4. PRIVATE HIRE OPERATORS LICENCES

[Local Government (Miscellaneous Provisions) Act 1976]

- 4.1 The Committee considers licences in respect of operating premises within the City and County of Cardiff and issues licences for a maximum of 12 months duration. A licence will not be issued in respect of premises outside the City of Cardiff to ensure that proper regulation and enforcement measures may be taken by the authority. Licences will only be issued to those persons who are considered to be fit and proper persons to provide a private hire vehicle booking service.
- 4.2 An Operator may only make use of drivers and vehicles licensed by Cardiff licensing authority. An Operator should ensure that all drivers and vehicles to which booking are allocated comply with all licence requirements laid down by the Local Authority.
- 4.3 A licence may not be transferred to any other person.
- 4.4 The licensing authority has approved standard conditions of licence have been approved which the licence holder must comply with.
- 4.5 The licensee shall provide and keep a suitable register in which he shall enter before the start of each journey, the following particulars for each contract of hire:-
 - (a) The time of hire.
 - (b) The pick-up point.
 - (c) The place of destination.
 - (d) The name of the hirer.
 - (e) The licence number and registration number of the vehicle used.
 - (f) The details of the driver.
- 4.6 Records shall be kept for a minimum of six months, be in a chronological order and must be produced on request to an authorised officer of the Council or a police constable for inspection.
- 4.7 The licensee shall provide details of the premises from which the private hire business will be carried on and must satisfy the Council that the premises comply with the relevant statutory requirements. In particular the licensee shall obtain any necessary planning permission for the premises used in connection with the business of operating private hire vehicles, and shall not engage in or allow or permit such operation until the necessary planning permission has been obtained.
- 4.8 The licensee shall provide and keep a suitable register in which he shall enter for each vehicle under his ownership details of make of vehicles, registration number, date of purchase, alterations in design or construction, date of sale/destruction, name and address of new purchaser and shall produce the same for inspection on request by an authorised officer of the Council or by a police constable.

5. HACKNEY CARRIAGE / PRIVATE HIRE DRIVER LICENCES

*[Legislation – Local Government (Miscellaneous Provisions) Act, 1976 Part III
Town Police Clauses Act, 1847
Transport Act, 1985]*

- 5.1 The licensing authority requires both hackney carriage and private hire drivers to meet the same standard and issues a licence which permits the holder to drive both hackney carriage and private hire vehicles. Applicants will be expected to be a minimum of 21 years of age and a licence will be issued for a maximum of one year. Relevant byelaws and conditions made by the Council in respect of the carriage of passengers for hire and reward must be complied with.
- 5.2 An applicant for the grant of a licence is required to:
- a) complete an application form;
 - b) provide evidence of having passed a DSA driving test;
 - c) provide evidence of having successfully undertaken the Level 2 BTEC national course “Introduction to the Role of the Professional Taxi and Private Hire Driver.”
 - d) provide evidence of eligibility to work in the UK.
 - e) provide evidence of medical fitness;
 - f) provide a current DVLA driving licence;
 - g) provide a print-out from the DVLA on their driving history;
 - h) produce current passport sized identity photographs;
 - i) provide proof of identity;
 - j) authorise a check on their criminal conviction history;
 - k) pay the grant application fee;
 - l) pass a street knowledge test; and
 - m) undertake a Disability Awareness training course within 3 months of being issued a licence.

An applicant for renewal of a licence is required to:-

- a) be the current holder of a licence;
- b) complete an application form;
- c) produce their existing photographic identity badges;
- d) provide a current DVLA driving licence or DVLA print-out; and
- e) pay the renewal application fee.

An applicant who has held a licence in the previous 12 months:-

- a) complete an application form;
- b) produce their previous photographic identity badges;
- c) produce current passport sized identity photographs;
- d) provide a current DVLA driving licence;
- e) provide a DVLA print-out;
- f) authorise a check on their criminal conviction history;
- g) pay a renewal application fee; and
- h) provide evidence of satisfactorily completing a Disability Awareness Training Course.

An applicant for a triennial renewal has to meet all the requirements of a renewal applicant and in addition they must:-

- a) provide a DVLA print-out; and
- b) authorise a check on their criminal conviction history.

5.3 Acceptance of Driving Licences from other EU Member States

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 as enacted stated that an applicant for a taxi or private hire vehicle (PHV) driver's licence must have held a full ordinary GB driving licence for at least 12 months in order to be granted a taxi or PHV driver's licence. This requirement has subsequently been amended. The Driving Licences (Community Driving Licence) Regulations 1996 (SI 1996 No 1974) amended sections of the 1976 Act to allow full driving licences issued by EEA states to count towards the qualification requirements for the grant of taxi and PHV driver's licences. Since that time, a number of central and eastern European states have joined the EU and the EEA and the Department for Transport takes the view that drivers from the Accession States are eligible to acquire a taxi or PHV driver's licence under the 1976 Act if they have held an ordinary driving licence for 12 months which was issued by an acceding State. In addition, the Deregulation (Taxis and Private Hire Vehicles) Order 1998 (SI 1998 No 1946) gave equal recognition to Northern Ireland driving licences for the purposes of taxi and PHV driver licensing under the 1976 Act.

All licensed drivers must therefore have held a full (not provisional) DVLA, Northern Ireland or European Economic Area (EEA) State driving licence for a minimum of twelve months. The EEA states are:

Austria	Belgium	Bulgaria
Cyprus	Czech Republic	Denmark
Estonia	Finland	France
Germany	Greece	Hungary
Iceland	Ireland	Italy
Latvia	Liechtenstein	Lithuania
Luxembourg	Malta	Netherlands
Norway	Poland	Portugal
Romania	Slovakia	Slovenia
Spain	Sweden	United Kingdom

5.4 Driving and Street Knowledge Tests

Hackney Carriage and Private Hire Vehicle Drivers have a special responsibility for the safe transportation of fare paying passengers. The licensing authority requires first time applicants or applicants who have not held a licence for the previous twelve months to pass a Driving Standards Agency taxi driving test and a street knowledge test. Drivers need to have a good working knowledge of the area for which they are licensed, especially in a complex urban area such as the City of Cardiff. The Council has determined that in order to determine that applicants are 'fit and proper' they must have an effective knowledge of the local topography and are required to undertake:

- (i) a written knowledge test covering prominent locations and conditions which attach to the licence; and
- (ii) an oral test consisting of questions on 15 different routes to test an applicants knowledge of the geographical area.

5.5 Medical Standards.

Current best practice advice on the medical fitness of drivers is contained in the booklet “Medical Aspects of Fitness to Drive” published by the Medical Commission on Accident Prevention in 1995 as a guide to Medical Practitioners. The licensing authority accepts the recommendation that the ‘Group 2’ medical standards applied by the DVLA in relation to bus and lorry driver’s, should also be applied by local authorities to taxi drivers. These standards are higher than for private motorists as professional vocational drivers spend substantially longer at the wheel so the risk of sudden illness occurring when at the wheel is greater.

In light of the Secretary of State’s Honorary Medical Advisory Panel on Diabetes Mellitus and Driving recommendations the authority will apply the C1 standards to hackney carriage and private hire drivers with insulin treated diabetes. Applicants for the grant of a driver’s licence or those licensed drivers who are or become insulin dependant diabetics, where they have good diabetic control and who have no significant complications, will be treated as "exceptional cases" and have their application for a licence considered on the individual merits.

- 5.6 The authority requires all applicants to disclose full details of their criminal history. An enhanced disclosure check will be required through the Criminal Records Bureau. All spent or unspent convictions disclosed are considered by the Committee. In considering these matters the Committee has adopted the following policy guidance.

5.7 Guidelines Relating to the Relevance of Convictions

It is the responsibility of the licensing authority to ensure that those who are granted licences as Hackney Carriage / Private Hire Vehicle Drivers are fit and proper persons to carry out that role. An applicants criminal background will therefore be checked as a part of the application determination procedure using the Criminal Records Bureau (CRB) Disclosure service. The authority complies fully with the CRB Code of Practice.

It is the general policy of the licensing authority to treat all applicants for hackney carriage and private hire driver’s licences fairly and not discriminate unfairly against any applicant on the basis of an irrelevant conviction or other information revealed during the application process. The Licensing Authority is committed to the fair treatment of all applicants in accordance with its Equal Opportunities policy.

In support of this general position the licensing authority had adopted the following policy to provide guidance to applicants for hackney carriage and private hire drivers licences.

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Licensing Authority when determining whether or not an

applicant or an existing licence holder is a fit and proper person to hold a hackney carriage / private hire driver's licence.

- 1.2 The aim of the policy is to protect the safety of the public. It has regard to the nature of the Council's locality and, in particular, the type of journey that may be undertaken by a vulnerable passenger.

2. General

- 2.1 In the policy set out below, the Licensing Authority is Cardiff Council. References to the Committee are to the Public Protection Committee of Cardiff Council, or such other Committee as may be appointed from time to time to discharge the Council's functions relating to the licensing of hackney carriage and private hire vehicle drivers.

- 2.2 Under the provisions of Sections 51 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a hackney carriage / private hire driver's licence is a fit and proper person to hold such a licence. When processing a licence application the Licensing Authority will make a check on an applicant's criminal record. A criminal record does not necessarily mean that a licence will not be issued. However, any convictions, warnings, cautions or charges awaiting trial, will be considered on the basis of:

- How relevant the offences are to the licence being applied for
- How serious the offences were, and
- How recent they were

- 2.3 Section 61 of the Act allows the Licensing Authority to suspend, revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle if convicted of an offence involving dishonesty, indecency, violence, failure to comply with the provisions of the Town Police Clauses Act 1847, or any other reasonable cause.

- 2.4 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Council to take into account all convictions recorded against an applicant, or the holder of a private hire or hackney carriage driver's licence, whether spent or not. Therefore the 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.

- 2.5 It is a condition of the grant of a hackney carriage / private hire driver's licence that the holder reports any convictions, pending charges or simple or conditional cautions issued by the police, to the Licensing Authority without delay.

3. Delegation Arrangements

- 3.1 The grant or renewal of an application for a hackney carriage / private hire driver's licence will normally be delegated to an authorised officer of the Licensing Authority.
- 3.2 Where an applicant for a new licence has been convicted of a relevant offence (for example one involving dishonesty, anti-social behaviour, violence, a serious driving offence or a breach of a licence condition) within a period of five years prior to the date of application, the application will be referred to the Public Protection Committee for determination. A relevant offence resulting in a simple or conditional caution or a fixed penalty notice may not be referred to the Committee. However, applicants who have been convicted of, or cautioned simply or conditionally by the police for dishonesty, indecency or violence, or have a history of repeat offending prior to that period will be referred to the Committee.
- 3.3 A driver holding a valid hackney carriage / private hire driver's licence issued by Cardiff Council, who is convicted of an offence of dishonesty, indecency, violence, failure to comply with the statutory provisions, or any other reasonable cause falling during the period of the licence, shall be requested to appear before the Committee. "Reasonable cause" will include offences under licensing legislation and may include a breach of byelaws, or private hire driver conditions, or vehicle licence conditions. The Committee may then exercise its powers to suspend, revoke or refuse to renew the licence.
- 3.4 In the case of a renewal application, where the Public Protection Committee has already considered a conviction on a previous occasion and decided to grant a licence, the conviction will not be brought to the attention of the Committee again without reasonable cause.
- 3.5 The Operational Manager (Licensing and Strategic Services) may decide not to refer an application to the Public Protection Committee if an applicant has been convicted of, or cautioned for, a relatively minor criminal offence and has demonstrated a period of rehabilitation in excess of 3 years prior to the date of application.
- 3.6 Where the holder of a hackney carriage / private hire drivers' licence is charged with an offence which may lead to the licence being revoked, officers of the council have been delegated authority to suspend the licence. In such case the matter will be referred to the earliest available meeting of the Public Protection Committee in order to determine whether or not the licence should continue to be suspended. The discretion to reinstate a suspended licence lies with the Committee.

4. Convictions, Breaches of Condition and Alleged Offences

- 4.1 The information set out below is not exhaustive, nor is it in any order of priority. It is intended as a guide to applicants on how the Committee may

determine the degree of weight to give to a conviction, prior to reaching a conclusion about the case before them. As a general principle:

- i) each case will be determined on its own merit, and;
- ii) the overriding consideration will be the protection of the public, and;
- iii) where there is evidence causing significant doubt about the fitness or appropriateness of an applicant or licence holder, the Public Protection Committee will exercise the precautionary principle and refuse the application, or revoke the licence.

Minor Driving Offences

- 4.2 A conviction for a minor driving offence, for example one incurring no more than 3 penalty points, will not usually result in refusal or revocation and will not be referred to the Committee. A driver may be referred to the Committee where there is a pattern of repeat offending over a longer period of time.

Major Driving Offences

- 4.3 A conviction for a major driving offence, for example one incurring between 4 and 11 penalty points, will normally result in a written warning as to future driving conduct. Drivers will be advised on the required standards. In the case where an applicant or licence holder has more than one conviction for this type of offence within a period of five years ending with the date of conviction of the second offence, the matter will be referred to the Public Protection Committee. The Committee will have regard to any previous convictions and may determine to refuse an application or revoke a current licence. In the case of an offence involving vehicle insurance an applicant will be required to demonstrate the ability to obtain insurance covering hire and reward

Breach of Licence Condition

- 4.4 The holder of a hackney carriage driver's / private hire driver's licence found by an authorised officer of the Licensing Authority, or a police officer, to be in breach of licensing legislation or licence conditions will be warned in writing as to future conduct, provided that the breach did not put the safety of passengers or the public at risk.
- 4.5 The Public Protection Committee may revoke a hackney carriage / private hire driver's licence where the holder has been convicted of a serious breach of licence law.

Disqualification from Driving (excluding Drink/Drive Offences)

- 4.6 In paragraphs 4.7 to 4.10 below, the Licensing Authority will treat a period of a disqualification as being that which a driver would have been eligible to serve, and will 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.

- 4.7 Where a recent conviction has resulted in a short period disqualification (less than 56 days), an application is unlikely to be granted unless a period of at least 6 months has elapsed from the end of the disqualification period. This 6-month period may be reduced, at the discretion of the Committee where an applicant has successfully completed further recognised driver training and testing since the disqualification ended.
- 4.8 If sufficient penalty points have accrued within a three year period under the "totting up" system to cause or merit disqualification for a period not exceeding 12 months, an application for a private hire or hackney carriage driver's licence is unlikely to be granted within a term of 12 months following the end of a disqualification period. This 12-month period may be reduced at the discretion of the Committee where an applicant has successfully completed further recognised driver training and testing since the disqualification period ended.
- 4.9 The Licensing Authority is unlikely to grant an application for a private hire or hackney carriage driver's licence for a period of three years following the ending of a disqualification exceeding 12 months. The three-year period may be reduced to no less than 12 months at the discretion of the Public Protection Committee where an applicant has successfully completed further recognised driver training and testing since the disqualification ended.
- 4.10 The Licensing Authority will not normally entertain 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.

Driving Under the Influence of Alcohol or Drugs

- 4.11 Disqualification from driving following a conviction for driving, or being in charge of a vehicle, whilst under the influence of drugs or alcohol, will be considered more serious than a disqualification under paragraphs 4.7 and 4.8 above. A single conviction is unlikely to result in an application being refused, provided that at least three years have elapsed since the ending of the disqualification. A conviction for 'refusing or failing to provide a specimen when asked' may be treated in the same way.
- 4.12 At least five years should elapse following the end of a disqualification period before an application from an applicant with more than one conviction for such an offence is likely to be granted. A special medical examination may be required before an application is considered. Where an applicant is found to be in need of medical treatment, a period of five years shall elapse, after successful treatment, before a further application is likely to be granted.

Drug Related Offences

- 4.13 An applicant with a conviction for possession of an illegal substance is likely to be required to show a period of at least five years free of conviction before an application is granted. If the applicant has received treatment for addiction, then the period shall be five years following successful detoxification treatment.
- 4.14 The Licensing Authority is unlikely to grant an application from a person convicted of any offence involving the supply of illegal substances to others unless a period of at least 10 years free from criminal conviction has elapsed.

Drunkenness (Not in a Motor Vehicle)

- 4.15 An isolated conviction for drunkenness is unlikely to result in an application being refused or a licence being revoked, provided it is not associated with other criminal conduct.
- 4.16 More than one conviction for drunkenness may indicate a medical problem necessitating a medical report. If an applicant is assessed as being alcohol dependant, a period of three years following successful treatment shall elapse before a further licence application is considered. A current licence holder may have his or her licence suspended pending the outcome of the medical report. A medical report confirming alcohol dependency will result in revocation of a licence.

Indecency and Other Sexual Offences

- 4.17 The Licensing Authority will not normally grant an application from a person convicted of, or cautioned simply or conditionally for, any offence involving sexual misconduct including indecent exposure, indecent assault, soliciting or any other serious sexual offences until a substantial period (at least three to five years) free of such offences has elapsed. Regard will be given also to any other relevant information disclosed at the Chief Police Officer's discretion.

Violence

- 4.18 The Licensing Authority is unlikely to grant an application from a person convicted of an offence involving the use of violence resulting in actual bodily harm, grievous bodily harm, wounding, or assault, unless at least five years free of such convictions can be demonstrated. A licence holder convicted of such an offence may have his or her licence revoked.
- 4.19 The Licensing Authority is unlikely to grant an application from a person convicted of an offence involving the use of violence or threatening behaviour towards a police officer.
- 4.20 The Committee will normally revoke a private hire or hackney carriage driver's licence where the holder has been convicted of an offence involving obstruction to, or making a false statement to, or the use of violence or threatening behaviour towards, a police officer or an authorised officer of the Licensing Authority carrying out his or her duty.

Dishonesty

- 4.21 The Licensing Authority is unlikely to grant an application from a person convicted of an offence involving dishonesty unless at least three years free of such convictions can be demonstrated. The Committee may still refuse the application unless the applicant can provide references from at least two trusted sources such as an employer, or probation officer, in support of the application.

Repeat Offending

- 4.22 The Licensing Authority is unlikely to grant an application from a person with a record of persistent offending, where the record shows a lack of regard for the well being of others or for property, unless a period of at least ten years has elapsed since the most recent conviction. The Committee may still refuse the application unless the applicant can provide character references from at least two trusted sources such as an employer, or probation officer, in support of the application.

5. Probationary Licences

- 5.1 The Committee may grant a ‘probationary’ licence for a period of less than 12 months provided there is reasonable justification to do so.

6. Overseas Residents

- 6.1 If an applicant has spent six continuous months or more overseas the Licensing Authority will expect to see evidence of a criminal record check from the country or countries covering that period.

7. Licences Issued By Other Authorities

- 7.1 Where an application for a hackney carriage / private hire driver’s licence has been referred to the Public Protection Committee for determination with regard to this policy, and the applicant already holds such a licence granted by another local authority, the guidance in this policy shall take precedence over any decision of another authority.

8. Appeals

- 8.1 There is no direct appeal against the imposition of penalty points under the Council’s non-statutory scheme. However any person aggrieved by a decision of the Committee to revoke, suspend or refuse to grant a driver’s licence or by any conditions attached to the grant of a licence, may appeal to the Magistrates’ Court within 21 days of notification of the decision. The penalty imposed would normally be suspended until the appeal was determined or abandoned however in exceptional circumstances the licensing authority may determine that a penalty should have effect until the appeal is determined.

5.8 Penalty Point System

The Licensing Committee agreed to introduce a Penalty Point system to be utilised in the event of misconduct by licensed Hackney Carriage/Private Hire Drivers. As a consequence the Licensing Committee defined guidelines for the administration of the system and resolved that:

- (1) the categories of offences, together with the range of penalty points listed below be adopted as guidelines, and each matter be considered on its merits and depend upon the circumstances surrounding each case:

(a)	<u>Assault</u>	<u>Points Range</u>
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
(b)	<u>Harassment</u>	
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
(c)	<u>Deception</u>	
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
	(iii) Not wearing a badge	2
(d)	<u>Abuse</u>	
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
(e)	<u>Obstruction</u>	
	(i) Involving fellow drivers	1-4
	(ii) Involving members of the public	4-8
(f)	<u>Persistent receipt of Stop Notices</u>	
	(i) 3 or more in 3 months	1-4
	(ii) Defective vehicles with the following:-	4-8
	(a) Bald tyres	
	(b) Lights	
	(c) Dangerous parts and accessories	
(g)	<u>Persistent Contravention of Conditions</u>	
	(i) 3 or more in one month	4-8

(2) the accumulation of ten or more points in any three years will normally result in the revocation of the licence.

5.9 As a matter of policy in exceptional circumstances the licensing authority may consider it is in the public interest to suspend or revoke a licence with immediate effect.