


Planning and Public Protection Service

Name of Procedure:

Procedure for dealing with expired insurance and compliance documents

Author / Custodian:	Nicky Jones
Date agreed and implemented:	Agreed: 12th June 2013 Implemented: 1 st August 2013
Agreed by:	Licensing Committee
Frequency of Review:	Annual
Review date:	May/June 2014
Equality Impact Assessment completed: (date)	N/A
Member involvement (if any)	Licensing Committee
Internal or Public Domain:	Public Domain
Head of Service Approval: (signature & date)	 22 nd May 2013

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
V01	Final	Licensing Committee	12.06.13

1. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to be clear on what process need to be followed when dealing with insurance and compliance documents and to ensure that legislation is adhered to.

2. Related Documents

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976 Section 49

Blue Book (Conditions and Policy)

Flowcharts Attached

3. Officer Delegations

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

FUNCTION	OFFICER
Suspension of vehicle licence under Section 60 LG(MP)A 1976	Head of Service or Public Protection Manager or Senior Licensing Officer or Senior Community Safety Enforcement Officer

4. Legislation/Policy

There is no specific section of the legislation that requires a proprietor of a vehicle licence to provide continuous cover of insurance and compliance/MOT certificates. It is a condition of their licence, contained within the policy and conditions.

The existing policy states:

The licensee shall ensure that renewed motor insurance cover and certificate of compliance are submitted to the Licensing Officer, in original form, either prior to or on their expiry. Failure to provide such documentation will result in the immediate suspension of licences.

5. Process

- i) Weekly report printed from Licensing System of documents that have expired
- ii) Suspension notice issued and signed by SLO/LEO. Suspension will only take effect after 21 days so it will give the licensee time to submit the updated document.

- iii) Update licensing system
- iv) Notify School Transport and Social Services Contract Teams
- v) If the documents are received within the 21 days then the suspension will be lifted
- vi) SLO to issue a letter lifting the suspension.
- vii) Inform School Transport and Social Services Contract Teams that the vehicle is no longer suspended
- viii) Update Licensing system.
- ix) If the documents are not received within the 21 days then the suspension is in force and Enforcement will be instructed to remove the plate(s) from the vehicle if the licence holder has not surrendered it.
- x) The vehicle will remain suspended until such time as original renewal documents have been received
- xi) Once documents have been received follow step (v) – (viii) above.

6. Right of Appeal

The proprietor has a right of appeal against any of the Council's decisions , to the Magistrates Court .


7. Review of Procedure

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

Planning and Public Protection Service

Name of Procedure:

Procedure for the Grant/Renewal of a Private Hire Operator Licence

Author / Custodian:	Nicky Jones
Date agreed and implemented:	Agreed: 12 th June 2013 Implemented: 1 st August 2013
Agreed by:	Licensing Committee
Frequency of Review:	Annual
Review date:	May/June 2014
Equality Impact Assessment completed: (date)	N/A
Member involvement (if any)	Licensing Committee
Internal or Public Domain:	Public Domain
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Reference:	Status:	Authorised by:	Date:
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6. PURPOSE

To ensure consistency of administering and enforcing the Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for new and renewal Operator Licences and to ensure that legislation is adhered to.

7. RELATED DOCUMENTS

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

Flowchart 1 Grant of a Private Hire Operator Licence

2 Renewal of a Private Hire Operator Licence

8. OFFICER DELGATAIONS

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

FUNCTION	OFFICER
Processing of application	Licensing Support Officer
Rejection of application	Public Protection Manager or Senior Licensing Officer
Referral of application to Licensing Committee	Public Protection Manager or Senior Licensing Officer
Grant/renewal of application	Public Protection Manager or Senior Licensing Officer
Refusal of application	Head of Service or Public Protection Manager or Senior Licensing Officer

4. LEGISLATION

Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority power to licence Private Hire Operators, which states:

'55(1) subject to the provisions of this Part of the Act, a district Council shall, on receipt of an application for any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

5. GENERAL NOTES

Once an application has been received, the only ground for refusal is whether the applicant is a fit and proper person.

It is not possible to obtain an enhanced DBS (Disclosure and Barring Service) Check (formerly a CRB Check) for an operator licence applicant. An Operator applicant is not on the DBS's list of relevant occupations for an enhanced disclosure. A basic disclosure can be obtained along with a statutory declaration.

Conditions may be attached to an Operator's Licence but they must be reasonably necessary.

6. PROCESSING APPLICATION FOR GRANT (flow chart 1)

- i. Licensing Support Officer to check the application form is completed and signed by applicant/dated. If not complete reject application
- ii. Is the applicant a licensed driver with the County? If yes then a new DBS is not required but if he is not a licensed driver then a basic disclosure and signed statutory declaration must be produced – see section 10 below
- iii. Has the applicant stated he has a radio licence? If so you must see a copy of it. If applicant fails to produce reject application
- iv. Licensing Support Officer to receipt fee – Code to H290019428
- v. If application complete pass to SLO for determination
- vi. SLO to determine whether applicant is a fit and proper person in line with legislation
- vii. If deemed NOT fit then application must be referred to Licensing Committee
- viii. SLO to prepare committee report, for committee to determine application
- ix. If deemed FIT then the application can be granted by SLO
- x. Licensing Support Officer to enter application onto licensing system
- xi. Licence to be signed by SLO (authorised officer) and one copy sent to Licence Holder/one copy to go on file.
- xii. An Operator file will need to be prepared and documents filed
- xiii. Licensing Support Officer to inform Planning if application is granted

7. PROCESSING APPLICATION FOR RENEWAL (see flowchart 2):

- i. Each month, Licensing to produce a monthly licensing system report detailing the operator licences due for renewal
- ii. Print renewal form and letter from licensing system and send out to licence holder. Ensure that the renewal documents are sent out to licence holder with at least one month notice of expiry.
- iii. Licensing Support Officer must check to ensure that all the required information has been fully completed on the application form and signed/dated.
- iv. If the applicant is not a licensed driver, we need to ensure that the applicant has not declared any new convictions or pending prosecutions on the application form. If applicants circumstances have changed move onto step xi below
- v. If the application requires supporting documents eg Radio Licence check documents thoroughly to ensure that it has a valid date in force
- vi. Check correct fee received (see table of fees attached)
- vii. Licensing Support Officer to receipt fee (Code to H290019428)

- viii. Licensing Support Officer to update licensing system and produce the renewal licence
- ix. Licence to be signed by SLO and one copy sent to licence holder and one to be attached to renewal documents.
- x. Documents to be filed in Operator file.
- xi. **IF APPLICANT DECLARES** new convictions SLO to inform School Contracts and Social Services Contracts
- xii. **IF APPLICANT DECLARES** a pending prosecution SLO to liaise with Licensing Manager and dependant on allegation SLO to take either no action, refer to committee or wait until the outcome of the Court hearing.
- xiii. SLO to prepare a report for Committee for determination

8. APPLICATION NOT RECEIVED BEFORE EXIPRY:

If the application is not renewed by the expiry date of the existing licence then refer the matter to Enforcement Team the day after the expiry date

9. DBS AND STATUTORY DECLARATION

It is very unusual for new applications to be received for an Operator's Licence when the applicant is not already an existing licensed driver within the County, but on occasions this may happen and then we must ask the applicant to submit a basic disclosure from the DBS along with a Statutory Declaration signed by a Solicitor.

10. REJECTION OF APPLICATION

Rejection of application would take place if:

- a. if the applicant has not provided all appropriate supporting documents
- b. If the applicant has not fully completed the application form.

Insert reasons for rejection in the body of letter.
Rejection Letter must be signed by SLO

11. REFUSAL TO GRANT

A Local Authority has very little reasons for refusal of a licence if the applicant complies with all the application requirements. The only grounds are whether the applicant is a fit and proper person which will be determined by scrutinising the information on the application form, basic DBS and statutory declaration or if the applicant is a licensed driver he/she would have an enhanced DBS.

12. COMMITTEE DECISION

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the applicant is a fit and proper person to hold an Operator Licence. Members may resolve to take one of the following decisions:

1. **Grant**
2. **Refuse**

Members need to give appropriate reasons for refusal

13. RIGHT OF APPEAL

Section 55(4) - any person aggrieved by the refusal of a district council to grant an operator's licence under this section or by any conditions specified in such a licence, may appeal to a magistrates' court.


14. REVIEW OF PROCEDURE

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

Planning and Public Protection Service

Procedure:

Procedure for the Grant/Renewal of a Hackney Carriage and Private Hire Vehicle Licence

Author / Custodian:	Nicky Jones
Date agreed and implemented:	Agreed: 12 th June 2013 Implemented: 1 st August 2013
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9. PURPOSE

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for new and renewal vehicles and ensure that legislation is adhered to.

10. RELATED DOCUMENTS

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

Flowchart	1	Grant of a Private Hire Vehicle Licence
	2	Grant of Hackney Carriage Vehicle licence
	3	Renewal of a Private Hire Vehicle Licence
	4	Renewal of a Hackney Carriage Vehicle Licence

11. OFFICER DELEGATIONS

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

FUNCTION	OFFICER
Processing of application	Licensing Support Officer
Rejection of application	Public Protection Manager or Senior Licensing Officer
Referral of application to Licensing Committee	Public Protection Manager or Senior Licensing Officer
Grant/renewal of application	Public Protection Manager or Senior Licensing Officer
Refusal of application (as per policy)	Head of Service or Public Protection Manager or Senior Licensing Officer

12. LEGISLATION

Private Hire Vehicles

Section 48 of the LG(MP)A'76 give the Council the power to grant an application to use a vehicle as a private hire vehicle, provided that they are satisfied that the vehicle is:

- i. suitable in type, size and design for use as a PHV
- ii. not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- iii. in a suitable mechanical condition
- iv. safe and comfortable
- v. that there is in force in relation to the use of the vehicle a policy of insurance

Hackney Carriage Vehicles

Section 37 of the TPCA'47 gives the Council power to licence a hackney carriage. The legislation does not contain detailed requirements as found in the LG(MP)A'76

NEW VEHICLE APPLICATIONS (Flow Chart 1 & 2)

13. Pre-Inspections

- i. Licensing Enforcement Officer (LEO) to inspect all new vehicles to ensure compliance with the vehicle specification as detailed in the policy.
- ii. If LEO satisfied that vehicle meets specification a notice to that effect will be issued to the proprietor authorising the vehicle to undergo the Council's Compliance test
- iii. If LEO is not satisfied that the vehicle meets the specifications then the LEO must issue a rejection letter with details of reasons for rejection eg vehicle is a left hand drive/bodywork is in poor condition

14. Testing Requirements

Following the pre-inspection all suitable vehicles (as deemed by LEO) must undertake a Compliance Test at the County's Fleet Services Depot in Bodelwyddan.

7. Processing application for GRANT (PHV flowchart 1, H/C Flowchart 2):

- xiv. Application received – check all documents are present
- xv. If the application is for a new to fleet PHV check to see if applicant has a current Operating Licence (see section 11 below)
- xvi. Check Insurance document has appropriate cover for use and has a valid date in force (see section 9 below)
- xvii. Check details on V5 match application details (see section 10 below)
- xviii. Check correct fee received (see table of fees attached)
- xix. Pass to SLO to check application

If SLO satisfied that the above requirements are complete ONLY then move to next step. If Not satisfied SLO to issue rejection letter (see section 5 below).

- xx. Receipt fee - Code to H290019428
- xxi. Allocate licence number from VIP and Licensing system. You must select the next highest free number. NB do not use a number that has previously been issued before even if the licence has been surrendered or revoked.
- xxii. Enter insurance/certificate of compliance/V5 details onto Licensing System
- xxiii. Enter vehicle details VIP and issue Plate/Door Stickers

- xxiv. Issue paper licence from Licensing System
- xxv. Licence to be signed by SLO (authorised officer) and 2 copies sent to Licence Holder/one copy to go on file.
- xxvi. Documents to be filed

8. Processing application for RENEWAL (PHV flowchart 3, H/C flowchart 4):

- xiv. Each month, produce a monthly licensing system report detailing the vehicle licences due for renewal
- xv. Print renewal form and letter from licensing system and send out to licence holder. Ensure that the renewal documents are sent out to licence holder with at least one month notice of expiry.
- xvi. Applications must be submitted to Licensing Section. Licensing Support Officer must check to ensure that all the required information has been fully completed on the application form and signed/dated.
- xvii. If the application requires supporting documents eg Insurance/Compliance please check documents thoroughly to ensure that the correct cover for use and has a valid date in force (see section 9 below)
- xviii. Check correct fee received (see table of fees attached)
- xix. Receipt fee – Code to H290019428
- xx. VIP to be updated and new plate printed
- xxi. Update licensing system and produce the paper licence
- xxii. Licence to be signed by SLO and one copy sent to licence holder and one to be attached to renewal documents.
- xxiii. Documents to be filed in Operator file.

9. APPLICATION NOT RECEIVED BEFORE EXPIRY:

- i. If the application is not renewed by the expiry date of the existing licence then refer the matter to Enforcement Team the day after the expiry date

10.INSURANCE DOCUMENTS

Inspection of the insurance document must be done before authorising the application. Officer must be looking for the following:

- a. Insurance document relates to the vehicle application or is included on a schedule for fleet vehicle cover
- b. Start and expiry date of cover. Application cannot be accepted if cover has expired or if the start date commences after grant of licence. I.e. cover must start on the date the licence has been granted for.
- c. The cover must be for the carriage of passengers for hire and reward or for private hire/public hire. NB the carriage of school children as part of a contract is not sufficient even if the applicant “only carries out school contracts”.
- d. Full Certificate or cover notes may be accepted.

If in doubt of any certificate or cover note please see SLO.

11. VEHICLE REGISTRATION DOCUMENTS (V5)

Part of the application procedure is for the production of a V5 document . This cannot always be produced if the vehicle has just been purchased and the applicant has sent the V5 to the DVLA in Swansea for a change of owner details.

If the applicant cannot produce a V5 then proof of ownership should be sought until the applicant can produce the updated V5 eg receipt for purchase from garage.

12. OPERATOR'S LICENCE

If the application is for a PHV you must check the following information:

- a. Does the applicant have an Operator Licence? If not, does the application detail another Operator who the applicant is proposing to work under? If not, then the application must be rejected

13. APPLICATION FORM

All applicants must sign the application form

14. REJECTION OF APPLICATION

Rejection of application would take place if:

- c. the vehicle does not meet the specifications as per policy
- d. if the applicant has not provided all appropriate supporting documents
- e. If the applicant does not have an Operating Licence or has not specified details of an Operating Licence that the vehicle will be attached to.

Insert reasons for rejection in the body of letter.

If the application has been rejected because the vehicle does not meet the Council's requirements (a) above, the applicant can request his/her application be referred to the Licensing Committee for consideration
Rejection Letter must be signed by SLO

15. REFUSAL TO GRANT

A Local Authority has very few reasons for refusal of a licence if the applicant complies with all the application requirements. However the Council can refuse an application if the grant of that licence would breach the overriding aim of protecting the public eg if the application comes from a known or suspected criminal

16. COMMITTEE DECISION

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the vehicle is fit for purpose or if the vehicle does not meet the specifications as detailed in the policy.
Members may resolve to take one of the following decisions:

3. Grant

4. Refuse

Members need to give appropriate reasons for refusal

17. RIGHT OF APPEAL

A person aggrieved by the Council's decision has rights of appeal:

- If an application for a private hire vehicle licence is refused, or granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 48(7) LG(MP)A 1976);
- If an application for a new hackney carriage vehicle licence is refused, an appeal lies to the Crown Court (section 7, Public Health Acts Amendment Act 1907);
- If an application for a hackney carriage vehicle licence is granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 47(3) LG(MP)A 1976);
- If an application for renewal of either a hackney carriage or private hire vehicle licence is refused, an appeal lies to the magistrates court (section 60(3) LG(MP)A 1976);


18. REVIEW OF PROCEDURE

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

Planning and Public Protection Service

Name of Procedure:

Procedure for the Grant/Renewal of a Hackney Carriage and Private Hire Driver Licence

Author / Custodian:	Nicky Jones
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15. PURPOSE

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for new and renewal drivers and ensure that legislation is adhered to.

16. RELATED DOCUMENTS

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

Flowchart 1	Grant of a Private Hire/hackney carriage driver Licence
2	Renewal of a Private Hire/Hackney Carriage driver licence (no medical or DBS)
3	Renewal of a Private Hire/Hackney Carriage driver Licence (with DBS and medical)
4	Renewal of a Private Hire/Hackney Carriage driver licence (with medical)
5	Renewal of a Private Hire/Hackney Carriage driver licence (with DBS)

17. OFFICER DELEGATIONS

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

FUNCTION	OFFICER
Processing of application	Licensing Support Officer
Rejection of application	Public Protection Manager or Senior Licensing Officer
Referral of application to Licensing Committee	Public Protection Manager or Senior Licensing Officer
Grant/renewal of application	Public Protection Manager or Senior Licensing Officer
Refusal of application (as per conviction policy)	Head of Service or Public Protection Manager or Senior Licensing Officer

18. LEGISLATION

Private Hire Drivers

Section 51 of the LG(MP)A76 give the Council the power to grant an application for a driver licence, provided that they are satisfied that the person is:

- a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence

- b) to any person who has not for at least 12 months been authorised to drive a motor car, or it not at the date of the application for a driver's licence so authorised.

Hackney Carriage Drivers

Section 46 of the TPCA'47 gives the Council power to licence a hackney carriage driver. Section 59 of the LG(MP)A'76 contains identical requirements for hackney carriage drivers as for private hire drivers. .

5. NEW DRIVER APPLICATIONS (Flow Chart 1)

Processing application for GRANT :

- xxvii. Licensing Support Officer to check application form fully completed and all supporting documents are present :
- xxviii. DBS/Medical/Statutory Declaration/DVLA driving licence/photos/DVLA mandate, if not complete Support Officer to reject application – SLO to sign the rejection letter if application received via post
- xxix. If all documents present and application form fully completed then you can proceed to process the DBS application form
- xxx. Licensing Support Officer to check the required identification documents have been produced – must be original documents (see section below)
- xxxi. Licensing Support Officer to receipt fee - Code to H290019422
- xxxii. Licensing Support Officer to complete section W & X on the DBS form and open process on the licensing system
- xxxiii. Licensing Support Officer to pass DBS form/application to drive and all supporting documents to SLO
- xxxiv. SLO to verify all information on the DBS is correct before signing and sending it in the post to DBS
- xxxv. SLO to complete DVLA mandate and send to DVLA
- xxxvi. SLO to update DBS spreadsheet and licensing system
- xxxvii. SLO to inform the First Contact Team and School Transport of the application allowing 14 days for consultation (see section 17 below)
- xxxviii. Applicant may now take his/her knowledge test (see section 12 below)
- xxxix. Once DBS returned and comments from First Contact Team and School Transport (if applicable), SLO to scrutinise results and if a **SATISFACTORY DBS** received as determined by Policy– SLO to update DBS spreadsheet and enter DBS details on licensing system
- xl. SLO to pass application to Licensing Support Officer for issuing licence and badge
- xli. Licence to be signed by SLO (authorised officer) and one copy sent to Licence Holder/one copy to go on file.
- xlii. **UNSATISFACTORY DBS** received as determined by Policy SLO to either:
 - a. Issue Licence with warning letter
 - b. Refer application to Licensing Committee – issue letter to applicant and invite First Contact Team and School Transport to meeting (if submitted representations)

- c. Refuse the application – right of appeal to magistrates Court within 21 days. No right to drive whilst appealing
- xl. School Transport and First Contact Team informed of decision.
- xli. Documents to be filed

6. RENEWAL DRIVER APPLICATION

Processing application for **RENEWALS**

- Flowchart 2.
- 2. Renewal no medical or DBS
 - 3. Renewal with DBS and medical
 - 4. Renewal with medical
 - 5. Renewal with DBS

- xxiv. Licensing Support Officer to produce a monthly licensing system report detailing the driver licences due for renewal
- xxv. Print renewal form and letter from licensing system and send out to licence holder. Please ensure that the renewal documents are sent out to licence holder with at least 6 weeks notice of expiry.
- xxvi. Renewal applications received - Support Officer must check to ensure that all the required information has been fully completed on the application form and signed/dated. If not rejection letter sent and signed by SLO
- xxvii. If the application requires supporting documents e.g. DBS or medical certificate please check documents thoroughly to ensure that they meet the requirements (see sections 10 & 11 below)
- xxviii. Licensing Support Officer to inform the First Contact Team and School Transport of the renewal application allowing 14 days for consultation (see section 17 below)
- xxix. Check correct fee received (see table of fees attached)
- xxx. Licensing Support Officer to receipt fee – Code to H290019422
- xxxi. If application is a renewal with no medical/DBS then process on licensing system
- xxxii. Print 3 copies of the licence, one for applicant/one employer/one file
- xxxiii. Licence to be signed by SLO
- xxxiv. Documents to be filed.

7. APPLICATION NOT RECEIVED BEFORE EXPIRY:

- i. If the application is not renewed by the expiry date of the existing licence then SLO to issue a letter stating licence has lapsed and request return of driver's badge.
- ii. SLO to inform School Contracts and Social Services Contracts that licence not renewed

8. APPLICATION RECEIVED AFTER EXPIRY

- i. If the renewal application is submitted after the expiry date then it must be rejected and a new full application submitted
- ii. SLO to issue a rejection letter stating reasons for rejection

9 DVLA DRIVING LICENCE

Both parts of the DVLA driving licence must be produced with the application. We cannot accept the old style driving licence, it must be a photographic style licence for DBS purposes. If an applicant produces an old style licence we must reject the application and advise the applicant to apply for a new style licence. When accepting a new style licence the accepting Officer must be looking for the following:

- e. Does the name and address on the application match the one that appears on the DVLA driving licence – if not reject application
- f. Has the applicant held a DVLA driving licence for 12 months – if not reject application
- g. Has the applicant accrued any penalty points? If yes and there are 10 or more penalty points on the licence the application must be referred to the Licensing Committee by SLO for determination. For points less than 10 please pass the application to the SLO for determination – SLO to refer to Conviction Policy and if necessary take appropriate steps.

If in doubt of any DVLA driving licence please see SLO.

10. MEDICAL CERTIFICATE

Part of the application procedure is for the production of a Group 2 medical certificate. Due to the cost involved in applicants having to undergo a medical, applicants do not have to produce this document with the application. Applicants can wait until a satisfactory DBS has been received and the passing of the knowledge test. **It should be noted that an application will not be granted until the production of a satisfactory medical certificate.**

Medical Certificates can be accepted from either the applicants REGISTERED GP or Occupational Health Unit at Glan Clwyd Hospital. The preferred option is the applicants GP but it is known that GP's only undertake medicals at a certain time and to obtain an appointment for a medical can sometimes result in applicants waiting weeks/months for an appointment.

11. DBS(previously known as CRB)

The Disclosure and Barring Service (DBS) application form and supporting identification must accompany the application form for a licence. We cannot accept the DBS on its own. Officers must be satisfied that the applicant has met all other licensing requirements before applying to the DBS. There are guidance notes issued by the DBS that you must follow, which are attached. If you are in doubt about anything please consult with SLO.

12. KNOWLEDGE TEST

All new applicants must sit a knowledge test and pass each section with 2 out of 3. The applicant must make an appointment for their test in order for the test paper to be prepared and to ensure a room is available. The test may be taken verbally if preferred by the applicant. Officers must ensure that they assist applicants with any disability, but they must not make any hints/clues to the answers. Officers may explain a question if the applicant does not understand.

If the applicant fails to pass the test then he/she may re-take the test after 7 days. If the applicant fails the test for a second time then each further test may be taken after 7 days but will be subjective to an administrative fee each time. There is no limit to the number of tests an applicant can take.

13. APPLICATION FORM

The application form must be fully completed, signed and dated. If there is any part of the application form that has not be completed then the application must be rejected. If you reject the application please return **all** documents, do not keep any part of the application i.e. supporting documents.

14. REJECTION OF APPLICATION

Rejection of application would take place if:

- f. the applicant has not fully completed the application form
- g. the applicant has not fulfilled the DBS requirements
- h. the applicant has not submitted a photographic driving licence

Insert reasons for rejection in the body of letter.

Rejection Letter must be signed by SLO

Documents and letter must be sent recorded delivery.

15. REFUSAL TO GRANT/RENEW

A Local Authority is under a duty to grant a private hire driver licence if the applicant complies with all the application requirements.

A similar but not identical requirement exists in relation to hackney carriage drivers licences..

As this Council issues dual licences which allow a licensee to drive both hackney carriages and private hire vehicles, the process is treated the same.

16. RIGHT OF APPEAL

Sections 52 and 59 of the LG(MP)A 1976 provide a right of appeal to a magistrates' court to anyone aggrieved by the refusal to grant a drivers' licence or by any conditions attached to such a licence.

17. PARTNER AGENCIES

It will be standard procedure to consult with School Transport and Social Services on new applications. The purpose of this is to establish whether the applicant is known to either or both services and , whether in their opinion granting a licence could pose a risk to the public. If either service provides information to Officers and the DBS is returned clear, then the SLO will need to consult with the Licensing Manager as to whether the information received from our partners can be used to determine the

application. If the DBS reply shows convictions that would result in the application being referred to the Licensing Committee then the information from our partners can be used to assist Members in their deliberations.

18. COMMITTEE DECISION

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the applicant is a fit and proper person to hold an Hackney Carriage and Private Hire Vehicle Driver licence. Members may resolve to take one of the following decisions:

5. **Grant**

6. **Refuse**

Members need to give appropriate reasons for refusal


19. REVIEW OF PROCEDURE

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

Planning and Public Protection Service

Name of Procedure:

Procedure for the Suspension/Revocation of a Hackney Carriage and Private Hire Driver Licence

Author / Custodian:	Nicky Jones
Date agreed and implemented:	Agreed: 12 th June 2013 Implemented: 1 st August 2013
Agreed by:	Licensing Committee
Frequency of Review:	Annual
Review date:	May/June 2014
Equality Impact Assessment completed: (date)	N/A
Member involvement (if any)	Licensing Committee
Internal or Public Domain:	Public Domain
Head of Service Approval: (signature & date)	 22 nd May 2013

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
V01	Final	Licensing Committee	12.06.13

19. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to follow when information/complaints have been received from interested parties on alleged conduct/inappropriate behaviour of an existing licensed driver and to ensure that legislation is adhered to.

20. Related Documents

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976
Blue Book (Conditions and Policy)
Flowcharts Attached

21. Officer Delegations

The Local Government (Miscellaneous Provisions) Act 1976 section 61 gives the Local Authority powers to suspend or revoke private hire or hackney carriage driver's licence.

The Licensing Committee have delegated the function of suspension and revocation to the Head of Service.

The Head of Service has delegated the suspension to Senior Officers.

The Head of Service has delegated the option of revocation to the Public Protection Manager along with the Chair or Vice Chair of Licensing. In the absence of the Public Protection Manager the Head of Service has delegated this function to the Head of Legal and Democratic Services in consultation with Chair or Vice Chair of Licensing.

FUNCTION	OFFICER
Suspension of driver licence	Head of Service or Public Protection Manager or Senior Community Safety Enforcement Officer or Senior Licensing Officer
Immediate Revocation of licence	Head of Service or Public Protection Manager along with Chair of Licensing (Vice Chair in the Chair's absence) or Head of Legal and Democratic Services along with Chair of Licensing (Vice Chair in the Chair's absence)

4. Legislation

Section 61 of the LGMPA 76 give a local authority powers to suspend or revoke a drivers' licence issued under section 51 of the LGMPA 76 or

section 46 of the Town Police Clauses Act 1847, or refuse to renew a drivers' licence on any of the following grounds:

- a) that he has since the grant of the licence –
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or the LGMPA 76; or
- b) any other reasonable cause.

5. PROCESS

- i) Information is received from partners/interested parties on conduct of existing driver or conviction as detailed in section 4 above.
- ii) If the allegation is a Child Protection/Vulnerable Adult concern then pass the details onto First Contact Team immediately who will carry out their own investigations and make a decision on whether a Part IV meeting will take place.
- iii) For all allegations eg public safety/fit and proper/child protection/vulnerable adults, then the details are to be passed onto Enforcement Team to log on to Complaints database.
- iv) Enforcement Officer to gather evidence and consult with the Senior Enforcement Officer when all evidence is present
- v) Is further action required? If no then update house file otherwise proceed to next step
- vi) If further action is required, and the matter requires immediate action on a public safety issue then Enforcement Officer to consult with Legal Team and if there is sufficient evidence then the licence must be revoked
- vii) EO to prepare a revocation letter for Head of Service/Public Protection Manager to sign and issue to driver.
- viii) Inform School Transport and Social Services Contracts that driver licence has been revoked – right of appeal to driver
- ix) EO to notify complainant/partner of action taken
- x) If immediate action is not required, then officers to consider the evidence and if matter warrants a suspension then SLO to issue suspension notice

6. Decisions

Officers will take the appropriate action under the scheme of delegation. An email will be sent to Licensing Committee Members to inform them of what actions Officers have taken.

7. Right of Appeal

A person aggrieved by the Council's decision has rights of appeal to the Magistrates Court.


8. Review of Procedure

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

Planning and Public Protection Service

Name of Procedure:

Procedure for the Suspension/Revocation of a Hackney Carriage and Private Hire Vehicle Licence

Author / Custodian:	Nicky Jones
Date agreed and implemented:	Agreed: 12 th June 2013 Implemented: 1 st August 2013
Agreed by:	Licensing Committee
Frequency of Review:	Annual
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Member involvement (if any)	Licensing Committee
Internal or Public Domain:	Public Domain
Head of Service Approval: (signature & date)	 22 nd May 2013

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
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22. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to follow when suspending or revoking a vehicle licence and to ensure that legislation is adhered to.

23. Related Documents

Town Police Clauses Act 1847
 Local Government (Miscellaneous Provisions) Act 1976
 Blue Book (Conditions and Policy)
 Flowcharts Attached

24. Officer Delegations

The Licensing Committee have delegated the function of suspension down to the Head of Service. The Head of Service has delegated this function down to Officers.

FUNCTION	OFFICER/COMMITTEE
Suspension of a Vehicle Licence under Section 60	Public Protection Manager or Senior Community Enforcement Officer or Senior Licensing Officer or Community Enforcement Officer
Suspension of a Vehicle Licence under Section 68	Public Protection Manager or Senior Community Enforcement Officer or Senior Licensing Officer or Community Enforcement Officer
Revocation of Vehicle Licence under Section 60	Head of Service or Public Protection Manager or Senior Community Enforcement Officer or Senior Licensing Officer

4. Legislation

Section 60 of the LGMPA 76 give a local authority powers to suspend and revoke or refuse to renew a hackney carriage or private hire vehicle licence for one of the following reasons:

- i. that the vehicle is unfit for use as a hackney carriage or private hire vehicle.
- ii. Any offence under, or non-compliance with, the provisions of the Act of 1847 or 1976 by the operator or driver, or
- iii. Any other reasonable cause

Section 68 of the LGMPA 76 allows an authorised officer of the council or a police constable to inspect and test any hackney carriage or private hire vehicle or any taximeter, and if necessary, suspend the licence and direct that it must be inspected before the licence is reinstated. If the suspension is not lifted within 2 months, the licence is deemed to have been revoked.

5. PROCESS

- i) Information received from partner agencies/VOSA checks, renewal applications or general enforcement duties highlighting a problem vehicle
- ii) Receiving Officer to pass details onto Enforcement Team for logging onto Complaints system
- iii) Enforcement Officer to gather evidence to establish what action should be taken
- iv) Enforcement Officer to consult with Senior Enforcement Officer
- v) Does the vehicle require inspecting and testing? If it does then please follow the Section 68 suspension process below, otherwise please move onto Section 60 Suspensions as detailed below:

6. Section 60 Suspension and Revocation

This process will be used when a vehicle is no longer deemed fit for use during life of the licence or renewal. For clarification purposes the fitness of the vehicle will relate to its mechanical condition, safety and comfort. Also when an offence under the LG (MP)A 1976 or the TPCA 1847 in respect of the operator or driver for any non-compliance, or for any other reasonable cause.

- i) A Suspension Notice issued must be issued to the proprietor in writing stating the ground on which the vehicle licence is being suspended and the reasons for decision. This must be issued within 14 day of the decision.
- vi) The decision will take effect at the end of the period of 21 days beginning with the day on which the notice is given. This must be made clear in the notice.
- vii) Enforcement Officer to update licensing system
- viii) Once the vehicle has been deemed fit for use the suspension must be lifted in writing.
- ix) Enforcement Officer to update licensing system and house file
- x) For refusal to renew a vehicle licence the application should be referred to the Licensing Committee to make a decision on the fitness of the vehicle to act as a licensed vehicle. In these cases then a Section 68 suspension should be issued – please see below
- xi) Enforcement Officer to prepare report for committee and invite proprietor to the meeting

7. Section 68 Immediate Suspension or Revocation

This process will be used when a vehicle has been initially inspected (not a compliance or MOT eg VOSA inspection or a complaint received that vehicle is not fit) and an authorised officer or police constable require the vehicle to be re-

inspected and sent for a compliance test to ascertain its fitness to be a licensed vehicle or when the accuracy of the meter may be questioned.

- i) Enforcement Officer to issue an immediate suspension notice in writing requiring the proprietor to make its vehicle/taximeter available for further inspection and testing at Fleet Services . The notice must state a reasonable date and time for the vehicle to be inspected.
- ii) The notice must state that the vehicle will remain suspended until such time as the authorised officer or constable is satisfied that it is fit for purpose as a licensed vehicle.
- iii) If the vehicle is not deemed fit for the suspension to be lifted before the expiration of a period of two months, the licence shall be deemed revoked.
- iv) Enforcement Officer to prepare a notice of revocation to the proprietor as detailed below
- v) SEO or SLO to sign notice
- vi) Enforcement Officer to update licensing system and house file

8. NOTICE OF SUSPENSION/REVOCATION/REFUSAL TO RENEW

Notice of any decision to suspend, revoke or refuse to renew a vehicle licence must be given to the proprietor in writing, stating the grounds on which the licence has been suspended, revoked or refused, together with reasons for that decision. This must be within 14 days of the decision.

9. Decisions

Officers will take the appropriate action under the scheme of delegation. An email will be sent to Licensing Committee Members to inform them of what actions Officers have taken.

10. Right of Appeal

The proprietor has a right of appeal against any of the Council's decisions, to the Magistrates Court (section 60 of the LGMPA)


11. Review of Procedure

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

Planning and Public Protection Service

Name of Procedure:

Procedure for the Transfer of interest/replacement vehicle of a Hackney Carriage and Private Hire Vehicle Licence

Author / Custodian:	Nicky Jones
Date agreed and implemented:	Agreed: 12 th June 2013 Implemented: 1 st August 2013
Agreed by:	Licensing Committee
Frequency of Review:	Annual
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Equality Impact Assessment completed: (date)	N/A
Member involvement (if any)	Licensing Committee
Internal or Public Domain:	Public Domain
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Reference:	Status:	Authorised by:	Date:
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25. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for vehicle transfers and to ensure that legislation is adhered to.

There is no mention within the legislation of hackney carriage or private hire for the transferring the licence to a substitute vehicle. In the absence of a statutory mechanism, a practical approach has been taken.

26. Related Documents

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976 Section 49
Blue Book (Conditions and Policy)
Flowcharts Attached

27. Officer Delegations

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

FUNCTION	OFFICER
Processing of application	Licensing Support Officer
Rejection of application	Public Protection Manager or Senior Licensing Officer
Referral of application to Licensing Committee	Public Protection Manager or Senior Licensing Officer
Grant of application	Public Protection Manager or Senior Licensing Officer
Refusal of application (as per policy)	Head of Service or Public Protection Manager or Senior Licensing Officer

TRANSFER OF INTEREST OF LICENCE TO ANOTHER PERSON

This process should be followed when an existing licence holder wishes to transfer the licence into another person's name

- i. Applicant submits a Transfer Consent Form
- ii. Licensing Support Officer to check that all details have been fully completed on the transfer form and signed/dated. If not fully completed reject application
- iii. The applicant must submit a valid insurance document in their name. (Please see note 8 below)
- iv. Check the correct payment has been received (see table of fees attached)
- v. Issue receipt code to H29 001 9428

- vi. Licensing Support Officer to update licensing system and print 2 copies of the transferred licence
- vii. One copy of licence to be attached to application and documents and one to be issued to the licence holder.
- viii. File documents on operator file.

TRANSFER/CHANGE OF VEHICLE

Within the lifetime of a licence, it may be necessary or desirable to replace the original vehicle with another eg because it is newer or because of accident damage or breakdown. In the absence of a statutory mechanism, a practical approach is required. It is necessary for the proprietor to surrender his licence in respect of the original vehicle and a new licence issued in respect of the replacement vehicle. Please follow the following procedures:

28. Pre-Inspections

- i. Licensing Enforcement Officer (LEO) to inspect all new vehicles to ensure compliance with the vehicle specification as detailed in the policy.
- ii. If LEO satisfied that vehicle meets specification a notice to that effect will be issued to the proprietor authorising the vehicle to undergo the Council's Compliance test
- iii. If LEO is not satisfied that the vehicle meets the specifications then the LEO must issue a rejection letter with details of reasons for rejection eg vehicle is a left hand drive/bodywork is in poor condition

29. Testing Requirements

Following the pre-inspection all suitable vehicles (as deemed by LEO) must undertake a Compliance Test at the County's Fleet Services Depot in Bodelwyddan.

6. Processing application for Transfer of vehicle:

- xliv. Have you received the existing licence and vehicle plate/s in order to surrender the licence? If no, please do not proceed until such time as you have same.
- xlvi. Application received by Licensing Support Officer
- xlvii. Senior Licensing Officer (SLO) to check all details on application form fully completed, signed and dated
- xlviii. Check Insurance document has appropriate cover for use and has a valid date in force (see note 8 below)
- xlix. Check details on V5 match application details (see note 9 below)
 - l. Check correct fee received (see table of fees attached)

If SLO satisfied that the above requirements are complete ONLY then move to next step. If Not satisfied SLO to issue rejection letter (see section 11 below).

- li. receipt fee – Code to H290019428

- lii. enter application details on Licensing System -insurance/certificate of compliance/V5 details
- liii. Enter details of V5 onto VIP and issue Plate/Door Stickers
- liv. Licence to be printed
- lv. Licence to be signed by SLO (authorised officer) and 2 copies sent to Licence Holder/one copy to go on file.
- lvi. Documents to be filed

8. Insurance Documents

Inspection of the insurance document must be done before authorising application. Officer must be looking for the following:

- h. Insurance document relates to the vehicle application or is included on a schedule for fleet vehicle cover
- i. Start and expiry date of cover. Application cannot be accepted if cover has expired or if the start date commences after grant of licence. The cover must start on the date the licence has been granted for.
- j. The cover must be for the carriage of passengers for hire and reward or for private hire/public hire. NB the carriage of school children as part of a contract is not sufficient even if the applicant "only carries out school contracts".
- k. Full Certificate or cover notes may be accepted.

If in doubt of any certificate or cover note please see SLO.

9. Vehicle Registration Documents (V5)

Part of the application procedure is for the production of a V5 document . This cannot always be produced if the vehicle has just been purchased and the applicant has sent the V5 to the DVLA in Swansea for a change of owner details.

If the applicant cannot produce a V5 then proof of ownership should be sought until the applicant can produce the updated V5 eg receipt for purchase from garage.

11.Rejection of Application

Rejection of application would take place if:

- i. the vehicle does not meet the specifications as per policy
- j. if the applicant has not provided all appropriate supporting documents
- k. If the applicant does not have an Operating Licence.

Insert reasons for rejection in the body of letter.

The applicant can request his/her application be referred to the Licensing Committee for consideration if rejected on the grounds detailed in (a) above.

Rejection Letter must be signed by SLO

12. Refusal to grant

A Local Authority has very few reasons for refusal of a licence if the applicant complies with all the application requirements. However, in both cases there is a discretion given to the authority. In relation to hackney carriages, the council must consider the use of the vehicle, especially in relation to out of district use. In relation to both types of vehicles it must be possible for the Council to refuse an application if the grant of that licence would breach the overriding aim of protecting the public.

13. Right of Appeal

A person aggrieved by the Council's decision has rights of appeal:

- If an application for a private hire vehicle licence is refused, or granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 48(7) LG(MP)A 1976);
- If an application for a new hackney carriage vehicle licence is refused, an appeal lies to the Crown Court (section 7, Public Health Acts Amendment Act 1907);
- If an application for a hackney carriage vehicle licence is granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 47(3) LG(MP)A 1976);

14. Committee Decision

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the vehicle is fit for purpose or whether the vehicle meets the specification as detailed in the policy. Members may resolve to take one of the following decisions:

7. **Grant**

8. **Refuse**

Members need to give appropriate reasons for refusal


15. Review of Procedure

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.

Planning and Public Protection Service

Name of Procedure:

Procedure for the notification of a Hackney Carriage and Private Hire vehicle driver conviction

Author / Custodian:	Nicky Jones
Date agreed and implemented:	Agreed: 12 th June 2013 Implemented: 1 st August 2013
Agreed by:	Licensing Committee
Frequency of Review:	Annual
Review date:	May/June 2013
Equality Impact Assessment completed: (date)	N/A
Member involvement (if any)	Licensing Committee
Internal or Public Domain:	Public Domain
Head of Service Approval: (signature & date)	 22 nd May 2013

VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
V01	Final	Licensing Committee	12.06.13

30. Purpose

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers to be clear on what process need to be followed when information about a conviction is received on a licensed driver and to ensure that legislation is adhered to.

31. Related Documents

Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976 Section 49
Guidelines relating to the Relevance of Convictions Policy
Blue Book (Conditions and Policy)
Flowcharts Attached

32. Officer Delegations

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

In the event of defining minor/non minor offences, it will be at the discretion of the Head of Service or Public Protection Manager or Senior Licensing Officer

FUNCTION	OFFICER
Issue warning letter to licence holder if minor offence/less than 10 points in total on DVLA driving licence	Public Protection Manager or Senior Licensing Officer
Referral to Committee if 10 points or over on DVLA driving licence or for non minor offence	Public Protection Manager or Senior Licensing Officer

33. Legislation/Policy

There is no specific section of the legislation that requires a licensed driver to inform the council that he/she has received a conviction. It is a condition of their licence, contained within the policy and conditions.

The existing policy states the driver shall:

- i) Disclose to the Council, in writing, details of any criminal or motoring convictions imposed on him during the period of licence, within 7 days of a convictions being obtained.
- ii) In cases of motoring offences for both Hackney Carriage and Private Hire Drivers where an applicant or licence holder had 10 or more valid penalty point endorsed on their driving licence the matter would be referred to the Licensing Committee for determination/consideration

34. Process

- xii) If information has come directly from licensee then move onto step (iii)
- xiii) If information has come via other sources SLO to write to licensee requesting a change of detail form to be completed and submitted within 7 days
- xiv) Licence holder must complete a change of details form
- xv) Driver file and change of details form to be passed to SLO for consideration
- xvi) **If the conviction is relating to a motoring offence** the DVLA licence must be produced (unless it is with DVLA Swansea then we will ask the licence holder to complete a DVLA Mandate)
- xvii) Does the DVLA licence now have 10 points or more? If so then the SLO must refer the matter to the Licensing Committee for consideration
- xviii) If the DVLA licence has less than 10 points the SLO will issue a letter to the licence holder warning him/her of their conduct
- xix) **For non motoring offences** the SLO must refer to policy guidelines on convictions and if the conviction does not fall within policy then the matter should be referred to Licensing Committee
- xx) SLO to determine whether the licence holder is a threat to public safety and/or child protection/vulnerable adult if so the matter should be referred to Enforcement for consideration of suspension or Social Services First Response Team immediately
- xxi) **If the offence falls within policy guidelines** then the SLO to have an informal interview with the licence holder within 10 working days of receiving the notification and to keep a record on file for future reference
- xxii) School Transport and Social Services should be informed of the matter
- xxiii) Licensing System updated and driver file

6. Committee Decision

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the applicant is a fit and proper person to continue to hold a Hackney Carriage and Private Hire Vehicle Driver Licence. Members may resolve to take one of the following decisions:

9. **Issue Warning**

10. **Suspend**

Members may decide to suspend for a period of time. Reasons must be given for suspension

11. **Revocation**

The Committee may decide to revoke the licence, reasons must be given for revocation

7. Right of Appeal

A person aggrieved by the Council's decision has rights to appeal to the Magistrates Court.

8. Review of Procedure

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.