



APPLICATION FOR THE GRANT OF A

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

Local Government (Miscellaneous Provisions) Act 1976 / Town Police Clauses Act 1847 (As Amended)

Please read the application pack provided with this application form to ensure that you meet the basic requirements to become a Hackney Carriage / Private Hire driver.

Please complete this form in block capitals and enter ticks where appropriate. **Please note this form will NOT be processed unless ALL sections below are completed.**

The Council has adopted suitability guidance for determining the suitability of applicants in respect of convictions, contained within the applicant pack, which is available at www.swansea.gov.uk/taxi or as a hard copy from the Licensing Section. **You should read this document before completing your application.**

1. Applicant's Details

Applicant's Full Name:	
Main residential address	
Post Code:	

Date of Birth:	DD/MM/YYYY	National Insurance No:	
Current age		E-mail	

Landline Number		Mobile Number	
Country of Birth:		Current Nationality:	

2. Your Right to Work in the UK

In order to issue you with a licence, the Council must be satisfied that you have the legal right to undertake paid work in the UK.

2.1 Do you have permission to lawfully reside in the UK?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
2.2 Do you have permission to lawfully work in the UK?	Yes <input type="checkbox"/>	No <input type="checkbox"/>

If you answered yes to either of the above questions then please provide a copy of the main page of your passport (showing your details and nationality). If you do not have a passport then please provide an alternative official document confirming your British or EU Citizenship.

If you have answered no to either or both of the above questions then the Council will require a Right to Work Share Code in order to assess your eligibility to work in the UK. A right to work share code can be obtained by clicking on the link below:

<https://www.gov.uk/view-right-to-work>

Please provide the share code below, by providing the code you are consenting to the Council undertaking a check of your right to work status.

2.3 Right to Work Share Code:	
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3. Driving Details etc.

As part of the application process, the Council will undertake an online check of your DVLA driving licence. In order to do this, the Council requires you to provide a Driving Licence Check Code. You can obtain a check code by following the link below:

<https://www.gov.uk/view-driving-licence>

3.1 Please provide the DVLA check code supplied to you by the DVLA with your application to taxilicensing@swansea.gov.uk ; by providing the code you are consenting to the Council undertaking a check of your DVLA driving licence.

3.2 Date you obtained a full DVLA driving licence:	DD/MM/YYYY
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3.3 Please provide details of the Private Hire Operator / or Name and address of the person that you intend to work for (if any)? If you are independent, state this.	Enter Operator name
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4. Declaration of Previous Convictions etc.

As part of the application process, the Council may undertake a check of your Enhanced Disclosure Certificate via the Disclosure and Barring Service Online Update Service. By providing the details below, you are providing your consent for Swansea Council Licensing to undertake any checks required on the DBS Update Service to ensure that your certificate is acceptable.

4.1 Do you currently subscribe to the DBS Online Update Service?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
4.2 If Yes, do you consent to the Council checking your certificate via the update service as part of your renewal application?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If Yes then please enter your current certificate number here:		

If you do not subscribe to the DBS Update Service, or you do not consent to the Council undertaking a check of your certificate, then you must complete an application for a new Enhanced Disclosure Certificate. Further details on this will be provided to you once the Council has received your application.

Following the introduction of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, you are now required to disclose **ALL PREVIOUS CONVICTIONS, CAUTIONS, FIXED PENALTY NOTICES, WARNINGS AND / OR OTHER PENALTY NOTICE regardless of whether they are deemed spent or not (i.e. regardless of the age of conviction)**. If the answer is no, then please tick 'NO'

4.3 Have you EVER been convicted, received a caution or fixed penalty notice, warning and or other penalty notice for any offence other than motoring offences? For example, an offence involving Dishonesty, Indecency or Violence, Drugs or related offences, or other penalty notices not covered above (regardless of the age of conviction).	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you answered yes, please give details below including date of conviction and sentence/penalty: PLEASE SUPPLY SEPARATE SHEET IF NECESSARY.		

4.4 Have you EVER been convicted of a road traffic offence, or does your DVLA licence have any endorsements?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you answered yes, please give details below including date of conviction and sentence/penalty:		

4.5 Are there any Court proceedings pending against you, motoring or otherwise?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If you answered yes, please give details below including the hearing date:		

4.6 Do you hold or have you previously held a hackney carriage / private hire drivers licence issued by this or any other authority?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please give dates and badge details:		

4.7 Have you ever had a Hackney Carriage / Private Hire Drivers Licence refused / revoked / suspended by this or any other local authority?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
If yes, please give dates and details:		

Please note: we will be checking all available records, failure to state all convictions / cautions / warnings / penalty notices as noted above may result in your application being delayed and or refused

5. Tax Checks

The Finance Act 2021 introduced tax checks as part of applications to renew licences for taxi and private hire drivers and private hire operators.

This section is only applicable if you are making an application on or after 4 April 2022, and if you are doing any of the following:

- renewing a licence; or
- applying for the same type of licence you previously held, that ceased being valid less than a year ago; or
- applying for the same type of licence you already hold with another licensing authority

Please Provide the Tax Share Code Below

Tax Share Check Code									
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6. Declaration

(1) Tax Check

The Finance Act 2021 introduced tax checks as part of applications to renew licences for taxi and private hire drivers and private hire operators.

I confirm that I have read the guidance by HMRC on registering my tax check.	Yes <input type="checkbox"/>
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Application Checklist

A checklist of the requirements is provided for your reference below; for further information regarding any of these criteria, please contact taxilicensing@swansea.gov.uk

Completed Application Form	<input type="checkbox"/>	Overseas criminal Report / letter of good conduct (if applicable, refer to guidance pack point – 3.24)	<input type="checkbox"/>
Passport Style digital photograph	<input type="checkbox"/>	Enhanced DBS Check	<input type="checkbox"/>
DVLA Photo card Driving Licence	<input type="checkbox"/>	Identification Documents, Passport and or Full Birth Certificate (i.e. at least one parent stated) and document with stating National Insurance number	<input type="checkbox"/>
DVLA share code	<input type="checkbox"/>		
Group 2 Medical certificate	<input type="checkbox"/>		
Proof of right to work in the UK	<input type="checkbox"/>		
Knowledge Test Confirmation	<input type="checkbox"/>		

Please Note: The Authority is under a duty to protect the public funds it administers and to this end may use the information you have provided on this form within this Authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes. All personal information provided will be treated in the strictest confidence and will only be used by the Council or disclosed to others for a purpose permitted by law.

DECLARATION

I declare to the best of my knowledge and belief the above information is correct. I understand that if I knowingly or recklessly make a false statement or omission I render myself liable to prosecution and my licence may be suspended or revoked. **I confirm that I have read and understood the application pack provided with this application form** and I acknowledge and understand the duties I am required to carry out under Section 165 & 168 of the Equality Act 2010.

Swansea Council is the data controller for the personal information you provide on this form. Your information will be used to provide you with the service that you have requested and will not generally be used for any other purpose. Occasionally, your data may be shared legitimately with other departments of the Council if required to carry out their functions. We will not share your data with any third parties without your explicit consent unless we are required or permitted to do so by law.

Data protection law describes the legal basis for our processing your data as necessary for the performance of a contract. For further information about how Swansea Council uses your personal data, including your rights as a data subject, please see our corporate privacy notice at www.swansea.gov.uk/privacynotice.

Please tick:

I would like future communication to be sent to me in English ☐, Welsh ☐, Both English and Welsh ☐.

Signature:	Date:	DD/MM/YYYY
Print Full Name:		

For office use only:

Medical Cert Expiry	Date stamp
DBS Expiry	
Receipt No	
Badge expiry date	

PROOF OF PLACE AND DATE OF BIRTH MUST ACCOMPANY ALL NEW APPLICATIONS

1. Were you born in the United Kingdom? – YES – NO – (delete as required)

2. Have you ever been resident in a country outside the UK? YES / NO

If you were born in the UK and have not been a resident of any country outside the UK do not continue any further but sign and date the declaration below.

3. If you were not born in the UK or have been resident in a country outside the UK please complete the section below.

Country of Birth:.....Date of Birth:.....

How long have you been resident in the United Kingdom?.....

Passport – Country of Issue:.....

Date of Issue..... Passport No:.....

Please supply information about the country(s) where you have been resident together with dates of residence:

Country.....District/City.....From:.....To:.....

Country.....District/City.....From:.....To:.....

Country.....District/City.....From:.....To:.....

If you need to supply further information please use a separate sheet

Have you been convicted or cautioned for any offences in your

Country of Birth? YES / NO (delete as required)

If the answer is YES supply details below:

.....
.....
.....

Have you been convicted or cautioned for any offences in any other country?

YES / NO (delete as required)

If the answer is YES supply details below:

.....
.....
.....

DECLARATION

I confirm that the information I have supplied in support of this application is complete and true and I understand that knowingly to make a false statement would jeopardise this application and may make me liable to prosecution.

Print name:.....

Signature:.....Date:.....

Guidance notes for the Grant of Hackney Carriage Driver / Private Hire Driver & Restricted Driver Applications.

Fit and Proper Person: -

Before a licence can be granted, the Authority is required to ensure that the applicant is a fit and proper person. All applicants are required to complete the declaration form in addition to the application form, produce evidence of place and date of birth and their right to work in the UK.

On occasions it may be necessary for an applicant to obtain a Certificate of Good Conduct and/or a Criminal Record Check, when their Country of birth or previous residence is outside the United Kingdom. Checks may also be undertaken with the Home Office to verify this information and an applicant's right to work in the UK.

If an applicant requires any further information or advice they should make an appointment to see a Taxi Licensing Officer.

Note-1: Basic Literacy Test and Knowledge Test: -

You will be required to pass a combined Basic Literacy and Knowledge Test. You must sit this test prior to making your application. Please refer to the guidance notes enclosed with this pack.

Each Test is payable. All applicants must pass the Basic Literacy Test and the Knowledge Test. If you do not pass the basic literacy test on 2 separate occasions you will be provided with contact details to enrol on a Basic English Course and will not be able to re-book your test until you provide satisfactory documentation confirming the above which has been considered by the Licensing Section.

When you have passed the basic literacy and knowledge test's you will be issued with a certificate which will be valid for 12 months. Should you not make an application for a taxi driver licence during the validity of your Certificate, you will be required to pay and resit the test at a later date.

Note-2: Passport Photographs: -

- The photo must be of the applicant
- Facing forward and looking straight at the camera in close up with their face, head and shoulders with a recommended head height (the distance between the bottom of the chin and the crown of the head) between 29 and 34 millimetres
- with a neutral expression and with the mouth closed (no smiling, frowning or raised eyebrows)
- with their eyes open and clearly visible), no sunglasses or tinted glasses and no hair across the eyes)
- Free from reflection or glare on glasses and frames must not cover eyes. We recommend that if possible, glasses are removed for the photo.
- Showing their full head, without any head covering unless they wear one for religious beliefs or medical reasons
- With no other objects or people in the photo
- Without shadows on the picture
- Without anything covering the face – nothing should cover the outline of the eyes, nose or mouth, and not showing any red-eye

Photo size must:

- Be the standard size of a passport photo taken in a booth or studio, 45 millimetres high x 35 millimetres wide and not be trimmed down from a larger photograph to the size of a standard passport photograph

Photo quality must:

- Be taken against a plain cream or plain light-grey background
- Be printed to a high quality, such as photos printed by a booth or studio (photographs printed at home are unlikely to be of a high enough quality)
- Be clear and in sharp focus
- Be taken within the last month
- Be in colour on plain white photographic paper, **not** be torn, creased or marked and **not** have Any writing on the front or back – except when one of the photos needs to be certified..

Note-3: D.V.L.A Drivers Licence: -

To apply for a licence to drive hackney carriages or private hire vehicles/restricted private hire vehicles you must have held a Full UK driving licence for at least one year. **Any** motoring convictions stated on your licence will be taken into consideration and it may be necessary to refer your application to the General Licensing Committee for decision.

If you have a photo card licence then you will need to produce this for your application to be accepted. If you still have the old style DVLA paper licence i.e. those issued without a photo card, this will also be accepted.

You will also be required to complete online a “share my Driving Licence” code which can be printed out in reception.

Note-4: Medical Certificate: - GROUP 2 Medical Standard is required:-

The City and County of Swansea has adopted Group II medical standards as specified by the DVLA “Assessing fitness to drive – a guide for medical professionals. These standards apply to drivers of passenger carrying vehicles and are considerably higher than those of private car drivers. Please see notes provided on the front of your medical form.

The medical certificate must be completed by your own G.P. The certificate must not be more than 28 days old when submitted with your application and must be on the Council’s prescribed form.

Note-5: Criminal Records Check (DBS) :-

The Disclosure and Barring Service disclosure is obtained through the City & County of Swansea. Please ring the Appointment line 01792 637366 to request an appointment to make your DBS application. The Appointment line will transfer you to the DBS unit who will issue you a username and password to complete your DBS application online. If you do not have access to a computer, this can be completed at the Civic Centre library or Contact Centre.

You may complete this application prior to or at the same time you submit your application for a hackney carriage and private hire driver’s licence.

When you have completed your DBS application online, you will need to read the enclosed Guide to applicants completing a DBS disclosure application to ensure you have the correct documentation to complete the disclosure. **Please note the fee for the DBS disclosure is non-refundable and is payable on application.**

If you have already obtained your DBS Certificate the Council will only accept those DBS certificates with an issue date within 28 days of making your application.

Note-6: Convictions: -

Under the guidelines on convictions, Convictions/Cautions/ Fixed Penalty Notices / Warnings and / or other penalty notices not covered, must be disclosed regardless of age and will be taken into account when considering your application.

The Council have adopted guidelines on the relevance of convictions. If an applicant requires any further information or advice in relation to this section, please make an appointment to see a Taxi Licensing Officer.

Note-7: Completed Application Form: -

All sections of the application form must be completed. You must answer all the questions even if the answer is NO.

All Convictions/Cautions/ Fixed Penalty Notices / Warnings and / or other penalty notices not covered **must be disclosed regardless of their age or date of conviction**. It must also be signed and dated by the applicant.

Note-8: Application Fee: -

The correct fee will be payable at the end of the process, should your licences be approved. At this time you will be issued with a licence and badges, which in most cases will last for 3 years.

Note-9: Permission to lawfully reside and work in the UK

With effect from 1st December 2016, all applicants will be required to provide proof that they have the permission to lawfully reside and lawfully work in the UK, regardless of nationality. You will be required to provide your passport or full UK birth certificate with a HMRC document stating your national insurance number or a biometric residence permit. If you do not hold any of the documents mentioned you will need to contact a Licensing Officer to discuss your application.

Note -10: National Register of Taxi Licence Refusals and Revocations.

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a Hackney Carriage or Private Hire Vehicle (PHV) driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV driver licence

Therefore:

- Where a hackney carriage/ PHV driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

Information will be retained on NR3 for a period of 25 years.

This is a mandatory part of applying for or being granted, a hackney carriage / PHV driver licence.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulations (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at data.protection@swansea.gov.uk. This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

Note- 11: Please Note: -Tax Conditionality

You must complete a tax check to renew a taxi, private hire licence, or to apply for the same type of licence with a different licensing authority. This request applies to England and Wales.

From 4 April 2022, the rules are changing if you're applying for a licence for a:

Taxi driver
Private hire driver
Private hire vehicle operator

If you are an individual, company or any type of partnership, you must complete a tax check if you are:

- Renewing a licence
- Applying for the same type of licence you previously held, that ceased to be valid less than a year ago
- Applying for the same type of licence you already hold with another licensing authority

You will not need to complete a tax check and you should contact HMRC to receive advice and guidance on your tax responsibilities if you have:

- Never held a licence of the same type before.
- Had a licence of the same type that ceased to be valid a year or more before making this application

What a tax check is?

A tax check confirms that you are registered for tax, if necessary.

After you complete the tax check, you will be given a code. You must give it to the licensing authority with your licence application — they will not be able to process your application without it.

Tax check codes expire after 120 days, so if you make a licence application for another licence after that time you will need to carry out a new tax check for it.

If you are a partner making a licence application on behalf of a partnership, you must complete a tax check for yourself.

You can contact HMRC if you notice your records need to be updated during the check.

Applying for more than one licence

You can use one tax check code for more than one licence application, as long as all the applications are for the same type of licence (for example, they are all for taxi driver licences but with different licensing authorities).

If you are applying for different types of licence (for example, a private hire driver licence and a private hire vehicle operator licence), you must complete a tax check for each one.

What you will need

To carry out a tax check, you need a Government Gateway user ID and password. If you do not have a user ID, you can create one when you start the check.

You will also need to know

- When you first got your licence
- The length of your most recent licence
- How you pay tax on the income you earn from your licensed trade
- You will not be able to complete the tax check if the information you give about your tax affairs does not match HMRC's records.

Please follow the link below to complete and provide the required tax share code.

[Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence)

If applicants are unable to do their tax check online, they should contact HMRC - general enquiries helplines:

Income Tax: general enquiries, if they are an individual PHONE 0300 200 3300, or

Corporation Tax: general enquiries, if they are a company PHONE 0300 200 3410

Note-12: Please Note: -

Your application may be reported to the Council's General Licensing Committee for consideration. If this is the case you will be notified of this together with the date and time of the Committee. You will be invited to attend and you will also receive a copy of the committee report being considered.

No licence or badges will be issued without full payment of the appropriate fee.

IMPORTANT NOTICE

In order to drive private hire / restricted private hire or hackney carriage vehicles licensed by the City & County of Swansea you must first obtain the required licence and badges before driving. Should you be found, driving a licensed vehicle, for any purpose, without the appropriate driver's licence mentioned, you may be liable to prosecution.

APPLICANTS GUIDE TO COMPLETING THE DBS FORM

These guidance notes provide important information on how to complete your part of the DBS application form.

As an applicant, you must complete sections **a, b, c and e** in the centre pages of the application form. Do not complete any sections on the back page of the application form; these sections are completed by the person who verifies your ID documents and the Employee Vetting team.

Please be careful when you are filling in your application form as any errors may delay your application or cause the form to be rejected.

PROVING YOUR IDENTITY

You will need to provide original documentation (no photocopies or downloaded documentation are accepted) to enable the registered body to confirm your identity. All documents must be in your current name.

Information that will need to be verified is:

- **Your Current Name**
- **Your Date of Birth**
- **Your Current Address**

Where you are not able to provide a document in your current name (for example if you have recently got married/divorced/changed your name by deed poll), then you must provide the documentation to support the recent change of name (for example marriage certificate/civil partnership certificate/deed absolute/civil partnership dissolution certificate/deed poll certificate). In these circumstances, you must include a continuation sheet with the application form, clearly stating:

- **Your current and previous names**
- **Date of the change of name**
- **Reason for the change of name**
- **The document you have to support the change of name**

You must also ensure that all 'previous names' and 'dates used' are recorded on the application form.

TIPS FOR COMPLETING THE DBS APPLICATION FORM

SECTION A

- If you have answered 'yes' to having other names, you must always complete the Surname/Forename(s) and dates used fields even if the forenames are the same as those used with your current name
- If you have a National Insurance number, you must answer 'yes' to question a20 and provide the number in a21. If you are not able to provide the National Insurance number, please leave a21 blank and state on a continuation sheet why you are not able to provide the number.
- If you have a driving licence, you must answer 'yes' to question a22 and provide the number in a23. If you are not able to provide the driving licence number, you must leave a23 blank and state on a continuation sheet why you are not able to provide the number.
- If you have a current passport, you must answer 'yes' to question a24 and provide the details from the passport in a25-a27. If you are not able to provide the passport details, you must leave a25-a27 blank and state on a continuation sheet why you are not able to provide the document.

SECTION B

- You must complete full current address details including town/city, country and post code if you have a UK address

SECTION C

- If you need to complete this section, you must complete all fields for each additional address

SECTION D

- Do not complete this section

SECTION E

- Remember to sign the box in section e
- E55 – please ignore the wording of this question on the application form and treat it as if you are being asked:
‘Do you have any convictions, cautions, reprimands or final warnings which would not be filtered in line with current guidance?’

WHAT HAPPENS NEXT?

- Take your application form and any continuation sheets you have used, along with original documentation to prove your identity, to the Contact Centre, Civic Centre, Oystermouth Road, Swansea, SA1 3SN, where a Customer Service Advisor will verify your application. Alternatively, your line manager or responsible officer will be able to verify your form with you.
- Keep a note of the form reference number, which is on the front of the application form, so you can track the progression of your application form once it reaches the DBS
- You can track your application at <https://secure.crbonline.gov.uk/enquiry/enquirySearch.do>

LIST OF VALID IDENTITY DOCUMENTS

You must produce a total of three documents to verify your identity.

You must produce one document from Group 1, and a further two documents from either Group 1, 2a or 2b (one of which must verify your current address).

If you can not provide 3 documents of identity, we will not be able to confirm your identity. In this situation you need to contact the Employee Vetting Officer, on 637795 for further advice and guidance.

Group 1 – Primary Trusted Identity Credentials

- Current Valid Passport
- Biometric Residence Permit (UK)
- Current Driving Licence (UK) (Full or Provisional) Isle of Man/Channel Islands; (a photo card is only valid if the individual presents it with the associated counterpart licence; except Jersey).
- Birth Certificate (UK and Channel islands) – issued at the time of birth; Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces. (Photocopies are not acceptable)

Group 2a – Trusted Government/State Issued Documents

- Current UK Driving licence (Old style paper version)
- Current Non-UK Photo Driving Licence (valid only for applicants residing outside the UK at the time of application.)
- Birth Certificate (UK and Channel Islands) – (issued after the time of birth by the General Register Office/relevant authority i.e.Registrars – Photocopies are not acceptable).
- Marriage/Civil Partnership Certificate (UK and Channel Islands).
- Adoption Certificate (UK and Channel Islands)
- HM Forces ID Card (UK)
- Fire Arms Licence (UK and Channel Islands)
- Immigration Document, visa or work permit – Issued by a country outside the EEA (European Economic Area). Valid only for roles whereby the applicant is living and working outside the UK.

Group 2b – Financial/Social History Documents

- Mortgage Statement (UK or EEA)** (Non-EEA statements must not be accepted).
- Bank/Building Society Statement (UK or EEA)* (Non-EEA statements must not be accepted).
- Bank/Building Society Account Opening Confirmation Letter (UK)
- Credit Card Statement (UK or EEA)* (Non-EEA statements must not be accepted).
- Financial Statement ** e.g. pension, endowment, ISA (UK)
- P45/P60 Statement **(UK & Channel Islands)
- Council Tax Statement (UK & Channel Islands)**
- Letter of Sponsorship from future employment provider (Non-UK/Non-EEA only – valid only for applicants residing outside the UK at time of application).
- Utility Bill (UK) * - Not Mobile Telephone
- Benefit Statement * - e.g. Child Allowance, Pension.
- A document from Central/Local Government/Government Agency/Local Authority giving entitlement (UK & Channel Islands) * - e.g. from the Department for Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre plus, Social Security.
- EU National ID Card.
- Cards carrying the PASS accreditation logo (UK and Channel Islands).
- Letter from Head Teacher or College Principal (16/17 year olds in full time education – (only used in exceptional circumstances when all other documents have been exhausted).
- Bank or Building Society statement – Issued from within a Country outside the EEA, must be issued in the last 3 months – branch must be in the Country where the applicant lives and works.

PLEASE NOTE:

If a documents in the List of Valid Identity Documents is:

- Denoted with * - it should be less than three months old;
- Denoted with ** - it should be issued within the past 12 months.
- Not denoted - it can be more than 12 months old.

This list is subject to amendment.

New applications only DBS Application : -

Please ring for an appointment to make a DBS application 01792 637366. You will be required to attend the Civic Centre, Oystermouth Rd, Swansea SA1 3SN at the date and time confirmed by telephone.

GUIDELINES ON CONVICTIONS

APPLICATIONS FOR DRIVERS' LICENCES (PRIVATE HIRE AND HACKNEY CARRIAGE) AND PRIVATE HIRE OPERATOR'S LICENCES

1. When completing the relevant forms, all applicants **MUST** disclose their past convictions/cautions/ Fixed Penalty Notices / Warnings and / or other penalty notices not covered as required. Deliberate failure to do so, or falsification of the forms is in itself an offence, which if discovered is likely to be prosecuted by the City and County of Swansea. Any licence given on incomplete or false information is also liable to be suspended or revoked. Details of pending prosecutions are also required.

2. Where convictions/cautions/ Fixed Penalty Notices / Warnings and / or other penalty notices not covered are disclosed on the applications form, the decision on whether or not to grant the licence will be taken by the Licensing Committee. In each case the Committee will consider all the relevant factors before reaching a decision. You will be entitled to appear at the Committee.

3. Convictions disclosed may range from the minor to the very serious, and in some situations it is more likely that the applications will be refused. The Council has adopted a policy framework which details the different types of offences and their seriousness. It also states the period free from convictions which is appropriate.

4. There may well be mitigating and aggravating factors which affect the Committee's decision. Mitigating factors include an offence being an isolated one, with a clean record otherwise. Aggravated factors include the use or involvement of taxis/private hire cars in the offence in question. In the case of monitoring convictions, the Committee is particularly concerned about offences involving the car's insurance.

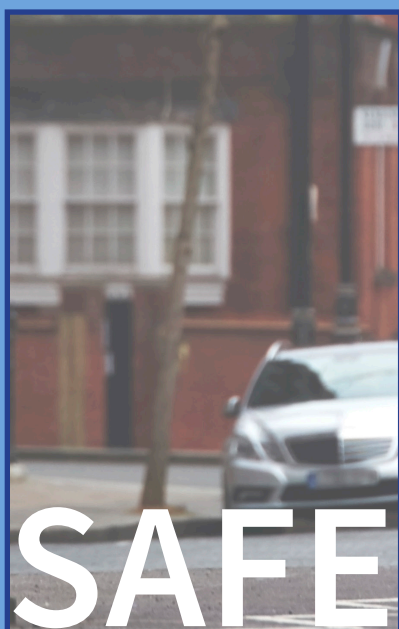
5. Since March 2002, Hackney Carriage and Private Hire drivers have been included within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. The consequence of this is that all convictions, irrespective of age, sentence imposed or offence committed, remain live for an applicant for a Hackney Carriage Driver or Private Hire driver's licence. This means that they can all be taken into account when considering an application for such a licence.

6. Applicants are reminded of their right to be represented when appearing before the Committee. You will receive a copy of the report to be presented to the Committee approximately one week prior to the Committee hearing itself.

NB.

Applicants are reminded that they **MUST produce a current DVLA licence showing their current address with their application. This applies to both new and renewal applications. The application will not be considered until the DVLA licence is produced.**

Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades



April 2018

 Institute of Licensing

Produced by the Institute of Licensing in partnership with:

 **LLG**
Lawyers in Local Government

 **NALEO**

 **Local Government Association**

Contents

Foreword	2
Chapter 1: Introduction	3
Chapter 2: Offenders and Offending - An Overview	5
Risk of re-offending:	7
Chapter 3: 'Taxi' Licensing Overview	9
Taxi Drivers	9
Private Hire Operators	13
Vehicle Proprietors	15
Chapter 4: Guidance on Determination	17
Pre-application requirements	17
Vehicles:	17
Drivers:	18
Operators:	18
Drivers	20
Crimes resulting in death	21
Exploitation	21
Offences involving violence	21
Possession of a weapon	21
Sex and indecency offences	21
Dishonesty	22
Drugs	22
Discrimination	22
Motoring convictions	22
Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving	22
Other motoring offences	23
Hackney carriage and private hire offences	23
Vehicle use offences	23
Private Hire Operators	23
Vehicle proprietors	24
Acknowledgements	25

Foreword

The function of licensing is the protection of the public. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy? When we transact with others, we usually have time and opportunity to make such assessments. When we transact with taxi drivers, we don't. Therefore, we must, and do, rely on the licence as the warranty of the driver's safety and suitability for the task at hand.

It follows that a licensing authority has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey the passenger from A to B in safety. That passenger may be you, or your elderly mother, or your teenage daughter, or a person who has had too much to drink, or who is vulnerable for a whole host of other reasons.

Everybody working in this field should acquaint themselves with the facts of the Rotherham case, which stands as a stark testament to what can happen when licensing performs its safeguarding role inadequately. But the extremity of that appalling story should not distract us from the job of protecting the public from more mundane incompetence, carelessness or dishonesty. The standards of safety and suitability do not have to be set as a base minimum. To the contrary, they may be set high, to give the public the assurance it requires when using a taxi service. It is good to know that one's driver is not a felon. It is better to know that he or she is a dedicated professional.

Crucially, this is not a field in which the licensing authority has to strike a fair balance between the driver's right to work and the public's right to protection. The public are entitled to be protected, full stop. That means that the licensing authority is entitled and bound to treat the safety of the public as the paramount consideration. It is, after all, the point of the exercise.

Therefore, this guidance is to be welcomed. It rightly emphasises that any circumstance relating to the licensee is potentially relevant, provided of course that it is relevant to their safety and suitability to hold a licence. It provides useful and authoritative guidelines to licensing authorities as to how they ought to approach their important task of making determinations about the safety and suitability of drivers and operators.

While, of course, licensing is a local function, it seems absurd that precisely the same conduct might result in a short period without a licence in one district, and a much longer period in a neighbouring district. If a driver is suitable in district A, they are surely suitable in district B, and vice versa. If, as is hoped, this guidance becomes widely adopted, this will result in a degree of national uniformity, which serves the public interest in consistency, certainty and confidence in the system of licensing. Adherence to the guidance may also provide protection to licensing authorities on appeal.

The guidance is therefore commended to licensing authorities. It is hoped that, in due course, it will sit at the elbow of every councillor and officer working in taxi licensing.

Philip Kolvin QC
Cornerstone Barristers

April 2018

Chapter 1: Introduction

- 1.1 This guidance has been produced by the Institute of Licensing working in partnership with the Local Government Association (LGA), Lawyers in Local Government (LLG) and the National Association of Licensing and Enforcement Officers (NALEO), following widespread consultation. We are grateful to all three organisations for their contributions. This guidance is formally endorsed by all of those organisations.
- 1.2 The overriding aim of any Licensing Authority when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Operators, must be the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the authority that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications¹. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 There is no recent Statutory or Ministerial guidance as to how such decisions should be approached or what matters are relevant or material to a decision. This guidance complements the LGA's Taxi and Private Hire Licensing Councillor's Handbook and any forthcoming Government guidance. Local authorities should also be aware of the forthcoming National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences.
- 1.6 This document is intended to provide guidance on determining suitability, taking into account the character of the applicant or licensee. It can then be used by local authorities as a basis for their own policies: in particular it considers how regard should be had to the antecedent history of the applicant or licence holder and its relevance to their 'fitness and propriety' or 'character'. As with any guidance it need not be slavishly followed but it provides a starting or reference point from which decisions can be made taking into account the particular merits of each case.
- 1.7 A licensing authority policy can take a 'bright line approach' and say "never" in a policy, but it remains a policy, and as such does not amount to any fetter on the discretion of the

¹ Except vehicle proprietors. In those cases there is no "fit and proper" requirement, but the authority has an absolute discretion over granting a licence.

authority. Each case will always be considered on its merits having regard to the policy, and the licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are exceptional circumstances which warrant a different decision. This approach was endorsed by the High Court in *R (on the application of Nicholds) v Security Industry Authority*².

- 1.8 In Chapter 2 this Guidance explores the current thinking behind an individual's tendencies to reoffend. It is clear that this is not an exact science and that there is no meaningful and precise statistical evidence that can assist in the setting of policy. Given the important function of licensing to protect the public, any bar should be set at the highest level which is reasonable, albeit subject to the exercise of discretion as is set out in paragraph 1.7 and Chapters 3 and 4.
- 1.9 This Guidance contains no detailed list of offences. All offences are allocated to a general category such as 'dishonesty' or 'drugs'. This prevents it being argued that a specific offence is not covered by the Policy as it 'is not on the list' and also prevents arguments that a firearm is more serious than a knife and should lead to differentiation. In each case, appropriate weight should be given to the evidence provided.
- 1.10 This Guidance cannot have the force of legislation, new or amended; the need for which is both abundantly clear to, and fully supported by the Institute and the other organisations working with it. It is intended to help local authorities achieve greater consistency so that applicants are less able to shop between authorities. It is acknowledged that this cannot be fully achieved without the imposition of national minimum standards.
- 1.11 In preparing this document the Institute's Working Party has consulted with and considered the issues from all perspectives including, Councillors, Licensing Officers, Lawyers, the Hackney Carriage and Private Hire Trades, Academics, the Probation Service and the Police.

² [2007] 1 WLR 2067

Chapter 2: Offenders and Offending - An Overview

- 2.1 The aim of local authority licensing of the taxi and PHV trades is to protect the public'.³ With this in mind, Public Protection must be at the forefront of the decision maker's mind when determining whether an individual is considered a "fit and proper person" to hold a licence.
- 2.2 This section aims to provide a brief overview of public protection, how to determine risk and factors to be considered when an applicant seeks to demonstrate a change in their offending behaviour.
- 2.3 The licensing process places a duty on the local authority to protect the public. Given the nature of the role, it is paramount that those seeking a living in the trades meet the required standards. As the previous offending behaviour can be considered as a predictor in determining future behaviour as well as culpability, it is essential that the decision maker considers all relevant factors including previous convictions, cautions and complaints and the time elapsed since these were committed.
- 2.4 There has been extensive research into the reasons behind why some individuals commit crimes, why some learn from their mistakes and stop offending whilst others find themselves in a cycle of repeat offending. Several theories have evolved over many years offering insight into the reasons behind offending behaviour. One common theme is that no two crimes are the same and that risk cannot be eliminated, or the future predicted. What can be done, is to examine each case on its individual merits, look at the risks involved along with any change in circumstances since any offences were committed to assist in making the decision.
- 2.5 A key factor when considering an application from an individual with any convictions, cautions or complaints recorded is Public Protection. This includes assessing the risk of re-offending and harm⁴. Risk assessment tools are regularly employed by those who are responsible for managing individuals who have committed offences. Local Authorities are not always privy to this information so it is important when they are making decisions around suitability that they have an understanding of offending behaviour and risk of re-offending in generic terms.

³ DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 8

⁴ Kemshall, H. (2008). Understanding the Management of High Risk Offenders (Crime and Justice). Open University Press

- 2.6 Flaud⁵ noted that risk is in principle, a matter of fact, but danger is a matter of judgment and opinion. He goes on to note that risk may be said to be the likelihood of an event occurring; danger may be the degree of damage (harm) caused should that event take place⁶.
- 2.7 The National Offender Management Service refers to risk in two dimensions. That being the likelihood that an offence will occur, and the impact / harm of the offence should it happen. Generally, when making a decision around probability and likelihood of re-offending, consideration is needed towards static and dynamic factors.
- 2.8 Static factors are historical and do not change such as age, previous convictions and gender. They can be used as a basis for actuarial assessments and are fundamental in considering an individual's potential to reoffend in future⁷. For example, recent published statistics revealed that 44% of adults are reconvicted within one year of release. For those serving sentences of less than twelve months this increased to 59%⁸. It is also widely accepted that generally persons with a large number of previous offences have a higher rate of proven reoffending than those with fewer previous offences⁹.
- 2.9 Dynamic factors are considered changeable and can vary over time. They include attitudes, cognitions and impulsivity¹⁰. It is documented that the greater their unmet need, the more likely an individual is to re-offend. When considering whether an individual has been rehabilitated, it is important to have regard towards the motivation behind their offending and dynamic risk factors present at the time, against the steps taken to address such factors thus reducing the risk of re-offending.
- 2.10 It is of note that problems and/or needs are more frequently observed in offender populations than in the general population¹¹. Many of these factors are interlinked and embedded in an individual's past experiences. This can impact upon that person's ability to change their behaviour, particularly if the areas identified have not been addressed or support has not been sought. Needs will vary from individual to individual and will rely upon their level of motivation and the nature of the offence committed.

⁵ Flaud, R. (1982). Cited in, Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

⁶ Gendreau, P., Little, T. and Goggin, C. (1996). A meta-analysis of the predictors of adult offender recidivism: what works! *Criminology*, 34, 557-607.

⁷ Craig, L. A. and Browne, K. B (2008). *Assessing Risk in Sex Offenders: A Practitioner's Guide* Paperback.

⁸ Ministry of Justice (2017) *Proven reoffending statistics: July 2014 to June 2015*, London: Ministry of Justice.

⁹ Ministry of Justice (2015): *Transforming Rehabilitation: a summary of evidence on reducing reoffending*. London: Ministry of Justice.

¹⁰ McGuire, J. (2008). A review of effective interventions for reducing aggression and violence. *Philosophical Transactions of the Royal Society B: Biological Sciences*, 363(1503), 2577-2597

¹¹ Nash, M. (1999) *Police, Probation and Protecting the Public*. London: Blackwell Press.

Risk of re-offending:

- 2.11 The issue of recidivism and increase in serious crime rates has given rise to extensive publications, theories and changes in legislation with many focusing upon the need for more rehabilitation projects as a means of reducing re-offending rates. Central to the rehabilitation of offenders is the concept of criminogenic needs. This has been described by the National Offender Management Service as “any area where the offender has needs or deficits, in which a reduction in the need or deficit would lead to a reduction in the risk of re-conviction. An individual’s ability to address and reduce such needs relies heavily upon their motivation to change and desist and often takes place over a period of time”¹².
- 2.12 Kurlychek, 2007 in her study noted that “a person who has offended in the past has been found to have a high probability of future offending, but this risk of recidivism is highest in the time period immediately after arrest or release from custody and, thereafter, decreases rapidly and dramatically with age”¹³.
- 2.13 A consistent finding throughout criminological literature is that male offenders tend to desist from crime aged 30 years and over¹⁴. It is well documented that the change occurs for various reasons; for example, as a result of successful treatment, natural maturation or the development of positive social relationships¹⁵. Female offenders are also considered more likely to desist from offending as they mature. The peak age of reported offending for females was 14 compared to 19 for males¹⁶.
- 2.14 Desisting from crime for people who have been involved in persistent offending is a difficult and complex process, likely to involve lapses and relapses. Some individuals may never desist¹⁷. As a result, it is important for individuals to evidence change in their behaviour before they can be considered to present a low or nil risk of re-offending. Often the only way of achieving this is through lapse of time.
- 2.15 The longer the time elapsed since an offence has been committed, the more likely the individual will desist from crime. It is noted that the more a life is lived crime-free, the more one comes to see the benefits of desistance¹⁸. Demonstrating a change in offending behaviour and an ability to make effective choices takes time and comes with some

¹² National Offender Management Service (2016). Public Protection Manual Edition. Proven Reoffending Statistics Quarterly Bulletin, October 2015 to December 2015

¹³ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

¹⁴ Serin, R, C. and Lloyd, C.D (2008). Examining the process of offender change: the transitions to crime desistance. 347-364.

¹⁵ Nash, M. (1999) Police, Probation and Protecting the Public. London: Blackwell Press.

¹⁶ Trueman, C.N. (2015). Women and Crime. The History Learning Site. Ingatestone: Essex.

¹⁷ Farrell, S (2005). Understanding Desistance from Crime: Emerging Theoretical Directions in Resettlement and Rehabilitation (Crime and Justice) Paperback.

¹⁸ Maguire, M., Morgan, R. and Reiner, R. (2002). The Oxford Handbook of Criminology. 3rd Edition. Oxford: Oxford University Press.

ambiguity for those who have committed offences. A study in 2007 looking into previous convictions and the links to re-offending concluded that “individuals who have offended in the distant past seem less likely to recidivate than individuals who have offended in the recent past”¹⁹.

- 2.16 Although it is not possible to determine the future behaviour of an individual, taking steps to reduce risk and protect the public can be achieved by following correct processes and guidance. Having regard to an individual’s previous behaviour and their potential to cause harm as a result of the choices they have made plays a significant part when making a decision as to whether to grant a licence. Being able to evidence change in behaviour will involve consideration of the circumstances at the time of the offence, steps taken to address any issues identified and that person’s ability to sustain such change. This can be a long process that can only be achieved over time.

¹⁹ Kurlychek, M C, Brame, R (2007). Scarlet letters and recidivism: Does an old criminal record predict future offending? University of South Carolina.

Chapter 3: 'Taxi' Licensing Overview

- 3.1 Taxis are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups: children; the elderly; disabled people; and the intoxicated, and a taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands.
- 3.2 Local authorities (districts, unitaries and Welsh Councils) and TfL are responsible for hackney carriage and private hire licensing.
- 3.3 The principal legislation is the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The purpose of taxi licensing is detailed in the DfT *"Taxi and Private Hire Licensing – Best Practice Guide"* para 8 which states:
- "The aim of local authority licensing of the taxi and PHV trades is to protect the public."
- 3.4 Within the two licensing regimes, there are 5 types of licence: hackney carriage vehicle; private hire vehicle; hackney carriage driver; private hire driver and private hire operator.
- 3.5 In relation to all these licences, the authority has a discretion over whether to grant. Whilst there is some guidance issued by the DfT, there are no national standards.
- 3.6 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a "fit and proper person" to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 3.7 There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.
- 3.8 In each case, the authority has powers to grant a licence, renew it on application and, during the currency of the licence, suspend or revoke it.
- 3.9 What is the role of each of these, and how do authorities determine an application, or take action against a licence?

Taxi Drivers

- 3.10 The term "taxi driver" encompasses two different occupations: hackney carriage drivers and private hire drivers. "Taxi driver" is therefore used as a broad, overarching term to cover both hackney carriage and private hire drivers. In each case there are identical statutory

criteria to be met before a licence can be granted and many authorities grant “dual” or “combined” licences to cover driving both types of vehicle.

- 3.11 An applicant must hold a full DVLA or equivalent driver’s licence, have the right to work in the UK, and be a “fit and proper” person²⁰.
- 3.12 The driving licence element is a question of fact. Although there are some issues with foreign driving licences, ultimately a person either has, or does not have a driving licence.
- 3.13 An applicant must also have the right to remain, and work in the UK²¹.
- 3.14 Again, this is ultimately a question of fact and the local authority should follow the guidance issued by the Home Office.²²
- 3.15 It is the whole issue of “fit and proper” that causes local authorities the most difficulties. It has never been specifically judicially defined but it was mentioned in *Leeds City Council v Hussain*²³. Silber J said:
- “... the purpose of the power of suspension is to protect users of licensed vehicles and those who are driven by them and members of the public. Its purpose [and], therefore [the test of fitness and propriety], is to prevent licences being given to or used by those who are not suitable people taking into account their driving record, their driving experience, their sobriety, mental and physical fitness, honesty, and that they are people who would not take advantage of their employment to abuse or assault passengers.”
- 3.16 This is reflected in a test widely used by local authorities:
- ‘Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’²⁴
- 3.17 It is suggested that the expression “safe and suitable” person to hold a driver’s licence is a good interpretation which neither adds nor removes anything from the original term of “fit and proper” but brings the concept up to date.

²⁰ Local Government (Miscellaneous Provisions) Act 1976. Section 51(1) covers private hire drivers, and section 59(1) covers hackney carriage drivers.

²¹ Local Government (Miscellaneous Provisions) Act 1976 S51(1)(a)(ii) in respect of private hire drivers and S59(1)(a)(ii) in respect of hackney carriage drivers.

²² “Guidance for Licensing Authorities to Prevent Illegal Working in the Taxi and Private Hire Sector in England and Wales” - Home Office, 1st December 2016 available at <https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

²³ [2002] EWHC 1145 (Admin), [2003] RTR 199

²⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 10.21

3.18 How can a local authority assess and then judge whether or not someone is safe and suitable to hold a drivers' licence?

3.19 The local authority has the power to require an applicant to provide:

“such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to any such licence.”²⁵

This “information” can include any pre-conditions or tests that they consider necessary

3.20 Some of these are universal, such as medical assessments²⁶. Others are required by some authorities, but not others. These include:

- Enhanced DBS certificates and sign-up to the update service;
- Knowledge tests;
- Driving tests;
- Disability Awareness;
- Signed Declarations;
- Spoken English tests.

3.21 The provision of information in these terms can satisfy the local authority that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safety and suitability go beyond this. There is the character of the person to be considered as well.

3.22 Both hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions and that any and all criminal convictions (apart from “protected convictions” and “protected cautions” where they have been declared²⁷) can be taken into account by the local authority in assessing safety and suitability, but only relevant spent convictions should be considered by the decision maker²⁸.

3.23 All Applicants/Licensees should be required to obtain an Enhanced DBS Certificate with Barred Lists checks²⁹ and to provide this to the Licensing Authority. All Licensees should also be required to maintain their Certificates through the DBS Update Service throughout the currency of their licence.

²⁵ Local Government (Miscellaneous Provisions) Act 1976 s57(1)

²⁶ See Local Government (Miscellaneous Provisions) Act 1976 s57(2)

²⁷ “Protected convictions” and “protected cautions” are single, minor and elderly matters that do not appear on any DBS Certificates.

²⁸ See *Adamson v Waveney District Council* [1997] 2 All ER 898

²⁹ “For Taxi [driver] Licensing purposes the correct level of check is always the Enhanced level check, with the Adults and Children’s Barred list check. Other Workforce should always be entered at X61 line 1 and Taxi Licensing should be entered at X61 line 2” DBS email 31st August 2017.

- 3.24 If any applicant has, from the age of 10 years, spent six continuous months or more living outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required.
- 3.25 Local authorities should have a policy to provide a baseline for the impact of any convictions, cautions or other matters of conduct which concern a person's safety and suitability³⁰.
- 3.26 The character of the driver in its entirety must be the paramount consideration when considering whether they should be licensed. It is important to recognise that local authorities are not imposing any additional punishment in relation to previous convictions or behaviour. They are using all the information that is available to them to make an informed decision as to whether or not the applicant or licensee is or remains a safe and suitable person.
- 3.27 There are occasions where unsuitable people have been given licences by local authorities, or if refused by the authority, have had it granted by a court on appeal.
- 3.28 Often this is because of some perceived hardship. Case law makes it clear that the impact of losing (or not being granted) a driver's licence on the applicant and his family is not a consideration to be taken into account³¹. This then leads to the question of whether the stance taken by local authorities is robust enough to achieve that overriding aim of public protection.
- 3.29 However, all too often local authorities depart from their policies and grant licences (or do not take action against licensees) without clear and compelling reasons. It is vital that Councillors recognise that the policy, whilst remaining a policy and therefore the Authority's own guidelines on the matter, is the baseline for acceptability. It should only be departed from in exceptional circumstances and for justifiable reasons which should be recorded.
- 3.30 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi, it is much less serious, or even if it was in a taxi but not when passengers were aboard. This is not relevant: speeding is dangerous, irrespective of the situation; drink driving is dangerous, irrespective of the situation; bald tyres are dangerous, irrespective of the situation. All these behaviours put the general public at risk. Violence is always serious. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. A person who has a propensity to violence has that potential in every situation. Sexual offences are always serious. A person who has in the past abused their position (whatever that may have been)

³⁰ As recommended by the DfT "Taxi and Private Hire Licensing – Best Practice Guide" para 59

³¹ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin), [2003] RTR 199 and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

to assault another sexually has demonstrated completely unacceptable standards of behaviour.

- 3.31 Applicants may claim that they have sought employment in other fields and been precluded as a result of their antecedent history particularly if that contains convictions. They therefore seek to become a licensed driver as an occupation of last resort. This is unacceptable as the granting of a licence would place such a person in a unique position of trust. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities.
- 3.32 Licensees are expected to demonstrate appropriate professional conduct at all time, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. In no circumstances should Licensees take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.
- 3.33 There are those who seek to take advantage of vulnerable people by providing services that they are not entitled to provide; for example, by plying for hire in an area where they are not entitled to do so. Licensees are expected to be vigilant of such behaviour and to report any concerns to the Police and the relevant licensing authority. Passengers should feel confident to check that the person offering a service is entitled to do so. Licensees should willingly demonstrate that they are entitled to provide the offered service by, for example, showing their badge.
- 3.34 As a society, we need to ask the question “who is driving my taxi?” and be secure in the knowledge that the answer is “a safe and suitable person”. The vast majority of drivers are decent, law abiding people who work very hard to provide a good service to their customers and the community at large. However poor decisions by local authorities and courts serve to undermine the travelling public’s confidence in the trade as a whole. Unless local authorities and the courts are prepared to take robust (and difficult) decisions to maintain the standards the local authority lays down, and in some cases tighten up their own policies, the public cannot have complete confidence in taxi drivers. This is detrimental to all involved.

Private Hire Operators

- 3.35 A private hire operator (“PHO”) is the person who takes a booking for a private hire vehicle (“PHV”), and then dispatches a PHV driven by a licensed private hire driver (“PHD”) to fulfil that booking. All three licences (PHO, PHV and PHD) must have been granted by the same

authority³². A local authority cannot grant a PHO licence unless the applicant has the right to work in the UK and is a fit and proper person³³.

- 3.36 As with taxi drivers the role of the PHO goes far beyond simply taking bookings and dispatching vehicles. In the course of making the booking and dispatching the vehicle and driver, the PHO will obtain significant amounts of personal information. It is therefore vital that a PHO is as trustworthy and reliable as a driver, notwithstanding their slightly remote role. Hackney carriages can also be pre-booked, but local authorities should be mindful that where that booking is made by anybody other than a hackney carriage driver, there are no controls or vetting procedures in place in relation to the person who takes that booking and holds that personal information.
- 3.37 How then does a local authority satisfy itself as to the “fitness and propriety” or “safety and suitability” of the applicant or licensee?
- 3.38 Spent convictions can be taken into account when determining suitability for a licence, but the applicant (or licensee on renewal) can only be asked to obtain a Basic Disclosure from the Disclosure and Barring Service.
- 3.39 Although this is by no means a perfect system, it does give local authorities a reasonable basis for making an informed decision as to fitness and propriety of an applicant or existing licensee.
- 3.40 To enable consistent and informed decisions to be made, it is important to have a working test of fitness and propriety for PHOs and a suitable variation on the test for drivers can be used:
- “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?”³⁴
- 3.41 There is a further point to consider in relation to PHOs and that concerns the staff used on the telephones and radios. There is no reason why a condition cannot be imposed on a PHO licence requiring them to undertake checks on those they employ/use within their company to satisfy themselves that they are fit and proper people to undertake that task and retain that information to demonstrate that compliance to the local authority. Any failure on the part of the PHO to either comply with this requirement, or act upon information that they

³² See *Dittah v Birmingham City Council*, *Choudhry v Birmingham City Council* [1993] RTR 356 QBD

³³ Section 55(1) Local Government (Miscellaneous Provisions) Act 1976

³⁴ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 12.35

obtain (thereby allowing unsuitable staff to work in positions of trust), would then have serious implications on the continuing fitness and propriety of the PHO.

- 3.42 Care should be taken in circumstances where a PHO Licence is sought in the name of a limited company, partnership or other business structure that all the requirements applicable to an individual applicant are made of each director or partner of the applicant organisation³⁵. Only by so doing can a decision be made as to the fitness and propriety of the operating entity.

Vehicle Proprietors

- 3.43 Similar considerations apply to the vehicle proprietors, both hackney carriage and private hire (referred to here generically as “taxis”). Although the vehicle proprietor may not be driving a vehicle (and if they are they will be subject to their own fitness and propriety test to obtain a driver’s licence), they clearly have an interest in the use of the vehicle. They will also be responsible for the maintenance of the vehicle, and vehicles that are not properly maintained have a clear impact on public safety.
- 3.44 Taxis are used to transport people in many circumstances, and are seen everywhere across the United Kingdom, at all times of the day and night, in any location. Therefore, taxis could provide a transportation system for illegal activities or any form of contraband, whether that is drugs, guns, illicit alcohol or tobacco, or people who are involved in or are the victims of illegal activity, or children who may be at risk of being, or are being, abused or exploited.
- 3.45 In relation to both hackney carriages and private hire vehicles, the local authority has an absolute discretion over granting the licence³⁶ and should therefore ensure that both their enquiries and considerations are robust. It is much more involved than simply looking at the vehicle itself and it is equally applicable on applications to transfer a vehicle as on grant applications.
- 3.46 Again, this is not an exempt occupation for the purposes of the 1974 Act, but exactly the same process can be applied as for private hire operators – Basic DBS, statutory declaration and consideration of spent convictions. This can then be used in the light of a similar policy in relation to suitability as the authority will already have for drivers and PHOs.
- 3.47 A suitable test would be:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without arousing suspicion, and be

³⁵ See s57(1)(c) of the 1976 Act.

³⁶ S37 of the 1847 Act in relation to hackney carriages; section 48 of the 1976 Act to private hire vehicles.

satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”³⁷

³⁷ Button on Taxis – Licensing Law and Practice 4th Ed Bloomsbury Professional at para 8.98

Chapter 4: Guidance on Determination

- 4.1 As is clear from the overview of Offenders and Offending above, there is no evidence which can provide precise periods of time which must elapse after a crime before a person can no longer be considered to be at risk of reoffending, but the risk reduces over time. In light of that, the suggested timescales below are intended to reduce the risk to the public to an acceptable level.
- 4.2 Many members of our society use, and even rely on, hackney carriages and private hire vehicles to provide transportation services. This can be on a regular basis, or only occasionally, but in all cases passengers, other road users and society as a whole must have confidence in the safety and suitability of the driver, the vehicle itself and anyone involved with the booking process.
- 4.3 Ideally, all those involved in the hackney carriage and private hire trades (hackney carriage and private hire drivers, hackney carriage and private hire vehicle owners and private hire operators) would be persons of the highest integrity. In many cases that is true, and the vast majority of those involved in these trades are decent, upstanding, honest and hard-working individuals. Unfortunately, as in any occupation or trade, there are those who fail to conform to those standards.
- 4.4 The purpose of this document is to offer guidance on how licensing authorities can determine whether a particular person is safe and suitable either to be granted a licence in the first place or to retain such a licence. As outlined above, a policy can be robust, and if necessary, say never, and each case is then considered on its own merits in the light of that policy.

Pre-application requirements

- 4.5 Licensing authorities are entitled to set their own pre-application requirements. These will vary depending upon the type of licence in question but can include some or all of the following (these are not exhaustive lists):

Vehicles:

- Basic DBS checks;
- Specifications e.g. minimum number of doors, minimum seat size, headroom, boot space etc;
- Mechanical tests and tests of the maintenance of the vehicle e.g. ripped seats etc;
- Emission limits/vehicle age limits;
- Wheelchair accessibility requirements.

Drivers:

- Enhanced DBS checks with update service;
- Checks made to the National Anti Fraud Network database on refusals and revocations of hackney carriage and private hire licences (when available);
- Medical checks;
- Knowledge of the geographic area;
- Spoken and written English tests;
- Disability awareness training;
- Child sexual exploitation and safeguarding training.

Operators:

- Basic DBS checks;
- Details of their vetting procedures for their staff;
- Knowledge of the licensing area.

- 4.6 In relation to each of these licences, the licensing authority has discretion as to whether or not to grant the licence.
- 4.7 Drivers and operators cannot be granted a licence unless the authority is satisfied that they are a “fit and proper person” to hold that licence (see Local Government (Miscellaneous Provisions) Act 1976 ss 51 and 59 in respect of drivers; s55 in respect of operators).
- 4.8 There are no statutory criteria for vehicle licences, therefore the authority has an absolute discretion over whether to grant either a hackney carriage or private hire proprietor’s licence.
- 4.9 “Fit and proper” means that the individual (or in the case of a private hire operator’s licence, the limited company together with its directors and secretary, or all members of a partnership³⁸) is “safe and suitable” to hold the licence.
- 4.10 In determining safety and suitability the licensing authority is entitled to take into account all matters concerning that applicant or licensee. They are not simply concerned with that person’s behaviour whilst working in the hackney carriage or private hire trade. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour, and the entire character of the individual will be considered. This can include, but is not limited to, the individual’s attitude and temperament.

³⁸ Section 57(2)(c) of the Local Government (Miscellaneous Provisions) Act 1976 allows a local authority to consider the character of a company director or secretary, or any partner.

- 4.11 Convictions for attempt or conspiracy will be regarded as convictions for the substantive crime. A caution is regarded in exactly the same way as a conviction³⁹. Fixed penalties and community resolutions will also be considered in the same way as a conviction⁴⁰.
- 4.12 It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. In addition, complaints where there was no police involvement will also be considered. Within this document, any reference to "conviction" will also include matters that amount to criminal behaviour, but which have not resulted in a conviction.
- 4.13 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.
- 4.14 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in the light of these guidelines.
- 4.15 Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features, and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.
- 4.16 As the licensing authority will be looking at the entirety of the individual, in many cases safety and suitability will not be determined by a specified period of time having elapsed following a conviction or the completion of a sentence. Time periods are relevant and weighty considerations, but they are not the only determining factor.
- 4.17 In addition to the nature of the offence or other behaviour, the quantity of matters and the period over which they were committed will also be considered. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for such behaviour or offending.
- 4.18 Most applicants or licensees will have no convictions and that is clearly the ideal situation. In relation to other people, it is accepted that human beings do make mistakes and lapse in their conduct for a variety of reasons, and it is further accepted that many learn from experience and do not go on to commit further offences. Accordingly, in many cases an isolated

³⁹ This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution.

⁴⁰ This is because payment of a fixed penalty indicates acceptance of guilt, and a community resolution can only be imposed following an admission of guilt.

conviction, especially if committed some time ago, may not prevent the grant or renewal of a licence.

- 4.19 It is also important to recognise that once a licence has been granted, there is a continuing requirement on the part of the licensee to maintain their safety and suitability. The licensing authority has powers to take action against the holder of all types of licence (driver's, vehicle and operator's) and it must be understood that any convictions or other actions on the part of the licensee which would have prevented them being granted a licence on initial application will lead to that licence being revoked.
- 4.20 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 4.21 As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.
- 4.22 Generally, where a person has more than one conviction, this will raise serious questions about their safety and suitability. The licensing authority is looking for safe and suitable individuals, and once a pattern or trend of repeated offending is apparent, a licence will not be granted or renewed.
- 4.23 Where an applicant/licensee is convicted of an offence which is not detailed in this guidance, the licensing authority will take that conviction into account and use these guidelines as an indication of the approach that should be taken.
- 4.24 These guidelines do not replace the duty of the licensing authority to refuse to grant a licence where they are not satisfied that the applicant or licensee is a fit and proper person. Where a situation is not covered by these guidelines, the authority must consider the matter from first principles and determine the fitness and propriety of the individual.

Drivers

- 4.25 As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 4.26 A driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone, and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.

- 4.27 As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.28 In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

Crimes resulting in death

- 4.29 Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

Exploitation

- 4.30 Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence

- 4.31 Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

- 4.32 Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Sex and indecency offences

- 4.33 Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.
- 4.34 In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Dishonesty

- 4.35 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

- 4.36 Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- 4.37 Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

- 4.38 Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

- 4.39 Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving

- 4.40 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 4.41 Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

- 4.42 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- 4.43 A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

- 4.44 Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

- 4.45 Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Private Hire Operators

- 4.46 A private hire operator (“an operator”) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver). However, in performing their duties they obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others, or used by the operator or their staff for criminal or other unacceptable purposes.
- 4.47 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person.
- 4.48 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority’s overall criteria, that will lead to the operator’s licence being revoked.

- 4.49 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those applied to drivers, which are outlined above.

Vehicle proprietors

- 4.50 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 4.51 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 4.52 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 4.53 As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.
- 4.54 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.

Acknowledgements

In December 2015, the Institute of Licensing established a working party to look at the creation of a model or standard set of guidelines in relation to assessing the suitability of applicants and licence holders in relation to taxi drivers, operators and vehicle proprietors, taking into account the character of the applicant or licensee.

The core project group comprised:

- Stephen Turner, Solicitor at Hull City Council, Licensing Lead for Lawyers in Local Government and Vice Chair of the North East Region IoL (Project Group Chair)
- Jim Button, Solicitor at James Button & Co and President of IoL
- Philip Kolvin QC, Cornerstone Barristers and Patron of IoL
- John Miley, Licensing Manager for Broxtowe Borough Council, National Chair for NALEO and Vice Chair of the East Midlands Region IoL
- Linda Cannon, previously Licensing Manager for Basingstoke & Dean and Hart Councils, and now private licensing consultant and Chair of the South East Region IoL
- Phil Bates, Licensing Manager for Southampton City Council
- Sue Nelson, Executive Officer of IoL

This Guidance is the result of the work of the project team and includes consideration of antecedent history of the applicant or licence holder and its relevance to their 'character' as well as consideration of convictions, cautions and non-conviction information.

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- Jenna Parker, Institute of Licensing

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The Local Government Association (LGA) is the national voice of local government.
www.local.gov.uk



Lawyers in Local Government (LLG). www.lawyersinlocalgovernment.org



National Association of Licensing and Enforcement Officers (NALEO). www.naleo.org.uk

The Basic Literacy Test

N.B. All applicants who apply for a grant of a hackney carriage and private hire driver's licence will be required to sit and pass a basic literacy test first. Once this test is passed you will then sit the knowledge test which will also include a test of your basic numeracy. The numeracy test does not apply to Restricted Driver applications.

The Basic Literacy Test consists of 5 sections. The test will be conducted under exam conditions with a supervisor present and you will be permitted to complete the test in 15 minutes. You must achieve 75% pass mark on each of the 5 sections to pass the test.

Section 1

Best Answers

Here you will be given 5 sentences and you must choose the correct answer by ticking the appropriate box.

Section 2

English Test

Here you will be required to complete sentences

Section 3

Private Hire/Hackney Carriage Legislation

Here you will be required to answer multiple choice questions about General Licencing Laws, conditions and byelaws for Hackney Carriage and Private Hire Drivers.

Section 4

Safeguarding

Here you will be required to answer true or false choice questions about safeguarding. Applicants will need to read and understand their responsibilities contained within the Application Pack.

Section 5

Hearing Test

Here you will be required to listen to a pre-recorded conversation and answer questions about the conversation.

The Knowledge Test

You will need to book an appointment to sit the knowledge test. You are advised to sit the test prior to submitting your application for a licence. Each attempt of the test is payable and you will need to provide your receipt and a copy of your DVLA photocard licence at the start of the test. Please see current table of fees for more information.

The knowledge test consists of 7 sections. The test will be conducted under exam conditions with a supervisor present and you will be permitted one hour to complete the test. You must achieve 75% pass mark on each of the 7 sections to pass the test. When you have passed the knowledge test you will receive a Certificate which will be valid for 12 months and must be presented at the time of making your application for a licence.

The questions on the knowledge test are designed to test the applicant's knowledge of all relevant legislation and also their knowledge of the highways and public roads of the City and County of Swansea. Parts of the test will require the applicant to have the knowledge of known landmarks and attractions of the area that may appeal to the general public. I.e. Hotels, Cinemas, Hospitals & Nightlife.

Section 1: A to B

You will be required to complete oral questions on no less than 5 routes, the examiner will ask the applicant for the shortest and most direct route between two given points.

Example of question:

Please verbally describe the shortest most direct route from the Civic Centre
Oystermouth Rd to Swansea Airport?

Section 2: Use of the A to Z

This section includes the use of an A-Z manual, 5 locations are given to which the applicant has to give the page & grid reference box by using the A-Z manual.

Example of question and answer

Location Page Grid reference

Official use

St Helens rugby ground

42, 5c

Section 3: Legislation/Conditions and Byelaws

Here you will be required to answer 20 multiple choice questions about General licensing law, conditions and byelaws for Hackney Carriage & Private Hire drivers.

Example of question style:

How many badges would be issued to a Private Hire/Hackney Carriage Driver?

Please indicate by circling the correct answer

One

Two

Three

Four

Section 4: Safeguarding

Here you will be required to answer 5 true or false choice questions about Safeguarding. Applicants will need to read and understand their responsibilities contained within the Application Pack.

Example of answer style:

True or False

Section 5: Road names and areas

This section is based on the applicant's knowledge of the public roads/streets within the City and County of Swansea. The aim is that the applicant correctly states the area that a Road or Street name is situated. There are 20 questions in this section.

Example of question and answer:

Name of Road or Street Area where situated

Official use

Princess way

City Centre

Section 6: Places of Interest

This section is based on places of interest to the public. The applicant will need to know the area and the road or street name for attractions such as cinemas, hotels, restaurants, tourist attractions, theatres etc. The applicant will be awarded half a mark for the correct area and half a mark for the correct road or street with a maximum of 1 full mark per question. There are 10 questions in this section.

Example of question and answer:

Place of Interest Road or Street Area

Official Use

Civic Centre

Oystermouth Road City Centre

Section 7: Basic Numeracy

Here you will be required to answer questions to ascertain basic numeracy skills. Should there be any concern in relation to levels of conversational English during the test, you may be required to obtain further documentary evidence of competency.

City & County Swansea Map



To make an appointment to sit the Knowledge Test please contact –

Telephone - Taxi Licensing on 01792 635600

E-mail - taxilicensing@swansea.gov.uk

**Taxi Licensing
Civic Centre
Oystermouth Road
Swansea
SA1 3SN**



BYE-LAWS

***Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875, by the City and County of Swansea Council
With respect to Hackney Carriages in the City and County of Swansea***
INTERPRETATION

1. Throughout these byelaws “the Council” means the City and County of Swansea Council.
Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence, shall be displayed
2. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him of the carriage to be legibly painted or marked on the outside and inside of the carriage or plates affixed thereto.
(b) A proprietor or Driver of a Hackney Carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.*Provisions regulating how Hackney Carriages are to be furnished or provided*
3. The proprietor of a Hackney Carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned and covered;
 - (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide a means for securing luggage – if the carriage is so constructed for securing luggage;
 - (h) provide a suitable 2.5kg fire extinguisher which is capable of discharging for a period of 10 seconds. The extinguisher must be indelibly marked with the vehicle plate number, readily visible for emergency use and maintained in compliance with the current British Standard; and
 - (i) provide at least two doors for use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements:
 - (a) the taximeter shall be fitted with a device, the operating of which will bring the machinery of the taximeter into action and cause the word HIRED to appear on the face of the taximeter. Existing meters which do not display the word HIRED on the face shall be exempt until such time as the meter or vehicle is replaced whichever is the soonest;
 - (b) such device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter when the vehicle is not hired;
 - (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to

demand and take for the hire of the carriage by time or distance in pursuance of the tariff fixed by the Council in that behalf;

(d) the word 'FARE' shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;

(e) the taximeter shall be so placed that all letters and figures on the face thereof, are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring; and

(f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

Provisions relating to the conduct of the proprietors and drivers of Hackney Carriages plying within the Council area in their several employments, and determining whether such drivers shall wear any, and what, badges

5. The driver of a Hackney Carriage shall:

(a) when standing or plying for hire, keep the device fitted in pursuance of the byelaw in that behalf, locked in that position in which no fare is recorded on the fare of the taximeter;

(b) before beginning a journey for which a fare is charged for time or distance bring the machinery of the taximeter into action by moving the device so that the word 'HIRED' is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring. Existing meters which do not display the word HIRED on the face shall be exempt until such time as the meter or the vehicle is replaced whichever is the soonest; and

(c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness (the hours of darkness being half an hour after sunset and half an hour before sunrise) and also at any other time at the request of the hirer.

6. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with any seals affixed thereto.

7. The driver of a Hackney Carriage, when plying for hire in any street and not actually hired, shall:

(a) proceed with reasonable speed to one of the ranks fixed by the byelaw in that behalf;

(b) if a rank, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another rank;

(c) on arriving at a rank not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the rank and so as to face in the same direction; and

(d) 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.

8. 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 other person for the purpose.

9. (a) the driver of a Hackney Carriage shall behave in a civil and orderly manner;

and

(b) shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

10. The driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

11. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.

12. The driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

13. The badge provided by the Council and delivered to the driver of a Hackney Carriage shall, when standing or plying for hire, and when hired, be worn by the driver in such a position and manner as to be plainly visible.
14. The second badge provided by the Council and delivered to the driver of a Hackney Carriage, when standing or plying for hire, and when hired shall be displayed on the fascia of the vehicle in a prominent position as to be plainly visible to all passengers.
15. The driver of a Hackney Carriage shall ensure that any radio set fitted to the vehicle or any insulation for playing music shall not be operated in a manner so as to cause annoyance to by reason of its loud, continuous or repeated use. Any equipment (other than for receiving messages) shall be turned off if requested by the hirer.
16. The driver of a Hackney Carriage issued by the Council with a Hackney Carriage licence or badge must report to the Council, within 3 working days, should the licence or badge be lost or stolen.
17. The driver of a hackney Carriage issued with a Hackney Carriage drivers badge by the Council must return the badge to the Council within 7 working days of its expiry, or on suspension or revocation of the drivers licence.
18. The driver of a Hackney Carriage on attending a booking shall signal his arrival by knocking or ringing the door bell as appropriate. The vehicle's warning instrument shall not be sounded except in those circumstances specified in the Highway Code or in a case of emergency.
19. The driver of a Hackney Carriage must be suitably attired in suitable clean clothing. The wearing of vests, shorts or dirty clothing or being bare-chested is not permitted.
20. The driver of a Hackney Carriage, when standing or plying for hire, or when hired shall not;
- (a) smoke in the vehicle at any time; or
 - (b) drink or eat in the car whilst carrying passengers.
21. The driver of a Hackney Carriage when convicted of any offence during the period of his licence shall inform the Council, in writing, within 3 working days of such conviction.
22. The driver of a Hackney Carriage must take a disabled person accompanied by a guide, hearing or other assistance dog, or any person who requires such a person to accompany him in a Hackney Carriage at no extra charge unless granted an exemption on medical grounds by the licensing authority.
23. The driver of a Hackney Carriage shall immediately notify the proprietor of the vehicle if the fire extinguisher provided for use in the vehicle has been used for any purpose.
24. The driver of a Hackney Carriage shall ensure that a current Certificate of Insurance is carried in the vehicle at all times and produced on demand to any authorised officer of the Council or Police Officer.
25. The driver of a Hackney Carriage, when hired shall not carry or allow to be carried any other person, without the consent of the hirer on that journey.
26. The proprietor and driver of a Hackney Carriage must notify the Council, in writing, and within 7 days any change of their address.
27. The driver of a Hackney Carriage, when requested by any person hiring or seeking to hire the carriage, shall:
- (a) convey a reasonable quantity of luggage, shopping or luggage of a similar nature;
 - (b) afford reasonable assistance unloading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.
- Provisions securing the safe custody and redelivery of any property accidentally left in Hackney Carriages, and fixing the charges made in respect thereof*
28. The driver of a Hackney Carriage shall, immediately after the termination of any hiring or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.
29. The driver of a Hackney Carriage, if any property is accidentally left therein by any person who may have been conveyed in the carriage found by or handed to him, shall:
- (a) carry it as soon as possible and in any event within twenty-four hours if not sooner claimed by or on behalf of its owner, to any police station within the Council's area, and leave it in the custody of the officer in charge of the station on his giving receipt for it;

(b) be entitled to receive from any person to whom the property shall be redelivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station whichever the greater) but not more than five pounds.

Provisions fixing the ranks of Hackney Carriages

30. All of the places specified by the Council shall be a rank for such number of Hackney Carriages as is specified.

Provision fixing the rates or fares to be paid for Hackney Carriages within the Council's area and securing the due publication of such fares

31. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate of fare approved by the Council, the rate of fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time. Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded of the fare of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

ADDITIONAL TARIFFS

The driver of a Hackney Carriage may operate an additional tariff, provided it is lower than the current Hackney Carriage table of fares approved by the licensing authority under the provisions of section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

32. Any additional tariffs must be notified in writing to the licensing authority.

33. The proprietor of a Hackney Carriage shall cause a statement of the fares fixed by Council resolution in that behalf to be exhibited inside the carriage, in clearly distinguishable letters and figures.

34. The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

35. The proprietor or driver of a Hackney Carriage shall be entitled to claim a sum not greater than that approved by the Council from any person who soils the vehicle in such a way as to cause the vehicle to be internally valeted or fumigated.

PENALTIES

36. Any person who shall offend against any of these byelaws shall be liable on Summary Conviction to a fine not exceeding level 2 and in the case of a continuing offence to a further fine not exceeding £2 or as amended by any subsequent legislation for each day during which the offence continues after conviction thereof.



NOTES FOR PROPRIETORS OF HACKNEY CARRIAGE VEHICLES

LAWS RELEVANT TO THE PROPRIETORS OF HACKNEY CARRIAGES

TOWN POLICE CLAUSES ACT 1847

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

CITY AND COUNTY OF SWANSEA BYELAWS RELATING TO HACKNEY CARRIAGES

HACKNEY CARRIAGE LICENSING

Vehicles licensed by the Council must be mechanically fit and suited for their purpose. A comprehensive inspection and test prior to licensing will be necessary and a fee will be payable in relation to each vehicle licence. The Proprietor of a Hackney Carriage must be considered by the Council to be a fit and proper person.

VEHICLES CONVERTED TO RUN ON (LIQUEFIED PETROLEUM GAS) LPG

All (Liquefied Petroleum Gas) LPG vehicle conversions must have been carried out by an (Liquefied Petroleum Gas Association) LPGA Approved Installer and the vehicle proprietor issued with an LPG Conversion Certificate which must be produced when applying for a Hackney Carriage Vehicle Licence.

INSURANCE

When applying for a Hackney Carriage Vehicle Licence, a current certificate of insurance covering the use of the vehicle for carrying fare-paying passengers must be produced.

A conversion of a vehicle to run on LPG is a modification and must be notified to the insurance company.

The terms of insurance cover taken out should also include:-

- (i) Unlimited indemnity for injury and death to passengers and other third parties.
- (ii) Indemnity of at least £1,000,000.00 for damage to third party property - other than that being carried in or on the insured vehicle.
- (iii) Cover of up to at least £50.00 for damage to property belonging to persons being carried in the insured vehicle.

TRANSFER OF VEHICLE TO OTHER PROPRIETOR

Hackney Carriage licences may be transferred during the term of the licence. In every case written notice of transfer, specifying the full name and address of the person to whom transfer is being arranged, must be provided by the licence holder to the Licensing Office in writing within 14 days. A Proprietor who fails to notify the Council of such a transfer will commit an offence and may be liable to prosecution. If the council is of the opinion that the person to whom the licence has been transferred is not a suitable person to hold the licence, it may suspend, revoke or refuse to renew the licence provided that there is reasonable cause to do so.

UPKEEP OF VEHICLE

The proprietor is responsible for:

- i. ensuring that the licensed vehicle is at all times kept clean and in good repair;
- ii. reporting any damage sustained by the vehicle which materially affects its safety, performance and appearance or the convenience or comfort of passengers.

Such matters must be reported within 72 hours to the Licensing Office and arrangements then made for the vehicle to be inspected by a Council Vehicle Inspector at the Central Transport Unit **BEFORE** repair work is commenced. Damaged vehicles should not be worked.

An authorised Officer of the Council or any police Officer may at any reasonable time test and inspect a licensed Hackney Carriage and if he is not satisfied as regards to the fitness of the vehicle he may, by notice to the Proprietor, require the vehicle to be made available for further inspection and suspend the licence until the vehicle has been passed as fit.

A Proprietor who commits offences under or fails to comply with the legislation listed within these notes, may cause the Council to exercise powers to suspend, revoke or refuse to renew his/her licence(s) as deemed appropriate.

DRIVER'S LICENCES

Vehicle Proprietors must keep records of the drivers of their vehicle(s) and when they drive them. The licence issued to each individual driver so engaged must be kept by the Proprietor and returned to the Driver when the arrangement ceases.

OBSTRUCTION OF AUTHORISED OFFICER

It is an offence to fail to comply without reasonable excuse with any reasonable requirement of an Authorised Officer of the Council or Police Officer or to fail to provide any assistance or information required by him/her in connection with his/her duties and responsibilities.

VEHICLE SIGNS, ADVERTISEMENTS AND IDENTIFICATION

Proprietors must not cause or permit signs, notices or advertisements to be displayed in, on or from a Hackney Carriage unless authorised by the Council.

THE PROPRIETOR IS, HOWEVER, RESPONSIBLE FOR AFFIXING AND MAINTAINING THE LICENCE IDENTIFICATION PLATE (ISSUED BY THE COUNCIL WITH THE LICENCE) ON THE REAR OF THE VEHICLE AS DIRECTED. THE PLATE REMAINS THE PROPERTY OF THE COUNCIL. A PROPRIETOR FAILING TO RETURN THE PLATE WHEN REQUESTED TO DO SO WITHOUT REASONABLE EXCUSE COMMITS AN OFFENCE.

POWERS OF THE COUNCIL

The Council has powers to suspend, revoke or refuse to renew for any conduct which appears to render Proprietors unfit to hold licences.

PERIOD OF LICENCE

A licence will usually be issued for a twelve month period. In exceptional circumstances a short term licence may be issued but only at the discretion of the Council.



HACKNEY CARRIAGE CONDITIONS

1. These conditions were made pursuant to the relevant Sections of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 and/or prosecution should there be an offence under Taxi Licensing law.

2. In this licence:

“authorised officer” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“the Council” means the City and County of Swansea.

“Hackney Carriage” has the same meaning as in the Town Police Clauses Act 1847.

“identification plate” means the plate issued by the Council for the purpose of identifying the vehicle as a Hackney Carriage.

“the Proprietor” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“taximeter” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

GENERAL

3. All vehicles must be presented for inspection when and where required by an authorised officer, and must comply with all current statutory requirements for road vehicles and with the conditions imposed by the Council.

Where vehicles fail to attend at the designated time the Council may suspend their licence until the vehicle has been tested and found to be roadworthy. Any vehicle which fails the test shall not be used to carry passengers for hire or reward until the vehicle has been re-tested and found to be roadworthy.

4. Vehicles will not be accepted for licensing on the first occasion unless brand new. All vehicles will be relicensed on merit.
5. All vehicle licences will remain in force for one year and the expiry date will be the last day of the month preceding the month of issue.

6. No licence will be issued until the appropriate fee is paid. Where payment is made by cheque which is subsequently dishonoured, any licence issued will be null and void.
7. a) The licence holder must present the registration document (V5c) at the time of the grant of the licence or where the vehicle has been modified. The licence holder must present a valid certificate of insurance issued under the Road Traffic Act 1988 and current M.O.T. certificate (which is required yearly from when the vehicle has reached the age of one year), at the time of payment of the appropriate fee. The licence holder must present the vehicle for an official inspection at the designated centre.
- b) Where a vehicle is modified in some way, the Licensing Authority must be satisfied that the standard of work undertaken meets current safety legislation and standards. Proprietors must submit one of the following original documents prior to a licence being issued:
- i) EC Whole Vehicle Type Approval (ECWVTA)
 - ii) National Small Series Type Approval (NSSTA)
 - iii) Certificate of Conformity (CoC)
 - iv) Individual Vehicle Approval (IVA)
 - v) Single Vehicle Approval (SVA).

N.B. Where the above certificates are not available due to the modifications being undertaken following the sale of the vehicle, proprietors will be required to undertake a Voluntary Standard Single Vehicle Approval with a VOSA Inspector

VEHICLE SPECIFICATION AND MAINTENANCE

8. All vehicles must be coloured **BLACK**.
9. All vehicles must be right hand drive and have 2 doors each side of the vehicle. All passengers shall have access to a door capable of being opened from inside the vehicle.
10. The maximum permitted number of passengers will be decided following the examination of the vehicle by the Council.
11. The proprietor shall not at any time permit the number of passengers carried to exceed the number of passengers for which the vehicle is licensed.
12. All vehicles must be constructed and maintained so as to be safe and comfortable and the doors must open sufficiently wide so as to allow easy access to and egress from the vehicle.
13. i) Where a vehicle is provided with a spare wheel, including the use of a space saver tyre the proprietor shall ensure that at all times that the spare wheel complies with current legal requirements (paying particular attention to depth of tread) and wheel changing equipment including a jack and wheel brace is carried at all times.
- ii) a) 'Run Flat' and or 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification. Where a puncture does occur, proprietors and drivers shall seek alternative arrangements for continuation of the passenger's journey
- b) If a 'Run Flat' and or 'space-saver' spare tyre is utilised on a vehicle in order to

complete a hiring it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement and used in accordance with the manufacturer's guidelines. No further fares may be taken whilst the 'Run Flat' or 'space-saver' spare tyre is being used on the vehicle.

iii) Temporary Repair Kits:

a) vehicles approved for licensing with the use of a temporary repair kit in place of a spare wheel will be equipped with a repair kit at all times for use in accordance with the manufacturer's guidelines. Where the temporary repair kit is used it shall immediately be replaced with another temporary repair kit.

b) where a puncture does occur, proprietors and drivers shall seek alternative arrangements for continuation of the passenger's journey before utilising the temporary repair kit;

c) vehicles that utilise a temporary repair kit in order to complete a hiring shall be used in accordance with the manufacturer's guidelines and not be used for any further hiring until the wheel or tyre had been replaced;

d) vehicle proprietors of vehicles that utilise a temporary repair kit will keep a record of the date and time the repair kit was last used in the vehicle at all times and will obtain and retain evidence that the wheel or tyre had been replaced. Such information will be readily available for Officers upon request.

14. All vehicles shall be fitted with front and rear seat belts which comply with and are installed in accordance with British Standards and current legal requirements. A booster cushion or child seat shall be provided for children on request.

15. All vehicles must meet the following minimum dimensions internally:-

HEIGHT

From the top of the seat cushions (without compression) to the roof at the lowest part must not be less than 810 mm.

KNEE SPACE

The measurement between the rear of the front seats and the squab of the back seat must not be less than 700 mm. Where the front seats are capable of adjustment the measurement is to be made in the mid-position

SEATS (WIDTH)

The width of the back seat from the squab to the front edge must not be less than 407 mm.

REAR SEAT (LENGTH)

The length of the rear seat measured in a straight line lengthwise on the front of the seat must not be less than 1220 mm.

ENGINE CAPACITY

The engine capacity of the vehicle shall not be less than 1500 cc.

16. All new vehicle licences will only be allocated to purpose built taxis i.e. London type cabs or other suitably converted vehicles when new by an approved dealer, prior to delivery.

These vehicles must be adapted for the carriage of passengers in wheelchairs.

All conversions must include:-

- a. Heavy duty matting in foot wells.
 - b. Ashtrays to be fitted in the rear compartment.
 - c. Interior lighting operated either automatically when the rear doors are opened or by a separate switch located near the driver.
 - d. A boot interior light.
 - e. Provision for the fitting of a taximeter without affecting passenger comfort.
 - f. Extended concealed wiring for a roof mounted sign and taximeter drive.
17. Replacement vehicles for the existing fleet must be London type cabs or vehicles adapted for the carriage of passengers in wheelchairs or saloon vehicles. Where wheelchair accessible vehicles are being replaced, then these can only be replaced by a wheelchair accessible vehicle which meets the authority's requirements.
 18. All vehicles must carry a suitable 1kg fire extinguisher, indelibly marked with the vehicle plate number, readily visible for emergency use and maintained annually in accordance with British Standards. Written confirmation of maintenance will be required.
 19. Any carpets, fixtures or fittings must be removed on inspection at the request of any authorised officer or vehicle examiner. Refusal to comply with any reasonable request of such an officer will result in the vehicle failing the inspection.
 20. The interior and exterior of the vehicle must be kept clean and tidy and the vehicle must be able to accommodate a reasonable amount of luggage at all times.
 21. All vehicles must be fitted with an approved driver operated Central Door Locking System.
 22. All vehicles must be fitted with a taximeter of approved design, properly sealed and tested and all such taximeters must be kept in good repair and proper working order.
 23. All vehicles shall be fitted with a roof sign which identifies the vehicle as a taxi.
 24. The proprietor shall keep any radio equipment installed in the vehicle in good working order but shall not install in the vehicle:-
 - a) any two-way radio equipment (including Citizens Band Radio) without first notifying the insurers of the vehicle and having their confirmation endorsed on the certificate of motor insurance.
 - b) any radio equipment which is capable of scanning more than one frequency.
 25. Equipment to facilitate use by disabled passengers must be kept in good working condition and readily available for use.
 26. The Proprietor shall ensure that all drivers driving their vehicles are fully conversant with the working of the equipment to facilitate use by disabled passengers.
 27. Tinted windows shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

NOTIFICATIONS

28. No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without prior approval of the Council at any time while the licence is in force.
29. Any accident damage to a vehicle must be reported to the Licensing office, in writing, within 72 hours and the vehicle made available for inspection.

LICENCE PLATE AND LICENCE STICKERS

30. Vehicle plates and stickers must be securely fixed to the vehicle. The vehicle plate to be fixed on the bumper bar or boot lid/rear door between centre line and the offside of the vehicle, and returned to the Council on the expiry of a licence. Stickers must be affixed to the front near and offside doors of the vehicle. The plate and stickers must be kept clearly visible at all times. The vehicle plate must be returned to the Council on expiry of the licence.

TRANSFER OF VEHICLE LICENCE

31. No vehicle may be transferred or substituted except in accordance with the approved procedure.
32. Where a proprietor transfers his interest in the licensed vehicle to a person other than the proprietor named in the licence, he shall notify the Council within fourteen days after the transfer specifying the name and address of whom the vehicle has been transferred to.
33. The fitting of a CCTV type camera within the vehicle is permitted in order to protect the driver and passengers. The proprietor shall ensure that the use of such equipment complies with all requirements of current legislation.

If a camera is fitted then Notices informing passengers of its use must be displayed inside the vehicle.

INSURANCE

34. The Proprietor of the Hackney Carriage Vehicle shall keep in force in relation to the user of that vehicle a Policy of Insurance complying in all respects with current Road Traffic legislation and covering the use of the vehicle for the carriage of passengers for hire and reward.
35. On being so required by an authorised Officer, the Proprietor shall produce to the Officer for examination a Certificate of Insurance in respect of the vehicle. If the Proprietor fails to produce such a certificate to the Officer on request, the Proprietor shall within seven days of such a request produce it to the Officer or to any authorised Officer at the Licensing Office of the Council.

ADVERTISING

36. No fittings or signs, except those approved by the Council or its authorised officers shall be attached to the inside or outside of the vehicle.

GUIDELINES FOR ADVERTISING OR DISPLAYING A COMPANY LOGO ON HACKNEY CARRIAGE VEHICLES

- a. All applications for advertising or to display a company logo on or inside a hackney carriage vehicle must be made in writing to the Director of Environment and accompanied by a sample of the advertising or company logo proposed.
- b. The quality of submissions must be of an acceptable standard. No faxes will be accepted. Coloured artwork is to be provided in every case and full details of the advertising proposals must be provided. **(NB it is essential that all the details of the proposed advertisement is shown in the original submission. If it is not, then the advertisement may subsequently be rejected).**
- c. The submission, if it is considered acceptable will be given **Provisional Approval**.
- d. **Final Approval** will be given once the advertisement or company logo has been placed on the vehicle. An appointment must be made with a Taxi Licensing Officer for a final inspection when the Officer will confirm that the work has been completed in accordance with the provisional approval granted.
- e. The proprietor of any vehicle displaying an advertisement or company logo that has not received its final inspection will be required to remove it immediately.
- f. Vehicles displaying advertising or a company logo without approval of the Council will be in contravention of the conditions attached to the vehicle licence and may be liable to suspension until such time as the material has been removed from the vehicle.
- g. All advertising must comply with the British Codes of Advertising and Sales Promotion and is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- h. Any advertisement approved shall be placed on the back passenger doors only, below the windows.

All "identification signs" displaying the company details (see point I below), must be displayed on the front door of the vehicle only, below the window and must not obscure the sign displaying the licence number of the vehicle.

Any company logo, advertising the Operator's or Proprietor's own taxi or private hire business, which has been approved in accordance with condition 36 (d) above, may be displayed on the front bonnet, rear of the vehicle and/or on the back passenger doors only.

- i. Materials used for advertisements or company logos must be of a quality not easily defaced or detached. No paper-based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the exterior rear door panels of the vehicle or initially attached to an approved magnetic panel which is then attached to the vehicle.
- j. Reflective material is not to be used for advertising purposes or displaying company logos.
- k. Each proposal will be considered on its merits but the following advertisements or company logos will not be approved:
 - * those with political, racial, religious, sexual or controversial texts;
 - * those for escort agencies, gaming establishments or massage parlours;
 - * those displaying nude or semi-nude figures;

- * those likely to offend public taste (depicting violence, obscene or distasteful language)
 - * those which have any reference to alcohol, tobacco/cigarettes and drugs:
 - * those promoting discounted fares;
 - * those advertising jobs;
 - * those which detract from the integrity and/or identity of the vehicle;
 - * those which seek to advertise more than one company/service or product.
- l. Identification signs – signs stating the company name and telephone number must be securely fixed adjacent to the door stickers displaying the licence number of the vehicle and must obtain provisional and final approval.
- m. Advertising or displaying company logos on the underside of flip down seats is allowed provided any application received complies with the above guidelines.
- n. Advertising or displaying company logos within or on the rear of the headrests is allowed provided any application received complies with the above guidelines.



LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 CONDITIONS OF LICENCE FOR PRIVATE HIRE DRIVERS

1. These conditions were made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976. Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 61 of the said Act and/or prosecution should there be an offence under Taxi Licensing law.
2. In this licence:
 - “**The Council**” means the City and County of Swansea
 - “**The 1976 Act**” means the Local Government (Miscellaneous Provisions) Act 1976
 - “**Authorised Officer**” means any person authorised in writing by the Council for the purposes of the
 - Relevant Legislation** “**Private Hire Drivers Licence**” means a Licence issued pursuant to Section 51 of **The 1976 Act**
 - “**Passenger**” means any person hiring the Vehicle and where the context permits includes any person entitled to be conveyed in the vehicle pursuant to the hire of it
 - “**Licence Plates**” means the plates issued by the Council for the purposes of identifying the vehicle as a Private Hire Vehicle licensed with this Council
 - “**The Vehicle**” means the Private Hire Vehicle specified in the Licence
 - “**The Licensed Driver**” means the person licensed by the Council to drive vehicles of the particular type for the purpose of hire or reward
 - “**Door Signs**” means the signs issued by the Council for the purposes of identifying the vehicle as a Private Hire Vehicle licensed by **The Council**

GENERAL

3. The Licence is granted to the person named thereon to act as a driver of a Private Hire Vehicle within the district of the Council subject to the consent of the operator/proprietor of such vehicle and subject to legislation be in force in the said district.
4. A Licence will not be issued to any person who in the opinion of the council is not considered fit and proper to act as a driver of a private hire vehicle.
5. Private Hire drivers shall **only** take passengers who have pre-booked their journey via a licensed operator. Drivers of a private hire must not ply for hire.
6. The Council reserves the right to refuse the issue of a licence when the applicant is already employed as a driver in some other activity e.g. bus or transport driver.
7. On payment of the appropriate fee, the licence will remain in force, unless suspended or revoked by the Council, for one year and its expiry date will be the last day of the month preceding the month of issue.
8. Where payment of the licence fee is made by cheque which is subsequently dishonoured, any licence issued will be null and void.

9. Applications for the renewal of a licence must be made in advance of the expiry of the existing licence to ensure continuity. Applications for renewal received after the relevant date of expiry of the licence will be dealt with as a new application.

10. Every applicant for a new driver's licence must provide to the Council evidence of his/her having undergone a Group II medical examination within four weeks prior to the date of application together with a certificate signed by the medical examiner confirming the applicants fitness to drive a licensed vehicle. The medical certificate must be completed by the applicants G.P. The applicant must have been registered with the G.P. for the previous 12 months.

11. On applying for a licence the driver must disclose all previous convictions and cautions. Deliberate failure to do so, or falsification of the application form is an offence which may result in prosecution. Details of any pending prosecutions are also required. The Criminal Records Bureau Check is valid for 3 years providing that the licence remains in force during that period.

DRIVERS BADGE/ LICENCE

12. The current badge issued by the Council, must be worn so as to be plainly and distinctly visible at all times whilst the driver is undertaking licensed duties. A second badge, as issued by the Council must be displayed on the fascia of the car or in a prominent position as to be plainly visible to all passengers. All expired badges shall be removed from the vehicle and not placed on display.

13. Any licence or badge which is lost or stolen must be reported to the Licensing Office immediately.

14. Where a licence or badge is lost a duplicate must be obtained as soon as possible. A fee will be charged for replacement of a licence or badge.

THE DRIVER

16. Drivers must, at all times whilst on duty, behave in a civil and orderly manner towards all passengers and members of the public.

17. On attending a booking, the driver shall signal his arrival by knocking or ringing the doorbell, as appropriate. The vehicle horn shall not be sounded except in those circumstances in the highway Code or in the case of an emergency.

18. Drivers must comply with the requirements of road traffic legislation at all times.

19. Drivers must be appropriately and reasonably dressed in suitable clean clothing. Bare tops, vests or dirty clothing is not acceptable.

20. A driver shall not use a vehicle as a private hire vehicle which is not licensed for that purpose by the Council.

21. Drivers must assist passengers with reasonable amounts of luggage and give reasonable assistance, if required, including carrying it to and from the entrance of any building, station or place at which he may pick up or set down such person.

22. A driver shall take all reasonable precautions to ensure the safety of persons conveyed in, entering or leaving the vehicle.

23. The driver of a private hire vehicle shall not carry in the vehicle a greater number of persons than the number of persons the vehicle is licensed to carry.

24. The driver shall attend with the vehicle at the appointed time and place, unless unavoidably delayed or prevented by some justifiable cause, when a booking has been accepted.

25. The driver of the vehicle hired to a destination shall proceed to that destination by the shortest available route unless requested by the hirer to do otherwise.

26. The driver of a private hire vehicle will not carry or allow to be carried any other person without the consent of the hirer on that journey.

27. Drivers must not smoke at any time in the vehicle. Drinking or eating is also prohibited whilst carrying passengers unless the hirer permits.

28. Drivers must at all times drive in a careful and proper manner and with due consideration to both passengers and other road users.

29. The driver shall at all times maintain the Licensed Vehicle to ensure a high degree of cleanliness.

30. The driver shall ensure that any radio fitted in the vehicle or any other equipment for playing music is not operated in a manner to cause annoyance by reason of its loud, continuous or repeated

use to any persons whether inside or outside the vehicle. Any equipment (other than for receiving messages) shall be turned off if requested by the hirer.

31. The driver of a private hire vehicle must take a disabled person, accompanied by a guide, hearing or other assistance dog, or any person required to accompany him/her in a private hire vehicle at no extra charge unless granted an exemption on medical grounds by the licensing authority.

32. The driver of a private hire vehicle must comply with all reasonable requests regarding taxi licensing matters made by an authorised officer or Police Officer.

33. The driver shall not allow to be conveyed in the front of a licensed vehicle: -

(i) any child below the age of 10 years;

(ii) More than the permitted number of persons.

NOTIFICATIONS

34. A licensed private hire driver must notify the Council, in writing, of any change of his/her address within 7 days of such change taking place.

35. A licensed private hire driver must notify the Council, in writing, if he transfers to a different employer, within 3 working days of such change taking place.

36. Any driver convicted of any offence by the courts during the period of the licence shall inform the Licensing Officer, in writing, within 3 working days of such conviction, in particular:

i) any offence under the Road Traffic Acts and Regulations made there under:

ii) any criminal offence involving /dishonesty/indecency/violence/drugs;

iii) any cautions.

37. The driver shall immediately notify the owner of the vehicle if the fire extinguisher provided has been used.

FARES

38. If a private hire vehicle is fitted with a taxi meter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had a reasonable opportunity of viewing it and has paid the fare.

39. The driver of a private hire vehicle shall not demand from any hirer a fare in excess of any fare previously agreed for that hiring between the hirer and the operator or, if the vehicle is fitted with a taxi meter and there is no previous agreement as to the fare, the fare shown on the face of the taxi meter.

VEHICLE CHECKS

40. The driver of a licensed vehicle shall carry out on a daily basis an examination of the interior and exterior of the vehicle to ensure that the relevant lighting requirements and the Construction and Use Regulations are complied with and that the vehicle is suitable and safe (interior and exterior) for use as a licensed vehicle. Any defects must be rectified immediately by the driver or proprietor.

41. The driver of a licensed vehicle shall advise the proprietor in writing immediately of any defects, which may affect the safety of the driver, passengers or other persons.

42. Before the start of any shift the driver must inspect the vehicle to ensure the signs and the plate are displayed on the vehicle in the correct positions.

LOST PROPERTY

43. The driver, shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the vehicle for any property accidentally left therein.

44. The driver, shall on finding any property accidentally left in a vehicle, hand it to the relevant officer at a main Police Station within 24 hours unless claimed sooner by the owner. The property must be left in the custody of the officer in charge at the Police Station and the driver must obtain a receipt for it.

MEDICALS

45. The Group II medical certificate produced on application shall, on the grant of that licence remain valid for the period as detailed below, subject to there being no revocation, surrender or lapse of the licence in that period and subject to the Council reserving the right to require a medical examination to be carried out at any time by its own medical examiner.

a) All new applicants will be required to pass a Group II medical examination as specified by the Council. This certificate will be valid, subject to the above, until the licence holder reaches the age of 45 years.

b) Upon reaching the age of 45 years the licence holder will be required to submit a further Group II medical and thereafter on a five yearly basis until reaching the age of 65 years.

c) Upon reaching the age of 65 years the licence holder will be required to submit a further Group II medical and thereafter on an annual basis.

46. Drivers must inform the Council of any change in their medical condition which may affect their ability to drive a licensed private hire vehicle.

CRIMINAL RECORDS BUREAU CHECKS

47. Each applicant on first application and every subsequent 3 years will be required to complete and sign a request for a Criminal Records Bureau Check.

WRITTEN RECEIPTS

48. The driver shall on the request of the passenger provide to him/her a written receipt for the fare paid. The receipt shall bear the name and address of the operator and/or his/her business.

SUSPENSION/REVOCATION AND PROSECUTION

49. The Council has the power to suspend, revoke or refuse to renew a licence on appropriate grounds. Where a licence has been obtained by giving false or incomplete information, consideration will be given to suspending, revoking or refusing the licence. The driver may also be liable to prosecution.

50. Breach of any of these conditions may result in the revocation/suspension of a licence and/or prosecution should the breach be an offence under taxi licensing law.



NOTES FOR PROPRIETORS OF PRIVATE HIRE VEHICLES

LAWS RELEVANT TO THE PROPRIETORS OF PRIVATE HIRE VEHICLES

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PRIVATE HIRE VEHICLE LICENSING

Vehicles licensed by the Council must be mechanically fit and suited for their purpose. A comprehensive inspection and test prior to licensing will be necessary and a fee will be payable in relation to each vehicle licence. The Proprietor of a Private Hire vehicle must be considered by the Council to be a fit and proper person.

VEHICLES CONVERTED TO RUN ON (LIQUEFIED PETROLEUM GAS) LPG

All (Liquefied Petroleum Gas) LPG vehicle conversions must have been carried out by an (Liquefied Petroleum Gas Association) LPGA Approved Installer and the vehicle proprietor issued with an LPG Conversion Certificate which must be produced when applying for a Private Hire Vehicle Licence.

INSURANCE

When applying for a Private Hire Vehicle Licence, a current certificate of insurance covering the use of the vehicle for carrying fare-paying passengers must be produced.

A conversion of a vehicle to run on LPG is a modification and must be notified to the insurance company.

The terms of insurance cover taken out should also include:-

- (i) Unlimited indemnity for injury and death to passengers and other third parties.
- (ii) Indemnity of at least £1,000,000.00 for damage to third party property - other than that being carried in or on the insured vehicle.
- (iii) Cover of up to at least £50.00 for damage to property belonging to persons being carried in the insured vehicle.

TRANSFER OF VEHICLE TO OTHER PROPRIETOR

Private Hire licences may be transferred during the term of the licence. In every case written notice of transfer, specifying the full name and address of the person to whom transfer is being arranged, must be provided by the licence holder to the Licensing Office in writing within 14 days. A Proprietor who fails to notify the Council of such a

transfer will commit an offence and may be liable to prosecution. If the council is of the opinion that the person to whom the licence has been transferred is not a suitable person to hold the licence, it may suspend, revoke or refuse to renew the licence provided that there is reasonable cause to do so.

UPKEEP OF VEHICLE

The proprietor is responsible for:

- i. ensuring that the licensed vehicle is at all times kept clean and in good repair;
- ii. reporting any damage sustained by the vehicle which materially affects its safety, performance and appearance or the convenience or comfort of passengers.

Such matters must be reported within 72 hours to the Licensing Office and arrangements then made for the vehicle to be inspected by a Council Vehicle Inspector at the Central Transport Unit **BEFORE** repair work is commenced. Damaged vehicles should not be worked.

An authorised Officer of the Council or any Police Officer may at any reasonable time test and inspect a licensed Private Hire vehicle and if he is not satisfied as regards to the fitness of the vehicle he may, by notice to the Proprietor, require the vehicle to be made available for further inspection and suspend the licence until the vehicle has been passed as fit.

A Proprietor who commits offences under or fails to comply with the legislation listed within these notes, may cause the Council to exercise powers to suspend, revoke or refuse to renew his/her licence(s) as deemed appropriate.

DRIVER'S LICENCES

Vehicle Proprietors must keep records of the drivers of their vehicle(s) and when they drive them. The licence issued to each individual driver so engaged must be kept by the Proprietor and returned to the Driver when the arrangement ceases.

OBSTRUCTION OF AUTHORISED OFFICER

It is an offence to fail to comply without reasonable excuse with any reasonable requirement of an Authorised Officer of the Council or Police Officer or to fail to provide any assistance or information required by him/her in connection with his/her duties and responsibilities.

VEHICLE SIGNS, ADVERTISEMENTS AND IDENTIFICATION

Proprietors must not cause or permit signs, notices or advertisements to be displayed in, on or from a Private Hire Vehicle unless authorised by the Council.

THE PROPRIETOR IS, HOWEVER, RESPONSIBLE FOR AFFIXING AND MAINTAINING THE LICENCE IDENTIFICATION PLATE (ISSUED BY THE COUNCIL WITH THE LICENCE) ON THE REAR OF THE VEHICLE AS DIRECTED. THE PLATE REMAINS THE PROPERTY OF THE COUNCIL. A PROPRIETOR FAILING TO RETURN THE PLATE WHEN REQUESTED TO DO SO WITHOUT REASONABLE EXCUSE COMMITS AN OFFENCE.

POWERS OF THE COUNCIL

The Council has powers to suspend, revoke or refuse to renew for any conduct which appears to render Proprietors unfit to hold licences.

PERIOD OF LICENCE

A licence will usually be issued for a twelve month period. In exceptional circumstances a short term licence may be issued but only at the discretion of the Council

PRIVATE HIRE VEHICLE CONDITIONS

1. These conditions were made pursuant to Section 48 of the Local Government (Miscellaneous Provisions) Act 1976. Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 60 of the said Act and/or prosecution should there be an offence under Taxi Licensing law.

2. In this licence:

“authorised officer” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“the Council” means the City and County of Swansea.

“Private Hire vehicle” means a vehicle which is currently licensed by the Council under Section 48 of the Act

“identification plate” means the plate issued by the Council for the purpose of identifying the vehicle as a Private Hire Vehicle.

“the Proprietor” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

“taximeter” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976.

GENERAL

3. The vehicle can only be used for lawful Private Hire Journeys pre-booked with a licensed operator.

4. All vehicles must be presented for inspection when and where required by an authorised officer, and must comply with all current statutory requirements for road vehicles and with the conditions imposed by the Council. Where vehicles fail to attend at the designated time the Council may suspend their licence until the vehicle has been tested and found to be roadworthy. Any vehicles which fails the test shall not be used to carry passengers for hire or reward until the vehicle has been re-tested and found to be roadworthy.

5. Vehicles will not be accepted for licensing on the first occasion after 5 years from the date of first registration. Vehicles will be relicensed on merit.

6. All vehicle licences will remain in force for one year and the expiry date will be the last day of the month preceding the month of issue.

7. No licence will be issued until the appropriate fee is paid. Where payment is made by cheque which is subsequently dishonoured, any licence issued will be null and void.

8. (a) The licence holder must present the registration document (V5c) at the time of grant of the licence or where the vehicle has been modified. The licence holder must present a valid certificate of insurance issued under the Road Traffic Act 1988 and current M.O.T. certificate, at the time of payment of the appropriate fee. The licence holder must present the vehicle for an official inspection at the designated centre.

(b) Where a vehicle is modified in some way, the Licensing Authority must be satisfied that the standard of work undertaken meets current safety legislation and standards. Proprietors must submit one of the following original documents prior to a licence being issued:

- i) EC Whole Vehicle Type Approval (ECWVTA)
- ii) National Small Series Type Approval (NSSTA)
- iii) Certificate of Conformity (CoC)
- vi) Individual Vehicle Approval (IVA)
- vii) Single Vehicle Approval (SVA).

N.B. Where the above certificates are not available due to the modifications being undertaken following the sale of the vehicle, proprietors will be required to undertake a Voluntary Standard Single Vehicle Approval with a VOSA Inspector

VEHICLE SPECIFICATION AND MAINTENANCE

9. All vehicles must be coloured **WHITE**.

10. All vehicles must be right hand drive and have 2 doors each side of the vehicle. All passengers shall have access to a door capable of being opened from inside the vehicle.

11. The maximum permitted number of passengers will be decided following the examination of the vehicle by the Council.

12. The proprietor shall not at any time permit the number of passengers carried to exceed the number of passengers for which the vehicle is licensed.

13. All vehicles must be constructed and maintained so as to be safe and comfortable and the doors must open sufficiently wide so as to allow easy access to and egress from the vehicle.

14. i) Where a vehicle is provided with a spare wheel, including the use of a space saver tyre the proprietor shall ensure that at all times that the spare wheel complies with current legal requirements (paying particular attention to depth of tread) and wheel changing equipment including a jack and wheel brace is carried at all times.

ii) a) 'Run Flat' and or 'Space-saver' spare tyres are acceptable on licensed vehicles if they conform to the Original Manufacturers' Specification. Where a puncture does occur, proprietors and drivers shall seek alternative arrangements for continuation of the passenger's journey

b) If a 'Run Flat' and or 'space-saver' spare tyre is utilised on a vehicle in order to complete a hiring it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement and used in accordance with the manufacturer's guidelines. No further fares may be taken whilst the 'Run Flat' or 'space-saver' spare tyre is being used on the vehicle.

iii) Temporary Repair Kits:

a) Vehicles approved for licensing with the use of a temporary repair kit in place of a spare wheel will be equipped with a repair kit at all times for use in accordance with the manufacturer's guidelines. Where the temporary repair kit is used it shall immediately be replaced with another temporary repair kit.

b) Where a puncture does occur, proprietors and drivers shall seek alternative arrangements for continuation of the passenger's journey before utilising the temporary repair kit;

c) Vehicles that utilise a temporary repair kit in order to complete a hiring shall be used in accordance with the manufacturer's guidelines and not be used for any further hiring until the wheel or tyre had been replaced;

d) Vehicle proprietors of vehicles that utilise a temporary repair kit will keep a record of the date and time the repair kit was last used in the vehicle at all times and will obtain and retain evidence that the wheel or tyre had been replaced. Such information will be readily available for Officers upon request.

15. All vehicles shall be fitted with front and rear seat belts which comply with and are installed in accordance with British Standards and current legal requirements. A booster cushion or child seat shall be provided for children on request.

16. All vehicles must meet the following minimum dimensions internally:-

HEIGHT

From the top of the seat cushions (without compression) to the roof at the lowest part must not be less than 810 mm.

KNEE SPACE

The measurement between the rear of the front seats and the squab of the back seat must not be less than 700 mm. Where the front seats are capable of adjustment the measurement is to be made in the mid-position

SEATS (WIDTH)

The width of the back seat from the squab to the front edge must not be less than 407 mm.

REAR SEAT (LENGTH)

The length of the rear seat measured in a straight line lengthwise on the front of the seat must not be less than 1220 mm.

ENGINE CAPACITY

The engine capacity of the vehicle shall not be less than 1500 cc.

17. All vehicles must carry a suitable 1kg fire extinguisher, indelibly marked with the vehicle plate number, readily visible for emergency use and maintained annually in accordance with British Standards. Written confirmation of maintenance will be required.

18. Any carpets, fixtures or fittings must be removed on inspection at the request of any authorised officer or vehicle examiner. Refusal to comply with any reasonable request of such an officer will result in the vehicle failing the inspection.

19. The interior and exterior of the vehicle must be kept clean and tidy and the vehicle must be able to accommodate a reasonable amount of luggage at all times.

20. If a taximeter is fitted to a vehicle it must be of an approved design, properly sealed and tested by an authorised officer and all such taximeters must be kept in good repair and proper working order.

21. The proprietor shall keep any radio equipment installed in the vehicle in good working order but shall not install in the vehicle:-

a) any two-way radio equipment (including Citizens Band Radio) without first notifying the insurers of the vehicle and having their confirmation endorsed on the certificate of motor insurance.

b) any radio equipment which is capable of scanning more than one frequency.

22. Tinted windows shall conform with the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

NOTIFICATIONS

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

24. Any accident damage to a vehicle must be reported to the Licensing office, in writing, within 72 hours and the vehicle made available for inspection.

LICENCE PLATE , LICENCE STICKERS AND APPROVED SIGNS

25. Vehicle plates and stickers must be securely fixed to the vehicle. The vehicle plate is to be fixed on the bumper bar or boot lid/rear door between centre line and the offside of the vehicle. Stickers must be affixed to the front near and offside doors of the vehicle. The plate and stickers must be kept clearly visible at all times. The vehicle plate must be returned to the Council on expiry of the licence.

26. All Private Hire vehicles must display the following:-

Front of Vehicle - An illuminated sign measuring 37cm x 10cm in size to be displayed in the left hand corner of the windscreen and containing the following information:-

“Company Name
Telephone Number
Pre-Booked Fares Only”

Rear of Vehicle - A sign not illuminated measuring 37cm x 10cm in size to be displayed in the top left hand corner of the rear window of the vehicle containing the following information:-

“Company Name
Telephone Number
Pre-Booked Fares Only”

27. All private hire vehicles must display signs, stating the company name and telephone number, and they must be securely fixed to the vehicle adjacent to the door stickers displaying the licence number of the vehicle.

TRANSFER OF VEHICLE LICENCE

28. No vehicle may be transferred or substituted for that licence except in accordance with the approved procedure.

29. Where a proprietor transfers his interest in the licensed vehicle to a person other than the proprietor named in the licence, he shall notify the Council within fourteen days after the transfer specifying the name and address of whom the vehicle has been transferred to.

30. The fitting of a CCTV type camera within the vehicle is permitted in order to protect the driver and passengers. The proprietor shall ensure that the use of such equipment complies with all requirements of current legislation. If a camera is fitted then Notices informing passengers of its use must be displayed inside the vehicle.

INSURANCE

31. The Proprietor of the Private Hire Vehicle shall keep in force in relation to the user of that vehicle a Policy of Insurance complying in all respects with current Road Traffic legislation and covering the use of the vehicle for the carriage of passengers for hire and reward.

32. On being so required by an authorised Officer, the Proprietor shall produce to the Officer for examination a Certificate of Insurance in respect of the vehicle. If the Proprietor fails to produce such a certificate to the Officer on request, the Proprietor shall within five days of such a request produce it to the Officer or to any authorised Officer at the Licensing office.

ADVERTISING

33. No fittings or signs, except those approved by the Council or its authorised officers shall be attached to the inside or outside of the vehicle.

GUIDELINES FOR ADVERTISING OR DISPLAYING A COMPANY LOGO ON PRIVATE HIRE VEHICLES

- a. All applications for advertising or to display a company logo on or inside a Private Hire Vehicle must be made in writing to the Director of Environment and accompanied by a sample of the advertising Proposed.
- b. The quality of submissions must be of an acceptable standard. No faxes will be accepted. Coloured artwork is to be provided in every case and full details of the advertising proposals must be provided.
(NB it is essential that all the details of the proposed advertisement is shown in the original submission. If it is not, then the advertisement may subsequently be rejected).
- c. The submission, if it is considered acceptable will be given **Provisional Approval**.
- d. **Final Approval** will be given once the advertisement or company logo has been placed on the vehicle. An appointment must be made with a Taxi Licensing Officer for a final inspection when the Officer will confirm that the work has been completed in accordance with the provisional approval granted.
- e. The proprietor of any vehicle displaying an advertisement or company logo that has not received its final inspection will be required to remove it immediately.
- f. Vehicles displaying advertising or a company logo without approval of the Council will be in contravention of the conditions attached to the vehicle licence and may be liable to suspension until such time as the material has been removed from the vehicle.
- g. All advertising must comply with the British Codes of Advertising and Sales Promotion and is the responsibility of the agency or individual seeking the Licensing Authority's approval to ensure that they do so.
- h. Any advertisement approved shall be placed on the back passenger doors only, below the windows.
All "identification signs" displaying the company details (see point I below), must be displayed on the front door of the vehicle only, below the window and must not obscure the sign displaying the licence number of the vehicle. Any company logo, advertising the Operator's or Proprietor's own taxi or private hire business, which has been approved in accordance with condition 33 (d) above, may be displayed on the front bonnet, rear of the vehicle and/or on the back passenger doors only.

- i. Materials used for advertisements or company logos must be of a quality not easily defaced or detached. No paper-based materials or water soluble adhesive paste shall be used. Advertisements must be affixed directly to the exterior rear door panels of the vehicle or initially attached to an approved magnetic panel which is then attached to the vehicle.
- j. Reflective material is not to be used for advertising purposes or displaying company logos.
- k. Each proposal will be considered on its merits but the following advertisements or company logos will not be approved:
 - * those with political, racial, religious, sexual or controversial texts;
 - * those for escort agencies, gaming establishments or massage parlours;
 - * those displaying nude or semi-nude figures;
 - * those likely to offend public taste (depicting violence, obscene or distasteful language)
 - * those which have any reference to alcohol, tobacco/cigarettes and drugs;
 - * those promoting discounted fares;
 - * those advertising jobs;
 - * those which detract from the integrity and/or identity of the vehicle;
 - * those which seek to advertise more than one company/service or product.
- L. Identification signs – signs stating the company name and telephone number must be securely fixed adjacent to the door stickers displaying the licence number of the vehicle and must obtain provisional and final approval.
- M. Advertising or displaying company logos on the underside of flip down seats is allowed provided any application received complies with the above guidelines.

Advertising or displaying company logos within or on the rear of the headrests is allowed provided any application received complies with the above guidelines.



Equality Act 2010 Taxi Driver Duties Section 165 and 168

Section 165 – Passengers in Wheelchairs

Section 165 of the Equality Act 2010 places specific 'duties' on the driver of a "designated vehicle" i.e. hackney carriage and private hire vehicles that are wheelchair accessible. These duties are:

- **to carry the passenger in the wheelchair;**
- **not to make any additional charge for doing so;**
- **if the passenger chooses to sit in a passenger seat, to carry the wheelchair;**
- **to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort;**
- **to give the passenger such mobility assistance as is reasonably required:**
 - **to enable the passenger to get into or out of the vehicle;**
 - **if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;**
 - **to load the passenger's luggage into or out of the vehicle;**
 - **if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.**

The Department for Transport has issued statutory guidance which the Licensing Authority must take account of. This is available at

www.gov.uk/government/publications/access-for-wheelchair-users-to-taxis-and-private-hire-vehicles

Section 168 – Assistance dogs in Taxis

Section 168 of the Equality Act 2010 imposes duties on the driver of a taxi which has been hired-

- a) by or for a disabled person who is accompanied by an assistance dog, or
- b) by another person who wishes to be accompanied by a disabled person with an assistance dog.

The driver must:

- a) carry the disabled person's dog and allow it to remain with that person;
- b) not make any additional charge for doing so.**

Exemptions

The duties outlined above do not apply to drivers who hold a valid exemption. An exemption can be issued by the Licensing Authority if you have a medical condition, disability or physical condition which makes it impossible or unreasonably difficult for you to undertake the duties.

If you feel that you require an exemption from these duties, you can complete an application form available via the following link

www.swansea.gov.uk/equalityactfortaxis

and submit it to the Licensing Authority; your G.P or a G.P who has had access to your full medical records, is required to complete a section of the form outlining the reasons why such an exemption is necessary.

All applications for an exemption certificate will be determined by the General Licensing Committee.

If an exemption is granted, the driver will be issued with a notice to that effect, which shall be displayed on the nearside of the vehicle, immediately behind the front windscreen. The notice shall only be displayed when the driver specified on the notice is driving the vehicle i.e. the driver must remove the notice from the vehicle.

Taxi Licensing Fees

Fees from 04 August 2017

New Applications Driver

Driver Grant 1 year (including restricted Driver)	£124.00
Driver Grant 3 year (including restricted Driver)	£236.00
Knowledge Test (per attempt)	£29.00
Disclosure and Barring Service (DBS)	£40.00

Driver Renewals

Driver Renewal 1 year (including Restricted Driver)	£81.00
Driver Renewal 3 year (including Restricted Driver)	£191.00
Disclosure and Barring Service (DBS)	£40.00

Hackney Carriage Vehicles

	£
New Vehicle Application	£375.00
Renewal	£305.00
Substitution	£165.00

Private & Restricted Private Hire Vehicle

	£
New Vehicle Application	£290.00
Renewal	£235.00
Substitution	£142.00

Private & Restricted Operator Licences

	£
1 year Grant	£350.00
5 year Grant	£1,410.00
1 year Renewal	£300.00
5 year Renewal	£1,355.00

General Vehicle Charges

	£
Spare Car Test Fee	£50.00

(last updated August 2017)

City and County of Swansea
Dinas A Sir Abertawe

Hackney Carriage Rank Locations

St. Mary's Square, City Centre	13 spaces	24 hours
Kingsway, City Centre	15 spaces	24 hours
off Wellington Street, City Centre	4 Spaces	24 hours
Clase Road, Morriston	3 Spaces	24 hours
High Street Station, City Centre	15 spaces + 9 spaces feeder rank	24 hours
Portland Street, City Centre	4 Spaces	Operational from 06:00hrs to 18:00hrs 18:00hrs to 06:00hrs becomes a night time pick up and drop off point
Caer Street, Opposite Yates Wine Lodge, City Centre	8 Spaces	Operational from 18:00hrs to 06:00hrs
McDonalds Kingsway, City Centre	8 Spaces	Operational from 23:00hrs to 06:00hrs
Kingsway opposite Hanbury public house, City Centre	8 Spaces	Operational from 23:00hrs to 06:00hrs
Newton Street, City Centre	9 Spaces	Operational from 18:00hrs to 06:00hrs
High Street, Outside Grovesnor Casino, City Centre	4 Spaces	Operational from 23:00hrs to 06:00hrs
Castle Street, City Centre	3 Spaces	Operational from 19:00hrs to 06:00hrs
College Street, City Centre	8 Spaces	Operational from 23:00hrs to 06:00hrs
Uplands Crescent outside Sainsbury's	9 Spaces	Operational from 19:00hrs to 07:00hrs
Uplands Crescent Adjacent to Uplands Tavern	2 Spaces	Operational from 18.00hrs to 08:00hrs
Belle Vue Way Rank Belle Vue Way, outside The Dragon Hotel, City Centre	7 spaces	Operational from 18:00hrs to – 08:00hrs
Newton Road Rank, Newton Road, Mumbles	4 spaces	Operational from 23:00 hrs -06.00hrs

Northampton Lane Rank, Northampton Lane, adjacent to NCP car park, City Centre	6 spaces	Operational from Three spaces - 24 hours Three spaces – 18:00hrs to 08:00hrs
Oxford Street, Oxford Street, outside Picton Arcade, City Centre	21 spaces	Operational from 18:00hrs to 06.00hrs
Plymouth Street Rank, Plymouth Street, City Centre	5 spaces	Operational from 18:00hrs to 06.00hrs
Morrison (Woodfield Street) Rank, Woodfield Street, Morrison	2 spaces	24hrs
York Street Rank, York Street, City Centre	13 spaces	First and last three spaces - 6.00pm-6.00am Middle seven spaces - 24 hours

What are the signs?

Children and young people who are the victims of sexual exploitation often do not recognise they are being exploited. However, there are signs that a young person may be being groomed or abused.

These might include:

- being taken into a hotel room by adults who do not seem to be family members
- being in a hotel room which is visited by a number of additional adults
- going by taxi to a hotel or other venue to meet a group of adults who do not seem to be family members
- being out late with older adults who do not seem to be family members
- being bought alcoholic drinks by adults although the young person is intoxicated
- being bought food/drinks by a much older adult they treat as a boyfriend / girlfriend
- indications of sexual activity with adults significantly older than the young person
- indications of sexual activity with a young person you know or suspect to be under 16

What can I do?

In your work you may see or suspect child sexual exploitation. Talk to your manager, staff and colleagues about what you can do to protect children from being at risk where you work, and how you could act if you did suspect abuse.

You can ask your local council for guidance on what to do and who to contact about concerns.

If you do suspect sexual exploitation, you can help protect young people by:

- contacting the police on 999 if a young person may be in immediate danger
- raising your concerns immediately with your manager or senior staff
- letting customers know that your company will not tolerate child sexual exploitation
- letting young people know how to get help, for example by putting up information about children's helplines or local services
- telling the police and your local council about your concerns.

Os ydych chi'n poeni bod plentyn mewn perygl o ddioddef camfanteisio rhywiol, efallai y byddwch chi eisiau cysylltu ag un o'n prosiectau camfanteisio rhywiol arbenigol i gael cyngor: www.barnardos.org.uk/specialist_sexual_exploitation_projects

Os yw'r plentyn mewn perygl uniongyrchol, ffoniwch 999 neu cysylltwch â'r heddlu lleol.

If you are concerned that a child is at risk of sexual exploitation, you may want to contact one of our specialist sexual exploitation projects for advice: www.barnardos.org.uk/specialist_sexual_exploitation_projects

If a child is in immediate danger, call 999 or contact the local police.

Mae Barnardo's wedi lansio ymgyrch o'r enw Torri'n Rhydd i leihau nifer y plant sy'n dioddef erchylltra camfanteisio rhywiol yn y DU.

Gallwch gael rhagor o wybodaeth a dangos eich cefnogaeth yn: www.barnardos.org.uk/cutthemfree

Barnardo's has launched its Cut them free campaign to reduce the number of children experiencing the horror of sexual exploitation in the UK.

You can find out more and show your support at: www.barnardos.org.uk/cutthemfree

Credwch mewn plant Believe in children



Barnardo's
Cymru

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Ydych chi'n gweithio yn y sector gwasanaethu? Do you work in the service sector?

Credwch mewn plant Believe in children



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Helpwch i dorri plant a phobl ifanc yn rhydd o gamfanteisio rhywiol
Help cut children and young people free from sexual exploitation



Mae camfanteisio rhywiol yn effeithio ar filoedd o blant a phobl ifanc ar draws y DU bob blwyddyn. Mae camfanteisio rhywiol yn digwydd yn breifat gan amlaf, ond gellir defnyddio llyfyrdd cyhoeddus fel caffis, gwestai, bariau, parciau neu dacsis i gyfarfod, paratoi a cham-drin plant. Os ydych chi'n amau bod rhywun yn camfanteisio ar blentyn, gallwch gymryd camau i'w torri'n rhydd rhag y math erchyll hwn o gam-drin.

Beth yw camfanteisio'n rhywiol ar blant?

Ffurf o gam-drin rhywiol yw camfanteisio rhywiol, ble mae pobl ifanc hyd at 18 oed yn cael eu dylanwadu neu eu gorfodi i gymryd rhan mewn gweithgarwch rhywiol. Efallai fod y person ifanc yn meddwl bod y sawl sy'n eu cam-drin yn ffrind iddynt, neu hyd yn oed yn gariad iddynt. Ond bydd y sawl sy'n cam-drin yn rheoli ac yn dylanwadu ar y person ifanc i wneud iddynt wneud pethau nad ydynt eisiau eu gwneud.

Ar bwy mae hyn yn effeithio?

Gall y math hwn o gam-drin effeithio ar bobl o unrhyw gefndir. Mae bechgyn a dynion ifanc yn cael eu cam-drin yn ogystal â merched a menywod ifanc. Does dim bai ar y dioddefwyr.

Sut mae'n digwydd?

Mae nifer o ddioddefwyr yn cael eu 'paratoi' gan oedolyn sy'n cam-drin a fydd wedi llunio cyfeillgarwch gyda'r person ifanc a gwneud iddynt deimlo'n arbennig. Felly mae gan y sawl sy'n cam-drin bŵer dros y person ifanc ac mae'n gallu eu rheoli. Caiff pobl ifanc gael eu targedu ar-lein neu'n bersonol. Gall rhai sefyllfaoedd olygu bod pobl ifanc yn fwy agored i ddioddef camfanteisio rhywiol. Gall digwyddiadau mawr ym maes diwylliant a chwaraeon (fel y Gemau Olympaidd) arwain at risgiau penodol i bobl ifanc agored i niwed, ond mae bob amser yn bwysig bod yn effro i gamfanteisio'n rhywiol ar blant.

Beth yw'r arwyddion?

Yn aml ni fydd plant a phobl ifanc sy'n dioddef camfanteisio rhywiol yn sylweddoli bod pobl yn camfanteisio arny'n nhw. Fodd bynnag, mae arwyddion bod person ifanc yn cael eu paratoi neu eu cam-drin o bosib. Gallai'r rhain gynnwys:

- oedolion nad ydynt yn ymddangos eu bod yn aelodau o'r teulu yn mynd â nhw i ystafelloedd mewn gwestai
- bod mewn ystafell mewn gwesty lle mae nifer o oedolion eraill yn galw heibio-
- mynd mewn tacs i westy neu leoliad arall i gyfarfod grŵp o oedolion nad ydynt yn ymddangos eu bod yn aelodau o'r teulu
- bod allan yn hwyr gydag oedolion hŷn nad ydynt yn ymddangos eu bod yn aelodau o'r teulu
- oedolion yn prynu diodydd meddwol iddynt er bod y person ifanc yn feddw
- oedolyn llawer hŷn yn prynu bwyd/diodydd iddynt a hwythau'n trin yr oedolyn fel cariad
- arwyddion o weithgarwch rhywiol gydag oedolion sydd gryn dipyn yn hŷn na'r person ifanc
- arwyddion o weithgarwch rhywiol gyda pherson ifanc yr ydych yn gwybod eu bod o dan 16

Beth alla' i ei wneud?

Efallai y byddwch chi'n gweld neu'n amau bod rhywun yn camfanteisio'n rhywiol ar blentyn yn eich gwaith chi. Siaradwch â'ch rheolwr, staff a chydweithwyr am yr hyn y gallwch ei wneud i amddiffyn plant rhag risg ble rydych chi'n gweithio, a beth allech chi ei wneud petaech chi'n amau bod plentyn yn cael ei gam-drin.

Gallwch ofyn i'ch cyngor lleol am arweiniad ynghylch beth i'w wneud a phwy y dylech gysylltu â nhw ynghylch eich pryderon.

Os ydych chi'n amau bod rhywun yn dioddef camfanteisio rhywiol, gallwch helpu i amddiffyn pobl ifanc drwy:

- ffonio'r heddlu ar 999 os yw person ifanc, o bosib, mewn perygl uniongyrchol
- lleisio eich pryderon ar unwaith gyda'ch rheolwr neu uwch staff
- gan roi gwybod i gwsmeriaid na fydd eich cwmni'n goddef camfanteisio'n rhywiol ar blant
- rhoi gwybod i bobl ifanc sut i gael help, er enghraifft, drwy arddangos gwybodaeth am linellau cymorth i blant neu wasanaethau lleol
- rhoi gwybod i'r heddlu a'ch cyngor lleol am eich pryderon.



Sexual exploitation affects thousands of children and young people across the UK every year. Most sexual exploitation takes place in private, but public places such as cafes, hotels, bars, parks or taxis can be used to meet, groom and abuse children. If you suspect exploitation you can take steps to help cut children free from this horrific abuse.

What is child sexual exploitation?

Sexual exploitation is a form of sexual abuse, in which young people up to 18 years old are manipulated, or forced into taking part in sexual activity. The young person may think that their abuser is their friend, or even a boyfriend or girlfriend. But the abuser will control and manipulate the young person to make them do things they don't want to do.

Who does it affect?

This abuse can affect young people from any background. Boys and young men are abused as well as girls and young women. The victims of abuse are not at fault.

How does it happen?

Many victims are 'groomed' by an abusing adult who befriends the young person and makes them feel special. The abuser then has some power over the young person so they can control them. Young people are targeted online or in person. Some situations can make young people more vulnerable to sexual exploitation. Major cultural or sporting events (such as the Olympics) may create particular risks for vulnerable young people, although it is always important to be alert to child sexual exploitation.