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Planning and Public Protection Service

Name of Policy :

PRIVATE HIRE AND HACKNEY CARRIAGE VEHICLE POLICY, VEHICLE SPECIFICATION AND CONDITIONS OF LICENCE

Author / Custodian:	Nicky Jones
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1. PRIVATE HIRE VEHICLE POLICY

LIMITATION OF NUMBERS

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

SPECIFICATIONS AND CONDITIONS

- 1.2 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.
- 1.3 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.
- 1.4 Appendix 1(a) sets out the specification and minimum standards in respect of Private Hire vehicles.
- 1.5 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.

ACCESSIBILITY

- 1.6 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”
- 1.7 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.
- 1.8 Licensed Taxi drivers have a duty under Disability Discrimination Act 2005 to carry guide, hearing and other prescribed assistance dogs in their vehicles 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>

MAXIMUM AGE OF VEHICLES

- 1.9 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.
- 1.10 All vehicles licensed under a new application must be up to a maximum of 5 years old from the date of first registration and, if compliant with the requirements for licence, shall therefore be granted a renewal of a vehicle licence up to the age of 12 years only from the date of first registration, whereupon the licensed vehicle must be replaced with one of a maximum age of up to 5 years from the date of first registration. This also applies to any vehicle that is transferred/replaced or that has been involved in a road traffic collision.
- 1.11 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 1.10 above eg all licensed vehicles aged 12 years or over, from the date of first registration, must have been replaced with one of a maximum age of up to 5 years from the date of first registration. 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 1.10 above will apply.

VEHICLE TESTING

- 1.12 Prior to the granting of a licence, each vehicle shall be examined and tested at a designated testing station, approved by the Authority.
- 1.13 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 possible that a MOT advisory note could fail the Council's testing standards.

- 1.14 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 un-roadworthy 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.
- 1.15 The following diagram (fig 1) summaries the testing regime for Private Hire Vehicle:

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 at 6 monthly intervals	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 at 6 month intervals	At any Designated Testing Station
Licensed Vehicles 5 years and over and up to 12 years old	2 x MOT and Compliance Tests at 6 monthly intervals	1 at Fleet Services and 1 at any Designated Testing Station
Fig 1		

- 1.16 Vehicles that are presented for their MOT and Compliance tests in a condition that would result in a failure, may be subject to any applicable re-test fee, to be determined by the Designated Testing Station.
- 1.17 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.
- 1.18 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.

SIGNAGE /ADVERTISING/LIVERY

- 1.19 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.
- 1.20 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 13 of Appendix 1(a)).
- 1.21 Private Hire vehicles shall display door signs, issued by the Council and fitted as set out in the conditions of licence.
- 1.22 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.
- 1.23 Private Hire vehicles shall not be allowed to display or advertise written or other material on its bodywork.

SECURITY/CCTV

- 1.24 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.
- 1.25 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.
- 1.26 In allowing the installation and use of CCTV, the Authority recognises that such systems can be used to prevent and detect crime, reduce the fear of crime and enhance the safety of taxi and private hire vehicle drivers, as well as their passengers. However, this policy also seeks to ensure that the installation and operation of CCTV systems do not compromise the safety of either drivers or passengers or unreasonably interfere with the privacy of members of the public.
- 1.27 For the purposes of this policy, a CCTV system will include any electronic recording device attached to the inside of a taxi or private hire vehicle having the technical capability to capture and retain visual images from inside or external to the vehicle.

- 1.28 This policy does not place a mandatory requirement on the licensed operators of taxis and private hire vehicles to install CCTV systems in their vehicles. Any CCTV system to be fitted in a taxi or private hire vehicle must, as a minimum, meet the requirements of this policy. Only CCTV systems meeting these requirements can be installed into licensed taxis and private hire vehicles.
- 1.29 Where an operator wishes to install and use a CCTV system, it will be a condition of the taxi or private hire vehicle licence that the requirements of this policy are complied with.
- 1.30 **THE DATA CONTROLLER**
- 1.30.1 The Information Commissioner defines a “data controller” as the body which has legal responsibility under the Data Protection Act 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of a CCTV system in taxis and private hire vehicles, the “data controller” will be the holder of the taxi or private hire vehicle licence and not the driver. The licence holder, as data controller, will therefore be responsible for ensuring compliance with the requirements of this policy and with all relevant data protection legislation, including the Data Protection Act 1998. The data controller is legally responsible for the use of all images including breaches of legislation.
- 1.31 **THIRD PARTY DATA PROCESSOR**
- 1.31.1 Where a service provider is used for the remote storage of CCTV data they will act as a ‘data processor’. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor. There must be a formal written contract between the data controller and the data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. A copy of the contract must be provided to an authorised officer of the Licensing Section, or to the Police, on reasonable request
- 1.32 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 1(c) .

APPLICATION PROCEDURES

- 1.33 The procedure for applying for a Private Hire vehicle licence is not prescribed in legislation. Applicants will be expected to complete the relevant application form as provided by the Licensing Section and furnish the relevant supporting documents.

CONSIDERATION OF APPLICATIONS

- 1.34 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.

GRANT AND RENEWAL OF LICENCE

- 1.35 Hackney carriage and private hire vehicle licences will be granted for 12 months. Vehicle licences can be renewed up to one calendar month before expiry with no loss of licence benefit.
- 1.36 The Council will only accept complete applications comprising of all the necessary information.
- 1.37 The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 1.38 Application forms, appropriate fees, and supporting documentation, shall be produced at the Licensing Section in person, by post or in some circumstances, electronically.
- 1.39 In respect of Hackney Carriage vehicles, licenses are granted on the proviso that the vehicle concerned will work predominantly within the County- hackney
- 1.40 The responsibility to ensure that a vehicle is licensed is that of the proprietor, driver and in the case of private hire, the operator, as all may be guilty of an offence should an unlicensed vehicle be used.
- 1.41 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 1.10. 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.

STRETCHED LIMOUSINES

- 1.42 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream Private Hire work. Their general use includes all Private Hire work plus special occasions such as birthday parties for all ages, stag and hen parties.

- 1.43 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.
- 1.44 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:
- be granted an exemption from the requirement under the conditions of licence for Private Hire vehicles to be right hand drive
 - be granted exemption to display the Private Hire vehicles plates
 - be approved as a Private Hire vehicle subject to the additional conditions detailed in Appendix 1(d)

CONTRACT VEHICLES

- 1.45 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.

FUNERAL AND WEDDING VEHICLES

- 1.46 In accordance with legislation, funeral and wedding vehicles do not need to be licensed whilst it is being used in connection with a wedding or funeral.

TRAILERS

- 1.47 Licensed Private Hire Vehicles are permitted to tow a trailer. However, Licensed Drivers currently exempt from the need to pass the DVLA driver trailer entitlement will require relevant training before towing a trailer. Relevant specifications and conditions for the trailer can be found at Appendix 1(e).

COLLISIONS/INCIDENTS

- 1.48 A licence will be suspended if, upon the reporting an incident to the Council, in a licensed vehicle, as required by the licensing conditions, the Council is of the opinion that the damage caused materially affects the safety, performance or appearance of the licensed vehicle or the comfort or convenience of passengers carried therein.

PLATE EXEMPTION

- 1.49 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.

- 1.50 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.
- 1.51 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. To that end an exemption will only be granted where the applicant is able to satisfy the council that:
- There is no public safety risk
 - There is a legitimate business or service requirement
 - The vehicle is suitable for the purposes outlined by the applicant.
- 1.52 Each application for exemption will be treated on its own merits for consideration at Licensing Committee.

DISCIPLINARY AND ENFORCEMENT MEASURES

- 1.52 Legislation installing a licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by the Council. For this reason, the Council has dedicated taxi enforcement Officers.
- 1.53 The Council will take appropriate disciplinary action upon receipt of evidence that an offence has been committed by a hackney carriage or private hire driver, a private hire operator, private hire or hackney carriage vehicle proprietor or in relation to a hackney carriage, private hire vehicle or operator's licence.
- 1.54 Offences may be committed either contrary to the legislation enforced by the Council, the conditions imposed on licences granted by the Council, the adopted byelaws regulating hackney carriage proprietors and drivers, or this Policy.
- 1.55 Drivers, operators and proprietors of vehicles who have committed offences under legislation outside of that applicable to taxis will also be investigated in order to establish whether they are still fit and proper to hold a licence.
- 1.56 The Council will undertake targeted enforcement operations (including out of normal office hours) based on intelligence received as well as for compliance purposes.
- 1.57 The Council will investigate complaints received in respect of licensed and unlicensed vehicles; operators and drivers in accordance with the Police &

Criminal Evidence Act 1984 and the Planning and Public Protection Enforcement Policy.

- 1.58 The Council will undertake regular compliance checks of the records of Operators, drivers and vehicle proprietors and may request any documentation from those holding licences with the Council in order to ensure compliance with the legislative provisions, conditions of licence, byelaws and this Policy.
- 1.59 The Council will share information with other agencies in respect of potential illegal activities and enter into joint enforcement operations with other agencies and authorities. This may include taking enforcement action in respect of drivers and vehicles licensed by other Authorities where agreements and necessary delegations are in place.
- 1.60 The Council has a Planning and Public Protection Enforcement Policy, available on the Council website or provided on request, regulating how enforcement measures are taken by the Council. This states that any action shall be proportional, reasonable, transparent and appropriately directed. Details on enforcement action taken will be shared with other appropriate agencies and other Council services.

Disciplinary Action

- 1.61 There is a range of disciplinary action which the Council may take following the outcome of an investigation. This includes prosecution, revocation, refusal or an informal disciplinary sanction.
- 1.62 Where there is no evidence of wrong doing no further enforcement action will be taken. However, an advisory letter may still be appropriate. Where there is evidence of wrong doing the Council will take action.
- 1.63 Prosecutions will be taken where it is in the public interest. However, there are some instances where the revocation or suspension of a licence is a more effective and immediate remedy than prosecution. Licence holders successfully prosecuted by the Council for offences that put public safety at risk will have their licence revoked.
- 1.64 The Council will revoke, suspend or refuse to renew a licence where the licence holder has committed offences that put public safety at risk or for persistent non-compliance with the relevant legislation or licence conditions. In addition, a licence holder who fails to sufficiently safeguard the public, especially children and vulnerable adults, may have their licence suspended or revoked.
- 1.65 Minor offences which do not put the public at risk or do not call into question the fitness of the licence holder will be dealt with informally under the Council's penalty point warning scheme. The frequency or nature of minor offences may be such that the penalty point warning scheme is not consider appropriate and another sanction is necessary, such as suspension or revocation.

- 1.66 Action taken in respect of vehicle licences, such as suspension or revocation, will be dealt with by Officers guided by the requirements of the Local Government (Miscellaneous Provision) Act 1976 (including sections 60 & 68), Town Police Clauses Act 1847 (including section 50), Planning and Public Protection Enforcement Policy, and this Policy.
- 1.67 Action taken in respect of drivers or operators that fall outside of the penalty point warning scheme will be dealt with by Officers unless referred to the Licensing Committee.
- 1.68 One of the functions of the Licensing Committee is to consider the impact of transgressions of the law on the fitness of an individual.

PENALTY POINTS SCHEME

- 1.69 Whilst the operation of a successful hackney carriage and private hire vehicle trade is important to the economic well-being of the County, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use those services.
- 1.70 The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to minimum standards and to apply this in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions, codes of conduct or byelaws adopted by the Council and in this policy. Together they identify what is required of the trade and help to ensure that a consistent approach is taken.
- 1.71 The Council believes that an effective means of applying conditions at a local level is through a penalty point warning scheme. This acts as a first step in ensuring compliance with conditions, and serves as an “early warning” system to drivers, vehicle proprietors, and operators who see fit to ignore their responsibilities or fail to meet the requirements of their licence.
- 1.72 Points are accumulated on a sliding scale dependent upon the type of breach that has occurred. These penalty points then remain “live” for a relevant period on the drivers, proprietors or operators record from the date they are imposed. Where a driver, proprietor or operator accumulates a specified number of points within the relevant period they will be requested to attend a disciplinary hearing before the Licensing Committee. The Committee can either suspend or revoke the licence.
- 1.73 In some circumstances, specifically those relating to public safety, where the maximum 20 points is given then the Head of Planning and Public Protection may revoke a licence with immediate effect.
- 1.74 It is believed that a warning based penalty point’s scheme does assist the trade in maintaining standards but it does not compromise the Council’s ability to take other enforcement action for breaches of statute or licence conditions should an offence warrant such action.

1.75 The penalty point scheme is further detailed at Appendix .

FARES

1.76 The Council is not able to set fares for Private Hire vehicles.

1.77 Private Hire Operators that use licensed vehicles fitted with a fare meter must provide the Council with a current table of fares. This table must also be displayed in each Private Hire vehicle so that it is easily visible to all hirers.

1.78 Private Hire Operators may adopt the Council's tariff of fares for Hackney Carriage vehicles as their tariff of fares.

2. HACKNEY CARRIAGE VEHICLES

LIMITATION OF NUMBERS

- 2.1 Many local Licensing Authorities, including Denbighshire, do not impose any quantitative restrictions for Hackney Carriages and the Department for Transport (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.
- 2.2 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.
- 2.3 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
- 2.4 The Council has, at this time, decided not to set a limit on the number of Hackney Carriage Vehicles.

SPECIFICATIONS AND CONDITIONS

- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 Appendix 1(b) sets out the specification and minimum standards in respect of Hackney Carriage vehicles.

ACCESSIBILITY

- 2.9 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”
- 2.10 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 disabled people including, but not limited to, people who need to travel in a wheelchair, is an important consideration.
- 2.11 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.
- 2.12 Licensed Taxi drivers have a duty under 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>.

MAXIMUM AGE OF VEHICLES

- 2.13 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.
- 2.14 All vehicles licensed under a new application must be up to a maximum of 5 years old from the date of first registration and, if compliant with the requirements for licence, shall therefore be granted a renewal of a vehicle licence up to the age of 10 years only, whereupon the vehicle must be replaced with one of up to a maximum age of 5 years old from the date of first

registration. This also applies to any licensed vehicle that is transferred/replaced or been involved in a road traffic collision.

- 2.15 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 2.14 above eg all licensed vehicles aged up to 10 years from the date of first registration, or over must have been replaced with one of a maximum age of 5 years from the date of first registration. 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 2.14 above will apply.

VEHICLE TESTING

- 2.16 Prior to the granting of a licence, each vehicle shall be examined and tested at a designated testing station, approved by the Authority.
- 2.17 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 possible that a MOT advisory note could fail the Council testing station standards.
- 2.18 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 un-roadworthy 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.
- 2.19 The following diagram (fig 1) summaries the testing regime for Hackney Carriage vehicles:

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 at 6 monthly intervals	Initial MOT and Compliance to take place at County’s Fleet Services

		All further Compliances (up to the age of 5 years from the date of first registration) to take place at any Designated Testing Station
Licensed Vehicles under 5 years old	2x MOT and Compliance Tests at 6 monthly intervals	At any Designated Testing Station
Licensed Vehicles 5 years and over and up to 10 years old	2 x MOT and Compliance Tests at 6 monthly intervals	1 at Fleet Services and 1 at any Designated Testing Station
		Fig 1

- 2.20 Vehicles that are presented for their MOT and Compliance tests in a condition that would result in a failure, will be subject to any applicable re-test fee, to be determined by the Designated Testing Station.
- 2.21 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.
- 2.22 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.

SIGNAGE/ADVERTISING/LIVERY

- 2.23 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire vehicle.
- 2.24 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
- 2.25 A Hackney Carriage licensed by the Council must carry an illuminated roof-mounted sign. The roof sign must state “Taxi/Tacsi” and must be illuminated when plying for hire.
- 2.26 Details of any signs or advertising requested to be place on a Hackney Carriage vehicle shall be submitted to the Licensing Section 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.

SECURITY/CCTV

- 2.27 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.
- 2.28 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.
- 2.29 In allowing the installation and use of CCTV, the Authority recognises that such systems can be used to prevent and detect crime, reduce the fear of crime and enhance the safety of taxi and private hire vehicle drivers, as well as their passengers. However, this policy also seeks to ensure that the installation and operation of CCTV systems do not compromise the safety of either drivers or passengers or unreasonably interfere with the privacy of members of the public.
- 2.30 For the purposes of this policy, a CCTV system will include any electronic recording device attached to the inside of a taxi or private hire vehicle having the technical capability to capture and retain visual images from inside or external to the vehicle.
- 2.31 This policy does not place a mandatory requirement on the licensed operators of taxis and private hire vehicles to install CCTV systems in their vehicles. Any CCTV system to be fitted in a taxi or private hire vehicle must, as a minimum, meet the requirements of this policy. Only CCTV systems meeting these requirements can be installed into licensed taxis and private hire vehicles.
- 2.32 Where an operator wishes to install and use a CCTV system, it will be a condition of the taxi or private hire vehicle licence that the requirements of this policy are complied with.

2.33 The Data Controller

- 2.33.1 The Information Commissioner defines a “data controller” as the body which has legal responsibility under the Data Protection Act 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of a CCTV system in taxis and private hire vehicles, the “data controller” will be the holder of the taxi or private hire vehicle licence and not the driver. The licence holder, as data controller, will therefore be responsible for ensuring compliance with the requirements of this policy and with all relevant data protection legislation, including the Data Protection Act 1998. The data controller is legally responsible for the use of all images including breaches of legislation.

2.34 Third Party Data Processor

- 2.34.1 Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor. There must be a formal written contract between the data controller and the data processor. The contract must contain provisions covering security arrangements, retention/deletion instructions, access requests and termination arrangements. A copy of the contract must be provided to an authorised officer of the Licensing Authority, or to the Police, on reasonable request
- 2.35 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 1(c).

TAXI RANKS

- 2.36 A full list of Hackney Carriage ranks, their exact positioning on each street, the times they are in use and the maximum occupancy of each is available from the Licensing Section.

FARES

- 2.37 The Hackney Carriage Table of Fares ("the tariff") is set by the Council and set the maximum fare that can be charged by Hackney Carriage drivers for journeys.
- 2.38 The fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.
- 2.39 The Council will review Hackney carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors.
- 2.40 Hackney Carriage Proprietors may request, in writing, a review of the Council's fare scales, at any reasonable time.
- 2.41 A table of authorised maximum fares will be provided to each Hackney Carriage Proprietor, which must then be displayed in each vehicle so that it is easily visible to all hirers.

DISCIPLINARY AND ENFORCEMENT MEASURES

- 2.42 Legislation installing a licensing regime and the conditions of licence designed to protect public safety are of no value unless they are correctly enforced by

the Council. For this reason, the Council has dedicated taxi enforcement Officers.

- 2.43 The Council will take appropriate disciplinary action upon receipt of evidence that an offence has been committed by a hackney carriage or private hire driver, a private hire operator, private hire or hackney carriage vehicle proprietor or in relation to a hackney carriage, private hire vehicle or operator's licence.
- 2.44 Offences may be committed either contrary to the legislation enforced by the Council, the conditions imposed on licences granted by the Council, the adopted byelaws regulating hackney carriage proprietors and drivers, or this Policy.
- 2.45 Drivers, operators and proprietors of vehicles who have committed offences under legislation outside of that applicable to taxis will also be investigated in order to establish whether they are still fit and proper to hold a licence.
- 2.46 The Council will undertake targeted enforcement operations (including out of normal office hours) based on intelligence received as well as for compliance purposes.
- 2.47 The Council will investigate complaints received in respect of licensed and unlicensed vehicles; operators and drivers in accordance with the Police & Criminal Evidence Act 1984 and the Planning and Public Protection Enforcement Policy.
- 2.48 The Council will undertake regular compliance checks of the records of Operators, drivers and vehicle proprietors and may request any documentation from those holding licences with the Council in order to ensure compliance with the legislative provisions, conditions of licence, byelaws and this Policy.
- 2.49 The Council will share information with other agencies in respect of potential illegal activities and enter into joint enforcement operations with other agencies and authorities. This may include taking enforcement action in respect of drivers and vehicles licensed by other Authorities where agreements and necessary delegations are in place.
- 2.50 The Council has a Planning and Public Protection Enforcement Policy, available on the Council website or provided on request, regulating how enforcement measures are taken by the Council. This states that any action shall be proportional, reasonable, transparent and appropriately directed. Details on enforcement action taken will be shared with other appropriate agencies and other Council services.

DISCIPLINARY ACTION

- 2.51 There is a range of disciplinary action which the Council may take following the outcome of an investigation. This includes prosecution, revocation, refusal or an informal disciplinary sanction.
- 2.52 Where there is no evidence of wrong doing no further enforcement action will be taken. However, an advisory letter may still be appropriate. Where there is evidence of wrong doing the Council will take action.
- 2.53 Prosecutions will be taken where it is in the public interest. However, there are some instances where the revocation or suspension of a licence is a more effective and immediate remedy than prosecution. Licence holders successfully prosecuted by the Council for offences that put public safety at risk will have their licence revoked.
- 2.54 The Council will revoke, suspend or refuse to renew a licence where the licence holder has committed offences that put public safety at risk or for persistent non-compliance with the relevant legislation or licence conditions. In addition, a licence holder who fails to sufficiently safeguard the public, especially children and vulnerable adults, may have their licence suspended or revoked.
- 2.55 Minor offences which do not put the public at risk or do not call into question the fitness of the licence holder will be dealt with informally under the Council's penalty point warning scheme. The frequency or nature of minor offences may be such that the penalty point warning scheme is not consider appropriate and another sanction is necessary, such as suspension or revocation.
- 2.56 Action taken in respect of vehicle licences, such as suspension or revocation, will be dealt with by Officers guided by the requirements of the Local Government (Miscellaneous Provision) Act 1976 (including sections 60 & 68), Town Police Clauses Act 1847 (including section 50), Planning and Public Protection Enforcement Policy, and this Policy.
- 2.57 Action taken in respect of drivers or operators that fall outside of the penalty point warning scheme will be dealt with by Officers unless referred to the Licensing Committee.
- 2.58 One of the functions of the Licensing Committee is to consider the impact of transgressions of the law on the fitness of an individual.

PENALTY POINTS SCHEME

- 2.59 Whilst the operation of a successful hackney carriage and private hire vehicle trade is important to the economic well-being of the County, it is equally important that the service provided by the trade is properly regulated in order to instil confidence in the travelling public who wish to use those services.

- 2.60 The Council has a responsibility to ensure that all drivers, owners and operators of vehicles adhere to minimum standards and to apply this in a consistent and transparent manner. The standards concerned are defined by legislation, licence conditions, codes of conduct or byelaws adopted by the Council and in this policy. Together they identify what is required of the trade and help to ensure that a consistent approach is taken.
- 2.61 The Council believes that an effective means of applying conditions at a local level is through a penalty point warning scheme. This acts as a first step in ensuring compliance with conditions, and serves as an “early warning” system to drivers, vehicle proprietors, and operators who see fit to ignore their responsibilities or fail to meet the requirements of their licence.
- 2.62 Points are accumulated on a sliding scale dependent upon the type of breach that has occurred. These penalty points then remain “live” for a relevant period on the drivers, proprietors or operators record from the date they are imposed. Where a driver, proprietor or operator accumulates a specified number of points within the relevant period they will be requested to attend a disciplinary hearing before the Licensing Committee. The Committee can either suspend or revoke the licence.
- 2.63 In some circumstances, specifically those relating to public safety, where the maximum 20 points is given then the Head of Planning and Public Protection may revoke a licence with immediate effect.
- 2.64 It is believed that a warning based penalty point’s scheme does assist the trade in maintaining standards but it does not compromise the Council’s ability to take other enforcement action for breaches of statute or licence conditions should an offence warrant such action.
- 2.65 The penalty point scheme is further detailed at Appendix .

APPLICATION PROCEDURES

- 2.44 The procedure for applying for a Private Hire vehicle licence is not prescribed in legislation. Applicants will be expected to complete the relevant application form as provided by the Licensing Section and furnish the relevant supporting documents.

CONSIDERATION OF APPLICATIONS

- 2.45 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.

RENEWAL OF LICENCE

- 2.46 Hackney carriage vehicle licences will be granted for 12 months. Vehicle licences can be renewed up to one calendar month before expiry with no loss of licence benefit.
- 2.47 The Council will only accept complete applications comprising of all the necessary information.
- 2.48 The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 2.49 Application forms, appropriate fees, and supporting documentation, shall be produced at the Licensing Section in person, by post or in some circumstances, electronically
- 2.50 In respect of Hackney Carriage vehicles, licenses are granted on the proviso that the vehicle concerned will work predominantly within the County. Please refer to the County's Intended Use Policy at Appendix
- 2.51 The responsibility to ensure that a vehicle is licensed is that of the proprietor, driver and in the case of private hire, the operator, as all may be guilty of an offence should an unlicensed vehicle be used.
- 2.52 Application forms, appropriate fees, and supporting documentation, shall be produced at the Licensing Section. It is the licence holder's responsibility to ensure that licences are renewed prior to their expiry.
- 2.53 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 dependent upon the age of the existing licensed vehicle, it may require a change in vehicle to meet the age requirements set out in Section 2.14 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.

TRAILERS

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

COLLISIONS/INCIDENTS

- 2.55 A licence will be suspended if, upon the reporting an incident to the Council, in a licensed vehicle, as required by the licensing conditions, 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.