

At: Aelodau'r Pwyllgor Trwyddedu

Dyddiad: 2 Mehefin 2016

Rhif Union: 01824 712568

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Annwyl Gyngorydd

Fe'ch gwahoddir i fynychu cyfarfod y **PWYLLGOR TRWYDDEDU, DYDD MERCHER, 8 MEHEFIN 2016** am **9.30 am** yn **SIAMBR Y CYNGOR, NEUADD Y SIR, RHUTHUN**.

Yn gywir iawn

G Williams

Pennaeth Gwasanaethau Cyfreithiol a Democrataidd

AGENDA

RHAN 1 – GWAHODDIR Y WASG A'R CYHOEDD I FOD YN BRESENNOL AR GYFER Y RHAN HON O'R CYFARFOD

1 YMDDIHEURIADAU

2 PENODI CADEIRYDD

Penodi Cadeirydd y Pwyllgor Trwyddedu ar gyfer y flwyddyn i ddod.

3 PENODI IS-GADEIRYDD

Penodi Is-Gadeirydd y Pwyllgor Trwyddedu ar gyfer y flwyddyn i ddod.

4 DATGANIADAU O FUDDIANT (Tudalennau 7 - 8)

Dylai'r Aelodau ddatgan unrhyw gysylltiad personol neu gysylltiad sy'n rhagfarnu mewn unrhyw fater a nodwyd i'w ystyried yn y cyfarfod hwn.

5 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Rhybudd o eitemau y dylid, ym marn y Cadeirydd, eu hystyried yn y cyfarfod fel materion bryd yn unol ag Adran 100B (4) Deddf Llywodraeth Leol, 1972.

6 COFNODION Y CYRFARFOD DIWETHAF (Tudalennau 9 - 20)

Derbyn -

(a) cofnodion y Pwyllgor Trwyddedu a gynhaliwyd ar 9 Mawrth 2016 (copi wedi'i amgáu), a

(b) cofnodion y Pwyllgor Trwyddedu Arbennig a gynhaliwyd ar 24 Mawrth 2016 (copi wedi'i amgáu).

7 POLISI ARFAETHEDIG CERBYDAU HACNI A HURIO PREIFAT
(Tudalennau 21 - 76)

Ystyried adroddiad gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (copi ynghlwm) yn rhoi gwybod i aelodau am ganlyniad yr ymgynghoriad am y Polisi Arfaethedig Cerbydau Hacni a Cherbydau Hurio Preifat.

8 BLAENRAGLEN WAITH Y PWYLLGOR TRWYDDEDU (Tudalennau 77 - 78)

Ystyried adroddiad gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (copi ynghlwm) yn cyflwyno rhaglen gwaith i'r dyfodol y pwyllgor i'w gymeradwyo.

RHAN 2 - MATERION CYFRINACHOL

Argymhellir, yn unol ag Adran 100A(4) Deddf Llywodraeth Leol 1972, bod y Wasg a'r Cyhoedd yn cael eu gwahardd o'r cyfarfod tra bydd yr eitem(au) busnes canlynol yn cael eu trafod oherwydd ei bod yn debygol y bydd gwybodaeth eithriedig yn cael ei datgelu, fel y'i diffinnir ym mharagraffau 12 a 13, Rhan 4 Atodlen 12A o'r Ddeddf.

9 CAIS AM DRWYDDED I YRRU CERBYD HACNI A CHERBYDAU HURIO PREIFAT - YMGEISYDD RHIF 15/1446/TXJDR (Tudalennau 79 - 82)

Ystyried adroddiad cyfrinachol gan y Pennaeth Cynllunio a Diogelu'r Cyhoedd (copi ynghlwm) yn gofyn i aelodau benderfynu ar gais gan Ymgeisydd Rhif 15/1446/TXJDR.

10 CAIS AM DRWYDDED I YRRU CERBYD HACNI A CHERBYDAU HURIO PREIFAT - YMGEISYDD RHIF 16/0374/TXJDR (Tudalennau 83 - 100)

Ystyried adroddiad cyfrinachol gan y Pennaeth Cynllunio a Diogelu'r Cyhoedd (copi ynghlwm) yn gofyn i aelodau benderfynu ar gais gan Ymgeisydd Rhif 16/0374/TXJDR.

11 ADOLYGIAD O DRWYDDED I YRRU CERBYDAU HACNI A CHERBYDAU HURIO PREIFAT - GYRRWR RHIF 15/1124/TXJDR (Tudalennau 101 - 126)

Ystyried adroddiad cyfrinachol gan y Pennaeth Cynllunio a Diogelu'r Cyhoedd (copi ynghlwm) yn gofyn i aelodau adolygu trwydded i yrru cerbydau hacni a cherbydau hurio preifat o ran Gyrrwr Rhif 15/1124/TXJDR.

12 ADOLYGIAD O DRWYDDED I YRRU CERBYDAU HACNI A CHERBYDAU HURIO PREIFAT - GYRRWR RHIF 15/1567/TXJDR (Tudalennau 127 - 134)

Ystyried adroddiad cyfrinachol gan y Pennaeth Cynllunio a Diogelu'r Cyhoedd (copi ynghlwm) yn gofyn i aelodau adolygu trwydded i yrru cerbydau hacni a cherbydau hurio preifat o ran Gyrrwr Rhif 15/1567/TXJDR

13 CAIS AM DRWYDDED AR GYFER CERBYD HURIO PREIFAT (Tudalennau 135 - 138)

Ystyried adroddiad cyfrinachol gan y Pennaeth Cynllunio a Diogelu'r Cyhoedd (copi ynghlwm) yn gofyn i aelodau benderfynu ar gais ar gyfer Trwydded Hurio Preifat.

AELODAETH

Y Cynghorwyr

Cefyn Williams (Cadeirydd)

Barry Mellor (Is-Gadeirydd)

Joan Butterfield

Pete Prendergast

Bill Cowie

Arwel Roberts

Stuart Davies

David Simmons

Hugh Irving

Huw Williams

Merfyn Parry

COPIAU I'R:

Holl Gynghorwyr er gwybodaeth

Y Wasg a'r Llyfrgelloedd

Cynghorau Tref a Chymuned

Mae tudalen hwn yn fwriadol wag

**PWYLLGOR TRWYDDEDU
GWEITHDREFN ER MWYN PENDERFYNU AR GEISIADAU AM
DRWYDDEDAU GYRWYR CERBYDAU HACNI A CHERBYDAU HURIO
PREIFAT AC ADOLYGU GYRWYR TRWYDDEDIG PRESENNOL**

| CAM | DISGRIFIAD |
|-----|--|
| 1. | Dylai'r Cadeirydd groesawu a chyflwyno'r ymgeisydd/deilydd y drwydded i bawb sy'n bresennol. |
| 2. | Dylai'r Cyfreithiwr ofyn i'r ymgeisydd/deilydd y drwydded i gadarnhau ei fod/bod wedi derbyn yr adroddiad a gweithdrefnau'r Pwyllgor. Os yw'r ymgeisydd yn ateb yn gadarnhaol, dylid symud ymlaen at gam 4. |
| 3. | Pe digwydd i'r ymgeisydd/deilydd y drwydded ddweud nad yw wedi derbyn yr adroddiad, yna dylid cyfarch y mater yn awr. Gallai'r Aelodau fod eisiau ystyried gohirio'r mater, am gyfnod byr, er mwyn i'r ymgeisydd/deilydd y drwydded gael cyfle i ddarllen yr adroddiad. |
| 4. | Dylai Pennaeth Cynllunio a Diogelu'r Cyhoedd (neu gynrychiolydd ar ei ran) gyflwyno'r cais/adolygiad yn fras |
| 5. | Gofynnir i'r ymgeisydd/deilydd y drwydded gyflwyno ei achos/hachos Gall yr ymgeisydd/deilydd y drwydded alw unrhyw dyst y mae'n eu dewis i gefnogi ei gais/chais, a dylid rhoi rhybudd ymlaen llaw i'r Swyddogion Trwyddedu ynglŷn â hynny. |
| 6. | Gall Aelodau'r Pwyllgor holi'r ymgeisydd/deilydd y drwydded ac /neu ei dystion ei thystion. |
| 7. | Gwahoddir swyddogion technegol i gyflwyno unrhyw ganfyddiadau (Gorfodaeth Trwyddedu/Cymunedol, Tîm Cyswllt Cyntaf (y Gwasanaethau Cymdeithasol), Cludiant Ysgolion.) |
| 8. | Gall Aelodau'r Pwyllgor ac yna'r ymgeisydd/deilydd y drwydded ofyn cwestiynau i'r swyddogion technegol |
| 9. | Gwahoddir yr ymgeisydd/deilydd y drwydded i gyflwyno sylwadau i gloi, os ydynt yn dymuno gwneud hynny. |
| 10. | Gofynnir i'r canlynol adael y cyfarfod tra trafodir y cais/yr adolygiad gan yr Aelodau - yr ymgeisydd/deilydd y drwydded, pob trydydd parti, Pennaeth Cynllunio a Diogelu'r Cyhoedd, swyddogion technegol. DS yr unig rai a ddylai fod yn weddill yw – Aelodau'r Pwyllgor, cyfieithydd, cynghorydd cyfreithiol y pwyllgor a'r sawl sy'n cymryd y cofnodion. |

| | |
|-----|--|
| 11. | Dylai aelodau'r pwyllgor roi ystyriaeth i'r cais/adolygiad gan roi cyfrif am y dystiolaeth a glywyd. |
| 12. | Pe bai'n angenrheidiol i Aelodau'r Pwyllgor alw unrhyw barti yn eu holau i'w holi neu i ofyn iddynt ddarparu rhagor o wybodaeth neu egluro rhywbeth, gwahoddir pawb a fydd wedi ymneilltuo o'r cyfarfod yn eu holau. Wedi i'r cwestiwn (cwestiynau) gael eu hateb gofynnir i bob trydydd parti ymneilltuo unwaith eto er mwyn i'r Aelodau gael ystyried y dystiolaeth i gyd. |
| 13. | Pan fo'r Aelodau wedi dod i benderfyniad, gelwir yr holl bartïon yn eu holau a chaiff yr ymgeisydd/deilydd y drwydded wybod beth yw penderfyniad yr Aelodau gan y Cadeirydd. |
| 14. | Bydd y Cadeirydd yn rhoi gwybod i'r ymgeisydd/deilydd y drwydded o'r penderfyniad y daethpwyd iddo. Bydd hyn yn cynnwys unrhyw amodau neu gosbau sydd wedi eu gosod. Os oes angen, dylai Cyfreithiwr y Cyngor gyflwyno eglurhad pellach ynglŷn â'r penderfyniad a'i oblygiadau i'r ymgeisydd/deilydd y drwydded. |
| 15. | Os mai'r penderfyniad yw gwrthod neu os oes penderfyniad i atal neu ddirymu, dylai Cyfreithiwr y Cyngor roi gwybod i'r ymgeisydd/deilydd y drwydded am yr hawl i apelio i Lys Ynadon (bydd y llythyr penderfyniad hefyd yn cynnwys y manylion hyn). |
| 16. | <p>Ar gyfer gyrrwr sydd eisoes wedi ei drwyddedu (a bod y drwydded wedi ei rhoi gan Sir Ddinbych), a bod penderfyniad y Pwyllgor yn ymwneud ag atal neu ddirymu'r drwydded bresennol, gall yr Aelodau wneud hynny naill ai o dan:</p> <ol style="list-style-type: none"> 1. Adran 61 (2A) Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976. 2. Adran 61 (2B) Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976. <p>Daw'r penderfyniad hwn i rym YN SYTH ac ni ellir ei ddefnyddio ond pan fo'r sail dros atal/dirymu yn fater sy'n ymwneud â diogelwch y cyhoedd.</p> <p>Bydd y Cyfreithiwr yn esbonio goblygiadau'r penderfyniad wrth ddeilydd y drwydded.</p> |
| 17. | Caiff yr ymgeisydd/deilydd y drwydded ei hysbysu o'r penderfyniad yn ysgrifenedig cyn gynted ag y bo'r ymarferol bosibl. |
| 18. | Caiff yr ymgeisydd/deilydd y drwydded ei wahodd/gwahodd i drafod unrhyw fater y mae'n ansicr yn ei gyloch gyda Swyddogion Trwyddedu yn dilyn y Pwyllgor. |

DEDDF LLYWODRAETH LEOL 2000

Cod Ymddygiad Aelodau

DATGELU A CHOFRESTRU BUDDIANNAU

Rwyf i,
(enw)

*Aelod /Aelod cyfetholedig o
(*dileuer un)

Cyngor Sir Ddinbych

YN CADARNHAU fy mod wedi datgan buddiant ***personol / personol a sy'n rhagfarnu** nas datgelwyd eisoes yn ôl darpariaeth Rhan III cod ymddygiad y Cyngor Sir i Aelodau am y canlynol:-
(*dileuer un)

Dyddiad Datgelu:

Pwyllgor (nodwch):

Agenda eitem

Pwnc:

Natur y Buddiant:

(Gweler y nodyn isod)*

Llofnod

Dyddiad

Noder: Rhwch ddigon o fanylion os gwelwch yn dda, e.e. 'Fi yw perchennog y tir sy'n gyfagos i'r cais ar gyfer caniatâd cynllunio a wnaed gan Mr Jones', neu 'Mae fy ngŵr / ngwraig yn un o weithwyr y cwmni sydd wedi gwneud cais am gymorth ariannol'.

Mae tudalen hwn yn fwriadol wag

PWYLLGOR TRWYDDEDU

Cofnodion cyfarfod o'r Pwyllgor Trwyddedu a gynhaliwyd yn Siambr y Cyngor, Ty Russell, Y Rhyl, Dydd Mercher, 9 Mawrth 2016 am 9.30 am.

YN BRESENNOL

Cynghorwyr Stuart Davies, Barry Mellor (Is-gadeirydd), Arwel Roberts, Cefyn Williams (Cadeirydd) a Huw Williams

HEFYD YN BRESENNOL

Pen Gyfreithiwr (AL), Rheolwr Busnes Gwarchod y Cyhoedd (IM), Swyddog Trwyddedu (NJ), Swyddog Gorfodaeth Diogelwch Cymunedol (HB) a Gweinyddwr Pwyllgor (KEJ)

HYSBYSIAD

Cytunodd y Cadeirydd i amrywio trefn y rhaglen er mwyn i unigolion gael rhoi sylw i eitemau penodol.

1 YMDDIHEURIADAU

Cynghorwyr Joan Butterfield, Bill Cowie, Richard Davies, Hugh Irving, Win Mullen-James a Pete Prendergast

2 DATGANIADAU O GYSYLLTIAD

Bu i'r Cynghorydd Barry Mellor ddatgan cysylltiad personol sy'n rhagfarnu yn Eitem 11 ar y Rhaglen - Adolygu Trwydded i Yrru Cerbyd Hacni a Cherbydau Hurio Preifat oherwydd ei fod yn adnabod y gyrrwr dan sylw yn yr adolygiad.

3 MATERION BRYG FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chodwyd unrhyw faterion bryg.

4 COFNODION Y CYFARFOD DIWETHAF

Cyflwynwyd cofnodion y Pwyllgor Trwyddedu a gynhaliwyd ar 2 Rhagfyr 2015.

PENDERFYNWYD bod cofnodion y cyfarfod a gynhaliwyd ar 2 Rhagfyr 2015 yn cael eu derbyn a'u cadarnhau fel cofnod cywir.

Gwahardd y wasg a'r cyhoedd

PENDERFYNWYD gwahardd y Wasg a'r Cyhoedd o'r cyfarfod dan ddarpariaethau Adran 100A Deddf Llywodraeth Leol 1972, tra bod yr eitemau canlynol yn cael eu trafod oherwydd ei bod yn debygol y bydd gwybodaeth eithriedig yn cael ei datgelu fel y diffinnir hi ym Mharagraff 14 Rhan 4, Atodlen 12A o Ddeddf Llywodraeth Leol 1972.

5 GOLLYNGIAD O'R GOFYNIAD I ARDDANGOS PLATIAU TRWYDDED CERBYDAU HURIO PREIFAT

Cyflwynwyd adroddiad cyfrinachol gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (a gylchredwyd ymlaen llaw) ynghylch –

- (i) cais ar gyfer gollyngiad o'r gofyniad i arddangos platiau trwydded car Gerbyd Hurio Preifat;
- (ii) pwerau'r Cyngor i ganiatáu gollyngiad i berchenogion rhag arddangos plât trwydded gan ystyried natur weithredol y gwaith ynghyd ag ansawdd y cerbyd dan sylw a lle byddai'r cerbyd yn cael ei weithredu;
- (iii) bod yr ymgeisydd wedi rhoi ei fanylion llawn am y cerbyd a natur y busnes (Atodiad B);
- (iv) ffactorau penderfynu eraill y mae angen eu hystyried ynghyd â pholisi drafft y Cyngor wrth ystyried ceisiadau o'r fath (Atodiad A) ac amodau a awgrymwyd i'w hystyried (Atodiad C) pe bai aelodau o blaid caniatáu'r cais am ollyngiad.

Rhoddodd y Swyddog Trwyddedu grynodedb o'r adroddiad a'r cais.

Ymhelaethodd yr Ymgeisydd ar waith a natur ei fusnes a'r rhesymau y tu ôl i'w gais am ollyngiad er mwyn diwallu anghenion ei gleientiaid a'i alluogi i gystadlu â busnesau sy'n cystadlu am yr un gwaith ag ef. Darparodd ddau ddatganiad ysgrifenedig gan gleientiaid presennol i gefnogi ei fusnes a darpariaeth arbennig ar gyfer cerbydau heb blatiau ond wedi eu trwyddedu.. Mewn ymateb i gwestiynau gan aelodau dadleuodd yr Ymgeisydd mai ef oedd yn y sefyllfa orau i ddewis cerbyd i ddiwallu anghenion a disgwyliadau ei gleientiaid a'i fod yn darparu gwasanaeth teithio penodol proffesiynol. Cadarnhaodd swyddogion pe bai aelodau o blaid caniatáu'r cais y byddai'r telerau a'r amodau perthnasol yn weithredol yn uno â cherbydau hurio preifat eraill a oedd wedi eu trwyddedu yn amodol ar ofyniad i arddangos plât trwydded a sticeri drws. Cadarnhawyd hefyd mai polisi presennol y Cyngor oedd trwyddedu cerbydau hyd at bump oed oni bai bod y cerbyd mewn cyflwr eithriadol, er bod y polisi hwnnw'n cael ei adolygu ar hyn o bryd.

Neilltuodd y pwyllgor i ystyried yr achos –

PENDERFYNWYD cymeradwyo'r cais am ollyngiad o'r gofyniad i arddangos plât a sticeri drws cerbyd hurio preifat ar sail yr amodau yn Atodiad C.

Dyma'r rhesymau a roddwyd am benderfyniad gan y Pwyllgor Trwyddedu -

Ar ôl ystyried yr adroddiad a chais yr Ymgeisydd, bu peth trafodaeth ynghylch a oedd manyleb y cerbyd yn bodloni gofynion eithrio o ran ansawdd moethus ac roedd barn gymysg am hynny. Roedd aelodau'n fodlon fod natur y gwaith yn bodloni'r meini prawf ar gyfer eithrio yn yr achos hwn ac yn gyffredinol cytunwyd bod ansawdd y cerbyd hefyd yn bodloni'r meini prawf o ran manyleb gan ystyried anghenion cleientiaid yr Ymgeisydd a'r gwasanaeth pwrpasol a ddarparwyd. O

ganlyniad cytunwyd i ganiatáu'r cais. Roedd yr amodau wedi eu gosod er mwyn helpu i reoleiddio a gorfodi.

Wrth fynd heibio, cyfeiriwyd at y polisi drafft ar gyfer delio â cheisiadau i eithrio rhag arddangos platiau trwydded cerbydau hurio a sticeri drws. Nodwyd y byddai'r polisi'n cael ei gyflwyno i'r Cyngor llawn i'w gymeradwyo ac awgrymwyd defnyddio mwy o hyblygrwydd o ran manyleb y cerbyd gan ystyried anghenion rhai cleientiaid o safbwynt disgresiwn a bod yn anhysbys.

Felly cyflwynwyd penderfyniad a rhesymau'r pwyllgor i'r Ymgeisydd.

6 ADOLYGIAD O DRWYDDED I YRRU CERBYDAU HACNI A CHERBYDAU HURIO PREIFAT - GYRRWR RHIF 15/1123/TXJDR

Cyflwynwyd adroddiad cyfrinachol gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (a gylchredwyd ymlaen llaw) ynglŷn ag –

- (i) addaswyd Gyrrwr Rhif 15/1123/TXJDR i ddal trwydded i yrru cerbyd hacni a cherbydau hurio preifat ar ôl cael 20 o bwyntiau cosb o dan gynllun pwyntiau cosb y Cyngor am gyflwyno cerbyd trwyddedig am brawf mewn cyflwr anniogel a pheryglus;
- (ii) roedd manylion am y diffygion a nodwyd ar ôl i'r cerbyd gael ei gyflwyno am brawf Cydymffurfio/MOT wedi eu cynnwys yn yr adroddiad ynghyd â datganiadau tyst a'r dogfennau cysylltiedig, a
- (iii) roedd y Gyrrwr wedi ei wahodd i fynychu'r cyfarfod i gefnogi'r adolygiad o'i drwydded ac ateb cwestiynau'r aelodau wedi hynny.

Cyflwynodd y Swyddog Gorfodaeth yr adroddiad a manylodd ynghylch ffeithiau'r achos. Mewn achosion lle mae 20 neu fwy o bwyntiau cosb gan yrrwr mewn cyfnod o 24 mis, yr arfer yw cyfeirio'r mater i'r pwyllgor ei adolygu.

Cyflwynodd y Gyrrwr ymateb ysgrifenedig i gefnogi ei achos gan ddweud ei fod yn rhoi ystyriaeth ddifrifol i ddiogelwch teithwyr ac na fyddai'n cludo teithwyr mewn cerbyd os gwyddai ei fod mewn cyflwr peryglus. Roedd y cerbyd wedi bod yn cael ei drwsio yn syth cyn ei gyflwyno ar gyfer MOT/Cydymffurfio a bu anghytuno ynglŷn â rhai o'r pethau a oedd wedi methu'r prawf. Cyn belled ag y gwyddai'r Gyrrwr roedd y cerbyd wedi bod mewn cyflwr da ar wahân i un broblem gyda'r brêcs. Roedd wedi bod yn yrrwr tacsis am gryn amser heb gŵyn flaenorol yn ei erbyn.

Manteisiodd yr Aelodau ar y cyfle i holi'r Gyrrwr am amgylchiadau'r achos yn cynnwys cyflwr cyffredinol y cerbyd a'r drefn gynnal a arweiniodd at dynnu sylw at y ffaith bod y cerbyd mewn cyflwr peryglus ac yntau'n gyrru'r cerbyd gan wybod hynny. Mewn ymateb i gwestiynau ailadroddodd y Gyrrwr ei fod wedi mynd â'r cerbyd i'w drwsio wythnos cyn yr archwiliad a bod gwaith wedi ei wneud arno gan gofio cyflwr y cerbyd. Roedd llwch y tu mewn a thu allan i'r cerbyd ar ôl y gwaith trwsio ac roedd wedi ceisio ei lanhau yn yr amser cyfyngedig a oedd ar gael. Roedd wedi gyrru'n syth o'r garej i'r orsaf brawf pan sylwodd fod problem gyda'r brêcs ond ni allai ddwyn i gof eu bod wedi dweud wrtho ar yr adeg y methodd y prawf nad

oedd y cerbyd yn ddiogel i'w yrru. Roedd wedi gyrru'r cerbyd o'r orsaf brawf gyda'r bwriad o'i drwsio. Sicrhaodd y Gyrrwr y pwyllgor ei fod yn archwilio 'r cerbyd bob dydd a'i fod yn cael ei wasanaethu bob tri mis.

Wrth wneud datganiad terfynol dywedodd y Gyrrwr ei fod yn ystyried ei hun yn yrrwr da a'i fod yn fodlon derbyn awgrymiadau gan y pwyllgor ynglŷn â threfn gynnal a chadw'r cerbyd yn y dyfodol yn sgil y methiannau presennol.

Neilltuodd y pwyllgor i ystyried yr achos -

PENDERFYNWYD atal y drwydded yrru cerbyd hacni a cherbyd hurio preifat a roddwyd i Yrrwr Rhif. 15/1123/TXJDR ar sail diogelwch y cyhoedd yn syth.

Dyma resymau a roddwyd am benderfyniad y Pwyllgor Trwyddedu –

Yn ystod trafodaethau rhoddodd aelodau ystyriaeth ofalus i'r dystiolaeth a gyflwynwyd a chais y Gyrrwr i gefnogi'r adolygiad o'i drwydded. Nid oedd y pwyllgor yn ystyried bod adroddiad y Gyrrwr o'r digwyddiadau'n gredadwy oherwydd byddai wedi gwybod bod y cerbyd mewn cyflwr budr iawn, yn ogystal â'r llwch ar ôl y gwaith trwsio, gan fod rhai i'w gweld yn amlwg ac roedd nifer o arwyddion eraill nad oedd yn cael ei gynnal yn briodol. Yn ôl ei gyfaddefiad ei hun, cyflwynodd y Gyrrwr ei gerbyd i gael ei archwilio gan wybod bod problem gyda'r brêcs, a theimlai'r pwyllgor ei fod yn amlwg nad oedd yn deall ei gyfrifoldebau fel gyrrwr trwyddedig a'r angen i gynnal ei gerbyd i safon dderbyniol. Mynegwyd pryderon difrifol fod y Gyrrwr wedi methu â chynnal y cerbyd i safon ddiogel a'i fod wedi gyrru'r cerbyd gan wybod bod diffygion difrifol arno ar ôl methu'r prawf MOT a'i fod wedi rhoi'r cyhoedd mewn perygl. O ganlyniad ystyria'r pwyllgor nad oedd y Gyrrwr yn unigolyn addas a phriodol i yrru cerbyd hacni a cherbydau hurio preifat a phenderfynwyd atal ei drwydded yn syth er mwyn diogelwch y cyhoedd.

Felly cafodd penderfyniad a rhesymau'r pwyllgor eu cyfleu i'r Gyrrwr a dywedwyd wrtho fod ganddo hawl i apelio yn erbyn y penderfyniad i'r Llys Ynadon o fewn un diwrnod ar hugain.

7 ADOLYGIAD O DRWYDDED I YRRU CERBYDAU HACNI A CHERBYDAU HURIO PREIFAT - GYRRWR RHIF 15/0427/TXJDR

Bu i'r Cynghorydd Barry Mellor ddatgan cysylltiad personol sy'n rhagfarnu yn yr eitem hon oherwydd ei fod yn adnabod y gyrrwr dan sylw ac felly ni allai gymryd rhan yn y drafodaeth yn yr achos hwn. O ganlyniad nid oedd cworwm ac nid oedd y pwyllgor yn gallu bwrw ymlaen i wrando ar yr achos.

Cytunwyd i gynnal cyfarfod arbennig o'r Pwyllgor Trwyddedu cyn gynted ag yr oedd yn ymarferol gwneud hynny i ystyried adolygu'r drwydded.

SESIWN AGORED

Ar ôl cwblhau'r busnes uchod dychwelodd y cyfarfod i sesiwn agored.

8 POLISI GWERTHWYR METEL SGRAP ARFAETHEDIG

Cyflwynodd y Swyddog Trwyddedu adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (a gylchredwyd ymlaen llaw) yn cyflwyno Deddf Delwyr Metel Sgrap 2013 - Datganiad o Bolisi Trwyddedu i'w ystyried a'i gymeradwyo ar gyfer ymgynghori.

Roedd y Cyngor wedi cymeradwyo'r broses gais yn flaenorol gan ddirprwyo pŵer a ffioedd ar gyfer trwyddedau angenrheidiol o dan y Ddeddf Delwyr Metel Sgrap. Hysbyswyd Aelodau ynghyd dull ar y cyd gydag awdurdodau eraill Cymru i baratoi polisi drafft a oedd yn ceisio helpu swyddogion gyda'r drefn orfodaeth a sicrhau cysondeb wrth ddelio gyda cheisiadau. Byddai'r polisi hefyd yn ganllaw i ymgeiswyr newydd, deiliaid trwydded presennol a'r cyhoedd ynglŷn â'r ffordd y byddai'r Ddeddf yn cael ei gweinyddu a'i gorfodi. Yn sgil ymgynghori â phartion perthnasol byddai adroddiad terfynol yn cael ei gyflwyno i'r Cabinet ei fabwysiadu (nid i Gyngor Llawn fel y cyfeirid ato yn yr adroddiad). Cadarnhaodd Swyddogion y byddai angen trwydded hefyd ar fasnachwyr teithiol.

PENDERFYNWYD –

- (a) *cymeradwyo Deddf Delwyr Metel Sgrap 2013 – Datganiad o Bolisi Trwyddedu fel y manylir yn Atodiad A;*
- (b) *bod cynnal cyfnod ymgynghori addas i'r rhai sydd wedi eu trwyddedu gan Sir Ddinbych o dan Ddeddf Delwyr Metel Sgrap yn 2013, Heddlu Gogledd Cymru, Heddlu Trafnidiaeth Prydain, Cyfoeth Naturiol Cymru a Chymdeithasau Diwydiant yn cael ei gymeradwyo, ac*
- (c) *awdurdodi swyddogion bod unrhyw ymatebion perthnasol a dderbynnir o ganlyniad i'r ymgynghoriad yn cael eu hystyried ac os yw'n berthnasol bod y polisi'n cael ei ddiwygio'n unol â hynny cyn ei gyflwyno i'r Cabinet.*

9 YSTYRIED HYFFORDDIANT I YRWYR TRWYDDEDIG

Cyflwynodd Rheolwr Busnes Gwarchod y Cyhoedd adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (a gylchredwyd ymlaen llaw) yn argymhell hyfforddiant mandadol ar ymwybyddiaeth o ddiogelwch ar gyfer gyrwyr trwyddedig yn dilyn nifer o faterion diogelu diweddar o broffil uchel o gwmpas y sir, yn arbennig mewn perthynas â cham-fanteisio'n rhywiol ar blant a chysylltiadau â cherbydau trwyddedi awdurdod lleol.

Cyfeiriwyd yn benodol at ganfyddiadau ymchwiliad yr Athro Alexis Jay i gamfanteisio ar blant yn Rotherham rhwng 1997 a 2013 a oedd yn tynnu sylw at rôl amlwg gyrwyr tacsï a oedd â chysylltiad uniongyrchol â phlant a oedd yn cael eu cam-drin. Roedd cynllun hyfforddi ar gyfer gyrwyr trwyddedig yng Nghonwy wedi ei gyflwyno ym Medi 2015 ac roedd partneriaid diogelwch cymunedol hefyd yn annog y dull hwn yn Sir Ddinbych.

Croesawodd aelodau'r bwriad i gyflwyno cynllun hyfforddi mandadol i helpu i ganfod materion cam-fanteisio a diogelwch a gofynnwyd am ymestyn yr hyfforddiant hefyd i weithredwyr hurio preifat. Nodwyd fod rhai gyrwyr a drwyddedig

gan awdurdodau eraill hefyd yn gweithredu yn Sir Ddinbych ond nad oedd gan y Cyngor unrhyw gyfrifoldeb am ddarparu hyfforddiant iddynt. Fodd bynnag, cydnabuwyd y gallai'r Cyngor arfer peth rheolaeth wrth ddyfarnu contractau ysgolion i weithredwyr y tu allan i'r sir. Cytunodd swyddogion i gysylltu â chydweithwyr cludiant ysgolion er mwyn gwneud hyfforddiant diogelwch i yrwyr trwyddedig sy'n gweithredu yn Sir Ddinbych yn amod mandadol o fewn contractau ysgolion yn y dyfodol. Wrth ystyried y fformat hyfforddi dywedodd swyddogion y byddai pecyn hyfforddiant wedi ei deilwra ar gyfer Sir Ddinbych yn cael ei ddefnyddio a byddai'n cynnwys nifer o ddigwyddiadau drwy'r sir. Roedd aelodau hefyd yn awyddus i ddatblygu hyfforddiant ffurfiol, fel BTEC neu gymhwyster cyfatebol i yrwyr trwyddedig.

PENDERFYNWYD—

- (a) *bod swyddogion yn cael eu cyfarwyddo i gyflwyno hyfforddiant mandadol ar ymwybyddiaeth diogelwch i holl yrwyr cerbydau hacni trwyddedig yn Sir Ddinbych a gyrwyr a gweithredwyr hurio preifat yn ystod 2016, a*
- (b) *bod swyddogion yn cael eu cyfarwyddo i baratoi cais ar gyfer hyfforddiant ffurfiol i yrwyr a gweithredwyr trwyddedig.*

10 ADOLYGIAD O BOLISI A GWEITHDREFN PWYNTIAU COSB CYFREDOL

Cyflwynodd Rheolwr Busnes Gwarchod y Cyhoedd adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (a gylchredwyd ymlaen llaw) a oedd yn cyflwyno Polisi a Gweithdrefn Pwyntiau Cosb Diwygiedig i'w cymeradwyo yn dilyn ymgynghoriad ffurfiol.

Roedd y ddogfen yn manylu ynghylch y modd yr oedd y Cyngor yn delio â mân achosion o dorri amodau trwyddedau tacsis ac roedd yn cynnwys nifer o newidiadau a gymeradwywyd gan y Pwyllgor Trwyddedu ym Medi 2015. Ni dderbyniwyd unrhyw sylwadau yn ystod y cyfnod ymgynghori ac ni wnaed unrhyw newid pellach i'r cynllun.

Ymatebodd swyddogion i gwestiynau ynglŷn â gorfodi'r polisi a chadarnhawyd bod gan y Cyngor ar hyn o bryd ddau Swyddog Gorfodaeth Trwyddedu. Mynegodd y Cynghorydd Stuart Davies bryderon ynglŷn â hurio traws ffiniol ond cadarnhaodd swyddogion fod yr arfer yn gyfreithlon. Dylai unrhyw bryderon ynglŷn â thrwyddedu'r cerbydau hynny gael sylw gan yr awdurdod trwyddedu perthnasol. Nodwyd hefyd fod nifer y pwyntiau cosb am ysmegu mewn cerbyd trwyddedig wedi codi i 10 pwynt ac os cafwyd rhywun yn euog byddai hysbysiad cosb sefydlog yn cael ei gyflwyno.

PENDERFYNWYD –

- (a) *cymeradwyo'r Polisi a'r Weithdrefn Pwyntiau Cosb diwygiedig fel y manylir yn Atodiad A yn lle'r Cynllun Pwyntiau Cosb 2014 presennol*
- (b) *bod y cynllun yn cael ei weithredu'n syth.*

11 RHAGLEN GWAITH I'R DYFODOL Y PWYLLGOR TRWYDDEDU

Cyflwynwyd adroddiad gan Bennaeth Cynllunio a Gwarchod y Cyhoedd (a gylchredwyd ymlaen llaw) ar flaenraglen waith y Pwyllgor Trwyddedu ar gyfer 2016. Yr unig newid ers y cyfarfod diwethaf oedd adolygu'r Polisi Sefydliadau Rhyw, roedd yr eitem hon wedi llithro ac wedi newid o Fawrth i Ragfyr 2016.

PENDERFYNWYD *bod rhaglen waith y Pwyllgor Trwyddedu'n cael ei chymeradwyo.*

Daeth y cyfarfod i ben am 11.45 a.m.

Mae tudalen hwn yn fwriadol wag

PWYLLGOR TRWYDDEDU

Cofnodion cyfarfod o'r Pwyllgor Trwyddedu a gynhaliwyd yn Ystafell Bwyllgora 1a, Neuadd y Sir, Rhuthun, Dydd Iau, 24 Mawrth 2016 am 2.00 pm.

YN BRESENNOL

Cynghorwyr Bill Cowie, Stuart Davies, Hugh Irving, Arwel Roberts, Cefyn Williams (Cadeirydd) a Huw Williams

HEFYD YN BRESENNOL

Pennaeth y Gwasanaethau Cyfreithiol, Adnoddau Dynol a Democrataidd (GW), Rheolwr Busnes Diogelu'r Cyhoedd (IM), Swyddog Gorfodaeth Trwyddedu (HB) a Gweinyddwr y Pwyllgor (KEJ)

TEYRNGED – Y CYNGHORYDD RICHARD DAVIES

Rhoddodd y Cadeirydd deyrnged i'r Cynghorydd Richard Davies a fu farw ar 22 Mawrth. Safodd yr aelodau a'r swyddogion mewn teyrnged dawel.

1 YMDDIHEURIADAU

Y Cynghorwyr Barry Mellor, Win Mullen-James a Pete Prendergast

2 DATGAN CYSYLLTIAD

Ni ddatganwyd unrhyw gysylltiad personol na chysylltiad sy'n rhagfarnu.

3 MATERION BRYD FEL Y'U CYTUNWYD GAN Y CADEIRYDD

Ni chafwyd unrhyw faterion bryd.

Gwahardd y wasg a'r cyhoedd

PENDERFYNWYD dan ddarpariaethau Adran 100A Deddf Llywodraeth Leol 1972, gwahardd y Wasg a'r Cyhoedd o'r cyfarfod ar gyfer yr eitemau canlynol ar y sail y byddai gwybodaeth eithriedig yn debygol o gael ei datgelu fel y'i diffinnir ym Mharagraffau 12 ac 13 Rhan 4 Atodlen 12A y Ddeddf.

4 ADOLYGIAD O DRWYDDED I YRRU CERBYDAU HACNI A CHERBYDAU HURIO PREIFAT - GYRRWR RHIF 15/0427/TXJDR

Cyflwynwyd adroddiad cyfrinachol gan y Pennaeth Cynllunio a Gwarchod y Cyhoedd (a ddisbarthwyd yn flaenorol) ynglŷn â –

- (i) addaswyd Gyrrwr Rhif 15/0427/TXJDR i ddal trwydded i yrru cerbydau hacni a cherbydau hurio preifat yn dilyn honiadau o ymddygiad amhriodol wrth ymgymryd â chontract cludiant ysgol;

- (ii) manylion ac amgylchiadau yn gysylltiedig â'r drosedd wedi'u rhoi (roedd crynodeb o ffeithiau ynghyd â datganiadau tyst cysylltiedig a dogfennaeth ynghlwm wrth yr adroddiad);
- (iii) y Gyrrwr wedi cyflwyno tystiolaeth ddogfennol i gefnogi'r adolygiad o'i drwydded a oedd wedi'i gynnwys fel atodiad i'r adroddiad, a
- (iv) bod y Gyrrwr wedi cael ei wahodd i fod yn bresennol yn y cyfarfod tra adolygir ei drwydded er mwyn gallu ateb cwestiynau'r aelodau ynglŷn â hynny.

Roedd y Gyrrwr yn bresennol yn y cyfarfod yng nghwmni ei Gynrychiolydd Undeb a chyd-dyst. Cadarnhaodd y Cynrychiolydd Undeb dderbyn yr adroddiad a'r gweithdrefnau pwyllgor.

Amlinellodd y Swyddog Gorfodi Trwyddedu yr achos fel y manylwyd arnynt yn yr adroddiad.

Cyflwynodd y Cynrychiolydd Undeb achos y Gyrrwr. Dywedodd nad oedd y datganiadau tystion wedi'u teipio a gyflwynwyd gan y Swyddog Ymchwilio wedi cael eu llofnodi a gofynnodd am iddynt gael eu diystyru. Cyflwynodd hefyd nad oedd yr ymchwiliad wedi cael ei gynnal mewn modd teg ac agored gan amlygu lle roedd yn ystyried bod yna feysydd o ragfarn o fewn yr achos. Dadleuwyd nad oedd llwybrau ymholiadau penodol a allai fod wedi bod o blaid y Gyrrwr wedi cael eu dilyn a chwestiynwyd hefyd hygredded tystiolaeth benodol. Cyflwynwyd hefyd sylwadau ynglŷn â safon y dystiolaeth sy'n ofynnol mewn achosion o'r fath o ystyried bod yr hawl i apelio trwy'r Llys Ynadon. O ran yr honiadau a nodwyd yn yr adroddiad, eglurodd y Cynrychiolydd Undeb yr honiadau hynny a gyfaddefwyd gan y Gyrrwr a'u rhoi mewn cyd-destun, gan roi fersiwn y Gyrrwr o'r digwyddiadau. Cafodd y pwyllgor hefyd wybod am yr honiadau a wadwyd gan y Gyrrwr. Amlygwyd nad oedd unrhyw gwynion wedi'u gwneud yn erbyn y Gyrrwr gan ddefnyddwyr gwasanaeth eraill neu'r cyhoedd. O ystyried y dystiolaeth wrthgyferbyniol a gyflwynwyd a'r gefnogaeth a fynegwyd yn y geirdaon (a ddisbarthwyd yn flaenorol) gofynnodd y Cynrychiolydd Undeb i'r Gyrrwr gael cadw ei drwydded a pharhau fel gyrrwr trwyddedig.

Ar y pwynt hwn trafodwyd y mater o ddatganiadau tystion heb eu harwyddo, a dosbarthwyd copïau o'r datganiadau tyst gwreiddiol wedi'u llofnodi. Dadleuodd y Cynrychiolydd Undeb nad oedd wedi cael y cyfle i edrych ar y dogfennau a gofynnodd am iddynt gael eu diystyru er budd gwrandawriad teg. Rhoddodd y Pennaeth Gwasanaethau Cyfreithiol, Adnoddau Dynol a Democrataidd safbwynt cyfreithiol ar y sefyllfa a thegwch y trafodion. Cadarnhaodd y Swyddog Gorfodi Trwyddedu bod y datganiadau wedi cael eu teipio i sicrhau eu bod yn ddarllenadwy a'u bod wedi cael ei gwirio am gywirdeb. Torrodd y pwyllgor i ystyried y dadleuon cyfreithiol. Ar ôl ailddechrau'r trafodion dywedwyd wrth bawb am benderfyniad y pwyllgor i dderbyn y datganiadau fel tystiolaeth a pharhau â'r achos. Nid oedd y pwyllgor yn ystyried bod annhegwch sylweddol ar y sail y rhoddwyd sicrwydd gan y Swyddog Gorfodi Trwyddedu, a oedd â dyletswydd o onestrwydd i'r pwyllgor, bod y fersiynau a deipiwyd wedi'u trawsgrifio'n gywir a bod yr wybodaeth a gynhwyswyd

yn y datganiadau wedi bod ar gael ymlaen llaw a gallent fod wedi eu hegluro yn gynharach yn y broses. Wrth wneud eu penderfyniad roedd y pwyllgor hefyd wedi ystyried cyngor gan y Pennaeth Gwasanaethau Cyfreithiol, Adnoddau Dynol a Democrataidd ynglŷn â safon y dystiolaeth ofynnol. Eglurwyd bod penderfyniad y pwyllgor ynghylch a oedd y Gyrrwr yn berson addas a phriodol i ddal trwydded yn seiliedig ar yr hyn sy'n debygol. Nid oedd y pwynt bod y llwybr apêl i'r Llys Ynadon yn newid y ffaith honno o ystyried nad oeddent yn eistedd ar sail droseddol wrth ystyried apeliadau o'r fath ac felly nid oedd baich y dystiolaeth tu hwnt i bob amheuaeth resymol. Gallai cyfweiliadau a gynhaliwyd o dan Ddeddf yr Heddlu a Thystiolaeth Droseddol eu defnyddio mewn achosion sy'n cynnwys tebygolrwydd a safonau tystiolaeth troseddol.

Cymerodd yr Aelodau'r cyfle i holi'r Gyrrwr a'i dystion ynglŷn â ffeithiau'r achos er mwyn canfod a oeddent yn ystyried y Gyrrwr yn berson addas a phriodol i ddal trwydded. Eglurodd y tyst ei berthynas â'r Gyrrwr a maint ei ran yn yr achos a'r dystiolaeth y gallai ategu. Ymatebodd y Gyrrwr i gwestiynau ynghylch yr honiadau a wnaed ac ymhelaethodd ar amgylchiadau'r digwyddiadau ac anghysondebau penodol rhwng ei fersiwn o ddiwyddiadau a datganiadau tystion.

Cymerodd y Cynrychiolydd Undeb y cyfle i wneud datganiad terfynol. Cyfeiriodd at y modd yr oedd y Gyrrwr wedi ymateb i sefyllfaoedd arbennig heb y fantais o hyfforddiant ffurfiol priodol fel y gofynnwyd yn flaenorol gan y pwyllgor. Nid oedd unrhyw wadu bod camgymeriadau wedi eu gwneud neu na ellid dysgu gwersi o'r broses. Fodd bynnag, gan gymryd i ystyriaeth yr esboniad o'r digwyddiadau a gwadu honiadau penodol, ac o ystyried y pryderon a godwyd ynghylch y broses ymchwilio, gofynnodd i'r Gyrrwr gael cadw ei drwydded a chael cymorth priodol er mwyn sicrhau'r canlyniad gorau yn yr achos hwn.

Ar y pwynt hwn torrodd y pwyllgor i ystyried yr achos a -

PENDERFYNWYD diddymu trwydded yrru cerbyd hacni a cherbydau hurio preifat gyrrwr rhif 15/0427/TXJDR.

Dyma oedd y rhesymau am benderfyniad y Pwyllgor Trwyddedu –

Roedd yr Aelodau wedi ystyried yn ofalus cynnwys yr adroddiad a'r sylwadau a gyflwynwyd gan y Gyrrwr yn yr achos hwn a'i ymateb i gwestiynau. Canfu'r pwyllgor, yn ôl yr hyn sy'n debygol, fod y Gyrrwr wedi ymddwyn mewn ffordd amhriodol gan resymau ei weithredoedd, y rhai yr oedd wedi eu cyfaddef a'r rhai yr oedd y pwyllgor wedi dod o hyd iddynt. Roedd y camau gweithredu hynny wedi achosi i'r pwyllgor ystyried nad oedd y gyrrwr yn berson addas a phriodol i ddal trwydded yrru cerbydau hacni a cherbydau hurio preifat. Roedd y pwyllgor yn arbennig o bryderus am ymddygiad amhriodol a sylwadau tuag merch 16 mlwydd oed. O gofio mai eu hystyriaeth bwysicaf oedd gwarchod y cyhoedd, roedd yr aelodau o blaid diddymu'r drwydded ar unwaith am resymau diogelwch y cyhoedd.

Cafodd penderfyniad y pwyllgor a'r rhesymau felly eu cyfleu i'r Gyrrwr a'i Gynrychiolydd Undeb. Gan nad oeddent wedi cael cyfle blaenorol i ymateb i'r sail am ddiddymu am resymau diogelwch y cyhoedd, gwahodddwyd y Gyrrwr a'i Gynrychiolydd Undeb i roi sylwadau yn hynny o beth.

Dadleuodd y Cynrychiolydd Undeb nad oedd y dystiolaeth wedi cael ei phrofi'n briodol yn yr achos hwn ac ailadroddodd bryderon ynghylch y broses ymchwilio. Tynnodd sylw'r aelodau at y geirdaon ysgrifenedig yn ardystio cymeriad da'r Gyrrwr a dywedodd nad oedd cyfiawnhad am ddiddymu'r drwydded ar unwaith yn yr achos hwn.

Torrodd y pwyllgor i ystyried sail y diddymiad a -

PENDERFYNWYD diddymu trwydded yrru cerbyd hacni a cherbydau hurio preifat gyrrwr rhif 15/0427/TXJDR ar sail diogelwch y cyhoedd ar unwaith.

Ar ôl ystyried y sylwadau a gyflwynwyd ar ran y Gyrrwr o ran y sail ar gyfer diddymu, roedd yr aelodau'n parhau i fod o'r farn, o ystyried eu pryderon ynghylch ei ymddygiad, y dylid diddymu'r drwydded ar unwaith ar sail diogelwch y cyhoedd. Mynegodd y Pennaeth Gwasanaethau Cyfreithiol, Adnoddau Dynol a Democrataidd benderfyniad y pwyllgor i'r Gyrrwr a'i Gynrychiolydd Undeb ac eglurodd oblygiadau'r penderfyniad hwnnw. Cyngorwyd y Gyrrwr a'i Gynrychiolydd Undeb hefyd y byddent yn cael eu hysbysu o'r penderfyniad a'r rhesymau dros y penderfyniad yn ysgrifenedig cyn gynted ag y bo'n ymarferol ynghyd â'r hawl i apelio yn erbyn y penderfyniad i Lys yr Ynadon o fewn un diwrnod ar hugain.

Daeth y cyfarfod i ben am 3.50pm.

| | |
|---------------------------|--|
| ADRODDIAD I'R: | Pwyllgor Trwyddedu |
| DYDDIAD: | 8 Mehefin 2016 |
| SWYDDOG ARWEINIOL: | Pennaeth Cynllunio a Gwarchod y Cyhoedd |
| SWYDDOG CYSWLLT: | Uwch Swyddog Technegol (Trwyddedu) trwyddedu@sirddinbych.gov.uk 01824 706433 |
| TESTUN: | Polisi Arfaethedig Cerbydau Hacni a Cherbydau Hurio Preifat |

1. PWRPAS YR ADRODDIAD

- 1.2 Rhoi gwybod i'r Pwyllgor Trwyddedu am ganlyniadau'r ymgynghoriad ynglŷn â Pholisi Arfaethedig Cerbydau Hacni a Cherbydau Hurio Preifat.

2. CRYNODEB GWEITHREDOL

- 2.1 Yn y Pwyllgor Trwyddedu ym Mis Rhagfyr 2015 cymeradwyodd Aelodau Swyddogion i gychwyn ymgynghori ffurfiol gyda'r masnachwyr, y cyhoedd sy'n teithio a chyrrff cynrychioliadol eraill, ac i adrodd yn ôl ynglŷn â'r canlyniadau mewn cyfarfod arall.

3. PŴER I WNEUD Y PENDERFYNIAD

- 3.1 Deddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 a Deddf Cyfrifoldebau Heddluoedd Trefol 1847

4. GWYBODAETH GEFNDIR

- 4.1 Rydym yn credu bod tacsis yn rhan hanfodol o'r system cludiant cyhoeddus ac yn rhan o seilwaith ein cymdeithas. Ychydig o bobl yn unig sydd heb ddefnyddio gwasanaeth tacsï at ryw bwrpas ar ryw adeg, boed at ddefnydd busnes, domestig neu gymdeithasol. Mae cymdeithas yn cymryd darpariaeth gwasanaeth o'r fath, boed yn hurio preifat neu gerbyd hacni, yn ganiataol ac yn disgwyl y bydd y daith yn ddiffwdan. Credwn mai dyna'n union fel y dylai fod a bod teithwyr tacsï eisiau gwasanaeth effeithiol effeithlon a dibynadwy sydd yn saff a diogel.

- 4.2 Mae Swyddogion yn cydnabod bod llawer o ddeiliaid trwydded sy'n gweithio'n galed o fewn y diwydiant, sydd yn falch o'r gwasanaeth y maent yn ei ddarparu. Fodd bynnag, mae unrhyw wasanaeth i'r cyhoedd

yn gallu bod yn darged posib i'r rhai llai cydwybodol o fewn ein cymdeithas. Gallai hyn gynnwys y rheiny a allai ddefnyddio eu safle i ecsbloetio'r cyhoedd sy'n teithio er enghraifft drwy hawlio mwy na'r gost gyfreithiol neu drwy gamddefnyddio eu teithwyr neu eu heiddo (e.e. wrth gludo unigolion fel plant neu ferched ar eu pennau eu hunain).

4.3 Fodd bynnag rydym yn sylweddoli, er bod angen trwyddedu'r diwydiant tacsis a hurio preifat er mwyn gwarchod y cyhoedd rhag y rhai llai cydwybodol, gallai ymagwedd rhy gyfyngol weithio yn erbyn budd y cyhoedd. Gallai hyn greu rhwystrau i'r diwydiant, gan gyfyngu gwasanaethau tacsis, ac o ganlyniad, achosi goblygiadau diogelwch (e.e. golygu nad oes dim digon o dacsis i gludo unigolion dan fygythiad adref yn ddiogel). Rydym felly am sicrhau bod ein holl anghenion trwyddedu yn gyfiawn ac yn gymesur â'r risgiau yr ydym am eu trin a bod y costau a ysgwyddir yn gymesur â'r buddion.

4.4 I atgoffa Aelodau, mae adolygiad llawn o Bolisi presennol Cerbydau Hacni a Cherbydau Hurio Preifat wedi ei gwblhau, (gan gynnwys manyleb ac amodau) Roedd hyn yn cynnwys dau sesiwn gweithdy lle bu Aelodau Etholedig a Gwasanaethau Fflyd a'r diwydiant tacsis yn cymryd rhan, ac yna rhoddwyd cyflwyniad gan y Gwasanaethau Fflyd i'r Pwyllgor Trwyddedu.

4.5 Canlyniad y broses adolygu oedd drafftio'r Polisi Cerbydau Hacni a Hurio Preifat, a aeth allan i ymgynghori ym mis Ionawr eleni. Gellir gweld copi o'r cynnig a aeth allan i ymgynghori yn Atodiad A, er gwybodaeth i Aelodau.

5.

YMGYNGHORI

5.1

Cynhaliwyd cyfnod ymgynghori o 8 wythnos rhwng Ionawr a Mawrth. Cysylltwyd â phob aelod o'r diwydiant (gyrwr/perchnogion/gweithredwyr) a rhoddwyd cyfle iddynt weld y ddogfen Polisi drafft unai ar-lein drwy ddarparu dolennau neu gopi caled, a chawsant eu hannog i gynnig sylwadau. Ymgynghorwyd gyda chyrff cynrychioliadol hy Grwpiau Anabledd, Cynghorau Tref a Chymuned ayb hefyd gyda datganiad yn y wasg a dolenni ar y cyfryngau cymdeithasol.

5.2

Derbyniwyd cyfanswm o 10 ymateb ac mae crynodeb o'r rheiny ar gael yn Atodiad B. Mae fersiynau a olygwyd o'r ymatebion llawn ar gael yn Atodiad C.

5.3

Mae'n ddiddorol nodi bod y rhan fwyaf o ymatebion i'r polisi wedi bod yn rhai cadarnhaol. Mewn gwirionedd yr unig faes lle nad yw pawb wedi bod yn gyfûn yw y gofyniad lliw ar gyfer Cerbydau Hacni a'r gofyniad i

gerbydau Hacni fod yn 3 oed ac i gerbydau hurio preifat fod yn 5 oed.

- 5.4 Cynigir felly bod ystyriaeth bellach yn cael ei roi i'r polisi hwn, yn arbennig o safbwynt y meysydd sy'n ymwneud ag oedran a lliw'r cerbydau a'r defnydd o drelars. Cyfeirir Aelodau at Atodiad D ac fe'u cynghorir i gymryd i ystyriaeth y dewisiadau a awgrymir er mwyn eu cynorthwyo yn eu hystyriaethau, yn ogystal ag unrhyw opsiwn arall y gallai Aelodau eu nodi.

6.

ARGYMHELLION

6.1

Os yw Aelodau o blaid cyrraedd cytundeb ar unrhyw newidiadau i'r polisi eu bod yn rhoi cyfarwyddyd i swyddogion newid y polisi fel bo'r angen.

6.2

Y dylai Aelodau i roi cyfarwyddyd i swyddogion i ymgynghori ymhellach gyda phartïon sydd â diddordeb ac i gymryd i ystyriaeth unrhyw sylwadau a dderbyniwyd yn fersiwn olaf y polisi a geir eu cyflwyno yn un o gyfarfodydd y Cyngor Sir yn y dyfodol.

Mae tudalen hwn yn fwriadol wag

1. PRIVATE HIRE VEHICLE POLICY

1.1 limitation of numbers

1.2 No powers exist for Licensing Authorities to limit the number of Private Hire Vehicles that they licence.

2. SPECIFICATIONS AND CONDITIONS

2.1 Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Private Hire vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicles as possible and encouraged to make use of the "type approval" rules within any specifications they determine. Accordingly, the Council will require European Whole Vehicle Type Approval for all new licensed vehicles.

2.2 The Authority shall impose such conditions, as it considers reasonably necessary, on Private Hire vehicle licences. These vehicles provide a service to the public, so it is appropriate to set a criteria for the standard of the external and internal condition of the vehicle, provided that these are not unreasonably onerous.

2.3 Appendix 1 sets out the specification and minimum standards in respect of Private Hire vehicles.

2.4 Vehicles must be capable of carrying as least four and not more than eight passengers, provided that there is compliance with the specification applicable to such vehicles.

2.5 To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Private Hire vehicle in the County.

3. ACCESSIBILITY

3.1 The Authority fully supports the view of the Equality and Human Rights Commission that,
"making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible"

3.2 For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation and encourages Private Hire Operators and drivers to use vehicles that will assist those passengers with mobility difficulties.

4. MAXIMUM AGE OF VEHICLES

- 4.1 The Authority shall consider how far its Policy can and should support any local environmental initiative and future initiatives, such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard of its licensed vehicles.
- 4.2 All vehicles licensed under a new application must be a maximum of 5 years old and, if compliant with the requirements for licence, shall therefore be granted a renewal of a vehicle licence until the age of 12 years, whereupon the licensed vehicle must be replaced with one of a maximum age of 5 years. This also applies to any vehicle that is transferred/replaced or that has been involved in a road traffic collision.
- 4.3 All existing licensed vehicles will have "grandfather rights" for 5 years after the implementation of this policy, by which time all existing licensed vehicles must be able to comply with 4.2 above eg all licensed vehicles aged 12 years or over must have been replaced with one of a maximum age of 5 years. This will only be relevant to licensed vehicles that have had a continuous licence. Vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 4.2 above will apply.

5. VEHICLE TESTING

- 5.1 Prior to the granting of a licence, each vehicle shall be examined and tested at a designated testing station, approved by the Authority.
- 5.2 Private Hire vehicles are used for reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT inspection Manual for Car and Light Commercial Vehicle Testing issued by DVSA as a basic inspection standard for Private Hire vehicles. However, in addition to the DVSA standards, it is a requirement for all vehicles to conform to the Council's Hackney Carriage and Private Hire Vehicle Inspection Standards. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 5.3 All Private Hire vehicles must be maintained to no less than the standards set out in the DVSA publication 'MOT Inspection Manual – Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance.
- 5.4 The purpose of the Private Hire vehicle test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It

is an offence under the Vehicle Construction and Use Regulations 1986 to use an unroadworthy vehicle on the public highway. Private Hire drivers/operators who fail to maintain their licensed vehicles in a safe and roadworthy condition may have their licence(s) suspended, or revoked by the Council.

5.5

| AGE OF VEHICLE (from date of first registration) | NUMBER OF MOT/COMPLIANCE TESTS | TEST VENUE |
|---|---|---|
| ALL NEW TO FLEET VEHICLES (irrespective of age) | 2 x MOT and Compliance Tests | Initial MOT and Compliance to take place at County's Fleet Services All further Compliances (up to the age of 5 years) to take place at any Designated Testing Station |
| Licensed Vehicles under 5 years old | 2 x MOT and Compliance Tests (every 6 months) | At any Designated Testing Station |
| Licensed Vehicles 5 years and over and up to 12 years old | 2 x MOT and Compliance Tests (every 6 months) | 1 at Fleet Services and 1 at any Designated Testing Station |

5.6 Vehicles that are presented for their MOT and Compliance tests in a condition that would result in a failure, will be subject to a re-test fee, to be determined by the Designated Testing Station.

5.7 The inspection regime for vehicles has not been designed so as to create difficulties for the Hackney Carriage and Private Hire trades, but to promote vehicle and road safety. The Council therefore considers the inspection requirements to be justified by the risks it aims to address.

5.8 Any authorised Officer of the Council or any Police Constable has the power at all reasonable times to inspect and test for the purpose of ascertaining its fitness, any Private Hire vehicle licensed by Denbighshire. If the Officer feels the licensed vehicle is unfit for use as a Private Hire vehicle, or the licensed vehicle is in breach with taxi legislation or the Council's Licensing Policy and Conditions, the vehicle licence may be suspended, revoked or not renewed.

6. SIGNAGE AND ADVERTISING

- 6.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle. Private Hire vehicles shall not display roof-mounted signs of any description.
- 6.2 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those Private Hire vehicles that have been granted exemption by the Authority shall display plates on the rear of the vehicle (refer to Section 15 of Appendix 1).
- 6.3 Private Hire vehicles shall display door signs, issued by the Council and fitted as set out in the conditions of licence.
- 6.4 Licensed Vehicles shall not be allowed to display any written or other material on any window with the exception of those permitted by the conditions of licence.
- 6.5 Private Hire vehicles shall not be allowed to display or advertise written or other material on its bodywork.

7. SECURITY/CCTV

- 7.1 The Private Hire trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 7.2 It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.
- 7.3 In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. It will be the driver/proprietor's responsibility to comply with all aspect of the law regarding such surveillance equipment. Please refer to Appendix (to be confirmed) for guidance.

8. APPLICATION PROCEDURES

- 8.1 The procedure for applying for a Private Hire vehicle licence is not prescribed but shall be made on the specified application form in accordance with the application procedure set out in Appendix (to be confirmed)

9. CONSIDERATION OF APPLICATIONS

- 9.1 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

10. RENEWAL OF LICENCE

- 10.1 Application forms, appropriate fees, and supporting documentation, as set out in Appendix (to be confirmed) shall be produced at the Licensing Office. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 10.2 Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay, and dependant upon the age of the existing licensed vehicle, it may require a change in vehicle to meet the age requirements set out in Section 4. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licence before the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before the expiry date, they must inform the Licensing Section immediately.

11. STRETCHED LIMOUSINES

- 11.1 Stretched limousines are elongated saloon cars that have been increasing used for mainstream Private Hire work. The number of stretched limousines being imported, particularly from the United States of America, has been increasing. Their general use includes all Private Hire work plus special occasions such as birthday parties for all ages, stag and hen parties.
- 11.2 Most limousines are imported for commercial purposes and are therefore required to take an Individual Vehicle Approval (IVA) test. The IVA test verifies that the converted vehicle is built to a certain safety and environmental standards. When presented for IVA the vehicle is produced with a declaration that it will never carry more than 8 passengers. The importer must inform any person who may use it of this restriction.
- 11.3 Applications to licence stretched limousines as Private Hire vehicles will be treated on their own merits. It is however, proposed that imported stretched limousine type vehicles:
- a. be granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive
 - b. be granted exemption to display the Private Hire vehicles plates as outlined in the Private Hire Vehicle Exemption Policy

c. be approved for licensing as Private Hire vehicles subject to the additional conditions detailed in Appendix (to be confirmed)

12. CONTRACT VEHICLES

12.1 The Road safety Act 2006 requires vehicles used for a contract with an organisation or company for carrying passengers for Hire or reward under a contract to be licensed as Private Hire vehicles. As a general guide this shall include executive hire, chauffeur service, airport travel, stretch limousines and novelty vehicles.

13. FUNERAL AND WEDDING VEHICLES

13.1 Funeral and wedding vehicles do not need to be licensed whilst it is being used in connection with a wedding or funeral.

14. TRAILERS

14.1 Licensed Vehicles are prohibited to tow a trailer.

15. ACCIDENTS

15.1 A licence will be suspended if, upon reporting an accident to a licensed vehicle, the Council is of the opinion that the damage caused materially effects the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers carried therein.

16. PLATE EXEMPTION

16.1 The displaying of the external identification plates on a licensed Private Hire Vehicle and the wearing of a driver's identification badge is important in terms of public safety and reassurance. They indicate to the travelling public that the vehicle and driver are approved and therefore would have been subject to a number of important checks prior to the licence being granted.

16.2 However, there are a small number of occasions when the requirement to display external identification plates may have commercial and customer safety implications ie safety for dignitaries and famous people

16.3 It is not intended that all Private Hire vehicles licensed by the Council should be exempt from the Council's requirements to display an external identification plate, however the Council recognises that there may be circumstances when it would be appropriate for vehicles operating the type of service to be considered suitable for such an exemption. Please refer to the Private Hire Vehicle Plate Exemption Policy.

1. HACKNEY CARRIAGE VEHICLE POLICY

1.1 limitation of numbers

- 1.2 Many local Licensing Authorities, including Denbighshire, do not impose any quantitative restrictions for Hackney Carriages and the DfT regards this as best practice. Should an Authority elect to impose restrictions on numbers, the DfT guidance states that such a decision should be re-considered frequently, taking into account whether the restrictions should continue.
- 1.3 Where quantitative restrictions are imposed, vehicle licence plates can command a premium. This tends to suggest that there are people who want to enter the market and provide a service to the public but who are being prevented from doing so by the limitations of numbers. It may be difficult to justify a quantitative control in such circumstances.
- 1.4 If the Local Authority takes the view that a quantity restriction can be justified in principle, the DfT Guidance advises that the level at which the limit should be set be addressed by means of a survey, which would involve hefty costs
- 1.5 The Council has, at this time, decided not to set a limit on the number of Hackney Carriage Vehicles.
- 1.6 To apply for a new vehicle licence, the applicant must be able to supply a suitable vehicle and provide proof that the applicant can maintain the vehicle. The applicant must also provide a statement, including documentary evidence, as to why they believe there is a demand for another Hackney Carriage in the County.

2. SPECIFICATIONS AND CONDITIONS

- 2.1 Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Hackney Carriage vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicles as possible and encouraged to make use of the "type approval" rules within any specifications they determine.
- 2.2 Hackney Carriages, will generally be licensed for the carriage of 4 passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be considered provided that they comply with the manufacturer's specifications applicable to such vehicles.
- 2.3 All Hackney Carriage vehicles will be black.
- 2.4 All existing licensed vehicles will have "grandfather rights" up to 5 years after the implementation of this policy, by which time all existing licensed

vehicles must be able to comply with 2.3 above eg all vehicles that are not black must have been replaced with one that complies with 2.3 above. This will only be relevant to vehicles that have had a continuous licence. Vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 2.3 above will apply. This also applies to any vehicle that is transferred or replaced eg licensed vehicle that has been involved in a road traffic collision.

- 2.5 The Authority shall impose such conditions, as it considers reasonably necessary, on Hackney Carriage vehicle licences. These vehicles provide a service to the public, so it is appropriate to set a criteria for the standard of the external and internal condition of the vehicle, provided that these are not unreasonably onerous.
- 2.6 Appendix 1 sets out the specification and minimum standards in respect of Hackney Carriage vehicles.

3. ACCESSIBILITY

- 3.1 The Authority fully supports the view of the Equality and Human Rights Commission that,
“making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible”
- 3.2 For this reason, the Authority considers it important that people with disabilities have access to all forms of public transportation. In addition to the general conditions, accessibility for disable people including, but not limited to, people who need to travel in a wheelchair, is an important consideration.
- 3.3 Different accessibility considerations should apply to Hackney Carriages as opposed to Private Hire vehicles, as Hackney Carriages can be hired immediately in the street or at a Hackney Carriage Rank by the customer dealing directly with the driver, whereas Private Hire vehicles can only be used by pre-booking, usually through an Operator. On the basis that those with disabilities must have equal access to transport services, it is considered to be particularly important for a disabled person to be able to hire a Hackney Carriage vehicle on the spot with the minimum of delay or inconvenience and having accessible Hackney Carriages available helps make that possible.
- 3.4 Licensed Taxi drivers have a duty under Section 37 of the Disability Discrimination Act 2005 to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to Denbighshire County Council for an exemption from the duty on medical grounds. Any other driver who fails to comply with this duty could be prosecuted through a Magistrates' court and would be liable to a fine and could be deemed not to be a fit and proper person to hold a

Hackney Carriage or Private Hire Driver's licence. Further guidance on this matter can be found on the Department for Transport web-site <https://www.gov.uk/transport-disabled/taxis-and-minicabs>.

4. MAXIMUM AGE OF VEHICLES

- 4.1 The Authority shall consider how far its Policy can and should support any local environmental initiative and future initiatives, such as setting vehicle emissions standards or promoting cleaner fuels, as well as ensuring a modern standard of its licensed vehicles.
- 4.2 All vehicles licensed under a new application must be a maximum of 3 years old and, if compliant with the requirements for licence, shall therefore be granted a renewal of a vehicle licence until the age of 10 years, whereupon the vehicle must be replaced with one of a maximum age of 3 years. This also applies to any licensed vehicle that is transferred/replaced or been involved in a road traffic collision.
- 4.3 All existing licensed vehicles will have "grandfather rights" for 5 years after the implementation of this policy, by which time all existing licensed vehicles must be able to comply with 4.2 above eg all licensed vehicles aged 10 years or over must have been replaced with one of a maximum age of 3 years. This will only be relevant to vehicles that have had a continuous licence. Licensed vehicles that are not renewed before the expiry date of the existing licence will be treated as a new vehicle and 4.2 above will apply.

5. VEHICLE TESTING

- 5.1 Prior to the granting of a licence, each vehicle shall be examined and tested at a designated testing station, approved by the Authority.
- 5.2 Hackney Carriage vehicles are used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT inspection Manual for Car and Light Commercial Vehicle Testing issued by DVSA as a basic inspection standard for Hackney Carriage vehicles. However, in addition to the DVSA standards, it is a requirement for all vehicles to conform to the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance. Therefore, when assessing the mechanical condition of a vehicle, it is more likely an item which would ordinarily pass an MOT test with an advisory note, could fail the Hackney Carriage and Private Hire vehicle test.
- 5.3 All Hackney Carriage vehicles must be maintained to no less than the standards set out in the DVSA publication 'MOT Inspection Manual – Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance.

- 5.4 The purpose of the Hackney Carriage vehicle test is to confirm vehicles meet the more stringent standards set out in this Policy Statement. Vehicles must be submitted fully prepared for the test. It is not intended that the test be used in lieu of a regular preventative maintenance programme. It is an offence under the Vehicle Construction and Use Regulations 1986 to use an unroadworthy vehicle on the public highway. Hackney Carriage drivers/proprietors who fail to maintain their vehicles in a safe and roadworthy condition may have their licence(s) suspended, or revoked by the Council.

5.5

| AGE OF VEHICLE (from date of first registration) | NUMBER OF MOT/COMPLIANCE TESTS | TEST VENUE |
|---|--|---|
| ALL NEW TO FLEET VEHICLES (irrespective of age) | 2 x MOT to include Compliance Tests | Initial MOT and Compliance to take place at County's Fleet Services All further Compliances (up to the age of 5 years) to take place at any Designated Testing Station |
| Licensed Vehicles under 5 years old | 2 x MOT and Compliance Tests (every 6 months) | At any Designated Testing Station |
| Licensed Vehicles 5 years and over and up to 10 years old | 2 x MOT and Compliance Tests (every 6 months) | 1 at Fleet Services and 1 at any Designated Testing Station |

- 5.6 Vehicles that are presented for their MOT and Compliance tests in a condition that would result in a failure, will be subject to a re-test fee, to be determined by the Designated Testing Station.
- 5.7 The inspection regime for vehicles has not been designed so as to create difficulties for the Hackney Carriage and Private Hire trades, but to promote vehicle and road safety. The Council therefore considers the inspection requirements to be justified by the risks it aims to address.
- 5.8 Any authorised Officer of the Council or any Police Constable has the power at all reasonable times to inspect and test for the purpose of ascertaining its fitness, any Hackney Carriage vehicle licensed by Denbighshire. If the Officer feels the licensed vehicle is unfit for use as a Hackney Carriage, or the licensed vehicle is in breach with taxi legislation or the Council's Licensing Policy and Conditions, the vehicle licence may be suspended, revoked or not renewed.

6. SIGNAGE/PLATES AND ADVERTISING

- 6.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.
- 6.2 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles shall display one plate at the front and one on the rear of the vehicle
- 6.3 A Hackney Carriage licensed by the Council must carry an illuminated roof-mounted sign. The roof sign must state "Taxi/Taksi" and must be illuminated when plying for hire.
- 6.4 Only one advert is permitted on Hackney Carriage vehicles. Details of any signs or advertising shall be submitted to the Senior Technical Licensing Officers for due consideration as to content. If the advertising is not approved by the Officer then the advertising request will be referred to the Licensing Committee for its consideration

7. SECURITY/CCTV

- 7.1 The Hackney Carriage trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 7.2 It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.
- 7.3 In any licensed vehicle where a CCTV security system is fitted, the proprietor shall ensure that the system is properly maintained and serviced to ensure clear images are recorded. It will be the driver/proprietor's responsibility to comply with all aspect of the law regarding such surveillance equipment. Please refer to Appendix (to be confirmed) for guidance.

8. APPLICATION PROCEDURES

- 8.1 The procedure for applying for a Private Hire vehicle licence is not prescribed but shall be made on the specified application form in accordance with the application procedure set out in Appendix (to be confirmed)

9. CONSIDERATION OF APPLICATIONS

- 9.1 The Council shall consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.

10. RENEWAL OF LICENCE

- 10.1 Application forms, appropriate fees, and supporting documentation, as set out in Appendix (to be confirmed) shall be produced at the Licensing Office. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 10.2 Licences will not be renewed after expiry. If a licence holder fails to renew their licence on or before the respective expiry date, the licence will lapse and become invalid. Licence holders should note that if they allow their licence to expire, they will be required to make a new application in full. This will obviously incur a potentially significant time delay, and dependant upon the age of the existing licensed vehicle, it may require a change in vehicle to meet the age and colour requirements set out in Sections 2 and 4 of this policy. The cost implications of failing to renew a licence could therefore be significant, and licence holders are therefore strongly advised to ensure that they renew their licence before the expiry date. If the licence holder is aware of any reason that they may not be able to renew their licence before the expiry date, they must inform the Licensing Section immediately.

11. TRAILERS

- 11.1 Hackney Carriage Vehicles are prohibited to tow a trailer.

12. ACCIDENTS

- 12.1 A licence will be suspended if, upon reporting an accident to a vehicle, the Council is of the opinion that the damage caused materially effects the safety, performance or appearance of the vehicle or the comfort or convenience of passengers carried therein.

**SPECIFICATION AND CONDITIONS OF LICENCE FOR HACKNEY CARRIAGE
VEHICLES**

1. SPECIFICATION OF VEHICLES

1.1 General

All vehicles shall have an appropriate "Type Approval" which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type Approval (SVTA) or a Independent Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendments or re-enactments thereof.

1.2 No fittings, other than those approved, may be attached to, or carried on, the inside or outside of the vehicle.

1.3 A Hackney Carriage vehicle shall be capable of carrying at least 4 and no more than 8 passengers.

1.4 All vehicles must be right hand drive unless specifically exempt by the Council

1.5 All vehicles shall be less than 3 years old for new licences and less than 10 years old from the date of manufacture for existing licences.

1.6 All vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual" – Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance

1.7 The following sections provide the outline requirements of the Council's specification for Hackney Carriage vehicles prior to examination and testing by a designated testing station authorised by the Council. A list of authorised testing stations can be found at Appendix (to be confirmed) .

2. BODY

2.1 The vehicle shall have no exterior visible signs of previous significant accident damage

2.2 The paint work shall be of a professional finish and the bodywork (including roof) shall be BLACK only.

2.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.

- 2.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.

3. WHEELS AND TYRES

- 3.1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations.
- 3.2 An appropriate tyre repair system (as fitted by the manufacturer) must be provided.
- 3.3 The appropriate repair system to only be used as an emergency measure ie to allow the vehicle to be driven to a place of repair.
- 3.4 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification
- 3.5 All tyres fitted to the vehicle shall meet current legal requirements at all times.

4. INTERIOR

- 4.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the centre of the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.
- 4.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920 mm
- 4.3 Vehicles must have adequate space for luggage to be kept in a clean, safe, secure and water tight manner
- 4.4 Vehicles must have a water tight roof covering and properly carpeted or covered flooring (with no rips or tears)

5. DOORS

- 5.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers. Access to and from vehicles such as minibuses will be determined on a case by case basis eg the rear door should not be a means of access.
- 5.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 5.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism

5.4 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position and the means of operation of the door handle is easily identified.

6. SEATS

6.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons

6.2 Each seat shall be fitted with fully operational seat belts, compliant with the appropriate Standards.

6.3 Each seat shall be properly cushioned and be in a clean condition.

6.4 Each seat shall not be less than 406 mm in width.

6.5 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.

6.6 Removed seating mounts must be rendered irreplaceable and the floor surface to be smooth and unencumbered.

6.7 All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel unless specifically exempt by an authorised officer of the Council eg limousines)

6.8 Any modification to seating configuration, including removal of seats, in any vehicle must be accompanied by an IVA Certificate.

6.9 If the vehicle was originally constructed to seat more than 8 passengers (excluding the driver) it must not have been converted, modified or altered in any way which allows it to carry eight or less passengers (excluding the driver).

7. WINDOWS

7.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers

7.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side window adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque

7.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.

8. FACILITIES FOR WHEELCHAIR USERS

- 8.1 Any vehicle that has the facility for the carriage of wheelchair or wheelchair passengers shall be fitted with:
- a. Approved manufacturer installed anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers and maintained in accordance with manufacturer's specifications.
 - b. A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.
- 8.2 The vehicle shall be equipped with a manufacturer's user manual /guide on the safe loading and unloading and security of wheelchair passengers.
- 8.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 immediately prior to being first licensed and every 6 months thereafter. A LOLER Certificate of must be produced at the time of MOT and Compliance Testing to the Designated Testing Station and to the Licensing Office at grant or renewal of licence.

9. FUEL SYSTEMS

- 9.1 Fuel systems should be installed to current manufacturer and legal standards. Before commencing any gas fuel conversions it is essential that written approval is sought for the Council.

10. CCTV

- 10.1 CCTV monitoring devices, for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be maintained in working order, be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietor 's responsibility to comply with all aspects of the law regarding such surveillance equipment. CCTV requirements and conditions can be found at Appendix (to be confirmed)

CONDITIONS ATTACHED TO LICENCE

11. MAINTENANCE OF VEHICLE

The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition* and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.

*Clean condition is defined as follows:

"All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining"

- 11.1 Every licensed vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- 11.2 Seats must be fully sprung, free of stains, tears, cigarette burns or repair and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, fractures and maintained in the manufacturers original style.
- 11.3 Without prejudice to the obligations imposed by 12.1 to 12.3 above and without prejudice to any other inspections as stipulated by the vehicle manufacturer, the proprietor of the licensed vehicle shall ensure that as a **minimum** the compliance of routine maintenance inspections must be adhered to, and such inspections shall be recorded and retained (for a minimum of 18 months) and kept available for immediate production to an Authorised Officer of the Council or Police Officer on request.
- 11.4 Please note that the requirement to inspect the licensed vehicle as imposed by the above condition does not release the proprietor of the vehicle for his obligations to carry out further daily inspections to ensure compliance with the above conditions.

12. ALTERATION OF VEHICLE

- 12.1 No material alteration or change in the specification, design, condition or appearance of the vehicle must be made subsequent to the inspection of the vehicle by the Council at any time whilst the licence is in fore and at all times the vehicle shall comply with the specifications of the Council for a licensed hackney carriage. Vehicles which have been modified in any way from the manufacturer's standard of construction may not be considered suitable for licensing purposes depending upon the nature of the modification.

13. IDENTIFICATION PLATE

- 13.1 The plates identifying the vehicle as a Hackney Carriage vehicle and required to be exhibited on the vehicle pursuant to Section..... shall be securely fixed on the outside of the vehicle at the front and rear, at or above bumper height and as near vertically as possible, but fixed nevertheless in such a manner as to be easily removable by an Authorised Officer of the Council or a Police Constable.
- 13.2 One internal window sticker, as provided by the Council, to be placed on the rear passenger window.
- 13.3 The licence plates and internal window signs must not be affixed to any other vehicle other than that stipulated on the current licence. This equipment remains the property of the Council and must be surrendered immediately upon expiry, suspension or revocation of the licence.
- 14. INTERIOR MARKINGS**
- 14.1 The proprietor shall cause to be clearly marked inside the vehicle in such a position as to be visible at all times to passengers therein, the number of this licence and the number of passengers prescribed in this licence.
- 15. SAFETY EQUIPMENT**
- 15.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliance, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. It should be noted that the first aid kit is intended for use by a person who has the appropriate knowledge of first aid.
- 16. SIGNS AND NOTICES**
- 16.1 A Proprietor may display on the side and/or rear of the vehicle, below window level, the company name under which the vehicle is operated and/or its telephone number, but no other signs, emblems or notices shall be displayed either outside or inside the vehicle without specific written permission from the Council.
- 16.2 Any Proprietor wishing to use or sell space on the vehicle for the advertising of another company/business must first apply to the Council with a draft advert for consideration. Only one authorised advert will be permitted
- 16.3 Such adverts must not:
- i) contain anything religious or political
 - ii) advertise alcohol or tobacco
 - iii) be pornographic or offensive to good taste
 - iv) promote discounted fares, or
 - v) advertise jobs

17. RADIO EQUIPMENT

- 17.1 Neither the Operator, proprietor nor the driver of a Hackney Carriage vehicle shall use or cause or suffer to be used in any vehicle any radio equipment for operational communication between Operator and Driver, or between drivers of other Hackney Carriage and Private Hire vehicles. Only fully licensed closed channel equipment shall be used for operational communication.
- 17.2 Each Hackney Carriage Proprietor/Operator should have a written policy on the use of mobile phones whilst driving. Proprietors/Operators should not encourage drivers to use any form of mobile communication whilst driving.

18. METERS AND FARES

- 18.1 The vehicle must be fitted with a taxi meter which must comply with the current legislative requirements. The taxi meter shall:
- a. show the fare recorded on the taximeter in clearly legible figures, and the word 'FARE' shall be clearly displayed so as to apply such figures;
 - b. the meter shall be set in accordance with the Council's Table of Hackney Carriage Fares., the tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter.
- 18.2 Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been sealed and calibrated by an approved meter company and presented to the Council for inspection

19. CARRIAGE OF CHILDREN

- 19.1 The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act (further details can be found at www.dft.gov.uk/think/focusarea/children/childincar)

20. CHANGE OF ADDRESS

- 20.1 The proprietor shall notify the Council, in writing, of any change of address during the period of the licence, within seven days of such change taking place.

21. CONVICTIONS

21.1 The proprietor shall, within seven days, disclose to the Council, in writing, details of any convictions, formal cautions, absolute discharges, or fixed penalties, imposed on him/her (or if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence.

22. DEPOSIT OF DRIVING LICENCE

22.1 If the proprietor permits or employs any other person to drive the vehicle as a Hackney Carriage vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him his Hackney Carriage Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

23. PERMITTED DRIVERS OF THE VEHICLE

23.1 The proprietor or any other person permitted or employed to drive the vehicle as a Hackney Carriage vehicle, must be the holder of a current Private Hire driver's licence or a dual Hackney Carriage and Private Hire driver licence granted by Denbighshire County Council according with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976

24. DEPOSIT OF VEHICLE LICENCE

24.1 The proprietor shall, upon the vehicle commencing work with operator, deposit with the operator this licence for retention by him until such time as that vehicle ceases to work for that operator.

25. INSPECTION AND TESTING

25.1 The proprietor shall, if requested by an Authorised Officer of the Council or a Police Officer, make the vehicle available for inspection and testing at such time and date as may be specified. Such inspections and testing shall be in addition to any other statutory provisions.

26. ACCIDENT

26.1 The proprietor shall report to the Licensing Officer, in writing, as soon as reasonably practicable and in any such event within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially effecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers therein.

26.2 In the event of a licence being suspended due to the nature of the damage, the proprietor shall have the vehicle tested at a nominated testing station and submit the compliance certificate for examination prior to the licence being re-instated.

27. LICENSING POLICY

27.1 The Council's Hackney Carriage and Private Hire Licensing Policy (this document) shall be adhered to at all times.

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SPECIFICATION AND CONDITIONS OF LICENCE FOR PRIVATE HIRE VEHICLES

1. SPECIFICATION OF VEHICLES

1.1 General

All vehicles shall have an appropriate "Type Approval" which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type Approval (SVTA) or a Independent Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendments or re-enactments thereof.

- 1.2 No fittings, other than those approved, may be attached to, or carried on, the inside or outside of the vehicle.
- 1.2 A Private Hire vehicle shall be capable of carrying at least 4 and no more than 8 passengers.
- 1.3 All vehicles must be right hand drive unless specifically exempt by the Council
- 1.4 All vehicles shall be less than 5 years old for new licences and less than 12 years old from the date of manufacture for existing licences.
- 1.5 All vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual" – Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance
- 1.6 The following sections provide the outline requirements of the Council's specification for Private Hire vehicles prior to examination and testing by a designated testing station authorised by the Council. A list of authorised testing stations can be found attached. The exact mechanical requirements for inspection and testing are contained in the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance.

2. BODY

- 2.1 The vehicle shall have no exterior visible signs of previous significant accident damage
- 2.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork
- 2.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.

2.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.

3. WHEELS AND TYRES

3.1 The vehicle shall have four road wheels of uniform standard, size and style, which conform to construction and use regulations.

3.2 An appropriate tyre repair system (as fitted by the manufacturer) must be provided.

3.3 The appropriate repair system must only be used as an emergency measure ie to allow the vehicle to be driven to a place of repair.

3.4 All tyres, including the spare tyre, shall comply with the vehicle manufacturer's specification

3.5 All tyres fitted to the vehicle shall meet current legal requirements at all times.

4. INTERIOR

4.1 The minimum leg room available to any passenger shall be 200mm. The measurement will be taken from the base of the seat to the centre of the rear of the seat in front when the front seat is at its full, rearwards extension. Where there is no seat in front the measurement will be taken from the base of the seat to the nearest obstruction in front.

4.2 The internal headroom from the seat cushion to the lowest part of the roof in a vertical line shall be a minimum of 920 mm

4.3 Vehicles must have adequate space for luggage to be kept in a clean, safe, secure and water tight manner

4.4 Vehicles must have a water tight roof covering and properly carpeted or covered flooring (with no rips or tears)

5. DOORS

5.1 The vehicle shall have a minimum of 4 side opening doors which are easily accessible to passengers. Access to and from vehicles such as minibuses will be determined on a case by case basis eg the rear door should not be a means of access.

5.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.

5.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism

5.4 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position and the means of operation of the door handle is easily identified.

6. SEATS

6.1 Vehicles shall have a passenger seating capacity of not less than 4 persons and not more than 8 persons

6.2 Each seat shall be fitted with fully operational seat belts, compliant with the appropriate Standards.

6.3 Each seat shall be properly cushioned and be in a clean condition.

6.4 Each seat shall not be less than 406 mm in width.

6.5 Where bench seats are provided, then the seat shall provide a minimum of 406mm seating space for each passenger i.e. a rear bench seat shall not be less than 1218 mm in order to accommodate 3 passengers.

6.6 Removed seating mounts must be rendered irreplaceable and the floor surface to be smooth and unencumbered.

6.7 All passenger seats must face forward or rearward to the direction of travel, (no passenger may sit sideways to direction of travel unless specifically exempt by an authorised officer of the Council eg limousines)

6.8 Any modification to seating configuration, including removal of seats, in any vehicle must be accompanied by an Individual Vehicle Approval Certificate (this includes removal of seats).

7. WINDOWS

7.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers

7.2 Vehicle windows shall have visual transmission to ensure that the interior of the vehicle is clearly visible from the outside of the vehicle at all times. All vehicles shall be fitted with windscreen glass that has a light transmittance of 75%, and all other window glass shall have a light transmittance of not less than 70% EXCEPT those parts of the rear window or any side window adjacent to the luggage space in any estate-type vehicle which can be of any tint fitted at manufacture providing it is not opaque

7.3 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle.

8. FACILITIES FOR WHEELCHAIR USERS

- 8.1 Any vehicle that has the facility for the carriage of wheelchair or wheelchair passengers shall be fitted with:
- a. Approved manufacturer installed anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers and maintained in accordance with manufacturer's specifications.
 - b. A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.
- 8.2 The vehicle shall be equipped with a manufacturer's user manual /guide on the safe loading and unloading and security of wheelchair passengers.
- 8.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 immediately prior to being first licensed and every 6 months thereafter. A LOLER Certificate of must be produced at the time of MOT and Compliance Testing to the Designated Testing Station and to the Licensing Office at grant and renewal of licence.
- 9. FUEL SYSTEMS**
- 9.1 Fuel systems should be installed to current manufacturer and legal standards. Before commencing any gas fuel conversions it is essential that written approval is sought for the Council.
- 10. CCTV**
- 10.1 CCTV monitoring devices, for the purpose of assisting driver safety are permitted in vehicles. If such devices are fitted, adequate signage shall be displayed in the passenger compartment advising passengers that they are being monitored/recorded. Any such equipment shall be maintained in working order, be fitted overtly and in such a way as not to present any danger or hazard to any passenger. It will be the driver/proprietor's responsibility to comply with all aspects of the law regarding such surveillance equipment. CCTV requirements and conditions can be found attached (to be confirmed)

CONDITIONS ATTACHED TO LICENCE

- 11. MAINTENANCE OF VEHICLE**

- 11.1 The vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire, be kept in an efficient, safe, tidy and clean condition* and all relevant statutory requirements (including in particular those contained in Motor Vehicles (Construction and Use) Regulations shall be fully complied with.
*Clean condition is defined as follows:
"All body panels to be of uniform colour and finish throughout, unless otherwise authorised by the Council in writing, and to be washed and polished to a high standard. Windows to be clear and smear free inside and out. Carpets and seating to be vacuumed and to be without cuts, tears or staining"
- 11.2 Every licensed vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.
- 11.3 Seats must be fully sprung, free of stains, tears, cigarette burns or repair and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, factures and maintained in the manufacturers original style.
- 11.4 Without prejudice to the obligations imposed by 12.1 to 12.3 above and without prejudice to any other inspections as stipulated by the vehicle manufacturer, the proprietor of the licensed vehicle shall ensure that as a **minimum** the compliance of routine maintenance inspections must be adhered to, and such inspections shall be recorded and retained (for a minimum of 18 months) and kept available for immediate production to an Authorised Officer of the Council or Police Officer on request.
- 11.5 Please note that the requirement to inspect the licensed vehicle as imposed by the above condition does not release the proprietor of the vehicle for his obligations to carry out further daily inspections to ensure compliance with the above conditions.

12. ALTERATION OF VEHICLE

- 12.1 No material alteration or change in the specification, design, condition, or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

13. IDENTIFICATION OF VEHICLE

- 13.1 The plate identifying the vehicle as a Private Hire vehicle and required to be exhibited on the vehicle pursuant to Section 48(6) of the Local Government (Miscellaneous Provisions) Act 1976 shall be securely fixed on the outside of the vehicle in a conspicuous position and in such manner as to be easily removable by an Authorised Officer of the Council or a Police Constable.

- 13.2 One Private Hire door sticker shall be adhered to each front door of the vehicle.
- 13.3 On the boot and each rear side of the vehicle (below window height) the company name, words "private hire" and one telephone number (which must be used by the Operator of the vehicle), may be placed, at the licensee's expense, PROVIDED that the details that is to be used by the Operator is first approved by the Council
- 13.4 No pictures, icons, graphics, emblems or such like is allowed which may infer that the vehicle is a hackney carriage (taxi)
- 13.5 Vehicles must not display anywhere on or in the vehicle the word "Taxi", "Taksi", "cab" or any other word(s) which may, in the Council's opinion lead the public to believe the vehicle is a hackney carriage.
- 13.6 The licence plate and door signs must not be affixed to any other vehicle other than that stipulated on the current licence. This equipment remains the property of the Council and must be surrendered immediately upon expiry, suspension or revocation of the licence.

14. INTERIOR MARKINGS

- 14.1 The proprietor shall cause to be clearly marked inside the vehicle in such a position as to be visible at all times to passengers therein, the number of this licence and the number of passengers prescribed in this licence.

15. SAFETY EQUIPMENT

- 15.1 There shall be provided and maintained in the vehicle at all times when it is in use or available for hire, a suitable and efficient fire extinguisher and a suitable first aid kit containing appropriate first aid dressings and appliance, such equipment to be carried in such a position in the vehicle as to be readily visible and available for immediate use in an emergency. It should be noted that the first aid kit is intended for use by a person who has the appropriate knowledge of first aid.

16. SIGNS AND NOTICES

- 16.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws or conditions

The above condition will not apply to:

- a. Any indication on a taximeter visible only from the interior of the vehicle, or
- b. The display by the driver of a hand-held card which is displayed in, on or from the vehicle whilst it is stationary, provided that such card;

- i. contains no words or numbers other than the names of the licensed operator of the vehicle or the name under which he carried on his business and, in either case, the name of a passenger or passengers to be carried in the vehicle, and
- ii. if the licensed operator charges for journeys in accordance with a scale of fares, a copy of such scale shall be displayed in the vehicle for the information of passengers in a form previously submitted and approved by the Council.
- iii. Any safety notices eg instructions on door latch operation

17. RADIO EQUIPMENT

- 17.1 Neither the Operator, proprietor nor the driver of a Private Hire vehicle shall use or cause or suffer to be used in any vehicle any radio equipment for operational communication between Operator and Driver, or between drivers of other Private Hire vehicles. Only fully licensed closed channel equipment shall be used for operational communication.
- 17.2 Each Private Hire Operator should have written policy on the use of mobile phones whilst driving. Operators should not encourage drivers to use any form of mobile communication whilst driving.

18. CHANGE OF ADDRESS

- 18.1 The proprietor shall notify the Council, in writing, of any change of address during the period of the licence, within seven days of such change taking place.

19. CONVICTIONS

- 19.1 The proprietor shall, within seven days, disclose to the Council, in writing, details of any convictions, formal cautions, absolute discharges, or fixed penalties, imposed on him/her (or if the proprietor is a company or partnership, or any of the directors or partners) during the period of the licence.

20. DEPOSIT OF DRIVING LICENCE

- 20.1 If the proprietor permits or employs any other person to drive the vehicle as a Private Hire vehicle, he shall, before that person commences to drive the vehicle, cause the driver to deliver to him his Private Hire Vehicle Driver's licence for retention until such time as the driver ceases to be permitted or employed to drive the vehicle or any other vehicle of his.

21. PERMITTED DRIVERS OF THE VEHICLE

- 21.1 The proprietor or any other person permitted or employed to drive the vehicle as a Private Hire vehicle, must be the holder of a current Private Hire driver's licence or a dual Hackney Carriage and Private Hire driver licence granted by Denbighshire County Council according with Section 51 of the Local Government (Miscellaneous Provisions) Act 1976

22. DEPOSIT OF VEHICLE LICENCE

- 22.1 The proprietor shall, upon the vehicle commencing work with an operator, deposit with the operator this licence for retention by him until such time as that vehicle ceases to work for that operator.

23. INSPECTION AND TESTING

- 23.1 The proprietor shall, if requested by an Authorised Officer of the Council or a Police Officer, make the vehicle available for inspection and testing at such time and date as may be specified. Such inspections and testing shall be in addition to any other statutory provisions.

24. ACCIDENT

- 24.1 The proprietor shall report to the Licensing Officer, in writing, as soon as reasonably practicable and in any such event within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of passengers therein.
- 24.2 In the event of a licence being suspended due to the nature of the damage, the proprietor shall have the vehicle tested at a nominated testing station and submit the compliance certificate for examination prior to the licence being re-instated.

25. CARRIAGE OF CHILDREN

- 25.1 The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act (further details can be found at www.dft.gov.uk/think/focusarea/children/childincar)

26. LICENSING POLICY

- 26.1 The Council's Hackney Carriage and Private Hire Licensing Policy (this document) shall be adhered to at all times.

Private Hire and Hackney Carriage Vehicle Policy Specification and Conditions

Summary of Consultation Responses

| Response | Support | Colour | Age | Other |
|----------|-----------------------------------|---|--|---|
| 1 | Fully support | | | |
| 2 | Mainly supportive but suggestions | Colour to be white or silver (as easier to distinguish) | HCV - Extend to 5 yrs for new to fleet but retain max age of 10 yrs PHV - Extend to 7 yrs for new to fleet but retain max age of 12 yrs | |
| 3 | Fully supportive | | | |
| 4 | | Black is wrong colour for road safety – should be white or yellow. | Consider existing rule of over 7 yrs needs to be “showroom condition” is adequate. | <ul style="list-style-type: none"> Plates positioned above bumper height could mean placed in rear window (obstructing view). All HCV should be wheelchair accessible. Taxi owner and testing station should be independent of each other. All HCV testing should be by DCC garage to get uniform standard. |
| 5 | | Roof signage is adequate to identify taxis. Black vehicles have a high percentage of involvement in road incidents. | Appropriate testing regime to identify poor vehicles. Significant concerns for the financial impact on the industry (replacement vehicles) and customers (higher taxi fares to meet industry cost). Some higher spec cars may be considered unfit due to age even though the spec is considered “executive” | <ul style="list-style-type: none"> Trailers – disagree with the ban on trailers (with supporting information on road safety). |
| 6 | Supportive with comments | | Minibuses are generally commercial and longer life than cars. Owners may | <ul style="list-style-type: none"> Trailers should be permitted (except on ranks). Owners should present confirmation of the financial |

| | | | | |
|----|------------------------------------|---|--|---|
| | | | not replace such vehicles in turn impacting on the number of wheelchair accessible vehicles. | <p>ability to maintain a vehicle.</p> <ul style="list-style-type: none"> • Second hand tyres should be banned. • Vehicles should be permitted in line with their approved seating capacity. • Increase costs of HCV plate, thus reducing number of HCVs. • Reduce PHV costs thus increasing PHV numbers. |
| 7 | | | Remove minimum age restriction of 3 yrs but retain maximum of 10 yrs. | |
| 8 | | Black is difficult to maintain and is uncomfortable in the warmer months. Signage exists to identify taxis. Additional industry costs for obtaining black vehicles. | No age restriction in DSA guidelines. | <ul style="list-style-type: none"> • Quality of vehicles has improved due to increased enforcement activity. • Increase costs for industry and users. |
| 9 | | London has withdrawn the black cab only requirement. | Owner / drivers at disadvantage against fleet operators (economies of scale?) | <ul style="list-style-type: none"> • Doesn't support the unrestricted numbers of HCV. • No way of enforcing confirmation of the financial ability to maintain a vehicle. • Trailers – doesn't support proposal (can use vehicle for personal use for which may involve use of a trailer). |
| 10 | Supports and welcomes improvements | | Age (minimum and maximum) is one factor but mileage is better indicator. Consideration should be given for relaxation in certain specific circumstances e.g. school transport. Age implications may give unfair competition to neighbouring companies (who do not have age | <ul style="list-style-type: none"> • Ability to licence 8-seater vehicles must be retained for efficiency / cost savings. • Access for wheelchair users should include side and rear access (not side only). • No benefit in providing documentary financial evidence of ability to maintain a vehicle. • Policy should specify what is acceptable damage / |

| | | | | |
|--|--|--|--|--|
| | | | <p>restrictions in their licensing authority).</p> | <p>corrosion</p> <ul style="list-style-type: none"> • Wording of PHV 4.2 needs clarification. • Vehicle testing should be done only by DCC Fleet. • Para 5.2 and 5.3 are repetitive • Results of compliance testing should be able to be captured to identify problematic areas. • CCTV needs robust guidelines / conditions so as to protect users and drivers (human rights and safeguarding reasons). • Rewording of “accidents” to “collisions” • Clarity is required for operational communication equipment and mobile phone usage as conflicting messages in policy. • Should be a requirement to record the daily inspection of vehicles. • Vehicles should be equipped with booster seats. • Stricter conditions for taxi licensing may result in licensees moving out of county to obtain licences but still being able to operate within DCC. |
|--|--|--|--|--|

Mae tudalen hwn yn fwiadol wag

①

Can you arrange for a response to be sent ASAP.

Thanks

Graham H Boase
Pennaeth Gwasanaethau Cynllunio a Gwarchod y Cyhoedd
Head of Planning and Public Protection Services
Cyngor Sir Ddinbych/Denbighshire County Council
Caledfryn, Dinbych / Denbigh LL16 3RJ
Rhif Ffôn / Tel No: 01824 706925
Mobile: 07768 171589
E-bost: graham.boase@sirddinbych.gov.uk
E-mail: graham.boase@denbighshire.aov.uk

Safle
Web

From:
Sent: 10 March 2016 12:20
To: Graham Boase
Subject: Hackney Carriage, Private Hire and Penalty points consultation

Good Afternoon

Please accept our full support in the new rules.

Please can you confirm implementation date of the new rules.

I see a new Skoda fabia has been added to the licensed fleet of Denbighshire, I thought this wasn't going to happen again as you can't seat four adult passengers.

Licensing did inform us previously when the Fabia's were put on Grab a Cabs fleet, that this was an error on Licensing's part and wouldn't happen again.

Small vehicle were only allowed as Private Hire in the past.

Is this going to be continued to be allowed in the future?

Drivers are looking for a cheap option when replacing vehicles and asking me for advice.

Nicky F Jones Enquiry

From : To : "licensing@denbighshire.gov.uk"
CC :

26/01/2016 15:22

Subject : Amendments to Hackney and Private hire policy

2

Dear Sir/Madam,

I am contacting you with regards to the proposed amendments to the Hackney and Private hire Policy.

Whilst I agree in the main with many of the proposals, there are a couple of proposals I would amend slightly these are;

Specification of Hackney Vehicles;

General 1.5

This section specifies a maximum vehicle age of 3 years for new to fleet vehicles, extend this to 5 years but retain the 10 year cut off point regardless of condition of vehicle at 10 years

Body 2.2

Under this section you are specifying the uniform colour of all hackney carriages to be Black, perhaps a more easily maintained colour ie; White or Silver. I agree that there needs to be a standard colour to distinguish Hackney Carriages easily to members of the public.

Apart from these two suggestions I agree with the proposals for Hackney Carriages.

Specification of Private Hire Vehicles;

General 1.4

This section specifies a maximum vehicle age of 5 years for new to fleet vehicles, extend this to 7 years but retain the 12 year cut off point regardless of condition of vehicle at 12 years.

Again apart from the suggestion above I have no issues with any proposals.

My reasoning for the changes I have submitted above is that I think that many owner drivers would suffer some difficulties in obtaining suitable finances for a 3 year old vehicle whereas a 5 year old vehicle in good condition can be purchased at a reasonable cost, avoiding any financial constraints the purchase of a newer vehicle could/would put on family finances for those with such commitments.

I hope you are able to consider these notes and any others should other license holders contact you.

~~██████████~~

~~████████████████████~~

Hackney Plate ~~██████~~

Sent from Mail for Windows 10

Licensing Web Query V3 Enquiry

To : "licensing@denbighshire.gov.uk" <licensing@denbighsh
cc: :

Subject : New proposals

Ian Millington/EN/DCC, Nicky P Jones/EN/DCC

New
 Assigned To But Not Started
Closed Date:
26/01/2016

In Progress
 Dealt With

Ignore
 Information Only

Action Taken:

Dear Sir or Madam. I have read your draft proposals and I would be very supportive of the new measures. The all "black fleet" especially pleases me, but with the sensible phased in aspects of 5 years is very fair and should be more than enough time for operators to get prepared for the colour change. I welcome the draft proposals. This is the first time I have actually wanted to reply to any of the licencing changes due to indifference of the previous proposals but I would say well done and credit were credit is due.

Audit Trail

Audit Trail

29/01/2016 12:23:37 Nicky P Jones : Reply with History Created
26/01/2016 13:05:46 Ian Millington CLOSEDDATE from "" to 26/01/2016
26/01/2016 13:05:46 Ian Millington STATUS from 'ASSIGNED TO BUT NOT STARTED' to DEALT WITH
26/01/2016 09:49:49 Stephen Tomes ASSIGNEDTO from "" to IAN MILLINGTON/EN/DCC NICKY P JONES/EN/DCC
26/01/2016 09:49:49 Stephen Tomes STATUS from 'NEW' to ASSIGNED TO BUT NOT STARTED
26/01/2016 09:49:49 Stephen Tomes has forwarded to the assigned officer : Ian Millington/EN/DCC Nicky P Jones/EN/DCC



To : licensing@denbighshire.gov.uk
CC: :

Subject : Taxi consultation

| | | | |
|--------------|---|--|------------------------------|
| Assigned To: | Status: | <input type="radio"/> In Progress | <input type="radio"/> Ignore |
| | <input checked="" type="radio"/> Dealt With | <input type="radio"/> Information Only | |
| | Created To But Not Started | | |
| | Created Date: | | |
| | 16 | | |

Dear sir

In response to your e mail ref the changes you would like to bring in i would like to make a few points

Firstly i understand why the council are doing this as from my point of view (and i have driven taxis for 28yrs in rhyll) they need to take control of the trade again but just bringing more rules in is not the answer when the council are not enforcing the ones we have already
I you want to bring in a max 3 year rule for a car coming on the rank going off after 10yrs
We already have a rule where after 7yrs a. Car must be in showroom condition this rule is not enforced

Also the department of transport on best practice guide recomends against an age limit as they say it is perfectly possible for an older vehical to be in good condition they recomend testing twice a year which we have already

And you proposed that all taxis are black which i think is the wrong colour for road safety the colour should be white or yellow also after the sillyness of this shorts fiasco where the council backed down and allowed then to wear shorts the worse colour car to be in is Black
I also notice that you say plates should be bumper height or above which will mean people placing plates in there back windows which is wrong

I think that we need to remember what the main purpose of a hackney vehicals is to serve the ranks and NOT radio and school contracts with this in mind i think we should go down the road of all hackney vehicals being wheelchair accessible vehicals M1 approved

And finally i think its wrong that a person can own a taxi firm and also a garage that does hackney test would it not be a fairer system that all hackney test are done at the council garage this will give a more uniform standard of test

Hope these point are put to the councillors at the meeting
From a Driver who is very passionate about the trade

Audit Tr:

Audit Trail

24/03/2016 10:32:51 Nicky P Jones CLOSEDDATE from ""
24/03/2016 10:32:51 Nicky P Jones ACTIONTAKEN from ""
24/03/2016 10:32:51 Nicky P Jones STATUS from 'ASSIGN WITH

Licensing Web Query V3 Enquirv

To : licensing@denbighshire.gov.uk
 cc: :
 Subject : Consultation paper for PHV and Hackney

Status: In Progress Ignore
 Assigned To But Not Started Dealt With Information Only

Date: 2016

FAO Nicky

Further to our discussions please see below a number of points which I wish to raise concerning some of the proposed changes that you are trying to bring to the Hackney and Private Hire Sector in Denbighshire.

Trailers - you plan to ban the use of trailers for Private Hire on the grounds that they are more likely to be involved in an RTA - and that the PHV being used should have sufficient seating and luggage space for their passengers.

I have obtained information from North Wales Police that confirm that there were 92 Injury Collisions in North Wales between 2011 and 2015 involving a single axle trailer - 42 of those 92 were with cars towing them. NO Private Hire Vehicles were involved in towing a trailer that resulted in an RTA.

The ability to offer a trailer service to my clients is an essential part of my business. Even with an Extra Long Wheel Base Mercedes Vito there are times when a trailer is required to transport luggage in a safe way.

I cater for Ski holidays - where skis cannot be transported in the luggage area of the vehicle and cause a danger if placed in the main cabin. Skis, ski boots, luggage and 8 passengers - can only be serviced with the use of a trailer.

Golf holidays and golfing days - a party of 8 with 8 sets of clubs, golf trolleys and holiday luggage also can also only be catered for with the use of a trailer.

I have also recently be transporting a delegation of Indian workers visiting north Wales - where there stay was up to 2 months. Even just meeting and greeting 5 or 6 off different planes could only be serviced by the use of the trailer - the massive amount of luggage that they brought with them could not have fitted even in my very large luggage area - something that many 9seater minibuses do not have.

Hackney Cars a need for them to be black to distinguish from PHV.

I cannot understand why this is even up for discussion - this seems to be making rules and creating work for the sake of it.

The large white light on the roof of the Hackney car saying "Taxi" should be enough of a highly visible symbol to show the public that they are entering a Hackney car.

Should you pass this ruling - will I have to change the colour of my PHV from Black so as not to add the the confusion?

A study over 20 years has concluded that black cars are 47 per cent more likely to be involved in road accidents. - Daily Telegraph June 2010

Age restrictions on Hackney and PHV

Whilst I applaud the Authority's vision to improve the fleet of vehicles that service the public of Denbighshire I have real reservations about the tightening of age restrictions especially on vehicles new to fleet.

Case Study 1 - looking at cars with approx 60k - 80k mileage.

Popular cars are Vauxhall Insignias and Ford Mondeos.

Insignia - up to 3 yrs old cost ave £7800

Insignia - up to 6 yrs old cost ave £4800

A taxi company running 30 vehicles adopting a policy of renewing a 1/5th of his fleet every year would need to find an extra £18000 EVERY year to fulfill your guidelines.

Similar figures are also true of Mondeos

The problem is accentuated further if you take into consideration the staple vehicle essential for DCC to fulfill its own School Transport policy - the 9 seater minibus.

Mercedes Vito up to 3yr old - £22000

Vito up to 6 yrs old - £14000 - an £8000 difference to enter the market or renew a vehicle.

A Ford Torneo - up to 3 yrs old £15000 - up to 6 yrs old £7000 - again an £8000 prohibitive difference for the Operators

The vehicles already face stringent Compliance Testing every 6 months - you may want to consider introducing a policy whereby once the car is over 6 years old that the Licensing Officer can request a random Compliance Test anytime within the year to be complete at DCC Test Centre with 72 hours of you making the request.

Where are these shortfalls to be made up? Will the people of Denbighshire ultimately pay the price for their own authority's policy?

Prices/fares will have to rise significantly to meet these changes. I suspected many smaller operators could fold - resulting in a declining supply of Taxi's to the public.

Llangollen currently has 1 registered Hackney car with Denbighshire - and the town is serviced by Shropshire plated vehicles who openly advertise in the town and I feel Denbighshire just turn a blind eye to it.

Whilst raising the School Transport concerns - if Licensing push ahead with this restrictive policy I assume that they will have to put in to force for all of the Private Hire and Hackney vehicles that currently service their school contracts.

You will be challenged if you allow taxi companies from outside Denbighshire to continue servicing Denbighshire contracts but not in vehicles up to the standard that you are forcing on your own fleet of Operators.

In addition to the concerns laid out above - I also must look at my business and the high standard of vehicles that I use and will want to buy in the future.

A 5 and a half year old Audi A8 at £22000 or a £13000 BMW 5 Series would be deemed unfit for purpose under your proposed new rules - The Age of the Vehicle can not hold such a high level of judgment on whether that vehicle is suitable for the carriage of Denbighshire's public.

To Licence a Mercedes S Class under 5 yrs old would cost me over £20000 - a 7 year old immaculate S Class with massaging seats, full leather and extra leg room at £14000 would be deemed unfit for purpose!

Having discussed these issues with many of my clients over that last 2 months they have made it clear that the Age of the car as little significance to them.

I look forward to hearing from you.

Kind regards

Licensing Web Query V3 Enquiry

From : To : "licensing@denbighshire.gov.uk" <licensing@denbighsh
cc: :
Subject : Proposed Changes Hackney/PH

Assigned To But Not Started In Progress Ignore
 Dealt With Information Only

Action Taken:

To whom it may concern,

I think the new proposals are excellent, However I have some concerns listed below:

1. Minibus type vehicles are generally commercial vehicles and should have a longer life than cars. If you treat them the same as a car the trade may stop investing in them, this would have an adverse effect on taxi's suitable for wheelchair users.
2. Trailers should be allowed on PH and Taxi's, they should be excluded from ranks due to space. I think its dangerous transporting people to the airports etc. sharing space with loose luggage. Even a purpose built cab couldn't take 4 adults and 4 cases safely using the current rules.
3. With immediate effect, owners/operators should prove they have available funds to maintain their vehicles. Public safety is paramount, I'm shocked how the taxi fraternity gets back street garages to bodge their cars when they break down, they have no maintenance schedule. The use of second hand tyres should be banned, how hard up must an operator be to be fitting tyres off another vehicle that's possibly been involved in an accident.
4. DCC should be more flexible when allowing Private Hire vehicles on. The likes of a Ford Galaxy could carry 6 passengers like it was designed to, because we accept bookings for these cars over the telephone, we can determine its suitability before its dispatched.
5. DCC could reduce the amount of hackneys by increasing the price of the plate and encourage Private Hire by reducing the plate price? (Just a thought)

I hope you have found my comments useful

Sent from [my iPhone](#)

Audit Trail

Audit Trail

09/03/2016 10:20:50 Stephen Tomes ASSIGNEDTO from "" to NICKY P JONES/EN/DCC
09/03/2016 10:20:50 Stephen Tomes STATUS from 'NEW' to ASSIGNED TO BUT NOT STARTED

7

To : "licensing@denbighshire.gov.uk" <licensing@denbighsh
cc: :

Subject : Hackney Draft Vehicle Policy.

In Progress
ned To But Not Started Dealt With Ignore
Date: Information Only
'16

The taxi trade earnings have declined over the past few years.

1. With help from the increase in Licensed Plates Issued.
2. Certain companies applying £3.00 fares any where in Rhyl.
3. A lack of visitor's to the area.

Would the Licensing Authority reconsider your draft proposal concerning. PARA 4.2
That all new vehicle's must be three years old.

I believe this may lead to financial hardship for new and existing owner drivers.

Due to the payment cost of vehicle's up to three years old.

A fairer system would be to replace the word three years old. To the maximum ten years old.

Auc

Audit Trail

23/03/2016 10:03:08 Stephen Tomes CLOSEDDATE from "" to 23/03/2016
 23/03/2016 10:03:08 Stephen Tomes ASSIGNEDTO from "" to IAN MILLINGTON/EN/DCC
 NICKY P JONES/EN/DCC
 23/03/2016 10:03:08 Stephen Tomes STATUS from 'NEW' to INFORMATION ONLY
 23/03/2016 10:03:07 Stephen Tomes has forwarded to the assigned officer : Ian Millington/EN/DCC
 Nicky P Jones/EN/DCC

8

Licences Enquiry

From :
onlineforms@denbighshire.gov.uk
01/04/2016 17:01

To : licences@denbighshire.gov.uk
cc: :

Subject : Website enquiry - Licences and permits

| | | | |
|---|--|---|--|
| Assigned To: Ian Millington/EN/DCC, Jo Thomas/EN/DCC | Status: <input type="radio"/> New <input checked="" type="radio"/> Assigned To But Not Started | <input type="radio"/> In Progress <input type="radio"/> Dealt With | <input type="radio"/> Ignore <input type="radio"/> Information Only |
| Action Taken : | | | |

Denbighshire County Council website: Online form submission.

Posted on: 01/04/2016 17:00:37

Posted from: <https://www.denbighshire.gov.uk/en/resident/contact-us/licences-and-permits.aspx>

Form post

First name:

Last name:

Your email address:

What would you like to contact us about:

Road and highway licences

I don't expect this to be heard as I am late to submit due to not seeing the email. Firstly a black car is terrible to drive in the summer and is one of the worst colours to keep clean. if the colour is to identify my car as a taxi then what is the top sign for? Then there is costs not only to owners but for the council. You can pay an extra £1000 for black paint so you are looking at about £12000 upwards for a decent 3 year old vehicle. To be honest I couldn't afford it especially if I were to have an accident and have to replace again. We have been on this path before regarding age of

vehicles and as I run a reasonable maintained car that is 7 years old and will last for a few more years I would hope to keep it. There is no age restrictions in the dsa guidelines so until it becomes a national requirement then I am against this rule. This past couple of years Howard has made several visits to the ranks along with VOSA and I feel that the quality of vehicles has improved a lot so these changes are unnecessary and could prove to be very costly. School, hospital, police contracts that the council pays for would inevitable go up in price. Personally I feel these changes could put me out of work, then I would be seeking legal advice and if I had a case I would be looking to recover costs. I really don't want to go down that path. Maybe if I was earning a good living from taxiing my views would possibly be different but the town is dead and I'm not Thank you for your time ~~XXXXXXXXXX~~ Ps. On a lighter note. ..What shade of black???

Message:

This automated email has been sent from Denbighshire County Council's Website. The information contained in this email is confidential.

Audit Trail

Audit Trail

04/04/2016 14:49:03 Stephen Tomes ASSIGNED TO from "" to IAN MILLINGTON/EN/DCC
JO THOMAS/EN/DCC
04/04/2016 14:49:02 Stephen Tomes STATUS from 'NEW' to ASSIGNED TO BUT NOT STARTED
04/04/2016 14:49:02 Stephen Tomes has forwarded to the assigned officer : Ian Millington/EN/DCC

24/3/16

Ref Hackney Proposals

I sent the following email unfortunately I received a failed delivery notice so missed the deadline. Could you please include this in your consultation?

I have an issue with the statement that you will not restrict the numbers of licences issued yet the new proposals will require applicants to provide documentary evidence that there is a need for further licences to be issued.

You will require applicants to provide documentary proof that they have the financial means to maintain their vehicle. How will you enforce this?

The proposal to limit the age of vehicle new to fleet to 3 yrs old and then replace when 10 yrs old will favour the larger fleet operators putting the owner driver at a disadvantage.

Why require black only when London the origin of black cabs have relaxed their r black only rule.

You propose to ban towing. Some licence holders have only one vehicle for work and personal use this restrict their use. If it is an issue of insurance my policy did not exclude towing.

30 MAR 2016

Nicky Jones

From:
Sent:
To:
Subject:

Policy Changes

Nicky

Thank you for the opportunity to comment on revisions to the Hackney carriage and private hire policy and vehicle specifications.

The Hackney carriage and private hire industry is important to Denbighshire Passenger Transport. We currently spend some £2½m of our school transport budget on such vehicles, some 80% of which is paid to Denbighshire operators. At the outset, I therefore need to emphasise the significance of such these industries. I also need to give you some context in that the budget is currently four per cent overspent with the real likelihood this will increase next and in future years as a result of market and forthcoming transport policy changes, both of which are likely to increase the amount and proportion we spend within these sectors.

The Passenger Transport Section supports and welcomes the improvements you wish to make but would like to raise the following, relating chiefly but not exclusively to PHVs:

1. May I seek assurances that proposals under type approval (Policy para 2.1 and Appendix 1 para 1.1) will not preclude the future licensing or use of so-called minibuses or other seven & eight seat vehicles (including class 4A and 5 vehicles with nine to 16 seats but reseated to eight) always provided that the operator has undergone the necessary recertification and approvals. The reason for this is that such vehicles form an important part of the private hire fleet and their size offers school transport maximum flexibility (and some larger Hackneys are capable of carrying a wheelchair). Any changes to the cohort of such vehicles will have a detrimental impact on the school transport budget. In some areas, the supply of these vehicles is already low and, as a consequence, costs are unreasonably increasing. School transport suppliers need the flexibility to convert vehicles with due haste and with minimum hassle. Any local inflexibilities may result in a commercial advantage to suppliers based in neighbouring areas, such as adjacent to Rhyl and Llangollen.
2. The use of minibuses is also pertinent to vehicles that can carry wheelchairs. Under 3., you quote "making successful journeys is critical [crucial perhaps rather than critical?] to the social inclusion of disabled people... Their education... is specifically improved when journeys become accessible" and I would agree with this rubric. Under 8.1 (b), however, you appear specifically to rule out the majority of larger vehicles capable of carrying chairs (those which can carry more than one) by insisting upon vehicles with only a side entrance. I understand your reasoning but would contend that rear loading can be safe if managed correctly (e.g. if off-street or if the vehicle is so positioned as to face on-coming traffic). Additionally, for those vehicles requiring a tail-lift, owing to the weight and dynamics of that apparatus and the vehicular centre of gravity, the only practical position for such equipment is the rear. The reasons for these comments, therefore, are that the current cohort of such vehicles is already small, demand for them is increasing and other authorities' conditions may not be as robust as those you propose and hence the market may as a result be skewed away from Denbighshire operators. Where we currently carry more than one chair at a time, side-loaders would increase the overall pool required, owing to two vehicles replacing one. Owing to the current disproportionately high costs of hiring such vehicles, any change will have an excessively adverse impact on the school transport budget. The

use of rear loading vehicles should nevertheless only be deemed acceptable for use on school transport following an appropriate risk assessment.

3. I understand the reasons why you wish to set a maximum age limit on vehicles of 12 years. Age is but one factor in terms of quality and an older vehicle need not in itself be either roadworthy or of poor cosmetic appearance. Other determinants such as the mileage travelled may be a better measure. Some specific school transport vehicles undertake fewer than 4,000 miles p.a. Would Licensing be prepared to consider a relaxation for vehicles used solely on school transport. If properly policed, this would not exempt any vehicle, driver or operator from the provisions of the licensing régime (e.g. vehicle testing, plating, etc.) but would relax the age limit in specific, controlled circumstances, perhaps introducing a mileage or condition ceiling. In such circumstances, there should be clear, additional sanctions were an operator or driver to diverge from expected outcomes. There might also be a requirement for such vehicles to undergo additional testing, at the operators' expense. The reason for my raising these issues is that I am concerned that any changes will have a detrimental impact on the school transport budget, one which, as stated above, is already under considerable strain and one where Members are expecting savings on the supply (i.e. commissioning) side.
4. Similarly, under 4.2, you are proposing that new vehicles to the fleet are no more than five years old. I understand the reasoning behind this and the principal is laudable. I would, however, wish to comment that this, too, will have an adverse impact on the school transport budget, perhaps even more so than a 12 year limit. The authority needs to strike a balance between the various competing priorities it faces and I would contend that there are other ways of trying to improve standards (e.g. the requirement for more monitoring/testing and the strategic use of intelligence gathered from test results and roadside monitoring) without such a high bar in terms of vehicle ages that will elevate a budget already under strain. I assume other authorities are not considering such a change, in which case this will disadvantage Denbighshire operators compared to those licensed by neighbours. Subject to suitable controls, you may consider some exemptions for low mileage vehicles as per 3. above.
5. To what benefit (under 2.5 of the proposed PH policy) is the statement, including a requirement for documentary evidence, as to why an applicant believes there is demand for the licensing of an addition PHV. The reason for questioning this is because the higher the volume of PHVs we have, the stronger the market for school transport purposes.
6. Noting that vehicles shall have neither significant corrosion nor accident damage (Appendix 1, 2.1/3), in order to ensure a uniform and high standard, the documents should specify what is reasonable.
7. Notwithstanding my comments under 3. and 4. above, you state under 4.2 that "All vehicles licensed under a new application must be a maximum of five years old...". To me, this implies the vehicle must not be younger than five when, to be consistent with how I read the remainder of the documents, I think you need to revise this to mean the maximum age of five years.
8. Vehicle testing (para 5.1) should in the opinion of Passenger Transport be undertaken solely by Fleet. Specifically, vehicles with sliding service doors should be expected to undergo a more thorough examination (by Fleet) than previously. The reasons for these requests are to ensure consistency, full adherence to the standards you are now prescribing, full confidence, reliable intelligence and, specifically regarding doors, to mitigate against issues we have recently experienced with more than one operator.

9. Are paras 5.2 and 5.3 mutually exclusive? 5.2 implies there will be a higher standard; 5.3 states PHVs shall be maintained to no less a standard than the MOT inspection régime. Do you or will you define the specific standards you require?
10. 5.4 states that PHVs shall be properly maintained and presented. When the new standards begin, would you be able to record and therefore interrogate information on compliance test failures, other issues and spot checks. The reason for this request is, along with your penalty points system already in place, to identify trends within operators as regards their vehicles and use that information as part of a pre- and post-contract quality assessment. The use of management information such as these could obviate or mitigate the need for reactive monitoring, thus saving officer resources within both Licensing and Passenger Transport. Such reports might then usefully be available to your Committee in considering the appropriateness or otherwise of operators. Currently, there is no such information available.
11. Both appendices refer to CCTV. CCTV is of benefit to both driver *and* passenger safety. Information therein should be strengthened. Where fitted, no driver should have ready access to the system being used to record within a vehicle and neither should they be able to turn it off. Only the proprietor should have access. This results in something of an anomaly as regards owner-drivers. In such circumstances, it may therefore be that CCTV may be misused. It may also be that parents who are content to have CCTV on school buses may actually feel uncomfortable with there being CCTV in, for example, a feeder taxi for that bus unless there are specific safeguards in place. In such circumstances, Passenger Transport requests that CCTV only be available or used when specifically agreed with school transport colleagues. The reason for this request is to ensure that no driver can misuse CCTV to the safeguarding detriment of a learner.
12. Consider altering the heading "Accidents" to "Collisions". The reason for this request is that the latter term is now the more accepted and "accidents" tend to infer a lack of responsibility.
13. In para 11.4, you refer to paras 12.1 and 12.3. There is no 12.3.
14. Under 13.5, the addition of the word "minicab" might be considered.
15. I do not understand 17.1. Only closed channel equipment shall be used yet earlier in 17.1 you say that effectively drivers should not use such equipment. Under 17.2, rather than drivers be discouraged from using mobile communications while driving, they should be explicitly told not to. This in no way detracts from the importance of mobile communications. The reason for this request is that road safety opinion now suggests the use of any form of mobile communications, including handsfree, poses a road safety risk.
16. Under para 11., drivers and operators should additionally keep records regarding their daily walkround checks. The reason for this request is that this is a key determinant as to how an operator is performing, is a requirement by DVSA for larger vehicles (with nine or more passenger seats) and also to some extent protects the driver and operator in the event of a failure or collision. Where investigation is required, this also gives audit trail.
17. For the purposes of school transport, vehicles should always have an appropriate child restraint available. I am unsure of the current local regulations regarding the carrying and use of booster seats.

The foregoing relates principally to PHVs. To a lesser extent, the principles also apply to Hackney carriages. The use of taxis rather than PHVs on school transport is rarer though, particularly in the

north of the county and in some areas elsewhere, we do rely on both categories of vehicle, including for those users who require transport in their own chairs. Given the scale of our expenditure, ensuring a strong and healthy market is to the benefit of learners who qualify for free school transport as well as the Council itself.

Specifically, regarding Hackney carriages:

18. Proposed vehicle ages for Hackneys are more stringent than for PHVs. This will result in increased expenditure for the school transport budget. The principles as outlined in 3. and 4. above apply. Note, however, it would be unreasonable to ask for any exemption regarding low mileage, as Hackneys are unlikely ever to be solely used on school contracts.

In order to maintain the highest possible standards, how realistic is it for Licensing to ensure that operators and or vehicles stationed in Denbighshire are tested and plated locally. I am aware of one operator who is based within the county but whose vehicles (and drivers) are licensed some distance away. I have no difficulties with or issues in using contractors from other authorities, as this not only satisfies the Council's requirements under its Contract Procurement Regulations, it also makes commercial and operational sense where service users live close to neighbouring authority boundaries. Such operators tend to be licensed with their "home" authority. It does strike me as somewhat perverse, however, that an operator may if they wish licence themselves some distance from their bases when competitors are all certified locally. As standards in Denbighshire improve as a result of your proposals, this may result in this unintended consequence becoming more common.

Finally, may I reiterate the importance of the Hackney/PHV sectors in terms of school transport and that some of the changes you propose will inevitably result in cost increases for which not only is budget unavailable, it is unlikely to be so in the immediate future.

Peter Daniels BSc CMILT MCIHT
Rheolwr Cludiant Teithwyr /
Passenger Transport Manager
Ffôn/Tel: 01824 706847

9. Are paras 5.2 and 5.3 mutually exclusive? 5.2 implies there will be a higher standard; 5.3 states PHVs shall be maintained to no less a standard than the MOT inspection régime. Do or will you define the specific standards you require?
10. 5.4 states that PHVs shall be properly maintained and presented. When the new standards begin, would you be able to record and therefore interrogate information on compliance test failures, other issues and spot checks. The reason for this request is, along with your penalty points system already in place, to identify trends within operators as regards their vehicles and use that information as part of a pre- and post-contract quality assessment. The use of management information such as these could obviate or mitigate the need for reactive monitoring, thus saving officer resources within both Licensing and Passenger Transport. Such reports might then usefully be available to your Committee in considering the appropriateness or otherwise of operators. Currently, there is no such information available.
11. Both appendices refer to CCTV. CCTV is of benefit to both driver *and* passenger safety. Information therein should be strengthened. Where fitted, no driver should have ready access to the system being used to record within a vehicle and neither should they be able to turn it off. Only the proprietor should have access. This results in something of an anomaly as regards owner-drivers. In such circumstances, it may therefore be that CCTV may be misused. It may also be that parents who are content to have CCTV on school buses may actually feel uncomfortable with there being CCTV in, for example, a feeder taxi for that bus unless there are specific safeguards in place. In such circumstances, Passenger Transport requests that CCTV only be available or used when specifically agreed with school transport colleagues. The reason for this request is to ensure that no driver can misuse CCTV to the safeguarding detriment of a learner.
12. Consider altering the heading "Accidents" to "Collisions". The reason for this request is that the latter term is now the more accepted and "accidents" tend to infer a lack of responsibility.
13. In para 11.4, you refer to paras 12.1 and 12.3. There is no 12.3.
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OPTIONS FOR MEMBERS' CONSIDERATIONS

Tudalen 75

| AREA OF POLICY FOR CONSIDERATION | OPTIONS FOR MEMBERS TO CONSIDER |
|--|--|
| Proposed to stipulate all Hackney Carriages to be black – (section 2.3 Hackney Carriage Vehicle Policy and 2.2 Hackney Carriage Vehicle Specifications) | <ul style="list-style-type: none"> • To not have a colour restriction for hackney carriages (as is proposed for private hire vehicles) • To consider whether another colour is more appropriate ie a lighter colour • To consider whether having a different colour roof/bonnet/boot would be more appropriate • To keep the proposal of black being the only colour |
| Age of Vehicle for Hackney Carriage Vehicles new to fleet to be brought in line with the proposed Private Hire Vehicles new to fleet (Section 1.5 hackney carriage specification and 1.4 private hire specification) | <ul style="list-style-type: none"> • To not have an age policy for new to fleet vehicles (for private hire and /or hackney carriage) • To keep the proposal of 3 years old for all new to fleet hackney carriage vehicles • To consider increasing the age limit for new to fleet vehicles for hackney carriage purposes to 5 years (in line with private hire vehicles) |
| Maximum age of Private Hire and Hackney Carriage Vehicles (once licensed and remaining on fleet) (Section 4 -hackney carriage and private hire policy) | <ul style="list-style-type: none"> • To consider not having a maximum age policy for both private hire or hackney carriage vehicles • To consider whether a maximum age for both private hire and hackney carriage vehicles should be brought in line ie both 10 or 12 years old • To keep the proposal of 10 years for hackney carriage vehicles and 12 years for private hire vehicles |
| Trailers (Section 14.1 private hire policy and Section 11.1 hackney carriage policy) | <ul style="list-style-type: none"> • To consider prohibiting trailers for both private hire and hackney carriage • To consider accepting trailers for private hire vehicles only and also to consider whether relevant training would be required for those drivers currently exempt from the need to pass the DVLA driver trailer entitlement • To consider whether hackney carriage vehicles should be approved to use trailers |
| Wheelchair accessible | <ul style="list-style-type: none"> • To consider whether all Hackney Carriage vehicles should be wheelchair accessible |

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Eitem Agenda 8

ADRODDIAD I'R: PWYLLGOR TRWYDDEDU

DYDDIAD: 8 Mehefin 2016

ADRODDIAD GAN: PENNAETH CYNLLUNIO A GWARCHOD Y CYHOEDD

TESTUN: RHAGLEN WAITH Y PWYLLGOR TRWYDDEDU 2015/16

| DYDDIAD | ADRODDIAD | SYLW |
|----------------|--|---|
| 22 Medi 2016 | Polisi Arfaethedig Masnachu ar y Stryd | Adroddiad i'r Aelodau ystyried Polisi diwygiedig Masnachu ar y Stryd |
| | Rhaglen Gwaith i'r Dyfodol 2016/17 | Adroddiad i'r Aelodau ystyried cymeradwyo Rhaglen Gwaith i'r Dyfodol ar gyfer 2016/17 |
| 7 Rhagfyr 2016 | Diweddarau ac Adolygu Polisi a Threfn Pwyntiau Cosb | Adroddiad i'r Aelodau ei ystyried ynghyd â chymeradwyo polisi diwygiedig |
| | Adolygu'r Polisi Sefydliad Rhyw | Adroddiad i'r Aelodau ystyried Polisi diwygiedig. Mae'r eitem hon wedi'i symud o Bwyllgor mis Mawrth. |

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Deddf Llywodraeth Leol 1972.

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