

HACKNEY CARRIAGE & PRIVATE HIRE

LICENSING POLICY AND CONDITIONS

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*Issued by the Head of Planning and Public Protection Services
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This policy is available in Welsh. If you wish to receive a Welsh copy of this document, please contact the licensing department on 01824 706342 or licensing@denbighshire.gov.uk

Contents

1. Private Hire Vehicle Operators Policy & Conditions
2. Private Hire Vehicles Policy
3. Private Hire Vehicle Specification
4. Private Hire Vehicle Conditions
5. Hackney Carriage Vehicles Policy
6. Hackney Carriage Vehicle Specification
7. Hackney Carriage Vehicle Conditions
8. Nominated Testing Stations
9. Additional conditions for specific vehicle type (Limousines, fire appliance, specialist vehicles)
10. CCTV Conditions
11. Hackney Carriage and Private Hire Drivers Conditions
12. Dress Code for Hackney Carriage and Private Hire Drivers
13. Licensed Driver Code of Good Conduct
14. Penalty Point Policy and Procedure
15. Private Hire Vehicle Trailer Conditions
16. Hackney Carriage Intended Use Policy

Licensing Conditions

Private Hire Vehicle Operators

RECORDS

- 1.1 The records required to be kept by the Operator under section 56(2) of the 1976 Act shall be:
 - a) if kept manually, in a suitable book, the pages of which are numbered consecutively; or
 - b) if computerised, a daily printout must be kept in a file, the pages of which must show the date.
- 1.2 The Operator shall enter or cause to be entered, before the commencement of each journey, the following particulars of every booking of a Private Hire Vehicle invited or accepted by him, regardless of whether the Operator provided the Private Hire Vehicle:
 - a) the date and time of the booking
 - b) the name and address of the hirer
 - c) how the booking was made (phone, personal caller, etc.)
 - d) the time of pick up
 - e) the point of pick up
 - f) the destination
 - g) the licence number of the vehicle allocated the booking
 - h) the licence number and name of the driver allocated the booking
 - i) remarks, including details of any sub-contract if appropriate.
- 1.3 All records must be kept by the Operator for not less than 6 months.
- 1.4 The Operator shall keep copies of the Private Hire Vehicle licences which have been issued by the Council, which operate under the Operator's Licence.
- 1.5 The Operator must retain a copy of the Licence to Drive Private Hire Vehicles for each driver employed, and retain the same until the driver ceases to be employed at which time the copy must be returned to the driver.
- 1.6 All records must be made available for inspection if requested by an authorised officer or police officer.

CONVICTIONS

1.7 The Operator shall within 7 days, disclose to the Council, in writing, details of any conviction imposed on him (or if the Operator is a company or partnership, on any of the directors or partners) during the period of this Licence.

CHANGE OF ADDRESS

1.8 The Operator shall, within 7 days, notify the Council in writing of any change of personal address.

1.9 The Operator shall notify the Council, in writing, of any planned changes to the location of the operating centre at least 21 days prior to any change taking place.

PLANNING AND OTHER CONSENT

1.10 An Operator's Licence will not be granted until such time as:

- a) any requisite planning consent, permission or the like has been obtained from the Council and evidence of such submitted to the Head of Planning and Public Protection.
- b) any requisite licence in respect of radio equipment has been granted by the Radio Communications Agency.
- c) disclosure of criminal records has been deemed satisfactory.

SERVICE

1.11 The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular, ensure that when a Private Hire Vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

OPERATING PREMISES

1.12 The Operator shall keep clean, adequately ventilated and lit any premises which the Operator provides and to which the public have access, whether for the purposes of booking or waiting. The Operator must ensure that any waiting area has adequate seating facilities.

1.13 The Operator must ensure that the use of citizens band or similar open channel radio equipment for operational communication with or between drivers of vehicles operated by him is prohibited

COMPLAINTS

1.14 The Operator shall immediately upon receipt notify the Council in writing of any complaints made direct to him concerning a contract for hire or purported contract for hire relating to or arising from his business and of the action, if any which the Operator has taken or proposes to take in respect thereof, or in the case of

complaints made direct to the Council respond thereto with similar notification within 7 days of receiving notice of the complaint.

FARES

- 1.15 The Operator shall ensure that a copy of the current scale of fares charged by himself shall be displayed in every licensed vehicle operated by him, in a position so as to be clearly legible to passengers in the vehicle.
- 1.16 The Operator shall ensure that the scale of fares in 1.15 above is lodged with the Council as soon as the scale of fares become effective.

2. Private Hire Vehicle Policy

2.1 LIMITATION OF NUMBERS

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

2.2 SPECIFICATIONS AND CONDITIONS

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

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

2.2.3 Section 3 sets out the specification and minimum standards in respect of Private Hire Vehicles.

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

2.3 ACCESSIBILITY

2.3.1 The Council 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”

2.3.2 For this reason, the Council 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.

2.3.3 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->

2.4 MAXIMUM AGE OF VEHICLES

- 2.4.1 The Council 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.
- 2.4.2 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.
- 2.4.3 All existing licensed vehicles will have “grandfather rights” for 5 years after the implementation of this policy, by which time all existing licensed vehicles must be able to comply with 2.4.2 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 2.4.2 above will apply.

2.5 VEHICLE TESTING

- 2.5.1 Prior to the granting of a licence, each vehicle shall be examined and tested at a designated testing station, approved by the Council.
- 2.5.2 Private Hire vehicles are used for reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user’s safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT inspection Manual for Car and Light Commercial Vehicle Testing issued by DVSA as a basic inspection standard for Private Hire Vehicles. However, in addition to the DVSA standards, it is a requirement for all vehicles to conform to the Council’s Hackney Carriage and Private Hire Vehicle Inspection Standards. Therefore, when assessing the mechanical condition of a vehicle it is possible that a MOT advisory note could fail the Council’s testing standards.
- 2.5.3 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.
- 2.5.4 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)	1 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

2.5.5 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.

2.5.6 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.

2.5.7 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.

2.6 SIGNAGE /ADVERTISING/LIVERY

2.6.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire Vehicle. Private Hire Vehicles shall not display roof-mounted signs of any description.

2.6.2 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles, except those Private Hire Vehicles that have been granted exemption by the Authority shall display plates on the rear of the vehicle (refer to Section 4.3).

2.6.3 Private Hire Vehicles shall display door signs, issued by the Council and fitted as set out in the Conditions of Licence.

2.6.4 Licensed vehicles shall not be allowed to display any written or other material on any window with the exception of those permitted by the conditions of licence.

2.6.5 Private Hire Vehicles shall not be allowed to display or advertise written or other material on its bodywork.

2.7 SECURITY/CCTV

2.7.1 The Private Hire trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.

2.7.2 It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.

2.7.3 In allowing the installation and use of CCTV, the Council 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.

2.7.4 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.

2.7.5 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.

2.7.6 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.

2.8 THE DATA CONTROLLER

2.8.1 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.

2.8.2 THIRD PARTY DATA PROCESSOR

2.8.2.1 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

2.8.2.2 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 Section 10.

2.9 APPLICATION PROCEDURES

2.9.1 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.

2.10 CONSIDERATION OF APPLICATIONS

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

2.11 GRANT AND RENEWAL OF LICENCE

2.11.1 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.

2.11.2 The Council will only accept complete applications comprising of all the necessary information.

2.11.3 The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.

2.11.4 Application forms, appropriate fees, and supporting documentation, shall be produced at the Licensing Section in person, by post or in some circumstances, electronically.

2.11.5 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.

2.11.6 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 2.4.2. 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.

2.12 STRETCHED LIMOUSINES

2.12.1 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.

2.12.2 Most limousines are imported for commercial purposes and are therefore required to take an Individual Vehicle Approval (IVA) test. The IVA test verifies that the converted vehicle is built to a certain safety and environmental standards. When presented for IVA the vehicle is produced with a declaration that it will never carry more than 8 passengers. The importer must inform any person who may use it of this restriction.

2.12.3 Applications to licence stretched limousines as Private Hire Vehicles will be treated on their own merits. It is however, proposed that imported stretched limousine type vehicles:

- 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 Section 9

2.13 CONTRACT VEHICLES

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

2.14 FUNERAL AND WEDDING VEHICLES

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

2.15 TRAILERS

2.15.1 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 Section 15.

2.16 COLLISIONS/INCIDENTS

2.16.1 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 licensed vehicle or the comfort or convenience of passengers carried therein.

2.17 PLATE EXEMPTION

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

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

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

2.17.4 Each application for exemption will be treated on its own merits for consideration at Licensing Committee.

2.18 DISCIPLINARY AND ENFORCEMENT MEASURES

2.18.1 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.

2.18.2 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.

2.18.3 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.

2.18.4 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.

- 2.18.5 The Council will undertake targeted enforcement operations (including out of normal office hours) based on intelligence received as well as for compliance purposes.
- 2.18.6 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.
- 2.18.7 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.
- 2.18.8 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.
- 2.18.9 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.

2.19 Disciplinary Action

- 2.19.1 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.
- 2.19.2 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.
- 2.19.3 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.
- 2.19.4 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.
- 2.19.5 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 considered appropriate and another sanction is necessary, such as suspension or revocation.

- 2.19.6 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.
- 2.19.7 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.
- 2.19.8 One of the functions of the Licensing Committee is to consider the impact of transgressions of the law on the fitness of an individual.

2.20 PENALTY POINTS SCHEME

- 2.20.1 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.
- 2.20.2 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.
- 2.20.3 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.
- 2.20.4 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.
- 2.20.5 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.
- 2.20.6 It is believed that a warning based penalty points 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.

2.20.7 The penalty point scheme is further detailed at Section 14.

2.21 FARES

2.21.1 The Council is not able to set fares for Private Hire Vehicles.

2.21.2 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.

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

3. SPECIFICATION OF PRIVATE HIRE VEHICLES

3.1 General

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

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

3.8 BODY

- 3.8.1 The vehicle shall have no exterior visible signs of previous significant damage ie deep scratches
- 3.8.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork
- 3.8.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 3.8.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.

3.9 WHEELS AND TYRES

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

3.10 INTERIOR

- 3.10.1 Vehicles must have adequate space for luggage to be kept in a clean, safe, secure and water tight manner
- 3.10.2 Vehicles must have a water tight roof covering and properly carpeted or covered flooring (with no rips or tears)

3.11 DOORS

- 3.11.1 All saloons, estates or purpose built taxi vehicles shall have at least four side-opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least three doors not including any tailgate or rear doors
- 3.11.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 3.11.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism
- 3.11.4 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position and the means of operation of the door handle is easily identified.

3.12 SEATS

- 3.12.1 Vehicles shall have a passenger seating capacity as specified within the V5 registration documents, but not less than 4 persons and not more than 8 persons
- 3.12.2 Each seat shall be fitted with fully operational seat belts, compliant with the appropriate Standards.
- 3.12.3 Each seat shall be properly cushioned and be in a clean condition.

- 3.12.4 Removed seating mounts must be rendered irreplaceable and the floor surface to be smooth and unencumbered.
- 3.12.5 All passenger seats must face forward or rearward to the direction of travel; no passenger may sit sideways to direction of travel unless specifically exempt by an authorised officer of the Council eg limousines.
- 3.12.6 Any modification to seating configuration, including removal of seats, in any vehicle must be accompanied by an Individual Vehicle Approval Certificate.

3.13 WINDOWS

- 3.13.1 Opening windows shall be provided in the rear of the vehicle capable of being opened by the rear seat passengers.
- 3.13.2 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle, other than fitted by manufacturer or in compliance with the current regulations.

3.14 FACILITIES FOR WHEELCHAIR USERS

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

3.15 FUEL SYSTEMS

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

4. PRIVATE HIRE VEHICLE CONDITIONS

4.1 MAINTENANCE OF VEHICLE

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

*Clean condition is defined as follows:

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

4.1.2 Every licensed vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.

4.1.3 Seats must be fully sprung, free of stains, tears, cigarette burns or repair and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, factures and maintained in the manufacturers original style.

4.1.4 Without prejudice to the obligations imposed by 4.1.1 to 4.1.3 above and without prejudice to any other inspections as stipulated by the vehicle manufacturer, the proprietor of the licensed vehicle shall ensure that **as a minimum** the compliance of routine maintenance inspections must be adhered to, and such inspections shall be recorded and retained (for a minimum of 18 months) and kept available for immediate production to an authorised officer of the Council or police officer on request.

4.1.5 Please note that the requirement to inspect the licensed vehicle as imposed by the above condition does not release the proprietor of the vehicle for his obligations to carry out further daily inspections to ensure compliance with the above conditions. A record of such daily inspections should be made available for immediate production to an authorised officer of the Council or police officer on request.

4.2. ALTERATION OF VEHICLE

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

4.3 IDENTIFICATION OF VEHICLE

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

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

4.4 INTERIOR MARKINGS

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

4.5 SAFETY EQUIPMENT

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

4.6 SIGNS AND NOTICES

- 4.6.1 No signs, notices, advertisements, plates, marks, numbers, letters, figures, symbols, emblems, or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision, including byelaws or conditions
- 4.6.2 The above condition will not apply to:
 - a. Any indication on a taximeter visible only from the interior of the vehicle, or
 - b. The display by the driver of a hand-held card which is displayed in, on or from the vehicle whilst it is stationary, provided that such card;
 - i. contains no words or numbers other than the names of the licensed operator of the vehicle or the name under which he carried on his business and, in either case, the name of a passenger or passengers to be carried in the vehicle, and
 - ii. if the licensed operator charges for journeys in accordance with a scale of fares, a copy of such scale shall be displayed in the vehicle for the

information of passengers in a form previously submitted and approved by the Council.

iii. Any safety notices eg instructions on door latch operation

4.7 RADIO EQUIPMENT

4.7.1 Neither the Operator, proprietor nor the driver of a Private Hire vehicle shall use or cause or suffer to be used in any vehicle any radio equipment for operational communication between Operator and Driver, or between drivers of other Private Hire Vehicles, except for fully licensed closed channel equipment shall be used for operational communication.

4.7.2 Each Private Hire Operator must have a written policy on the use of mobile phones in vehicles, which should have regard to the legal requirements and any available guidance.

4.8 CHANGE OF ADDRESS

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

4.9 CONVICTIONS

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

4.10 DEPOSIT OF DRIVING LICENCE

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

4.11 PERMITTED DRIVERS OF THE VEHICLE

4.11.1 The proprietor or any other person permitted or employed to drive the vehicle as a Private Hire Vehicle, must be the holder of a current Private Hire Driver's Licence or a Dual Hackney Carriage and Private Hire Driver Licence granted by Denbighshire County Council.

4.12 DEPOSIT OF VEHICLE LICENCE

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

4.13 INSPECTION AND TESTING

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

4.14 COLLISIONS

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

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

4.15 CARRIAGE OF CHILDREN

4.15.1 The carriage of children shall comply with the latest requirements set by legislation. Further guidance can be found at www.dft.gov.uk

4.15.2 The vehicle must not carry children in pushchairs; the pushchair must be folded up and stored.

4.16 LICENSING POLICY

4.16.1 The Council's Hackney Carriage and Private Hire Licensing Policy and this vehicle specification and conditions shall be adhered to at all times.

5. HACKNEY CARRIAGE VEHICLES

5.1 LIMITATION OF NUMBERS

- 5.1.1 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.
- 5.1.2 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.
- 5.1.3 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
- 5.1.4 The Council has, at this time, decided not to set a limit on the number of Hackney Carriage Vehicles.

5.2 SPECIFICATIONS AND CONDITIONS

- 5.2.1 Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Hackney Carriage Vehicles. Government guidance suggests that local licensing authorities should adopt the principle of specifying as many different types of vehicles as possible and be encouraged to make use of the “type approval” rules within any specifications they determine.
- 5.2.2 Hackney Carriages, will generally be licensed for the carriage of 4 passengers, but applications in relation to larger vehicles that can accommodate up to eight passengers will be considered provided that they comply with the manufacturer’s specifications applicable to such vehicles.
- 5.2.3 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.
- 5.2.4 Section 6 sets out the specification and minimum standards in respect of Hackney Carriage Vehicles.

5.3 ACCESSIBILITY

- 5.3.1 The Council 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”

- 5.3.2 For this reason, the Council 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.
- 5.3.3 Different accessibility considerations should apply to Hackney Carriages as opposed to Private Hire Vehicles, as Hackney Carriages can be hired immediately in the street or at a Hackney Carriage Rank by the customer dealing directly with the driver, whereas Private Hire Vehicles can only be used by pre-booking, usually through an Operator. On the basis that those with disabilities must have equal access to transport services, it is considered to be particularly important for a disabled person to be able to hire a Hackney Carriage Vehicle on the spot with the minimum of delay or inconvenience and having accessible Hackney Carriages available helps make that possible.
- 5.3.4 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>.

5.4 MAXIMUM AGE OF VEHICLES

- 5.4.1 The Council 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.
- 5.4.2 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, 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.
- 5.4.3 All existing licensed vehicles will have “grandfather rights” for 5 years after the implementation of this Policy, by which time all existing licensed vehicles must be able to comply with 5.4.2 above eg all licensed vehicles aged up to 12 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 5.4.2 above will apply.

5.5 VEHICLE TESTING

- 5.5.1 Prior to the granting of a licence, each vehicle shall be examined and tested at a designated testing station, approved by the Council.
- 5.5.2 Hackney Carriage Vehicles are used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and testing regime is required. This Policy Statement considers the MOT inspection Manual for Car and Light Commercial Vehicle Testing issued by DVSA as a basic inspection standard for Hackney Carriage vehicles. However, in addition to the DVSA standards, it is a requirement for all vehicles to conform to the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance. Therefore, when assessing the mechanical condition of a vehicle, it is possible that a MOT advisory note could fail the Council testing station standards.
- 5.5.3 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.
- 5.5.4 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 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

- 5.5.5 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.

- 5.5.6 The inspection regime for vehicles has not been designed so as to create difficulties for the Hackney Carriage and Private Hire trades, but to promote vehicle and road safety. The Council therefore considers the inspection requirements to be justified by the risks it aims to address.
- 5.5.7 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.

5.6 SIGNAGE/ADVERTISING/LIVERY

- 5.6.1 It is important that the public should be able to identify and understand the difference between a Hackney Carriage and a Private Hire Vehicle.
- 5.6.2 Vehicle identification plates are a key feature in helping to identify vehicles that are properly licensed. All licensed vehicles shall display one plate at the front and one on the rear of the vehicle
- 5.6.3 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.
- 5.6.4 Details of any signs or advertising requested to be placed 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.

5.7 SECURITY/CCTV

- 5.7.1 The Hackney Carriage trade provide a valuable public service particularly late at night when other forms of public transport are not available. Security for drivers and passengers is of paramount importance. CCTV can be a valuable deterrent as well as protection for the driver from unjustified complaints.
- 5.7.2 It is not proposed that such measures such as CCTV should be required, as part of the licensing regime, as it is considered that they are best left to the judgement of the owners and drivers themselves.
- 5.7.3 In allowing the installation and use of CCTV, the Council 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.
- 5.7.4 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.

- 5.7.5 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.
- 5.7.6 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.

5.7.7 The Data Controller

- 5.7.7.1 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.

5.7.8 Third Party Data Processor

- 5.7.8.1 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
- 5.7.8.2 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 Section 10.

5.8 TAXI RANKS

- 5.8.1 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.

5.9 FARES

- 5.9.1 The Hackney Carriage Table of Fares (“the tariff”) is set by the Council and sets the maximum fare that can be charged by Hackney Carriage drivers for journeys.
- 5.9.2 The fares tariff is enforceable as a byelaw and it is an offence for any person to charge more than the metered fare.
- 5.9.3 The Council will review Hackney Carriage fare scales from time to time in liaison with the Hackney Carriage Proprietors.
- 5.9.4 Hackney Carriage Proprietors may request, in writing, a review of the Council’s fare scales, at any reasonable time.
- 5.9.5 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.

5.10 DISCIPLINARY AND ENFORCEMENT MEASURES

- 5.10.1 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.
- 5.10.2 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.
- 5.10.3 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.
- 5.10.4 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.
- 5.10.5 The Council will undertake targeted enforcement operations (including out of normal office hours) based on intelligence received as well as for compliance purposes.
- 5.10.6 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.
- 5.10.7 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.
- 5.10.8 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.

- 5.10.9 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.
- 5.11 **DISCIPLINARY ACTION**
- 5.11.1 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.
- 5.11.2 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.
- 5.11.3 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.
- 5.11.4 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.
- 5.11.5 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 considered appropriate and another sanction is necessary, such as suspension or revocation.
- 5.11.6 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.
- 5.11.7 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.
- 5.11.8 One of the functions of the Licensing Committee is to consider the impact of transgressions of the law on the fitness of an individual.

5.12 PENALTY POINTS SCHEME

- 5.12.1 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.
- 5.12.2 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.
- 5.12.3 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.
- 5.12.4 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.
- 5.12.5 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.
- 5.12.6 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.
- 5.12.7 The penalty point scheme is further detailed at Section 14.

5.13 APPLICATION PROCEDURES

- 5.13.1 The procedure for applying for a Hackney Carriage 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.

5.14 CONSIDERATION OF APPLICATIONS

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

5.15 RENEWAL OF LICENCE

- 5.15.1 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.
- 5.15.2 The Council will only accept complete applications comprising of all the necessary information.
- 5.15.3 The licence fees payable are subject to review and any increase or reduction will be published as required by legislation.
- 5.15.4 Application forms, appropriate fees, and supporting documentation, shall be produced at the Licensing Section in person, by post or in some circumstances, electronically
- 5.15.5 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 Section 16.
- 5.15.6 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.
- 5.15.7 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.
- 5.15.8 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 5.4.2 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.

5.16 TRAILERS

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

5.17 COLLISIONS/INCIDENTS

- 5.17.1 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 vehicle or the comfort or convenience of passengers carried therein.

SPECIFICATION FOR HACKNEY CARRIAGE VEHICLES

6.1 General

- 6.1.1 All vehicles shall have an appropriate "Type Approval" which is either a European Whole Vehicle Type Approval (EWVTA) or UK Low Volume Type Approval (UKLVTA). Vehicles shall not have been altered since that approval was granted. A Single Vehicle Type Approval (SVTA) or an Independent Vehicle Approval (IVA) may be accepted for wheelchair accessible vehicles. Vehicles presented for approval, and while in use, shall comply with the Road Vehicles (Construction and Use) Regulations 1986 and any subsequent amendments or re-enactments thereof.
- 6.1.2 No fittings, other than those approved, may be attached to, or carried on, the inside or outside of the vehicle.
- 6.1.3 A Hackney Carriage vehicle shall be capable of carrying at least 4 and no more than 8 passengers.
- 6.1.4 All vehicles must be right hand drive unless specifically exempt by the Council
- 6.1.5 All vehicles shall be less than 5 years old for new licences and less than 12 years old from the date of manufacture for existing licences.
- 6.1.6 All vehicles must be maintained to no less than the standards set out in the VOSA publication 'MOT Inspection Manual' – Car and Light Commercial', ISBN 0-9549239-0-1 as amended and the Council's Hackney Carriage and Private Hire Vehicle Inspection Guidance
- 6.1.7 The following sections provide the outline requirements of the Council's specification for Hackney Carriage Vehicles prior to examination and testing by a designated testing station authorised by the Council. A list of authorised testing stations can be found at Section 8.

6.2 BODY

- 6.2.1 The vehicle shall have no exterior visible signs of previous significant damage ie deep scratches
- 6.2.2 The paint work shall be of a professional finish and be one consistent colour over the whole of the vehicle's bodywork.
- 6.2.3 The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
- 6.2.4 Running boards shall only be permitted where they are fitted by manufacturers. The board shall be a minimum 125mm in width, all of which shall be available as a step.

6.3 WHEELS AND TYRES

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

6.4 INTERIOR

- 6.4.1 Vehicles must have adequate space for luggage to be kept in a clean, safe, secure and water tight manner
- 6.4.1 Vehicles must have a water tight roof covering and properly carpeted or covered flooring (with no rips or tears)

6.5 DOORS

- 6.5.1 All saloons, estates or purpose built taxi vehicles shall have at least four side-opening doors, which may be opened from the inside and the outside. Minibuses, transits and people carrier type vehicles shall have at least three doors not including any tailgate or rear doors.
- 6.5.2 All vehicles shall have doors that open sufficiently wide to allow easy access in and egress from the vehicle.
- 6.5.3 All doors shall be capable of being readily opened from the inside and outside of the vehicle by one operation of the latch mechanism
- 6.5.4 The interior door handle shall be clearly visible and easily accessible to passengers when the door is in a fully open position and the means of operation of the door handle is easily identified.

6.6 SEATS

- 6.6.1 Vehicles shall have a passenger seating capacity as specified within the V5 registration documents, but not less than 4 persons and not more than 8 persons
- 6.6.2 Each seat shall be fitted with fully operational seat belts, compliant with the appropriate Standards.
- 6.6.3 Each seat shall be properly cushioned and be in a clean condition.
- 6.6.4 Removed seating mounts must rendered irreplaceable and the floor surface to be

smooth and unencumbered.

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

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

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

6.7 WINDOWS

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

6.7.2 No vehicle shall be fitted with any form of additional means to darken or tint the glass on any part of the vehicle, other than fitted by manufacturer or in compliance with the current regulations.

6.8. FACILITIES FOR WHEELCHAIR USERS

6.8.1 Any vehicle that has the facility for the carriage of wheelchair or wheelchair passengers shall be fitted with:

- a. Approved manufacturer installed anchorages that shall be either chassis or floor linked and capable of withstanding approved dynamic or static tests. Restraints for wheelchair and passengers shall be independent of each other. Anchorages shall also be provided for the safe storage of a wheelchair, whether folded or otherwise, if carried within the passenger compartment. All anchorages and restraints shall be so designed that they do not cause any danger to other passengers and maintained in accordance with manufacturer's specifications.
- b. A ramp or ramps for the loading of a wheelchair and passenger shall be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use.

6.8.2 The vehicle shall be equipped with a manufacturer's user manual /guide on the safe loading and unloading and security of wheelchair passengers.

6.8.3 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle shall have been tested in accordance with the requirements of the Lifting Operations and Lifting Equipment Regulations 1998 immediately prior to being first licensed and every 6 months thereafter. A LOLER Certificate of must be produced at the time of MOT and Compliance Testing to the Designated Testing Station and to the Licensing Office at grant or renewal of licence.

6.9 FUEL SYSTEMS

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

7. HACKNEY CARRIAGE VEHICLE CONDITIONS

7.1 MAINTENANCE OF VEHICLE

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

*Clean condition is defined as follows:

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

7.1.2 Every licensed vehicle must be maintained in a safe and clean condition at all times and is subject to such examinations as are required by the Council.

7.1.3 Seats must be fully sprung, free of stains, tears, cigarette burns or repair and not threadbare. Floor coverings must not be unduly worn and present no trip hazards. Household carpeting or similar is unacceptable and must not be used. Upholstery (headlining and side panel coverings) must be free of ingrained grime, factures and maintained in the manufacturers original style.

7.1.4 Without prejudice to the obligations imposed by 7.1.1 to 7.1.3 above and without prejudice to any other inspections as stipulated by the vehicle manufacturer, the proprietor of the licensed vehicle shall ensure that **as a minimum** the compliance of routine maintenance inspections must be adhered to, and such inspections shall be recorded and retained (for a minimum of 18 months) and kept available for immediate production to an authorised officer of the Council or police officer on request.

7.1.5 Please note that the requirement to inspect the licensed vehicle as imposed by the above condition does not release the proprietor of the vehicle for his obligations to carry out further daily inspections to ensure compliance with the above conditions.

7.2 ALTERATION OF VEHICLE

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

7.3 IDENTIFICATION PLATE

7.3.1 The plates identifying the vehicle as a Hackney Carriage Vehicle and required to be exhibited on the vehicle pursuant to Section 51 of the Town Police Clauses Act 1847 shall be securely fixed on the outside of the vehicle at the front and rear, at

or above bumper height and as near vertically as possible, but fixed nevertheless in such a manner as to be easily removable by an authorised officer of the Council or a police constable.

7.3.2 One internal window sticker, as provided by the Council, to be placed on the rear passenger window.

7.3.3 The licence plates and internal window signs must not be affixed to any other vehicle other than that stipulated on the current licence. This equipment remains the property of the Council and must be surrendered immediately upon expiry, suspension or revocation of the licence.

7.4 INTERIOR MARKINGS

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

7.5 SAFETY EQUIPMENT

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

7.6 SIGNS AND NOTICES

7.6.1 A Proprietor may display on the side and/or rear of the vehicle, below window level, the company name under which the vehicle is operated and/or its telephone number, but no other signs, emblems or notices shall be displayed either outside or inside the vehicle without specific written permission from the Council.

7.6.2 Any Proprietor wishing to use or sell space on the vehicle for the advertising of another company/business must first apply to the Council with a draft advert for consideration. Only one authorised advert will be permitted

7.6.3 Such adverts must not:

- i) contain anything religious or political
- ii) advertise alcohol or tobacco
- iii) be pornographic or offensive to good taste
- iv) promote discounted fares, or
- v) advertise jobs

7.7 RADIO EQUIPMENT

7.7.1 Neither the Operator, proprietor nor the driver of a Hackney Carriage Vehicle shall use or cause or suffer to be used in any vehicle any radio equipment for operational communication between Operator and Driver, or between drivers of other Hackney Carriage and Private Hire Vehicles, except for fully licensed closed channel equipment shall be used for operational communication.

7.7.2 Each Hackney Carriage Proprietor/Operator should have a written policy on the use of mobile phones whilst driving, which should have regard to the latest available guidance on the use of mobile phones whilst driving

7.8 METERS AND FARES

7.8.1 The vehicle must be fitted with a taxi meter which must comply with the current legislative requirements. The taxi meter shall:

- a. show the fare recorded on the taximeter in clearly legible figures, and the word 'FARE' shall be clearly displayed so as to apply such figures;
- b. the meter shall be set in accordance with the Council's Table of Hackney Carriage Fares., the tariffs with which the meter has been calibrated must be displayed in the vehicle in such a position as to be visible to passengers. Such a table must show full particulars of all tariffs calibrated on the meter.

7.8.2 Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been sealed and calibrated by an approved meter company and presented to the Council for inspection

7.9 CARRIAGE OF CHILDREN

7.9.1 The carriage of children shall comply with the latest requirements set by legislation. Further guidance can be found at www.dft.gov.uk

7.9.2 The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored

7.10 CHANGE OF ADDRESS

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

7.11 CONVICTIONS

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

7.12 DEPOSIT OF DRIVING LICENCE

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

7.13 PERMITTED DRIVERS OF THE VEHICLE

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

7.14 DEPOSIT OF VEHICLE LICENCE

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

7.15 INSPECTION AND TESTING

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

7.16 COLLISION

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

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

7.17 LICENSING POLICY

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

8. NOMINATED TESTING STATIONS

TESTING STATION	TELEPHONE NUMBER
Cambrian Autoservices North Wales Ltd, Marsh Road, Rhyl LL18 2AD	01745 334861
Coastal Cars, 116 Vale Road, Rhyl LL18 2PD	01745 339410
D.C.C, Fleet Management and Vehicle Maintenance Centre, Expressway Business Park, Abergele Road, Bodelwyddan, LL18 5SQ	01745 839230
Dragon Tyres, Mwrog Street, Ruthin LL15 1LB	01824 703336
Drivers, Nant Garage, Prestatyn Road, Prestatyn LL19 9LD	01745 858100
Kenrick Motors, Market Street, Llangollen LL20 8RA	01978 861382
Maldwyn Williams, Rhyl Road, Denbigh LL16 5TA	01745 812542
Marine Lake Motors, Brig Y Don Commercials, Wellington Road, Rhyl LL18 1LE	01745 336107
Leddens Transport Service, 59 Ffordd Las, Rhyl LL18 2EE	01745 350621

Testing fees are payable by the licensee. The Council will not accept responsibility for damage to vehicle or fittings etc whilst vehicles are being tested.

9. Additional Conditions for the Licensing of Specific Vehicle Types (limousines, fire appliance, specialist vehicles).

9.1 Seat Belts

9.1.1 Seatbelts must be fitted to all forward and rear facing seats and must be worn at all times by passengers whilst the vehicle is in motion. There is no legal requirement for seatbelts on sideways facing seats.

9.2 Maximum Passengers

9.2.1 The limousine's seating capacity must be reduced where necessary to a maximum of 8 passengers.

9.2.2 Any seats in the driver's compartment other than the driver's seat shall not be used to carry passengers

9.2.3 The vehicle must not carry more than 8 passengers at any time. (A babe in arms is classed as a passenger no matter what their age).

9.2.4 In any advertisement publicising their limousine service, the operator must state that the vehicle is only licensed to carry 8 passengers.

9.3 Alcohol / Entertainment

9.3.1 No alcohol is to be supplied to passengers unless there is in force an appropriate authorisation under the Licensing Act 2003 permitting the sale or supply of the same.

9.3.2 If the occupants are below the age of 18, there should be no alcohol carried in the passenger compartment.

9.3.3 Any glassware in the vehicle must be made of either shatterproof glass or plastic

9.3.4 The driver shall not play or permit the performance of any film, video or similar media where any passenger in the vehicle is below the age permitted by the age classification to view the particular film etc.

9.4 General

9.4.1 No person involved in the operation of the vehicle may wear a uniform that may lead the passengers or members of the public to believe that they are a member of any emergency services.

9.4.2 All lighting, sirens, signage and other ancillary equipment must not give the impression that the vehicle is an emergency services vehicle.

9.4.3 No person under the age of 15 years may sit on a sideways facing seat.

9.4.4 Physical assistance must be provided by the operator to ensure the safety of passengers when entering or leaving the vehicle.

9.4.5 Any restriction to the access to certain groups of passengers must be clearly advertised on the promotional literature and stated at the time of the booking.

9.4.6 All conditions contained in the Private Hire vehicle specification and conditions

(Section 3 & 4) apply to limousines and novelty vehicles etc, apart from those that have been specifically exempt.

9.4.7 Further additional conditions may also be applied where applicable.

10. CCTV - General Requirements and conditions – Installation and Operation

- 10.1 **The holder of the licence must notify the Licensing Section in writing prior to installing a CCTV system in the vehicle. Furthermore, the proprietor of the vehicle must ensure that appropriate signage is displayed so as to be visible inside and outside of the vehicle.**
- 10.2 CCTV systems must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified except in very exceptional circumstances. Wherever possible, the CCTV system should not have any sound recording facility. However, if the system comes equipped with a sound recording facility then this functionality should be disabled.
- 10.3 All equipment must comply with any legislative requirements in respect of Motor Vehicle Construction and Use Regulations.
- 10.4 All equipment must meet any and all requirements as regards safety, technical acceptability and operational/data integrity.
- 10.5 All equipment must be designed, constructed and installed in such a way and in such materials as to present no danger to passengers or to the driver, including impact with the equipment in the event of a collision or danger from the electrical integrity being breached through vandalism, misuse, or wear and tear. In particular, the camera(s) must be fitted safely and securely in such a way that it does not adversely encroach into the passenger area and must not impact on the safety of the driver, passenger or other road users.
- 10.6 All equipment must be installed as prescribed by the equipment and/or vehicle manufacturer installation instructions by a competent auto-electrician.
- 10.7 The CCTV system must not weaken the structure or any component part of the vehicle or interfere with the integrity of the manufacturer's original equipment.
- 10.8 All equipment must be installed in such a manner so as not to increase the risk of injury and/or discomfort to the driver and/or passengers. For example, temporary fixing methods such as suction cups will not be permitted, or lighting, such as infra-red, which emits at such a level that may cause distraction or nuisance to the driver and/or passengers.
- 10.9 All equipment must be protected from the elements, secure from tampering and located such as to have the minimum intrusion into any passenger or driver area or impact on the luggage carrying capacity of the vehicle.
- 10.10 It is contrary to the Motor Vehicle (Construction and Use) Regulations 1986 for equipment to obscure the view of the road through the windscreen.
- 10.11 Equipment must not obscure or interfere with the operation of any of the vehicle's standard and/or mandatory equipment, i.e. not mounted on or adjacent to air bags/air curtains or within proximity of other supplementary safety systems which may cause degradation in performance or functionality of such safety systems.

- 10.12 All wiring must be fused as set out in the manufacture's technical specification and be appropriately routed.
- 10.13 The location of the camera(s) installed within the vehicle must be for the purpose of providing a safer environment for the benefit of the taxi or private hire car driver and passengers, and not for any other purpose.
- 10.14 All equipment must be checked regularly and maintained to operational standards, including any repairs after damage.
- 10.15 All system components requiring calibration in situ should be easily accessible.

10.16 Automotive Electromagnetic Compatibility Requirements (EMC)

- 10.16.1 CCTV equipment must not interfere with any other safety, control, electrical, computer, navigation, satellite, or radio system in the vehicle. Any electrical equipment such as an in-vehicle CCTV system fitted after the vehicle has been manufactured and registered, is deemed to be an Electronic Sub Assembly (ESA) under the European Community Automotive Electromagnetic Compatibility Directive and therefore must meet with requirements specified in that Directive.
- 10.16.2 CCTV equipment should be e-marked or CE-marked. If CE marked confirmation by the equipment manufacturer as being non-immunity related and suitable for use in motor vehicles is required.
- 10.16.3 Activation of the equipment may be via a number and combination of options, such as - door switches, time delay, drivers' panic button or in the case of incident/event recorder, predetermined G-Force parameters set on one or more axis (i.e. braking, acceleration, lateral forces) and configured to record for a short period of time before the event, during the event and a short period following the event.

10.17 Security of Images

- 10.17.1 All images captured by the CCTV system must remain secure at all times. The captured images must be protected using encryption software which is designed to guard against the compromise of the stored data, for example, in the event of the vehicle or equipment being stolen. It is recommended by the Information Commissioner that the data controller ensures that any encryption software used meets or exceeds the current FIPS 140-2 standard or equivalent. System protection access codes will also be required to ensure permanent security.

10.18 Retention of CCTV Images

- 10.18.1 The CCTV equipment selected for installation must have the capability of retaining images either:
- within its own hard drive;

- using a fully secured and appropriately encrypted detachable mass storage device, for example, a compact flash solid state card;
- or where a service provider is providing storage facilities, transferred in real time using fully secured and appropriately encrypted GPRS GSM telephone) signalling to a secure server within the service provider's monitoring centre.

10.18.2 Images must not be downloaded onto any kind of portable media device (e.g. CDs or memory sticks) for the purpose of general storage outside the vehicle.

10.18.3 The CCTV system must include an automatic overwriting function, so that images are only retained within the installed storage device for a maximum period of 31 days from the date of capture. Where a service provider is used to store images on a secure server, the specified retention period must also only be for a maximum period of 31 days from the date of capture. Where applicable, these provisions shall also apply to audio recordings.

10.19 Use of information recorded using CCTV

10.19.1 Any images should only be used for the purposes described in this document.

10.19.2 Requests may be made to the data controller by authorised officers of the Licensing Section, the Police or other statutory law enforcement agencies, insurance companies/brokers/loss adjusters or exceptionally other appropriate bodies, to view captured images, or obtain audio recordings if applicable. The licence holder, as data controller, is responsible for responding to these requests.

10.19.3 Police, authorised officers of the Licensing Section or other law enforcement agencies should produce a standard template request form, setting out the reasons why the disclosure is required. Alternatively a signed statement may be accepted. All requests should only be accepted where they are in writing, and specify the reasons why disclosure is required.

10.19.4 Under the Data Protection Act 1998, members of the public may also make a request for the disclosure of images, but only where they have been the subject of a recording. This is known as a 'subject access request'. Such requests must only be accepted where they are in writing and include sufficient proofs of identity (which may include a photograph to confirm they are in fact the person in the recording).

10.19.5 Data controllers are also entitled to charge a fee for a subject access request (currently a maximum of £10) as published in the Information Commissioner's CCTV Code of Practice.

10.20 Signage

10.20.1 All taxis and Private Hire Vehicles with CCTV must display signage within the vehicle to indicate that CCTV is in operation. Signs must be visible from the inside and outside of the vehicle. The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle.

- 10.20.2 In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out and this must also be verbally brought to the attention of the passengers.
- 10.20.3 The name and the contact telephone number of the licence holder, as data controller must be included on the sign.
- 10.20.4 **When the CCTV is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed of the purpose for which the device has been installed, being driver and passenger safety.**

Other Legal Requirements

ICO Registration

All proprietors of CCTV cameras must ensure that they comply with any regulations and codes of practise set by the Information Commissioners Office. This includes registering the details of the system.

For further information contact the
Information Commissioners Office 0303 123 1113

<https://ico.org.uk/about-the-ico/what-we-do/register-of-data-controllers/>

LICENSING CONDITIONS

11. Hackney Carriage and Private Hire Drivers

11.1 The driver shall:

- a) afford all reasonable assistance with passengers' luggage etc.
- b) at all times be clean and respectable in dress and person.
- c) behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the Hackney Carriage.
- d) if requested by the hirer of the vehicle, provide the hirer with a written receipt for the fare paid.
- e) if aware that the vehicle has been hired to be in attendance at an appointed time or place or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that appointed time and place, unless delayed or prevented by sufficient cause.
- f) when hired to drive to any particular destination shall, subject to any direction given by the hirer of the Hackney Carriage or Private Hire Vehicle, proceed to that destination by the shortest available route.
- g) at all times when driving a licensed vehicle, carry with him a copy of these conditions and shall make it available for inspection by the hirer or any other passenger on request
- h) before commencement of employment, deposit a copy of his/her licence to drive with the operator or proprietor until such time as he ceases to be so employed.
- i) notify the Council, in writing, of any change of address during the period of the licence, within 7 days of such change taking place
- j) disclose to the Council, in writing, details of any criminal or motoring conviction imposed on him during the period of licence, within 7 days of such conviction being obtained.
- k) wear the identification badge issued with the licence in a position and manner as to be plainly and clearly visible, at all times when acting in accordance with the drivers' licence:
 - new photographs may be requested should a driver have changed appearance to such an extent that the current photograph is not immediately recognisable
 - drivers surrendering badge casings which can be re-used will receive a refund

- drivers requiring a replacement badge for any reason will be required to pay a fee
- l) upon expiry, revocation or suspension of the drivers' licence, return forthwith, to the Council the identification badge issued with the driver's licence
- m) notify the Council, immediately upon suffering any injury or developing a medical condition or defect which might impair or affect his ability to drive and shall cease driving during such time as suffering from any such injury or disability or whilst certified medically unfit to drive. (Drivers are reminded of their obligation to inform the DVLA of medical conditions).
- n) when plying for hire in a Hackney Carriage in any street and not actually hired:
- proceed with reasonable speed to one of the stands fixed by the bylaw in that behalf,
 - if a stand, at the time of his arrival, is occupied by the full number of Hackney Carriages authorised to occupy it, proceed to another stand
 - on arriving at a stand not already occupied by the full number of Carriages authorised to occupy it, station the carriage immediately behind the Carriage or Carriages on the stand and so as to face in the same direction, and
 - from time to time when any other Carriage immediately in front is driven off or moved forward cause his Carriage to be moved forward so as to fill the place previously occupied by the Carriage driven off or moved forward

11.2 The driver shall not:

- a) at any time whilst acting as a licensed driver wear:- REFER TO SECTION 5
- b) without the consent of the hirer play any radio or sound reproduction instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- c) at any time cause or permit noise emitted by any radio or other previously mentioned equipment in the vehicle which he is driving to be a source of nuisance or annoyance to any persons, whether inside or outside the vehicle
- d) convey or permit to be conveyed in the vehicle a greater number of persons than that prescribed in the vehicle licence issued by the Council
- e) without the consent of the hirer, convey or permit to be conveyed any other person in the vehicle
- f) if the vehicle is fitted with a taxi meter, cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless credit is to be given)

- g) The proprietor or driver of a Hackney Carriage or Private Hire Vehicle shall not wilfully or negligently cause or suffer any such (licence) number to be concealed from public view while the Carriage is standing or lying for hire or at any other time whilst the vehicle is licensed.
- h) the proprietor or driver of a Hackney Carriage shall not cause or permit the Carriage to stand or ply for hire with any such (painting, mark or) plate so defaced that any figure material particular is illegible.
- i) the proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taxi meter with which the Carriage is provided, with the fitting thereof, or with the seal affixed thereto.
- j) a proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any person for the purpose.
- k) demand from any hirer of a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter
- l) convey in a vehicle any animal belonging to or in the custody of himself or the operator or the proprietor of the vehicle
(any animal belonging to or in the custody of any passenger at the driver's discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle)
- m) refuse without sufficient cause, to carry an Assistance Dog, Guide Dog or Hearing Dog, accompanying the hirer or other passenger unless medically exempt from doing so.

Drivers who are medically exempt from carrying dogs must undertake an exemption process, see notes of driver application

11.3 The driver shall immediately after the termination of any hiring of a vehicle or as soon as practicable thereafter carefully search the vehicle for any lost property which may have been accidentally left there.

11.4 On finding any such property, the driver must:

- a) carrying it as soon as possible, and in any event within 48 hours, if not sooner claimed by or on behalf of its' owner, to a local Police Station and leave it in the custody of the Officer in charge on his giving a receipt for such property.
- b) be entitled to receive from any person to whom the property shall be redelivered an equal amount to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the said Police Station, whichever is the greater) but not more than five pounds.

12. Dress Code for Hackney Carriage and Private Hire Drivers

- 12.1 The Council is committed to encouraging the professional image of the licensed trade. The Council considers that drivers should conform to a minimum standard of dress, as set out below, in order to:
- a) raise and maintain the profile of the licensed trade;
 - b) promote confidence amongst members of the public to ensure passengers feel comfortable when using licensed vehicles;
 - c) promote public safety by ensuring the safe operation of licensed vehicles at all times and ensuring that licensing drivers are readily identifiable;
 - d) protect the licensed driver from any abuse or harm
- 12.2 The Council does not impose such standards by way of conditions to any licence. It is expected, however, that such standards will be maintained at all times.
- 12.3 Breaches of the Dress Code for Licensed Drivers will be dealt with by use of the Penalty Point Policy and Procedure.
- 12.4 Acceptable Standard of Dress within this Code
- a) Tops
 - All tops should cover the shoulders and midriff and be capable of being worn inside trousers/skirts.
 - Shirts or blouses can be worn with a tie or open-necked.
 - b) Skirts
 - Skirts should be to the knee or below.
 - c) Footwear
 - Footwear should fit around the heel of the foot.
 - No footwear should be worn that prevents you from using the foot controls in the correct manner
- 12.5 Unacceptable Standards of Dress within this Code
- a) Bare chests, to include low cut tops;
 - b) Clothing or footwear which is unclean or damaged;
 - c) Clothing printed with words, logo or graphics which might offend;
 - d) Sports shirts e.g. football, or rugby or cricket tops or track suits;

- e) No beachwear including footwear eg flipflops, mules, swim/beach shorts, bathing costumes etc
- f) No pronounced heels
- g) Whilst passengers are in the vehicle, no headgear that partially or completely conceals the face or the identity of the licensed driver shall be worn e.g. baseball caps, woolly hats (to also include hooded tops and “hoodies”). Religious headgear or wearing headgear for medical reasons is exempt (doctor’s note may be required);
- h) Shorts should be tailored and to the knee or below (no denim or sports shorts);
- i) Short skirts/miniskirts are not to be worn for personal safety reasons

12.6 The above lists are not exhaustive and authorised officers of the Council will assess whether standards of dress are acceptable or not. In such instances, the officer’s decision will have effect as though it were included in the above lists and the licensed drivers will be required to comply accordingly.

13. Licensed Driver Code of Good Conduct

13.1 General

13.1.1 In order to promote its licensing objectives as regards hackney carriage and private hire licensing, Denbighshire County Council proposes to adopt the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements produced by the Council.

13.2 Responsibility to the Trade

13.2.1 Licence holders shall endeavour to promote the image of the Hackney Carriage and Private Hire trade by:

- a) complying with this Code of Good Conduct;
- b) complying with all the Conditions of their Licence, Hackney Carriage Byelaws and the Councils Hackney Carriage and Private Hire Licensing Policy;
- c) behaving in a civil, orderly, non-discriminatory and responsible manner at all times

13.3 Responsibility to Passengers

13.3.1 Licence holders shall:

- a) maintain their vehicles in a safe and satisfactory condition at all times;
- b) keep their vehicles clean and suitable for hire to the public at all times;
- c) attend punctually when undertaking pre-booked hiring;
- d) assist, where necessary, passengers into and out of vehicles;
- e) offer passengers reasonable assistance with luggage and other personal effects;
- f) when requested provide receipts to passengers;
- g) have no sexual contact with, or be sexually explicate either physically or verbally towards any passenger they are transporting;
- h) behave in a professional and respectful manner at all times

13.4 Responsibility to Residents

13.4.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- a) not sound the vehicle's horn illegally (Rule 112 of Highway Code states not to sound horn when stationary on a road (any time), or when driving in a built-up area between 11.30 pm and 7.00 am);

- b) keep the volume of music media/ radios to a minimum;
- c) switch off the engine if required to wait;
- d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood.

13.5 Responsibilities at Ranks and Offices

13.5.1 Licence holders shall:

- a) Rank in an orderly manner and proceed along the rank promptly and in order;
- b) Remain in the vehicle;
- c) Not allow their music media players or radios to cause disturbance to residents.

13.6 General

13.6.1 Drivers shall:

- a) pay attention to personal hygiene and dress, in accordance with the dress code, so as to present a professional image to the public;
- b) wear the badge provided by the Council on his person at all times when in charge of a licensed vehicle, such badge to be worn in a position and manner as to be plainly visible;
- c) be polite, helpful and fair to passengers;
- d) unless otherwise directed by the hirer the driver shall proceed to the destination by the shortest possible route;
- e) not to drink or eat in the vehicle without the express consent of the hirer;
- f) not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- g) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- h) obey all Traffic Regulation Orders and directions at all time;
- i) not to carry more passengers in a vehicle than it is licensed to carry.
- j) not to carry, without the consent of the hirer, other persons in the vehicle;

- k) not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- l) not drive while having misused legal or illegal drugs;
- m) not to smoke at any time in a licensed vehicle (whether carrying passengers or not), or allowing passengers to smoke in a licensed vehicle;
- n) if the vehicle is fitted with a taxi meter, the fare recorded should not be cancelled or concealed until the hirer has had a reasonable opportunity of examining it and has paid the fare;
- o) the proprietor or driver of a licensed vehicle shall not wilfully or negligently cause or suffer any such licence number to be concealed from public view while the vehicle is standing or plying for hire or at any other time whilst the vehicle is licensed.
- p) the proprietor or driver of a Hackney carriage shall not tamper with or permit any person to tamper with any taxi meter with which the carriage is provided, with the fitting thereof, or with the seal affixed thereto
- q) the proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such a carriage and shall not make use of the services of any person for the purpose;
- r) a driver shall not demand from any hirer or a Private Hire Vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter and there has been no previous agreement as to the fare, the fare shown on the face of the taxi meter;
- s) respect authorised Officers during the execution of their normal duties

PLEASE NOTE:

The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

It is against the law to smoke in a licensed vehicle and to allow passengers to smoke in a licensed vehicle

14. Denbighshire County Council Penalty Point Policy and Procedure

14.1 Introduction

- 14.1.1 This document details the Penalty Point procedure used by the Council to deal with minor breaches or infringements of legislation or unacceptable behaviour committed by those licensed as Drivers and Operators and vehicle proprietors, in much the same way that points can be attached to a DVLA driving licence.

14.2 Policy Statement

- 14.2.1 The aim of this Policy is to improve the levels of compliance of licensing regulations and requirements and to help raise standards, safety and the protection of members of the public affected by the actions of licensed drivers and operators and vehicle proprietors.
- 14.2.2 The Council is committed to ensure that only fit and proper persons become, and remain, as hackney carriage and private hire drivers and Operators and vehicle proprietors.
- 14.2.3 The procedure also seeks to improve the level of transparency and consistency in which the licensing system is administered and enforced.

14.3 Purpose of the procedure

- 14.3.1 The penalty point procedure is designed to work in conjunction with other enforcement options, identifying those drivers, operators or vehicle proprietors who repeatedly behave in a manner which, if taken as a whole, indicates that they are not fit and proper persons to hold a licence.
- 14.3.2 The Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 (the relevant legislation covering such licences), only allows for the suspension or revocation of a licence, or the prosecution of a licence holder where they commit an offence under the above legislation. Therefore there is no system in place to deal with minor breaches or infringements, which in isolation are not serious enough to warrant the suspension or revocation of a licence.

14.4 Who is covered by the procedure

- 14.4.1 Penalty Points may be awarded against anyone holding a Hackney Carriage Licence; a Private Hire Driver Licence; a Private Hire Operator Licence or a Vehicle Proprietor.

14.5 Issuing of Penalty Points

- 14.5.1 Officers will investigate allegations of offences by licensed operators, drivers or vehicles owners. When considering what action to take the Investigating officer(s) will take into account all available and appropriate evidence, such as eye witness accounts and their reliability, the views of the licence holder who may be affected by the outcome of the investigation, etc.. The outcome

of investigations may result in a wide range of potential actions against the driver and /or operator and / or proprietor. This procedure deals with the option of penalty points. For other enforcement action please refer to the relevant procedures.

- 14.5.2 Once the decision to issue penalty points is made, letters will be sent to all persons/organisations involved in the allegation(s) detailing the findings and decision of the Investigation officer. A record of the decision and any copies of associated documents will be kept on file (usually in secure electronic format) and retained for a period of 6 months following the expiry of the 2 year rolling period referred to at 14.5.6 below.
- 14.5.3 The points will be issued by an officer, or the Committee, to the driver and /or operator and / or proprietor depending on the circumstances, and will be confirmed in writing within 14 days of their issue.
- 14.5.4 Any penalty points incurred under this procedure are completely separate from any points which may be attached by the Police, through fixed penalty notices, or the Courts, through convictions to DVLA driving licences.
- 14.5.5 Confirmed infringements or breaches resulting in the award of penalty points will act as an ongoing record of a licensee's behaviour and conduct and may be used in determining whether they are a fit and proper person to hold a licence.
- 14.5.6 Where a licence holder accumulates 20 or more penalty points, in separate incidents, in a 24 month rolling period (a period of 24 consecutive months determined on a rolling basis with a new 24 month period beginning each day) the matter will be referred to the next available Licensing Committee. The Committee will be required to determine whether the driver or operator is a fit and proper person. The following action can be taken by the Committee:
- Take no action
 - Issue a warning
 - Issue additional penalty points
 - Suspend a licence as a punitive sanction
 - Suspend a licence to correct a fault, defect, or breach
 - Revoke or refuse to renew a licence
- 14.5.7 Periods of suspension will be determined by the Licensing Committee and will depend on the nature of the offence, breach, or infringement and the individual's compliance history. A determination will also be made as to whether the suspension or revocation is on the grounds of public safety, thereby having immediate effect.
- 14.5.8 Where a driver, proprietor or operator reaches the 20 points and is referred to the Committee it will not preclude all relevant information being disclosed. This will include any other penalty points, complaints, warnings, and suspensions etc. The 20 points will be a referral trigger.
- 14.5.9 Where an identified breach results in the issue of a single award of 20 penalty points these matters will be considered as soon as is practicable by

the Head of Planning & Public Protection or in his/her absence, the Head of Legal and Democratic Services, in consultation with the Chair of the Licensing Committee, or in his / her absence, the vice Chair, for appropriate action. Any action will be considered alongside the Council's agreed document "Procedure for Suspension / Revocation of a Hackney Carriage and Private Hire Driver Licence".

14.6 A breach or infringement is discovered

- 14.6.1 If there is good evidence that there was a breach or inappropriate behaviour and it is considered appropriate to do so, the licence holder will be issued with a penalty point notice.
- 14.6.2 The penalty point notice will describe the infringement or breach, date and time it took place, and how many points have been issued to the licence holder.
- 14.6.3 The Council reserve the right to not impose penalties points under this scheme where in the opinion of the Officers the allegations are either frivolous, vexatious or repetitious, or made, in the Officers opinion, to further personal grievances or which are not made within a reasonable time period, to be determined by the Council depending on the individual circumstances, of the breach having occurred.

14.7 How to report an infringement

- 14.7.1 Any breaches of conduct will be subject to investigation by officers, and only where there is clear, verifiable evidence of an infringement e.g. a photograph of an illegally parked vehicle, will a penalty point notice be issued.
- 14.7.2 Infringements can be reported through the Council's website <https://www.denbighshire.gov.uk/en/resident/contact-us/contact-us.aspx>

14.8 Infringements/breaches covered by the Scheme

- 14.8.1 A full list of infringements and breaches covered by this Scheme can be found at Appendix 1.

14.9 Appeals

- 14.9.1 If a licensee wishes to appeal against the issue of a "penalty points notice" he/she must do so in writing, stating the reasons of the appeal, within 10 working days from the date of issue of such a notice, to the Council's Head of Planning and Public Protection or in his/her absence the Public Protection Manager, who, in consultation with the Chairman of the Licensing Committee, will have the discretion to:-
- uphold the Council Officer's decision – retain the number points on the "penalty points notice"; or
 - cancel the issue of the "penalty points notice" to the licensee.

- 14.9.2 The Head of Planning and Public Protection or, as the case may be, the Public Protection Manager will write to the licensee informing them of the outcome within 10 working days of receiving the appeal.
- 14.9.3 If no appeal is lodged within 10 days from the date of issue of the Notice, then the Council will take the view that the licence holder has accepted the penalty points.
- 14.9.4 There is no appeal beyond the decision made by the Head of Public Protection. However, should a licensee be subsequently reported to the Licensing Committee for accumulating 20 penalty points, he/she has the opportunity to raise the validity of the points issued.

14.10 Re-applying for a licence

- 14.10.1 If a licence holder has had their licence revoked, they may apply for a new licence, but it is Council Policy that such an application under the Penalty Point Scheme will not be entertained until a suitable period from the date of revocation has elapsed, as detailed below:
- where the penalty points which resulted in the revocation included any infringements that attracted 10 or more points, then this period will be 24 months
 - where none of the infringements individually attracted more than 10 points, then this period is reduced to twelve months.
- 14.10.2 It should not be assumed that an application for a new licence, following revocation under this Scheme, will automatically be granted. Any application will be subject to the Council's normal application process and consideration of whether the applicant is a fit and proper person to hold a licence.

14.11 Delegation of Functions

- 14.11.1 The Head of Planning and Public Protection Public Protection can delegate authority to the Public Protection Manager to issue penalty points in accordance with this policy. The Public Protection Manager can also delegate this function to an authorised Officer of the Council.

14.12 Review of the Scheme

- 14.12.1 This Policy will be reviewed every three years. Notwithstanding this, the policy will continue to be evaluated and may be updated at any time, subject to the appropriate consultation.

15. TRAILERS – Specification and Conditions for Private Hire Vehicles Only

- 15.1 Private Hire Vehicles licensed by Denbighshire County Council are permitted to tow trailers providing the trailer meets the following specification and conditions:
- 15.2 Trailer Specifications**
- 15.2.1 A Licensing Enforcement Officer must initially approve all trailers in regard to size and type of construction.
- 15.2.2 When initial approval is granted and then annually when the towing vehicle undergoes its Council Test. The tester/inspector must certify that the trailer meets the equivalent standards that would normally be required to pass a Ministry of Transport Test (MOT). The garage's authentication stamp must be applied to the certificate supplied by the inspector.
- 15.2.3 The tow bar must meet with the type approval regulations in respect of all tow bars fitted to cars after August 1998 and be fitted by an approved agent.
- 15.2.4 When towing a trailer, vehicles must have an offside and nearside rear exit, not including the rear back door ie a five door car/minibus.
- 15.2.5 The trailer must be of a design that it does not interfere in any way with the operation of any emergency exits or wheelchair access ramps.
- 15.2.6 Unbraked trailers shall be less than 750 KGs gross weight.
- 15.2.7 Trailers over 750 KGs gross weight shall be braked acting on at least two road wheels.
- 15.2.8 The maximum permissible length of the trailer shall be 7 metres including the drawbar and coupling.
- 15.2.9 The width of the trailer shall not be greater than the towing vehicle subject to no trailer being wider than 2.3 metres.
- 15.2.10 The maximum length for braked twin axle trailers is 5.54 metres
- 15.2.11 The trailer's body must be constructed of either glass-reinforced plywood/fibreglass or fully galvanised steel.
- 15.2.12 The trailer's full frame must be made of galvanised steel with a straight drawbar.
- 15.2.13 Trailers must have been manufactured by a recognised manufacturer and have not been structurally altered since manufacture.
- 15.2.14 A trailer may be used by more than one licensed towing vehicle but each licensed vehicle used to tow the trailer must be separately approved and the additional licence fee paid for each towing vehicle.

15.2.15 An additional licence plate will be issued by the Council for each licensed Hackney Carriage and Private Hire vehicle licensed to tow trailers and the relevant plate must be affixed to the rear of the trailer near the number plate whenever an approved trailer is towed by the licensed vehicle.

15.3 **Trailer conditions**

15.3.1 The driver of the towing vehicle must hold the appropriate category on their DVLA driving licence.

15.3.2 The trailer must only be used on pre-booked journeys when excess luggage is to be carried and not for general use.

15.3.3 The licensed towing vehicle's insurance must cover the towing of a trailer.

15.3.4 The trailer shall carry an appropriate spare wheel, adequate tools to change a wheel and correctly inflated spare tyre at all times that it is in use for hire and reward.

15.3.5 The kerbside weight of the trailer when fully laden should not exceed that determined by the vehicle manufacturer as being the safe towing weight limit.

15.3.6 A suitable lid or other approved means of enclosure shall be fitted to secure the contents within the trailer when in use and to keep it watertight.

15.3.7 The trailer must at all times comply with all Road Traffic legislation requirements in particular those as laid down in the Road Vehicles (Construction and Use) regulations 1986.

15.3.8 The trailer shall not display any form of sign or advertisement apart from the licence plate issued by the Council.

15.3.9 Any defect or damage to any kind occurring on the trailer must be reported to the Council within 72 hours.

16. INTENDED USE POLICY FOR HACKNEY CARRIAGE VEHICLES

16.1 Applications for the new grant of a Hackney Carriage Licence

- 16.1.1 Applicants for new licences will be expected to demonstrate a bona fide intention to ply for hire within the Denbighshire County under the terms of the licence for which an application is being made.
- 16.1.2 There will be a presumption that applicants who do not intend to entirely or predominantly ply for hire within Denbighshire will not be granted a Hackney Carriage Licence authorising them to do so. Each application will be decided on its merits.
- 16.1.3 Even where the applicant intends to ply for hire entirely or predominantly in Denbighshire, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

16.2 Applications for the renewal of a hackney carriage licence

- 16.2.1 Section 60 of Local Government (Miscellaneous Provisions) Act 1976 also gives the Council a broad discretion to refuse to renew a licence for any reasonable cause and this intended use policy will also apply for renewals in the same way as for the grant of the licence. Each application will be decided on its merits.

16.3 Applications for the transfer of a hackney carriage licence

- 16.3.1 Should the Hackney Carriage Licence be transferred to another proprietor during the term of the licence, the new proprietor will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within Denbighshire. New proprietors should note the obligation under section 73 of the Local Government (Miscellaneous Provisions) Act 1976 to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.
- 16.3.2 New proprietors of licensed Hackney Carriages will be expected to have a bona fide intention to ply for hire within Denbighshire under the terms of the licence in respect of the vehicle being transferred.
- 16.3.3 If the new proprietor of a licensed Hackney Carriage is found to have no intention to ply for hire entirely or predominantly within Denbighshire and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the Local Government (Miscellaneous Provisions) Act

1976. Where the new proprietor proposes to operate remotely from the administrative area of Denbighshire there will be a presumption that his licence will be revoked. Each case will however be decided on its merits.

16.4 Applications for the replacement of a Hackney Carriage Licence

- 16.4.1 When a proprietor replaces a licensed vehicle, applicants seeking the grant of hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire entirely or predominantly within Denbighshire will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire entirely or predominantly in Denbighshire if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular case, there will be a presumption that the application will be refused.
- 16.4.2 Where a licence has been granted under the terms that the applicant intends to ply for hire entirely or predominantly within Denbighshire but is subsequently found not to be plying for hire entirely or predominantly in Denbighshire and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) there will be a presumption that the licence will be revoked.
- 16.4.3 Each application will be decided on its merits. However the presumptions that intended use is to ply for hire entirely or predominantly within Denbighshire will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not compromise the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked as the case may be.

16.5 Reasons for intended use Policy

- 16.5.1 The Council of Denbighshire wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgment, and the Declaration made in the case of Newcastle City Council v Berwick upon Tweed Council [2008].
- 16.5.2 The Council is required to register the name of the new proprietor of a vehicle. It seems to the Council also to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. It is intended to put the Council in a position to respond responsibly to the transfer of a Denbighshire hackney carriage into the name of someone who operates outside the Denbighshire County or remotely from it.
- 16.5.3 Unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of Denbighshire, there should be no reason why he/she should not be granted a licence for a replacement vehicle. On

the other hand, an applicant who obtained the first licence on the expressed intention of plying for hire entirely or predominantly within the administrative area of Denbighshire, and who on application to replace that vehicle with another discloses that he/she no longer so intends, effectively engages the presumption against grant that is mentioned earlier.

APPENDIX 1 – PENALTY POINT SCHEME

FOR BREACHES OR INFRINGEMENTS BY HACKNEY AND PRIVATE HIRE OPERATORS, DRIVERS AND VEHICLE PROPRIETORS

SCALE OF PENALTY POINTS

REF No	BREACH/OFFENCE OR INFRINGEMENT	PENALTY POINTS
1	Use/Cause/Permit a vehicle to be driven with a defect contrary to Road Vehicle (Construction & Use) Regs 1986 (as amended) (per defect):	
	a) Defective tyres (including spare)	10
	b) Defective brakes	10
	c) Defective seat belts	10
	d) Defective steering	10
	e) Defective suspension	10
	f) Defective doors (closing/ locking mechanism)	6
	g) Defective windscreen - cracked etc. in drivers view	6
	h) Defective bodywork- sharp edges, corrosion likely to cause injury to persons	6
	i) Defective headlamps, brake lights, sidelights	10
	j) Defective windscreen wipers/washers	6
	k) Defective exhaust	3
	l) Defective horn	3
	m) Insecure battery which could be a fire risk.	10
n) Any other relevant defect not referred to above	6	
2	Failing to produce Certificate of Compliance, MOT certificate, driving licence or insurance certificate, which is valid on the day of request, within 7 days of being requested	3
3	Obstructing an authorised officer or Police Officer	10
4	Failure to carry an assistance dog without an exemption notice	3
5	Using or allowing a vehicle to be used subject to a suspension/revocation issued by an Authorised	20

	Officer or Police Officer	
6	Using an unlicensed vehicle or licensed vehicle without Insurance	20
7	Driver using a handheld mobile phone, handheld two way radio, whilst the vehicle is in motion	10
8	Presenting a licensed vehicle for testing in an unsafe or dangerous Condition	20
9	Providing false or misleading information on licence application form / failing to provide relevant information or the relevant fee (including dishonoured cheques)	10
10	Failure to submit a licensed vehicle that is 5 years old, or more for a 6 monthly MoT and provide documented proof to the Council that it has passed such a test. The Council will expect to see documentary evidence that such a test has been carried out within 4 weeks of the due date of the MoT test.	10
11	Operator failing to keep proper records or keep records in accordance with the licence conditions	3
12	Failing to notify the Council of details of road traffic collision within 72 hours	6
13	Failure to behave in a civil and orderly manner (including rude or aggressive behaviour) to a member of the public, licensed driver or Officer of the Council or Police Officer	10
14	Plying for hire by private hire drivers.	10
15	Carrying more passengers than the capacity stated on the vehicle licence.	20
16	Failure to carry an up to date fire extinguisher.	3
17	Failure to wear private hire/hackney carriage driver's badge.	3
18	Refusal to accept hiring without reasonable cause e.g. reasonable cause - when drunk or rude customer	6
19	Failure to observe rank discipline - taxi drivers (e.g. plying for hire outside the markings of one of the County's taxi ranks - parking in front or behind rank).	5
20	Failure to give assistance with loading/unloading luggage to or from any building or place, without reasonable cause e.g. temporary medical condition	3
21	Failure to attend punctually at appointed time and place without sufficient cause:	
	a) During daytime	3
	b) During the hours of darkness	6
22	Leaving a Hackney Carriage unattended whilst on a designated rank, without reasonable cause e.g. quick toilet break	3
23	Failure to comply with the Driver Dress Code	3
24	Failure to comply with the Code of Good Conduct	5

25	Displaying any feature on a private hire vehicle that may suggest that it is a taxi vehicle.	5
26	Failure to carry a legal spare wheel and tools or other method of repair e.g. foam/run flat tyre	3
27	Failure to display the external/internal licence plate or signs as required.	3
28	Displaying unsuitable or inappropriate sited signs or unauthorised advertisements in or on the vehicle.	3
29	Charging hackney carriage passenger more than the metered or agreed fare	6
30	Failure to return a vehicle licence plate within 7 days after request	6
31	Using a non-approved or non-calibrated taximeter	6
32	Unreasonably prolonging a journey or any misconduct regarding the charging of fares	6
33	Failure to notify the Council, in writing, of any conviction, caution, fixed penalty or similar within 7 working days	6
34	Failure to notify the Council, in writing, of a change of address within 7 working days	3
35	Failure to notify, in writing, a change in medical circumstances	6
36	Unsatisfactory condition of a vehicle (interior or exterior):	
	a) Dirty exterior	3
	b) Filthy and stained interior	6
	c) Other non-compliant licensable condition (as required by the "Blue Book")	3
37	Driving or parking in a manner likely to cause inconvenience, distress or danger to members of the public e.g. tailgating/speeding/overtaking/furious driving	10
38	Parking in contravention of public highway parking restrictions including occupying/parking in a loading bay	5
39	Parking/stopping or picking up or dropping off passengers on zigzags of a pedestrian crossing or school entrance	6
40	Failing to display Hackney Carriage fare card in vehicle	3
41	Failure to present vehicle for inspection by an authorised officer at required time/location.	10
42	Private Hire driver charging or attempting to charge more than the fare agreed with the customer by the operator	6
43	Private hire vehicle parking / waiting on a taxi rank	6
44	Smoking in a licensed vehicle, and allowing passengers to smoke in a licensed vehicle	10
45	Failure to display in a licensed vehicle, no smoking signage as prescribed in the Health Act 2006	3

