

Agenda



Licensing Committee

Date: Tuesday, 5 September 2017

Time: 4.00 pm

Venue: Council Chambers - Civic Centre

To: D Davies (Chair), H Thomas (Deputy Chair), C Jenkins, M Rahman, M Cornelious, T Holyoake, G Berry, J Watkins, V Dudley and J Cleverly

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Item		Wards Affected
1	<u>Apologies for Absence</u>	
2	<u>Declarations of Interest</u>	
3	<u>Licensing Committee Code of Practice (Pages 3 - 30)</u>	
4	<u>Revised Hackney Carriage & Private Hire Licensing Conditions and Policies (Pages 31 - 78)</u>	All Wards

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LICENSING COMMITTEE

CODE OF PRACTICE

May 2012

(Updated 25 August 2015)

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1.0 Introduction

1.1 Code of Practice

- (a) This code of practice is intended to guide the procedures by which councillors (Members) and officers deal with licensing matters, and to give guidance in relation to standards of probity and conduct.
- (b) Members must follow the Codes and Protocols in the Constitution of Newport City Council which cover such matters as declarations of interests, gifts and hospitality and the Protocol for Member/Officer relations. When dealing with licensing matters they must also act in accordance with this Licensing Code of Practice.
- (c) A breach of these codes whilst not usually amounting to a breach of criminal law, may adversely affect the standing of the Council. It could result in a decision being judicially reviewed or in a complaint of maladministration, being made to the Local Government Ombudsman. A breach of the Members' Code of Conduct can result in a complaint against a Member personally.
- (d) If Members or Officers are in doubt about the application of the codes they should seek advice from the Council's Monitoring Officer.

1.2 Licensing Committee, Panels and Sub-committees

The Licensing Committee operates in three ways. The Scheme of Delegation provides detailed information but the following summarises the position

(a) Licensing Committee

There are 11 Members on the Licensing Committee, appointed in political groups in proportion to the total number of seats they hold on the Council. The maximum number allowed for in the Council's constitution is 12. Members of the Committee are appointed at the Council's Annual General Meeting. Three Members of the Committee constitute a Quorum.

The full committee will meet to consider:

- Any policy matters relating to the functions of the Committee, often for recommendation to the Council or the Executive.
- The setting of taxi fees

(b) Licensing Panels

The Council concluded that to allow a quicker, consistent approach to consideration of taxi driver and street licensing applications, they would be considered by way of a Panel of Members of the Committee.

Two panels of six members are established for this purpose. Each Panel is established in proportion to the full committee and the quorum is three. Should it become apparent that a panel hearing will not be quorate another member of the Licensing Committee would be allowed to attend? The Chairperson will be elected on the day by the members present.

The Panel will determine the fitness of Hackney Carriage and Private Hire Vehicles/Drivers on the occasion when the Head of Service can for any reason not determine if a vehicle or driver is "fit and proper" or for any reason the case may fall outside the taxi licensing policy. The Panel will also consider street licensing applications in line with the scheme of delegation.

A consultative group, consisting of four members of the Licensing Committee meets regularly with representatives of the Newport taxi trade on matters associated with hackney carriage and private hire licensing.

(c) Licensing Sub-committee

The Licensing Sub-committee comprises all members of the committee, other than those who have an interest or who is the ward member for the ward in which premises under consideration is located. The quorum is three.

Only when representations are made to the Licensing Authority is the Sub-committee asked to make a determination. The Sub-committee determines applications for

- Reviews of Premises Licenses and Club Premises Certificates
- Premises Licenses,
- Personal Licenses,
- Designated Premises Supervisors, Club Premises
- Temporary Events Notices

Where objections are raised in respect of applications under the Lotteries and Amusements Act 1976 and House to House / Street Collections the Licensing Sub-committee would consider the application.

2.0 General Roles, Responsibilities and Conduct

Members and officers have different, but complimentary roles in the licensing process. Members of the Licensing Committee whilst undertaking licensing functions have different roles to those of other councillors.

Councillors serving on the committee, panel or sub - committee will determine applications in line with the Scheme of Delegation. Other decisions will be taken by the Head of Service.

The role of the Elected Member as part of the Licensing Committee will involve balancing the multiple needs and interests of the local community whilst promoting the four Licensing Objectives set out in the Licensing Act 2003, namely:

- (i) The prevention of crime and disorder
- (ii) Public Safety
- (iii) Prevention of public nuisance, and
- (iv) The protection of children from harm

In doing so, the Elected Member must maintain his/her impartiality and, as public perception of probity is critical, his/her appearance of impartiality too, during the decision making process.

In taking decisions, members of the Committee, Panel or Sub-committee need to

- Exercise personal responsibility in deciding whether to declare any personal interest as defined in the Council's Code of Conduct in relation to any application that is before the Committee, Panel or Sub-committee for determination, and withdraw, if so required by the Code. If in doubt, Members shall consult and seek guidance from the Monitoring Officer in advance of the meeting.
- Act fairly and openly.
- Carefully weigh up all relevant issues before making a decision
- Make decisions purely on relevant licensing considerations in the public interest and not favour, or appear to favour, any person, company, group or locality.
- Have reasons and justification for their position and resolutions

Members will need to be aware of the requirements of the Code of Conduct and Rules of Natural Justice and the Human Rights Act.

3.0 Conduct and Procedure of Licensing Committee Meetings

3.1 Conduct

The chairperson of the Licensing Committee is responsible for the conduct of the meeting in accordance with the Rules of Procedure (Part 4 of the Constitution) and for the effective delivery of business in a professional, courteous and transparent manner.

The Committee is subject to the Rules of Procedure set out in the Council's Constitution, to Code of Conduct Requirements and to the Council's Standing Orders.

Members of the public are allowed to attend the meeting all items other than those identified as exempt or confidential, based on the Access to Information regulations.

3.2 Procedure

The deliberations of the Committee will be confined to matters included on the published agenda and any urgent items that have been accepted by the chairperson in accordance with the Local Government Act 1972. The order of business will generally be in accordance with the agenda but the items of business may be amended by agreement with the Committee. Any amendment in the order of business should be recorded in the minutes or decision schedule.

The chairperson will ensure that meetings of the Licensing Committee are conducted in accordance with the Council's Rules of Procedure.

If urgent matters are considered, the reason for urgency must be explained and recorded in the minutes or in the record of decisions.

3.3 Webcasting/Broadcasting of Minutes

The Council has agreed that certain meetings of the Licensing Committee may be the subject of live web transmission (`webcasting`) or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber for this purpose.

The Council will ensure that in doing so it is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998.

The Notice on the agenda and the Chair at the meeting will make it clear that whilst generally the public seating areas are not filmed; by entering the room and using the public seating area, members of the public are consenting to being filmed and to the possible use of those images and sound recordings for webcasting and/or training purposes. The process for prospective public speakers will be explained to them.

4.0 Conduct and Procedure of Licensing Panels

4.1 Membership and Appointment of Chairperson

Two panels of six members are established for this purpose. Each Panel is established in proportion to the full committee and the quorum is three. The Chair will be elected on the day by a simple majority vote.

4.2 Attendances and withdrawals

Any elected members who arrive after the consideration of any application has commenced should withdraw and take no part in the consideration of that specific application.

Any member who leaves the meeting at any point during consideration of any application should withdraw and take no part in the consideration of that specific application.

4.3 Procedure

Applications will be considered in the following structure:

- (a) First there will be a presentation about the application / report by a Licensing Officer alongside officer recommendations.
- (b) The Chair will invite the Applicant(s)/person(s) called to attend or their representative to speak about their application/the matter under consideration if they so wish.
- (c) The Chair will then provide an opportunity for members of the Panel to comment or ask questions of the Applicant/person(s) called to attend Licensing Officer or Legal Officer or of any other officer in attendance.
- (d) Questions must be relevant to the application being considered by the Panel
- (e) When the Chair considers all members and the applicant(s)/person(s) called to attend have had an opportunity to contribute he or she will ask the applicant to leave whilst the Panel retires to deliberate.
- (f) When the Panel retires, the Legal Officer(s) will remain in order to provide legal advice as and when required and to ensure that the decision schedule reflects the decision taken and the reasons for the decision. The democratic administrator will assist the Panel by recording a written note of the debate and of the vote taken.
- (g) Other officers or the applicant(s)/person(s) called to attend may be called to provide points of explanation if so required and the full meeting would reconvene for such purposes.
- (h) When the Panel, in retirement, has completed its deliberations, the Chair will ask for a motion to be moved, seconded and a vote taken.
- (i) The matter under consideration will be determined by a simple majority vote by a show of hands. All members of the Panel, including the Chair, should cast a vote either in favour or against the motion before the Panel. As all members of the Panel are performing a quasi - judicial role, then it would not generally be appropriate for members to abstain.
- (j) If an equal number of votes for and against are recorded, the Chair will have a second or casting vote. The Chair can only use a second or casting vote if he or she has participated in the original vote. In the event of there being no clear majority and if the Chair is not in a

position to use a casting vote then the matter must be reconsidered until a majority vote is taken. If no majority vote occurs then the matter has to be re-listed for consideration before an entirely fresh panel.

- (k) Following the vote, the matter is resolved. There must be no further discussion on the matter.
- (l) The applicant(s) person(s) called to attend and all other parties attending will be invited back and the meeting reconvened. The applicant(s)/persons called to attend will be informed of the decision and the reasons for the decision which has been taken. The applicant(s)/person(s) called to attend will be informed that the reasons for the decision will be forwarded to him or her in writing and will also be informed of the right of appeal.
- (m) The Senior Democratic Services Officer will provide a record of the decision and the reasons for the decision.
- (n) The Licensing Officer shall write to the applicant(s)/person(s) called to attend informing him, her or them of the decision and of the reason for the decision. The letter will also refer to the right of appeal.

5.0 Conduct and Procedure of Licensing Sub-committee

5.1 Membership and appointment of Chair

- (a) The Licensing Sub-committee comprises all members of the committee, other than those who have an interest or who is the ward member for the ward in which premises under consideration is located. The quorum is three. The Chair will be elected on the day by a simple majority vote.
- (b) For example, if they live in the vicinity of the licensed premises, or have a friendship or a close personal association with either the applicant or any objector this would disqualify the Member from considering the matter.
- (c) Members of the Licensing Sub-Committees should inform the Senior Democratic Services Officer immediately if they consider that they are disqualified from considering any application, if members of the Licensing Sub-Committee become aware of any personal interest in any application before them they should declare the interest at the beginning of the meeting and withdraw immediately.

5.2 Ward Councillors

- (a) Ward Councillors are no longer expressly permitted to make representation in their capacity as Ward Councillors, though they are entitled to make representations as individuals falling within the category of “any other person”, if they are likely to be affected by an application.(for example if they live in close proximity to the licensed premises). However, Councillors must comply at all times with the Members Code of Conduct (“the Code”). Ward Councillors should avoid discussing the application with any of the Licensing sub-committee beforehand to avoid any suspicion of undue influence or breach of the general obligation in the Code not to improperly use their position as a Councillor to secure any advantage.
- (b) If a Ward Councillor has a personal interest in an application (for example, because he/she lives in close proximity to the premises), then this is also likely to be a “prejudicial” interest under the Code. However, provided that the Member declares the interest and withdraws from the hearing after making representations, then he/she is entitled under paragraph 14(2) of the Code to appear at the hearing in the same way as any other member of the public who is any other person having made a relevant representation within the meaning of the Act (“any other person”). This also applies whether or not the Councillor is a Member of the Licensing Committee. However, because of this “personal and prejudicial” interest the Ward Councillor cannot have any other involvement with officers or members regarding the application.
- (c) Ward Councillors who are not members of Licensing Committee may also act as the appointed representatives for any other person at the hearing, if requested to do so, but they should avoid discussing the application with any of the Licensing Sub-Committee beforehand. However, if representing any other person, that other person must have objected on their own behalf before a Ward Member can be requested to act as their representative at the hearing.
- (d) Ward Councillors who are members of Licensing Committee should not appear as the appointed representatives for any other person at the hearing because of the requirements of natural justice and the need to avoid giving any impression of undue influence or breach of the general obligation in the Code not to improperly use their position as a Councillor to secure any advantage.

5.3 Lobbying

- (a) Other Members must not lobby any Member of the Licensing Sub-committee, directly or indirectly, about any application before them.
- (b) Members of the public or any of the parties must not lobby any members of the Licensing Sub-Committee about any application before them. If any of the members of the Licensing Sub-committee are approached by any person about a licensing matter, they should explain that they cannot discuss the matter and refer the person to the Licensing Officer. Any written representations received by individual members of the Licensing Sub-Committee must be passed to the Licensing Officer and reported at the hearing.

5.4 Chair of the Licensing Sub-Committee

The Chair-of the Licensing Sub-Committee is to be elected by Members on the day by simple majority vote.

5.5 Quorum

- (a) Although the Act allows for the hearing to continue with two members present, the Council's Constitution and the Statement of Licensing Policy provides that three Councillors shall constitute a quorum for any meeting and it is good administrative practice for three members to be present.

If the meeting becomes inquorate at any time, the matter will need to be adjourned or referred to full Licensing Committee.

- (b) Membership may change during the course of a Sub-Committee meeting if an individual member is only disqualified from considering some but not all of the applications on the agenda. However, all members considering an application must be present throughout the individual hearing. If, for any reason, a member needs to withdraw during the hearing, the proceedings should be temporarily adjourned until the member returns. The meeting will only commence if quorate. If a member arrives late and after the hearing commences, he or she will be disqualified from hearing the specific case under consideration but can hear other cases set out in the agenda.

5.6 Statutory Guidance

- (a) The Licensing Act 2003 (Hearings) Regulations 2005 SI 44/2005 and the The Licensing Act 2003 (Hearings) (Amendment) Regulations 2004 SI 78/2005 ("the Regulations") made under Section 183 of the Act set out the statutory framework for the Licensing Sub-Committee hearings.
- (b) These Regulations make provision for the holding of hearings required to be held by the Council as Licensing Authority, under the Licensing Act 2003. In particular, the Regulations provide for the timing of the hearings and the notification requirements regarding the date, time and date of the hearings and information to be given to the parties. In addition, provision is made for a party to a hearing to provide information to the Licensing Committee about attendance at a hearing, representations, the seeking of permission for another person to attend to assist and whether a party believes that a hearing is necessary.
- (c) The Regulations provide for a range of procedural issues to govern the way in which preparations are made for a hearing, the procedures to be followed, the rights of parties at the hearing, the keeping of records and the manner of giving notices. The regulations also make provision for the timing of the Licensing committee's determination following a hearing.

- (d) Insofar as the Regulations do not make specific provision for procedures for and at hearings, the Licensing Authority can determine its own procedures.

5.7 Notice of Hearings

- (a) The provisions of the Local Government Act 1972 requiring at least 2 three clear working Days' notice of Council and Committee meetings do not apply to hearings conducted under the Licensing Act 2003.
- (b) Instead Regulation 6 of the Regulations prescribes the period of notice to be given for a Licensing Committee hearing, depending upon the type of application being considered.
- (c) At least 2 clear working days' notice must be given if the hearing is to consider
- the cancellation of an interim authority notice following a police objection
 - counter notice following a police objection to a temporary event notice
- (d) At least 5 clear working days' notice must be given if the hearing is to consider
- review of premises licence following closure order
 - determination of application for conversion of existing licence
 - determination of application for conversion of existing club certificate
 - determination of application by holder of justices' licence for the grant of a personal licence
- (e) In all other cases, at least 10 clear working day's notice of the hearing must be given.

5.8 Timescale for arranging hearings

- (a) Regulations 4 and 5 and Schedule1 set out the time periods within which the Council is required to arrange hearings. Where a hearing cannot be conclude in one day and has to be held on more than one day, the Regulations require that the hearing must be arranged to take place on consecutive working days.
- (b) The time frame for arranging hearings again depends on the nature of the application and varies from 20 working days from the last date when representation may be made or notice may be received from the Police to 5 working days in the case of cancellation of an interim authority notice following a police objection.

5.9 Form of Notice

- (a) Regulation 34 requires that notice of the hearing shall be in writing but otherwise it is a matter for the Council to determine how the notice should be given. The Regulations specifically provide that notice can be given electronically (eg by E-Mail or facsimile transmission) provided that the recipient agrees to this method of notice beforehand and a hard copy of the notice is also despatched at the same time. The notice is then deemed to have been properly served at the time of the electronic transmission. Any notice served by first class post would generally be deemed to have been served within 2 working days in the case of first class post.
- (b) It is recommended that all notices and information should be sent to the parties by first class post. In the case of emergency applications that have to be dealt with at short notice or where the parties specifically request, copies will also be sent by E-Mail or fax, where these details are known.

5.10 Information to be provided

- (a) Regulation 7 provides that the following information must be sent out with the notice of hearing.
- The rights of attendance, assistance and representation
 - The consequences if a party does not attend or is not represented at the hearing (which will usually be that the hearing will proceed in the party's absence)

- The procedure to be followed at the hearing
 - Any particular points on which the Licensing Committee considers that it wants clarification from any party at the hearing
- (b) Regulation 7(2) also provides that, in relation to the hearings listed in column 1 of Schedule 3 of the Regulations, certain specified documents must be sent with the notice of hearing to the persons identified. For most types of application, this means that copies of the relevant representations or notices given must be sent to the applicants or licence holders.
- (c) The Regulations require that the notice of the hearing and supporting information must be sent to the parties to the hearing ie the applicant and any persons making relevant representations. There is no requirement for public notice to be given of the hearing or for the supporting information to be made available to the press and public or any other members of the Council. However, the Council has a discretion as to whether or not to publicise the hearing more widely.
- (d) Having regard to the principles of open government, the Constitutional requirements that decisions are taken in a transparent and accountable manner and the requirements of Regulation 14(1) that hearings are generally conducted in public, it is recommended that the Licensing Sub-committees follow the same publicity arrangements as with other Committee meetings.

5.11 Requirements for Applicants and any other persons

- (a) Upon receipt of the notice of the meeting, the Applicant and any other person must inform the Council in writing.
- Whether they intend to attend or be represented at the hearing
 - Whether they consider a hearing to be unnecessary
 - Requests for any other people to attend the hearing eg witnesses (including their names and a brief description of the evidence that they can give and its relevance to the application)
- (b) In the case of emergency applications, such as the cancellation of an interim authority notice following representations by the police or a counter notice following a police objection to a temporary events notice, this information must be provided not later than 1 working day before the hearing. In the case of the review of premises licences following closure orders, an application for conversion of existing licences or club certificates and the grant of personal licences, the information must be provided at least 2 working days before the hearing. In all other cases the information must be provided at least 5 working days before the hearing.
- (c) It is recommended that a separate letter be sent to the Applicant and any other person at the same time as the agenda for the meeting, reminding them of the need for this information and asking them for a response as soon as possible before the meeting. If the Licensing Sub-committee is informed in good time before the meeting that the parties do not wish to attend, then it may be possible to reschedule other business or applications for that meeting.
- (d) Regulation 9 allows the Council to dispense with the need for a hearing if the Applicant and all the other persons agree. If all the parties respond to the request for information stating that they consider a hearing to be unnecessary, the hearing can be vacated and notice given to the parties accordingly. A determination must then be made within 10 working days of the notice.
- (e) Regulation 10 provides that any party may withdraw their representations by giving written notice at least 24 hours before the hearing or orally at the hearing itself. There are no powers to avoid wasted costs in favour of either party in the event of an abortive hearing due to late withdrawal of representations. However, the parties should be encouraged to give as much notice as possible if they intend to withdraw their representations to avoid the unnecessary time and expense of arranging a hearing.

- (f) Where all objections are withdrawn and/or all the parties agree that a hearing may be dispensed with, the applications may be determined by officers under delegated powers.

5.12 Extensions of Time and adjournments (Regulations 11-13)

The Licensing Sub-Committee have a general discretion to extend the time limits contained in the Regulations or adjourn hearings if this is considered to be necessary in the public interest. Proper notice would have to be given of any extension of time or adjournment. However, time cannot be extended or hearings adjourned if this would result in a failure to comply with the timescales set out in the Act.

5.13 The Hearing

(a) Exclusions

Regulation 14 provides that all hearings must be held in public. However, the Licensing Sub-Committee may exclude the press and public (including the parties and their representatives) from all or part of the hearing if they consider that the public interest in doing so outweighs the public interest in the hearing, or that part of the hearing, taking place in public.

- (b) The Access to Information provisions of Schedule 12A of the Local Government Act 1972 do not apply to hearings before the Licensing Sub-Committee. The test for exclusion of the press and public is not whether there is “exempt information” (as defined in Schedule 12A) which is likely to be disclosed, but whether it is in the “public interest” that the hearing (or part of the hearing) should be in private.

- (c) It is recommended that, as a general rule, all representations from the parties should be heard in public unless there are exceptional circumstances. The overriding public interest dictates that hearings should be conducted in a fair, open and transparent manner and justice should be seen to be done. The Council’s constitution is also based on democratic open government, accountability and public access to meetings. The parties should be given the opportunity at the beginning of the hearing to make an application for a private hearing, but they would have to establish a clear reason why this should override the public interest in an open hearing. The fact that personal information or information relating to financial, business or commercial interests would be disclosed would not, of itself, justify exclusion. An application for exclusion of the press and public could be made, for example, where sensitive information relating to individual children could be disclosed in relation to a policy issue involving the protection of children from harm, or where there are criminal justice implications involving representations made by the police. The final decision as to whether the press and public should be excluded for all or part of the hearing on public policy grounds is a matter for the Licensing Sub-Committee.

- (d) However, it is recommended that, as a general rule, the press, public and the parties are all excluded from the meeting while the Licensing-Sub-committee deliberate and come to their decision on the grounds that this private debate is considered to be in the “public interest”. Everyone should then be asked to withdraw from the room, except for the Licensing Officer, the Democratic Services Officer and the Head of Law and Standards or his nominated representative. These three officers shall be entitled to remain, but only for the purpose of offering advice as to procedure or any particular point of law and to record decisions. They must not participate in the decision-making by the Licensing Sub-Committee. Where it is more convenient, the Licensing Sub-Committee may withdraw to a private room rather than require everyone else to withdraw from the meeting room.

- (e) If there are any further points of clarification required, then all of the parties and the public should be allowed back into the meeting while these points of clarification are addressed.

- (f) Regulation 25 permits the Licensing Sub-Committee to exclude any person from the hearing if they are behaving in a disruptive manner, either permanently or temporarily (permitting them to return only if they comply with such conditions as may be specified). If one of the parties is excluded on these grounds and not permitted to return, they are entitled to submit to the Licensing Sub-Committee in writing any information which they would have been entitled to give orally had they not been excluded from the meeting.
- (g) Representations
Any person or responsible authority may make written representations about an application for a premises licence or certificate within a specified period, which is generally 28 working days of the receipt of the application. Representations or requests for review will only be relevant if they relate to the four licensing objectives. The applicant will be provided with copies of all relevant representations received at the same time as the notice of hearing. The written representations will also be referred to as background papers to the Report of the Licensing Officer, which will be circulated to Members of the Licensing Sub-Committee and made available to the press and public as soon as possible and, in any event, at least 2 clear working days before the hearing.
- (h) Therefore, advice should be given that, if any person responds to any notice or advertisement, their letter of objection or support will be made available to the public, including personal data (such as names and addresses) in accordance with the Data Protection Act 1988. If any person objects to their name and address, or any other personal information, being made public, then their representations will need to be redacted or anonymised before being circulated (but this may affect the weight that the Licensing Sub-Committee attaches to their representations).
- (i) Where relevant representations have been made and an application is to be determined at a hearing, the applicant and those parties who have made representations have a right to attend the hearing (subject to rights of exclusion) and may be assisted or represented at the hearing by any person (whether or not that person is legally qualified) (Regulation 15).
- (j) Regulation 16 provides that a party shall be entitled at the hearing to
- Give further information in response to a point upon which the Licensing authority has given notice that it wants clarification
 - Question any other party, if permission is given by the Licensing Sub-Committee
 - Address the Licensing Sub-Committee
- (k) Regulation 17 provides that Members of the Licensing Sub-Committee may question any party or other person appearing at the hearing.
- (l) In considering any application, representations or notice made by a party, the Licensing Sub-Committee may take into account documentary or other information produced by a party in support of their application, representations or notice, either before the hearing or, with the consent of the parties, at the hearing. The Licensing Sub-Committee has discretion as to whether to admit this documentary evidence but should, generally allow this to be presented if it is relevant and material to the application, the representations or notice submitted and the licensing objectives. However, this should not be seen as an opportunity to introduce new representations outside the statutory timescale. The parties should be advised to provide any additional documentary evidence as soon as possible before the hearing and, wherever possible, this should be circulated in advance to the Members of the Licensing Sub-Committee and the other parties. The Sub-Committee will then decide at the hearing whether or not this additional documentary evidence should be admitted and considered. If admitted, the additional information will then be made available to the press and public at the meeting. If the additional documentary evidence has not been produced before the hearing, it can only be admitted with the consent of all the parties. If any other party objects to the evidence being produced at the hearing, the Licensing Sub-Committee has no discretion to admit it or take it into account.

5.14 Failure of parties to attend the hearing

If a party has informed the Council that he/she does not intend to attend or be represented at the hearing, then the hearing may proceed in their absence. If a party, who has not given prior notice of his/her intention not to attend the hearing, is absent from the hearing the Licensing Sub-Committee may either adjourn the hearing or hold the hearing in the party's absence. Where the hearing proceeds in the absence of a party, the Licensing Sub-Committee must still consider the written representations or notice submitted by that party and follow the same principles of decision-making.

5.15 Procedure at the hearing

- (a) Subject to the provisions of the Regulations, the Licensing Sub-Committee has discretion as to the procedure to be followed at the hearing and can regulate their own proceedings. Although the proceedings should be kept as informal as possible, a logical and ordered approach should be maintained in order to ensure a fair and impartial hearing. A suggested form of procedure is attached. However, the Chair should make it clear that the Licensing Sub-committee are not totally inflexible and would be prepared to vary the order of proceedings if this would facilitate the proper consideration of an application or notice.
- (b) Regulation 7(c) provides that parties should be informed of the procedure to be adopted at the hearing when they are sent notice of the arrangements for the meeting. Therefore, it is suggested that a copy of the written procedure is sent to the parties with the notice of the hearing.
- (c) Regulation 22 requires the Licensing Sub-Committee to explain the procedure to the parties at the beginning of the hearing and consider any request under Regulation 8(2) for permission for another person to appear at the hearing (such permission not to be unreasonably withheld). Prior notice should have been given if parties wish to call witnesses or other persons to address the hearing. Provided that their evidence or representations are relevant and material, permission should generally be allowed.
- (d) Regulation 23 provides that the hearing should take the form of a "discussion led by the authority" and cross-examination should not be permitted unless the licensing committee considers that this is required to enable them to consider the matter properly. However, although parties and their representatives should not be allowed to make the hearing too adversarial, it is suggested that both parties should be allowed an equal opportunity to put questions to the other party and their representatives/witnesses (under Regulation 16). A period of 5 minutes each should be allowed for questions, with the Chair having discretion to disallow any questions which are considered by the Licensing Sub-Committee to be irrelevant, hostile or repetitive. Wherever possible, large groups of objectors should be encouraged to appoint a single spokesperson to present their case, to save time and avoid unnecessary duplication.
- (e) Regulation 24 provides that the Licensing Sub-Committee must allow the parties an equal maximum period of time in which to exercise their rights to put questions and address the hearing. It is suggested that, as a general rule, a maximum time of 20 minutes should be allowed for both parties, with 10 minutes for addressing the Sub-Committee, 5 minutes for questioning and 5 minutes for summing up at the end. However, the Licensing Sub-Committee can extend time for both parties if this is necessary for the proper consideration of the matter.

5.16 Site Visits

The Sub-Committee may, at its discretion, undertake a site visit of any premises that are the subject of any application. The visit may take place either before the hearing, by arrangement with the parties or the Sub-Committee may adjourn the hearing at any time to visit the premises. If a site visit is undertaken, it should be a fact-finding exercise only and no representations should be heard from any party. Any questions should be addressed to licensing officer(s), wherever possible, but if it is necessary to ask a question of any party, this should be done in the presence of all the other parties.

5.17 Determination of applications

- (a) Normally, the licensing Sub-Committee must make its determination at the conclusion of the hearing. In other cases the Sub-committee shall make its determination within 5 working days. Where a hearing has been dispensed with, the decision must be made within 10 working days of the notice to dispense with the hearing.
- (b) The Council's Statement of Licensing policy provides that every decision of the Licensing Sub-Committee shall be accompanied with reasons for that decision. A summary of the decision shall be posted on the Council's website as soon as possible after the decision has been made, where it will form part of the statutory licensing register.
- (c) Paragraph 24 provides that comprehensive reasons should be given and, on making findings of fact in its reasons, the Licensing Sub-Committee should ensure that they address the standard of proof and the burden of proof that they have adopted. The Licensing Sub-Committee should also address the extent to which the decision has been made with regard to its Statement of Licensing Policy and the Statutory Guidance issued under Section 182 of the Act.
- (d) Regulation 28 requires the Council to notify the parties in writing of the determination of the Licensing Sub-Committee and their rights of appeal. The Council is also required to send notification of the determination to the Chief Officer of Police, where the police have not been a party to the hearing. This notification must be sent within the period specified in the Act or, if no period is prescribed, forthwith on making the determination.

5.18 Right of appeal

Any aggrieved party will have the right of appeal to the Magistrates' Court within 21 days of being notified of the decision.

5.19 Record of proceedings

Regulation 30 provides that the Council must keep a record of the hearing in a permanent and intelligible form for a period of 6 years from the date of the determination or, where any appeal is brought against the determination of the Licensing Sub-Committee, from the disposal of any appeal. A verbatim note or transcript of the proceedings is not required, but the Minute recording the decision must be sufficiently detailed so as to provide an accurate record of both the proceedings and the decision taken, together with the reasons given and any conditions imposed. These will be maintained electronically for a period of six years.

5.20 Irregularities

Regulations 31-33 provide that any irregularities or clerical errors shall not invalidate any decision or render a determination void and enables the Council to correct any error or cure any irregularity as soon as possible.

5.21 Organisation of Cases for the Hearing

- (a) The hearings will normally take place at the Civic Centre, Newport at times to be agreed with the Sub-Committee.
- (b) The agenda for the meetings of the Licensing-Sub-committee shall be agreed by the Licensing Officer and the Senior Democratic Services officer after any necessary consultation with the relevant Chair of the Licensing Sub-Committee. The officers shall determine how many applications can be heard at each meeting and the order in which the applications should be considered, taking into account the number of parties who will be attending.
- (c) Hearings should be scheduled in accordance with the timescales prescribed by the Regulations. In general a hearing must be held within 20 working days after the time has expired for making representations.
- (d) Once the draft agenda has been agreed, the Senior Democratic Services Officer should send out notice of the agenda to the Members, press and public in the usual way. Members should immediately inform the Senior Democratic Services Officer if they consider they are disqualified from hearing or they have an interest in any specific case.
- (e) At the same time, the Licensing Officer shall send notice of the hearing to the parties, together with the following:
 - A copy of the procedure to be followed at the hearing,
 - Confirmation of the parties' rights to be assisted or represented at the hearing (whether or not that person is legally qualified),
 - Confirmation that the parties will be allowed to address the Licensing Sub-Committee and put questions to the other parties for a maximum of 20 minutes,
 - Confirmation that, if a party does not attend the hearing, the hearing would generally proceed in his/her absence,
 - A note of any particular point on which the Licensing Sub-committee requires further clarification and
 - Copies of all relevant representations received.
- (f) The parties should also be requested to notify the Council as soon as possible (and in any event within the timescale prescribed by the Regulations) whether they intend to appear and/or be represented at the hearing or whether they consider a hearing to be unnecessary.
- (g) If they intend to proceed with a hearing, they should be requested to give advance notice of any application to adduce any further documentary evidence (which should preferably be provided as soon as possible before the hearing) or request for any other person to appear at the hearing. The request must contain details of the name of the witness and a brief description of that person's evidence.
- (h) The notice of hearing and supporting documents should be sent by first class post and, except in the case of emergency applications or where the Regulations specify a shorter period, at least 10 clear working day's notice should be given. The Licensing Officer may also send electronic copies by E-Mail or fax by agreement with the applicants or other party.
- (i) The Chair of the Licensing Sub-committee may meet with the Democratic Services Officer, the Solicitor to the Licensing Sub-Committee and the Licensing Officer(s) presenting the report in advance of the hearing to identify any issues where further clarification should be requested from the parties. These issues will be notified to the parties by the Licensing Officer to enable them to address these issues in their submissions at the hearing. During this preliminary meeting and any pre-agenda meeting, no decisions shall be made and no discussions shall be held regarding the substantive merits of the application or representations.

- (j) The hearings shall be attended by a Solicitor, a Democratic Services Officer and the Licensing Officer. The officers shall attend for the sole purpose of giving advice on law and procedure and are not parties to the decision.
- (k) The role of the Solicitor is to provide legal advice in relation to the applications and submissions.
- (l) The role of the Democratic Services Officer is to record the proceedings and the decisions of the Sub-Committee and ensure efficient administration.
- (m) The Licensing Officer shall prepare a written Report for consideration by the Licensing Sub-Committee, which should include:
 - A brief summary of the application
 - A brief summary of the representations
 - The relevant licensing objectives
 - Relevant aspects of the Council's Statement of Licensing Policy and statutory Guidance
 - Other background information (such as copies of letters)
- (n) The Licensing Officer's Report should be sent out as soon as possible and, in any event, no later than 10 clear working days before the hearing, together with copies of relevant documentary evidence submitted by the parties. Wherever possible, the Licensing Officer's Report should be sent out at the same time as the notice of hearing and supporting documents, but this will not be reasonably practicable where there are a significant number of applications to be determined. If additional documentary evidence is provided later by the parties, it should be copied and sent to the other parties before the hearing, if reasonably practicable.
- (o) After hearing all the representations and prior to retiring to make its decision, the Licensing Sub-Committee may, if it wishes, seek the guidance of the Licensing Officer and/or Solicitor on possible conditions that could be attached to any licence.
- (p) The Democratic Services Officer shall keep a record of the decisions taken and the Licensing Officer shall send written confirmation of the decision to the relevant parties, together with the reasons, any conditions and their rights of appeal.

5.22 Principles of Decision-Making

- (a) This note is intended to provide members of the Licensing Sub-committee with a guide to the principles of decision-making. The licensing hearings are of a quasi-judicial nature and the procedures are, therefore, markedly different to the usual arrangements for Committee meetings.
- (b) It should be noted that the proceedings are governed by adjudication procedures and the rules of natural justice will, therefore, apply. All the parties should be given a full and fair hearing, which should be conducted in an open, transparent and accountable manner.
- (c) Members must, at all times, comply with the Council's Member Code of Conduct.
- (d) All licensing applications must be considered on the basis of whether they promote the four licensing objectives set out in the Act and incorporated in the Statement of Licensing Policy, namely:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm

- (e) In reaching their decisions under the Act, the Licensing Sub-Committee must have regard to all relevant considerations including (but not limited to):
- The relevant statutory provisions
 - Relevant Statutory Guidance issued under Section 182 of the Act
 - The Council's Statement of Licensing Policy
 - The licensing objectives
 - The material facts based on the relevant evidence presented and representations received
 - The individual merits of each case
 - The public interest
- (f) The Licensing Sub-Committee must disregard any irrelevant considerations, including (but not limited to) information or evidence which is not relevant to the application or to the promotion of the licensing objectives. Members must also disregard any party political considerations or decisions taken in political group meetings.
- (g) Members of the Licensing Sub-Committee must act fairly, objectively and impartially throughout. They must not show any bias or predetermination and must keep an open mind on all applications until they have heard all the relevant representations and evidence. Members must not prejudge any application, express any view on the merits of any application, organise any support or opposition to any application, in advance of the hearing. Any Member with a "closed mind" on any application would be disqualified from sitting on the Licensing Sub-Committee which considers that application.

In the event of any licensing applications submitted by or on behalf of the Council or an officer of the Council, the same rules and procedures shall apply. No account shall be taken of the fact that the application is submitted by the Council or an officer and no favour or consideration shall be shown in relation to the application. Any member involved in the decision to apply for the licence shall be disqualified from sitting on the Licensing Sub-Committee which considers the application.

5.23 Procedure to be Followed at The Hearing

(a) Preliminaries and Opening remarks

At the commencement of the meeting, the Chair for the meeting shall be elected by simple majority of members present.

The Chair of the Sub-Committee opens the meeting and welcomes those attending.

The Chair introduces the members and the officers present.

(b) Apologies/declarations of interest

The Chair deals with any apologies for absence and declarations of interest. Any substitution of members will be dealt with at this stage.

(c) Introductions

Chair invites the applicant, any other person and their representatives to introduce themselves and indicate who will be speaking.

Explains the procedures to be followed and the time allocated to each party and asks if there are any questions (The order of proceedings may be varied at the discretion of the Sub-Committee where the parties have any particular preference of where this is necessary for proper consideration). The proceedings will generally be conducted in private unless it is in the public interest to hear cases in private. Any applications to exclude the press and public should be dealt with at this stage.

(d) Applications.

Chair will inform the parties whether their applications to have certain people attend the hearing under Regulation 8(2) (eg witnesses) have been granted or refused.

Chair will summarise the papers before the Licensing Sub-Committee and will confirm that everyone has copies. Chair will ascertain whether any representations have been or are now to be withdrawn. Licensing Sub-Committee will consider any requests for additional documentary evidence or other information to be introduced by either party (Note that advance notification must have been given, otherwise the additional information or evidence can only be adduced at the hearing with the consent of all the parties and the agreement of the Sub-Committee).

Chair is to identify any specific points about which the Licensing Sub-Committee have requested clarification.

(e) Report from Licensing Officer

The Licensing Officer presents the Report outlining:

- The nature of the application
- Any relevant background information
- Relevant issues in relation to the promotion of the four licensing objectives
- Relevant representations received
- Any relevant policy issues, including the Statement of Licensing Policy and any statutory Guidance

The Licensing Officer presenting the report will not make any recommendation regarding the determination of the application, but will simply outline the relevant considerations which the Licensing Sub-Committee will need to take into account when arriving at their decision. (It should be noted if the Licensing Authority wishes to make representation regarding application as a relevant authority under the Licensing Act 2003 a further Licensing Officer will be required to attend the committee and Act as a relevant authority).

The Members will be able to ask questions of the Licensing Officer(s) presenting the report to clarify any issues arising out of the Report.

(f) The Applicant's case

- (i) The Applicant/representative to address the Sub-Committee and to call any witnesses where permission has been granted (maximum period of 10 minutes). Parties may give their evidence by making a statement or by being questioned by their representative.
- (ii) The objectors/representatives shall be allowed to put questions to the applicant/representative and any witnesses (maximum 5 minutes).
- (iii) The members of the Licensing Sub-committee to put questions to the applicant/representative and any witnesses.

(g) The Objector(s) case

- (i) The Objectors/representatives to address the Sub-Committee and to call any witnesses, where permission has been granted (maximum period of 10 minutes).
(The responsible authorities eg Police, Fire Authority, followed by any other person in the order in which they submitted their written representations. Where a large group have objected, they should be encouraged to appoint a single spokesperson in order to save time and avoid repetition).
- (ii) The applicant/representative shall be allowed to put questions to the objectors/representatives and any witnesses, (maximum 5 minutes).
- (iv) The members of the Licensing Sub-committee to put questions to the objectors/representatives and any witnesses.

(h) Closing Statements

- (i) Objectors or their representative(s) to sum up (maximum of 5 minutes. If more than one, in the order in which they addressed the Sub-Committee).
- (ii) Applicant or representative to sum up (maximum of 5 minutes. At this stage the applicant/representative should indicate whether, in the light of the representations made, they wish to amend their application or offer any conditions to overcome the objections and/or promote the licensing objectives).

(i) Decision

If there are no further matters to be resolved, the Chair will ask all the parties if they are satisfied that they have had a fair hearing and will then close the proceedings.

Sub-committee to consider whether it is in the public interest that they deliberate in private or whether this part of the hearing should continue to take place in public.

Pass resolution to exclude the press and public (including the parties and their representatives) pursuant to Regulation 14 (2) during this part of the hearing, while the Sub-Committee discusses its decision. Everyone should then be asked to withdraw from the room, except the Licensing Officer(s) presenting the report, the Democratic Services Officer and the Head of Law and Standards or his nominated representative(s). These officers shall be entitled to remain but only for the purpose of offering advice as to procedure or any particular point of law. The Sub-Committee may withdraw into a private room to do this.

The Members of the Sub-Committee will deliberate and come to their decision. The reasons for the decision, the material findings of fact and any conditions will be agreed and recorded in writing by the Chair. In the event of any disagreement, any matter under consideration shall be determined by a simple majority of votes cast.

The hearing will then resume in public. The Chair will announce the decision and give the reasons for that decision, any material findings of fact, any licence conditions that are to be imposed and the licensing objectives that they relate to (unless, where permitted by the regulations, the decision is to be communicated at a later time).

Repeat process for each hearing.

5.24 Conduct and Procedure for Hearings of the Sub-committee under the Gambling Act 2005

(a) General

The following proceedings apply to the licensing sub-committees established by the Licensing Committee of Newport City Council acting as the licensing authority under the Gambling Act 2005.

(b) Composition of the Licensing Sub-Committee

The Licensing Sub-committee comprises all members of the committee, other than those who have an interest or who is the ward member for the ward in which premises under consideration is located. The quorum is three.

(c) Notice of Hearings

Upon the date of a hearing of a sub-committee being arranged, notice shall be given to the parties to the hearing in accordance with the requirements of The Gambling Act 2005 (Proceedings of Licensing Committees and Sub-committees)(Premises Licences and Provisional Statements)(England and Wales) Regulations 2007 (the Regulations). For the purposes of this procedure, a party is defined as being an applicant for a licence or permit, a person who has given a temporary use notice, a licensee or permit holder and a person who has made (and not withdrawn) representations about the application, review notice or permit. A person who has made representations may include a responsible authority and a person

who lives sufficiently close to the premises to be likely to be affected by the authorised activities or who has business interests that might be affected by the authorised activities or anyone who represents such a person.

- (d) The notice of the hearing shall specify the date and time when and the place at which the hearing is to take place. Such notices shall be sent so that, in the ordinary course of events, it is received no later than 10 days before the first day on which the hearing is to be held.
- (e) The notice of the hearing shall be accompanied by a copy of this procedure which sets out:
- the right of attendance at a hearing by a party and the right to submit representations etc.
 - the consequences if a party does not attend or is not represented at a hearing
 - the procedure to be followed at the hearing
 - the time limits relevant to the hearing
- (f) The notice of the hearing will also be accompanied by copies of the documents required by the Regulations and any particular points upon which the sub-committee considers that it will want clarification from a party at the hearing.
- (g) Where a hearing is to be held on more than one day, the hearing will be arranged so that it takes place on consecutive working days.
- (h) Right of Attendance, Assistance and Representation
Subject to paragraphs 9.1 and 10.11 below, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified. For the avoidance of doubt, a party may be assisted or represented by their ward Councillor provided that such a Councillor is not a member of the Licensing Committee.
- (i) Action Following Receipt of Notice of Hearing
Upon receipt of the notice of hearing and by no later than five working days before the day or the first day on which the hearing is to be held, each party shall give to the Licensing Authority a notice in writing stating:
- a) whether he intends to attend and to address the hearing,
 - b) whether he wishes to be assisted or represented by another person,
 - c) whether he wishes to call a witness to give evidence at the hearing, accompanied by the name of the witness and a brief description of the matters in relation to which the witness will give evidence and
 - d) whether he considers the hearing to be necessary and whether he is willing to consent to the application being determined without a hearing being held.
- (j) Notice may be given to the licensing authority by electronic means or in writing to the Democratic Services Section at The Civic Centre, Newport, South Wales, NP20 4UR.
- (k) A sub-committee may dispense with the holding of a hearing if all of the parties have given notice that they consider a hearing to be unnecessary. Where the parties have agreed that a hearing is unnecessary in such circumstances, the licensing authority shall give notice to the parties that the hearing has been dispensed with.
- (l) Where a hearing has been dispensed with, the matter which was to have been the subject of the hearing shall be determined at a meeting of the sub-committee.
- (m) A sub-committee may postpone a hearing to an alternative date and if it does so, notice of the date, time and place of the hearing shall be given to the parties as soon as practicable.

(n) Non-Attendance at the Hearing

If a party informs the licensing authority that he does not wish to attend or be represented at the hearing, fails to so inform the sub-committees, fails to attend or be represented at the hearing, or leaves the hearing in circumstances enabling the sub-committee to conclude that it is not his intention to return, the sub-committee may:

- (i) proceed with the hearing in accordance with the notice given or,
- (ii) adjourn the hearing to a specified date if it considers it to be in the public interest to do so.

(o) Where a hearing proceeds in the absence of a party, the application or representations made by that party shall be considered at the hearing by the sub-committee.

(p) Withdrawal of Representations

A party who wishes to withdraw any representations made may do so:

- (i) by giving notice to the licensing authority no later than 24 hours before the day or first day on which the hearing is to be held that he wishes to withdraw his representations, or
- (ii) orally at the hearing.

(q) Extension of Time and Adjournments

Subject to the provisions of the Regulations, the Sub-Committee may:

- (i) adjourn the hearing to a specified date (eg when a party fails to attend or be represented at a hearing and the sub-committee considers an adjournment to be necessary in the public interest), or
- (ii) arrange for a hearing to be held on specified additional dates.

(r) Where the sub-committee adjourns the hearing to a specified date it shall, as soon as reasonably practicable, notify the parties of the date, time and place to which the hearing has been adjourned.

(s) Similarly, when the sub-Committee arranges for the hearing to be held on a specified additional date it shall, as soon as is reasonably practicable, notify the parties of the additional date on which and time and place at which the hearing is to be held.

(t) The sub-committee may extend any of the time limits specified in this procedure where it considers it necessary to do so in the public interest and shall give notice of the extension of time and the reason for it to the parties to the hearing.

(u) The Hearing - Hearings will usually be held in public

The sub-committee may however exclude the public from all or part of a hearing where it considers it necessary to do so being mindful that any unfairness to a party is likely to result from a hearing in public or there is a need to protect as far as possible the commercial or other legitimate interests of a party. The sub-committee will normally resolve to exclude the public from that part of the hearing during which the sub-committee determines the matter which is the subject of the hearing.

Subject to the above, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

At the commencement of the hearing, the Chair shall introduce the members of the sub-committee and any officers in attendance to support the sub-committee and shall ask the parties and any persons accompanying them to state their names and addresses or who they represent. Any member who knows the Applicant or any of the objectors will declare such and will not take part in the hearing. This is in addition to the declaration of any personal or prejudicial interest. The chair shall explain to the parties present that the hearing is subject to this procedure, copies of which will have been distributed to the parties with the notice of the hearing, and shall enquire of the persons present whether there are any questions regarding the procedure or as to its contents. The hearing will take the form of a discussion and, no cross examination shall take place without the Chair's consent.

It is the responsibility of any member to declare any relationship with an applicant or objector; and any personal or prejudicial interest. Local Ward members will be disqualified from consideration of any cases within their ward.

- (v) Procedure in all cases other than an application for a review of a premises licence or licence or the removal of gaming exemptions from premises or the cancellation of permits.
The Licensing Officer will outline the application.

The chair will invite the applicant or his representative to address the sub-committee on his application, to respond to any point(s) upon which notice has been given that clarification is required by the licensing authority and to call any witness of whom notice has been given. The applicant will be allowed a maximum of twenty minutes in which to address the sub-committee and call witness(es) on his behalf.

The applicant or his representative or any witness called on his behalf may then be asked any questions upon their presentation by any member of the sub-committee or by any of the other parties present at the hearing or their representatives.

The Chair will then invite in sequence each of the parties at the hearing or their representative(s) to address the sub-committee and call any witness(es) of whom notice has been given to appear. Each party will be allowed a maximum of twenty minutes in which to address the sub-committee and call witness(es) on its behalf. The sequence in which each of the parties will be invited to address the sub-committee will be at the discretion of the Chair but will normally be in the order of the Chief Officer of Police, the Fire and Rescue Authority, the local Planning Authority, the local Environmental Health Authority, the authority responsible for the protection of children from harm, Her Majesty's Commissioner of Customs and Excise and any other party that has submitted representations in respect of the application, notice, permit or other matter appearing before the sub-committee.

The party or his representative or any of his witnesses may be asked any questions upon their presentation by any member of the sub-committee or by the applicant or his representative or any of the other parties present at the hearing or their representatives.

The party or his representatives will then be given final opportunity to ask any further questions of witnesses in order to clarify any points raised earlier during questioning.

Where relevant written representations have been received and the party submitting those representations has given notice of his intention not to attend the hearing, fails to give notice, fails to attend or be represented or leaves the hearing, the parties present will be invited by the chair to indicate whether they wish to comment on the representations submitted. The sub-committee may take into account documentary or other evidence submitted by a party either in support of their application, notice or representations either before the hearing or, with the consent of all of the other parties present, at the hearing.

The chair may enquire of the Applicant as to whether or not, in the light of the information heard, he wishes to amend his application as, when they retire, the members of the sub-committee will only consider the information which has been placed before them.

If the application is to be amended then those who made representations will be given the opportunity to comment upon the amended application.

Where appropriate, the chair shall remind the parties that their representations should be relevant to the licensing objectives of preventing gambling from being a source of crime and disorder, being associated with crime or disorder or being used to support crime; ensuring that gambling is conducted in a fair and open way; and protecting children and other vulnerable persons from being harmed or exploited by gambling. The sub-committee shall disregard any

information given by a party or witness which is not relevant to their application, notice or representations or to the licensing objectives. If, in his opinion, the chair feels that the representations being made are not relevant, he may, after first reminding the party of the need for relevance, advise the party that he will no longer be heard. Where in the opinion of the chair, a party is being repetitious, vexatious or slanderous in his remarks, the chair may first warn the party and may then advise the party that he will no longer be heard. The ruling of the Chair shall be final in such circumstances.

The chair may require any person who in his opinion is behaving in a disruptive manner at a hearing to leave the hearing and may refuse to permit that person to return or to return only upon his agreeing to comply with such conditions as the chair may require. However any person excluded may submit any such information that they proposed to give orally, in writing, provided that they do so before the end of the hearing. Such written information will be taken into account by the sub-committee.

After each party has addressed the sub-committee and after comments have been invited on written representations, the applicant or his representative will be invited by the chair to sum up his application for a time not exceeding two minutes but without introducing any new evidence to the proceedings.

(w) Procedure in cases relating to an application for a review of a premises licence on removal of gaming exceptions from premises on the cancellation of permits.

In the case of such hearings, the above procedure shall be followed with the exception that the applicant for a review of a premises licence or the licensing authority in the case of the removal of gaming exemptions or the cancellation of a permit will be invited to address the sub-committee first and to call any witness of whom notice has been given.

After any questions have been dealt with, the holder of the licence or permit will be invited to address the sub-committee and to call any witness of whom he has given notice.

There shall be no right of reply for the applicant for a review of the licence or the licensing authority.

(x) Determination of Applications

At the conclusion of the hearing, the sub-committee will determine the application, remove the exemption or cancel the permit within 5 working days starting with the day after the last day of the hearing but, in any event, will endeavour to do so as soon as is practicable after the hearing ends.

Where a hearing has been dispensed with in accordance with paragraph 5.3 above, the application, removal of an exemption or cancellation of a permit will be determined by the sub-committee within 10 working days of notice having been given to the parties that the hearing has been dispensed with.

The licensing authority will notify the applicant and parties of its decision forthwith upon the making of the decision.

A record shall be taken of the hearing by the licensing authority which shall be retained for six years from the date of the determination of the hearing or the disposal of any appeal or judicial review.

Note: Human Rights

The Human Rights Act 1998 incorporates the European Convention on Human Rights and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The sub-committee will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following provisions:

Article 6 - In the determination of civil rights and obligations, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 - Everyone has the right to respect for his/her home and private and family life.

Article 1 of the First Protocol - Everyone is entitled to the peaceful enjoyment of his/her possessions.

6.0 Licensing Committee Member Training

If you are a member of a Licensing Committee you must during the period of your membership of the Licensing Committee participate in a programme of training on the licensing system. The programme will consist of compulsory and discretionary modules.

If you are a member of the Licensing Committee and you do not attend all of the compulsory modules at least once every other municipal year and at least half of all of the training sessions (from whichever module) organised during any municipal year then this may result in you being asked to stand down as a member of Licensing Committee.

You should be aware that:

- Training is particularly important for members who are new to Licensing Committee and for members who have not availed themselves of training opportunities in the past, and
- Where you have genuine difficulty in attending any particular training session, officers will try where practicable to accommodate a request for an individual or repeat session.

Details of Licensing Training modules will be forwarded to Members of the Committee when appropriate.

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Report

Licensing Committee

Part 1

Date: 5 September 2017

Item No: 4

Subject **Revised Hackney Carriage & Private Hire Licensing Conditions and Policies**

Purpose To advise the Licensing Committee of the results of the public consultation on the proposed revised Hackney Carriage and Private Hire "Taxi" Licensing Policies and to ask the Committee to agree the revisions and recommend to the Cabinet Member for Licensing and Regulation that they be approved.

Author Licensing Manager

Ward City Wide

Summary In 2012, the Licensing Authority undertook a full revision of its Hackney Carriage & Private Hire Licensing Conditions and Policies. Officers believed it was now timely to review these "taxi" policies once more and make the necessary and appropriate changes to ensure they meet new legislation (Deregulation Bill & Equality Act) and also importantly consider driver conduct standards in light of recent national Child Exploitation cases involving "taxi" drivers. It is also an opportunity to improve the standards of the trade and to ensure that the Council as the Licensing Authority has efficient processes. The revised policies have been out for public consultation and they are presented here at Appendix A for the Committee to consider, agree and recommend to the Cabinet Member for Licensing and Regulation that they be approved.

Proposal **To consider and agree the revised Council Taxi Licensing Policies and Conditions and recommend to the Cabinet Member for Licensing and Regulation that they be approved.**

Action by Head of Law & Regulation

Timetable Forthwith and thence to the Cabinet Member for Licensing and Regulation for approval.

This report was prepared after consultation with:

- Hackney Carriage & Private Hire Trade
- Members of the Public
- Head of Law & Regulation
- Head of Finance
- Head of People and Business Change
- Licensing and Street Scene Officers

Signed

1. Background

- 1.1 The Council has responsibility for licensing Hackney Carriage and Private Hire vehicles, drivers and Private Hire Operators within the City of Newport. It has traditionally exercised these responsibilities through a number of different policies and procedures that have been developed over a significant number of years. In 2012, a comprehensive review of these Policies and Procedures was prompted by new guidance for Licensing Authorities, issued by Central Government. The current policy that came into force in 2012 set out to:
- Consolidate into one document sets of Conditions and various Policies.
 - Demonstrate how the authority is taking into account the Department for Transport Best Practice Guidance and, where we deviate from it, the reasons why.
 - Produce clear guidance for the Trade, Public and Newport City Council's Licensing Committee and Officers.
 - Revise requirements for dealing with prospective drivers from outside the UK and for the checking of their criminal records.
 - Provide information regarding the expected conduct of licensed drivers.
 - To improve vehicle standards.
- 1.2 During the last five years, the Hackney Carriage & Private Hire "taxi" Policies and Conditions have guided applicants, officers, and the Licensing Committee in the consideration and determination of applications. It has now felt appropriate to make further changes and update the existing Policies and Conditions to ensure they comply with recently introduced legislation, but also to continue improving taxi vehicle and driver standards.
- 1.3 A copy of the draft revised policies can be found in Appendix A of this report; the majority of the policies are unchanged, but where changes have been made, they are highlighted. The Policy went out to public consultation from 27 March until 9 June 2017. All members of the taxi trade were informed in writing. The Authority received two representations regarding the draft policy (Appendix B of this report).
- 1.4 At the time of the Council consultation, the Welsh Government has also released on 12 June 2017, a consultation document regarding Taxi & Private Hire Licensing in Wales. This consultation was in consideration of relevant provisions of the Wales Act 2017, wherein the licensing of taxis and private hire vehicles will become devolved legislation for the National Assembly for Wales. As the consultation is very much at an early stage, it felt that the council draft revised policy could still proceed without any detrimental effect, on either the Trade, travelling members of the public or the Licensing Authority.
- 1.5 The draft policy also covers recent Child Sexual Exploitation issues within the UK "taxi" trade. The Licensing authority has carefully considered the finding of the Independent Enquiry into Child Exploitation in Rotherham 1997-2013 undertaken by Alexi Jay. In particular, in the context of taxis, the Jay report states: "One of the common thread running through child sexual exploitation across England has been the prominent role of taxi drivers in being directly linked to children who were abused". It also notes the Casey report (February 2015) of Inspection of Rotherham Metropolitan Borough Council.

2. Child Sexual Exploitation (CSE)

- 2.1 CSE is a form of child abuse in which perpetrators develop total control over their victims. It starts with a grooming process, in which victims are showered with gifts and attention. They are treated like adults, for example, by being taken out in cars. The young person can believe that the perpetrator is their boyfriend and that they are in love. This can exploit the young person's vulnerability, especially those who may have had difficult family backgrounds and crave love and attention. As a result, they do not complain.

- 2.2 The grooming process isolates the victim from friends and family. At some point, drugs, alcohol and sex may be introduced. They are forced not only to have sex with their abuser but sometimes other men too. This is coupled with more overt coercion, threats and violence. By now, victims may be dependent on drugs and alcohol, afraid of their abuser, isolated from their family and scared that they will not be believed or that worse may happen to them or their families if they make a complaint. The consequences of CSE are highly damaging. Victims suffer from suicidal feelings and often self-harm, many become pregnant. Some have to manage the emotional consequences of miscarriages and abortions while others have children that they are unable to parent appropriately. The abuse and violence continues to affect victims into adulthood. Many enter violent and abusive relationships and suffer poor mental health and addiction.
- 2.3 The predators often target children with difficult backgrounds, including those in care, who are particularly vulnerable to grooming. But they are also sometimes able to exploit those from stable backgrounds. That families, despite their very best efforts, are unable to prevent the abuse reflects the power of the abusers and the degree of control they exert. Tackling CSE is very difficult. It requires spotting the signs, helping young people to recognise their experience as abuse and getting them to trust public services instead of their abusers, often in the face of serious threats.
- 2.4 As such, the Council guidance of Good Conduct for Hackney Carriage Drivers & Private Hire Drivers has been revised to include a further section entitled "Conduct when working with Vulnerable Passengers". The Council Guidelines relating to conviction and cautions & conduct has been revised to take into consideration CSE. This can be found in Appendix E of the draft policy.

3. The Proposed Main Changes to the Newport City Council Hackney Carriage & Private Hire Policies

3.1 Safeguarding Children and Vulnerable Persons Training (Page 6, Section 4 of the Policy & conditions relating to Drivers)

It is proposed to introduce compulsory training regarding CSE to all Hackney Carriage & Private Hire drivers. Approximately 95% of the existing trade have already undertaken the training that was provided free by the Council, and new applicants are taking the CSE training at the same occasion as sitting the Knowledge Test. Further training seasons will be provided free to the trade before the 1 October. Drivers who fail to attend the training by 1 November 2017 will be suspended until such time they undertake the training course.

3.2 Relevance of Convictions, Cautions and Conduct (Page 10, Section 13 of the Policy & conditions relating to Drivers)

The Council "Fit and proper" guidance has been amended giving clearly guidance to applicants, officers and Committee. The revision also takes into account the Casey report in regard to CSE at Rotherham Metropolitan Borough Council.

3.3 Code of Good Conduct for Hackney Carriages & Private Hire Drivers. (Page 21, Appendix B of the Policy & Conditions relating to Drivers)

The Following Code of conduct was proposed for all drivers:

Use of Queensway bus lane and bus stops (SW, Cambrian Road) Newport City Centre. The use of Queensway bus lane and bus stop is prohibited to all Hackney Carriage & Private Hire Vehicles (other than Hackney Carriages vehicles accessing the night time (after 12 midnight) rank located under the NCP car park). Private Hire and Hackney Carriage parking illegally causes significant risk to members of public especially on the pedestrian crossing. Any Hackney Carriage or Private Hire Driver found using the bus lane / bus stop will be given a letter of warning by the Licensing Manager. If the driver is found on a subsequent occasion using the bus lane or bus stop in a 12 month period, the driver would normally require attending Licensing Panel to determine if he/she is a fit and proper person.

This new proposal in the code of conduct was heavy criticised by the Drivers' Association (see consultation response in Appendix B).

It is now felt inappropriate to include this proposal in the “Code of conduct” and instead, officers will work with the trade and other stakeholders to ensure safe drop off and pick up areas, not only for the Hackney Carriage trade, but also for Private Hire vehicles.

3.4 Environmental Policy (Page 26 See section 4 of the Vehicle Policies)

The Current Policy: Currently Newport City Council has no Environmental Policy. This is contrary to Government guidance that asks Licensing Authorities to consider including a vehicle environmental policy within their “taxi” policies.

Proposed Revised Policy:

The DfT Guidance asks Licensing Authorities to consider how far their vehicle Licensing Policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs. The Council aims to ensure that Hackney Carriages and Private Hire Vehicles assist in the suitable improvement of air quality. As such the Council has adopted the following emission standard for Hackney Carriage & Private Hire vehicles.

- **New Hackney Carriage & Private Hire Vehicles licences** will only be granted on vehicles that meet Euro 5 Standard.
- **Transfer of Hackney Carriage & Private Hire Vehicles licences** will only be granted on vehicles that meet Euro 5 standard.
- **Replacement of Hackney Carriage & Private Hire Vehicle.** An existing vehicle licence holder (a proprietor that has held a current licence before introduction of the policy and has continued to renew this licence) may change the vehicle on that licence if the vehicle meets minimum Euro 4 standards. Vehicle licences granted after the introduction of the policy will only be granted to replace vehicles that meet Euro 5 standard.

Euro Standard	Date the standard was introduced
Euro 2	January 1996
Euro 3	1 January 2000 until 31 December 2004
Euro 4	1 January 2005 until 31 August 2009
Euro 5	1 September 2009 until 31 August 2014
Euro 6	1 September 2014

It is also important to note that some Vehicle Manufacturers introduced the Euro Ratings to their vehicles before the due dates above. (I.e. it is possible that you could have a vehicle rated as a Euro 5 before the 01/09/2009 depending on the make/model details of Euro ratings can be found on the vehicle V5 or V5C log book. The authority will also look at providing in the future further incentives for vehicles that are either electric or hybrid.

It is envisaged by introducing the above policy, it will improve both environmental and vehicle standards for the public without the need for the Licensing Authority to take any existing licensed vehicles off the road.

3.5 Vehicle Testing Policy (Page 26 Section 5 Vehicle Policies)

The Current Policy:

Hackney Carriage & Private vehicles under 3 years old will be tested every year, vehicles over 3 years old will be tested twice a year.

The Proposed Policy:

Hackney Carriage and Private Hire vehicles will be tested once every year until 5 years old and will also be granted a yearly licence.

Hackney Carriage and Private Hire Vehicles over 5 years old will also be granted a yearly licence (although they will be required to pass the Council vehicle test at the 6 month anniversary of the yearly licence.) Proprietors who fail to present the vehicle at the 6 month anniversary will result in the Licensing Authority suspending the vehicle licence until such time the vehicle successfully passes the Council test. Vehicles can be tested 28 days prior to the 6 month anniversary.

4. Consultation

A public consultation ran from 27 March until 9 June 2017. All members of the Hackney Carriage and Private Hire trade were written to regarding the consultation, the letter highlighted all the major changes within the policies alongside a website link with the proposed revised draft policy. The trade was given an opportunity to have a formal meeting with the Licensing Authority but this was not taken up either by the Trade Associations or Private Hire Operators. Two responses were received; see Appendix B of this report.

5. Financial Summary

There are no financial implications contained in this report, all "Taxi" Licensing Fees are considered separately from the Policies.

6. Risks

Risk	Impact of Risk if it occurs* (H/M/L)	Probability of risk occurring (H/M/L)	What is the Council doing or what has it done to avoid the risk or reduce its effect	Who is responsible for dealing with the risk?
Judicial review	H	L	The Licensing Authority has undertaken consultation with the taxi trade, offering trade members to meet and discuss the Policies. The policy has been developed in accordance with Government Best Practice Guidance and legislation and recommendations of the Jay / Casey Report (Rotherham child Sexual Exploitation reports)	Licensing Manager
Making an unlawful decision	H	L	The Panel will consult with the Legal Officer and Licensing Officer to determine if any decision is lawful and proportionate. Members training and members briefing regarding the policy.	Chairman, Legal Officer, Licensing Manager.
The licensing Panels depart from taxi legislation/ best practice.	M	L	If the Panel wishes to depart from best practice they must give good reason for this and obtain advice from the Legal Officer. Members training and members briefing regarding the policy.	Chairperson. Legal Officer.

* Taking account of proposed mitigation measures

7. Links to Council Policies and Priorities

Ensuring that this work is completed as required by statute will support the following Council Policies and Strategies:

Newport City Council's Corporate Plan "Standing Up for Newport" 2012-2017 (Relevant priorities: "A Working City" "A Safer City").

Taxis are a very part of the public transport system, especially at night.

8. Options Available

- To agree the revised Taxi Licensing Policies and recommend to the Cabinet Member for Licensing and Regulation that they be approved.
- To reject the revised Taxi Licensing Policies.
- To send the Policies back out for further consultation.
- To make additional changes in the policies in light of consultation
- To adjourn the agreement of the policies to a further Licensing Committee to allow more time to consider them.

9. Preferred Option and Why

The preferred option is 8(a) above- that the draft revised policies build on the previous Statement of Hackney Carriage and Private Hire Policies, have been consulted upon and now reflect the changes in legislation and guidance.

10. Comments of Chief Financial Officer

There are no new financial implications in this report.

11. Comments of Monitoring Officer

The proposed revisions to the Taxi Licensing Policy are in accordance with the Council's Licensing powers under the Local Government (Miscellaneous Provisions) Act 1976. The proposals have been subject to proper and meaningful consultation with the trade and the public and the representations received are set out in Appendix B to the Report. The Council must now have regard to these representations before deciding whether or not to introduce the revised Policy. In certain cases the proposed amendments are simply a consolidation of previous policies, revised and updated as necessary to reflect changes in legislation and guidance. However, other proposals will introduce substantive changes to previous policies and practices which will have an impact on the licensing trade. Also, key stakeholders such as disability access groups have been consulted about any equalities impacts of the policy changes. Only one substantive objection has been received from the NHTDA in relation to the code of conduct and parking provisions within the Policy. The only other response to the consultation is from the Guide Dogs Association, who is broadly supportive of the new measures in relation to disability access, although they make certain points about the need for equalities training and enforcement. The Licensing Committee is now required to consider the consultation responses and make a recommendation to the Cabinet Member for Licensing and Regulation to adopt the new Taxi licensing Policy, with or without amendment.

12. Comments of Head of People and Business Change

There are no staffing implications arising directly from this report.

The proposed revisions to the Hackney Carriage & Private Hire Licensing Conditions and Policies reflect legislative requirements including the Equality Act 2010, latest DfT Guidance on reflecting local environmental policies within licensing policies, public protection issues (particularly the findings of the Independent Enquiry into Child Exploitation in Rotherham 1997-2013) and the prevention of crime and disorder.

In this regard the revised policies contribute to the Council's Well-being objectives and are in line with current priorities within the Public Services Board's Single Integrated Plan.

The report notes that the trade and the public have been consulted on the proposals, including consultation with disability access groups on equalities impacts.

A Fairness and Equalities Impact Assessment has been undertaken.

13. Local issues

This Policy covers the entire Newport taxi trade which operates city-wide and also further afield. The city centre is especially affected as many of the journeys are made to and fro the centre and many of the operators are based there.

14. Wellbeing of Future Generations (Wales) Act 2015

The Wellbeing of Future Generations (Wales) Act (WFG Act), which is about improving the social, economic, environmental and cultural wellbeing of Wales, placing a duty on public bodies to improve wellbeing in accordance with the sustainable development principle. This revised Taxi Policy will also assist the council in its contribution towards achieving the national wellbeing goals, in particular 'Prosperous Wales'. The Taxi trade is an invaluable part of the public transport network, especially at night when bus services are limited, or for those who do not live on a bus route or for those with disabilities. Not everyone has access to a private car, nor would the Council wish to encourage car ownership. The Taxi Environmental Policy will contribute to the Healthier Wales by helping to lower vehicle emissions.

In terms of the sustainable development principle under the WFG Act, a consultation has been undertaken with the taxi trade and the public, including disability and access groups, to involve them in the formulation of these proposals. A number of the proposed changes are concerned with public protection issues such as the prevention of child sexual exploitation and the prevention of crime and disorder.

The Licensing Team works collaboratively with Gwent Police on relevant issues involving the taxi trade.

15. Crime and Disorder Act 1998

The licensing of taxis is inextricably linked with protecting the public and plays a valuable role in combatting crime and disorder. Drivers with certain convictions will not be licensed or will be subject to having their licence revoked. The revised policy also addresses the issue of child sexual exploitation, making training on how to recognise and prevent CSE compulsory for the trade, as is an understanding of needs to passengers with disabilities e.g. failure to carry an assistance dog (with limited exemptions) is a criminal offence.

16. Consultation

See paragraph 4 above.

17. Background Papers

DOT Taxi and private hire vehicle licensing: best practice guidance

<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice-guidance>

Dated: 5 September 2017

Draft Revised Statement of Licensing Policies in respect of Hackney Carriage and Private Hire Drivers, Vehicles and Operators



Newport City Council Hackney Carriage & Private Hire Policies

This policy was approved on the
With the implementation date of the

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BACKGROUND

Role of Hackney Carriages and Private Hire Vehicles

Hackney Carriage and Private Hire vehicles have specific roles to play in an integrated transport system. They are able to provide services in situations where public transport is either not available, E.g. in rural areas, or for those with mobility difficulties.

The Aim of Licensing

The aim of licensing the Hackney Carriage and Private Hire vehicle trade is primarily to protect the public and to ensure that they have reasonable access to “taxi” services because of the role they play in the provision of local transport. It is important that the Council’s Hackney Carriage and Private Hire Licensing powers are used to ensure that licensed vehicles in Newport are safe, comfortable, properly insured and available, where and when required.

Government Best Practice Guidance

The DfT has national responsibility for Hackney Carriage and Private Hire legislation in England and Wales. In 2010, it issued revised Best Practice Guidance to assist Local Authorities. The DfT Guidance states that Local Authorities will “decide for themselves the extent to which they wish to make use of the guidance or adapt it to suit their own purposes”. There is recognition within the guidance that it is for individual Licensing Authorities to reach their own decisions both on overall policies and on individual licensing matters, in the light of their own opinions on the relevant considerations.

The Government Guidance does not seek to cover the whole range of possible licensing requirements. Instead, it seeks to concentrate only on those issues that have caused difficulty in the past or that seems to be of particular significance. Where part of the guidance is relevant to a particular section of this Policy document, this will be confirmed at the beginning of the relevant section. It will normally be followed by a statement of the Council’s Policy in respect of that specific issue. Consequently, the DfT Guidance has been used to shape this Policy.

Council’s Taxi Licensing Policies and Conditions: all in one place

The Council has responsibility for Licensing Hackney Carriage and Private Hire vehicles, drivers and operators within the city of Newport.

To assist the taxi trade, the public and the Council, the various Policies, Conditions and Guidance are incorporated into one document.

Taxi Fees

The provisions of the Local Government (Miscellaneous Provisions) Act 1976 allow Authorities to set Licensing fees to recover the cost of running the “Taxi” licensing scheme. The cost of licence/fees has to be related to the cost of running the licensing scheme itself. As such the Council will set fees to recover the cost of running its Taxi Licensing Service. The Authority will, of course, justify any charges it imposes, if requested to do so.

INTRODUCTION TO THE POLICY

Powers and Duties

This Statement of Licensing Policy, Conditions and Procedures have been produced pursuant to the powers conferred by the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, as amended, which place on the Council a duty to carry out its licensing function in respect of Hackney Carriage and Private Hire Vehicles.

Objectives

In setting out its Policies and Conditions the Council seeks to promote the following objectives:

- The protection of the public, Safeguarding children and the vulnerable and the prevention of crime and disorder,
- The safety and health of the public and drivers,
 - Vehicle safety, comfort and access,
 - Encouraging environmental sustainability,
 - Promoting the vision of Newport.

The aim of the licensing process is to regulate the “Taxi” trade in order to promote the above objectives. It is the Council’s wish to facilitate well-run and responsible businesses.

Status of Policies

In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this document and the Policies and Conditions contained with it and the objectives set out above. Notwithstanding the existence of these Policies, each application or enforcement measure will be considered on its own merits and in accordance with the Council’s Public Protection Enforcement Policy. Where it is necessary for the Council to depart from its Policies and Conditions, clear and compelling reasons will be given for so doing.

This Document containing all Policies and Conditions will provide those Council Officers and Elected Members who are required to administer and perform the licensing function with appropriate guidelines within which to act.

POLICIES AND CONDITIONS RELATING TO DRIVERS

The statutory and practical criteria and qualifications for a Private Hire driver are broadly identical to those for a Hackney Carriage Driver. The sections below apply equally to Private Hire and Hackney Carriage Drivers.

1. Age and Experience

The guidance recommends against setting a maximum or minimum age limit for drivers provided that regular medical checks are made.

The Council has not chosen to impose either a maximum or minimum age limit for drivers. However, a minimum period of post-qualification driving experience of one year is required.

For those over 65 years old, reference should be made to Section 6 below.

2. Topographical Knowledge & Licensing Conditions (Driver Knowledge Tests) Policy

Hackney Carriage drivers need a good working knowledge of the area for which they are licensed, because vehicles can be hired immediately, directly with the driver, at Hackney Carriage stands or on the street. In order to maintain the high standards expected of drivers, a licence to drive a Hackney Carriage or Private Hire vehicle will not be granted unless the Licensing Authority is satisfied that the applicant is a fit and proper person. In this context, the ability to find destinations and read maps is seen a fundamental in providing a quality service for passengers.

In order to determine such fitness, applicants will be required to undertake a test as to their knowledge of:

- Basic English
- Basic numeracy
- How to use an A-Z Map
- Locations of specific places within Newport.
- Hackney Carriage drivers are tested on specific routes without the aid of a map.
- Hackney Carriage and Private Hire Licensing law.
- The Highway Code.
- **Driver's Conduct (including a section on safeguarding when transporting children and Vulnerable Adults)**

If a driver is not able to complete satisfactorily the test due to difficulties with spoken English, support will be offered to them to seek out opportunities for English language instruction. Applicants who fail the knowledge test will be required to re-sit the test and also pay an additional fee.

3. Driving Proficiency and Qualifications

The Council believes that at present the standard car-driving test provides sufficient evidence of driving competency for the drivers of Hackney Carriage and Private Hire vehicles. It is considered that introducing a requirement that drivers pass the specific DVSA Driving and vehicle standard Agency test or indeed any other competency qualification, would not at present produce benefits which are commensurate with the costs involved. However, it is felt that all NEW applicants who have "totted" up 9 penalty points or more on their DVLA driver's licence (that are unspent at time of the application) **will be required to undertake and pass a Pass Plus Course or a course approved by the Licensing Authority and provide a pass certificate (the test pass must be no older than 12 months old).**

Where applicants have recently arrived from countries within the European Union or European Economic Area, any driving licence entitlement held in that country will have the effect of automatically counting towards the qualification requirement for the issue of a Hackney Carriage or Private Hire vehicle driver's licence. Applicants will be required to apply for a conversion of their existing driver's licence to a UK DVLA driver's licence. The Licensing Authority will not issue or renew a licence to drive a Hackney Carriage or Private Hire vehicle unless the applicant holds a UK DVLA driver's licence.

Where applicants have been resident in other non-EU countries, it is possible for them to convert any existing driving licence to a UK issued driving licence by passing an appropriate driving test.

It is a requirement for applicants to provide to the Licensing Authority with proof that they are legally entitled to work within the United Kingdom.

4. Safeguarding Children and Vulnerable Persons Training

All drivers (including existing licence holders who have not yet undertaken such training) will be required to attend a training session on safeguarding children and vulnerable persons.

The training session will cover the conduct and responsibilities of those licensed. In particular, it will provide training in identifying when vulnerable people are in need of protection and how to ensure they are taken to a place of safety and in the event that such action is deemed necessary, the need to report immediately any such incident or occurrence to the police and/or social services.

The training provider must be approved by the Licensing Authority (currently the Licensing Authority is conducting its own training). A certificate must be submitted to Newport City Council as confirmation that the training has been undertaken. Certificates will only be accepted by training providers approved by Licensing Authority (recent training sessions to the trade have been provided by the Licensing Authority and Gwent Police.)

New applicants will be required to attend the training at their own expense prior to submitting an application. Drivers and Operators (new and renewal applicants) who have not yet undertaken any training, will be expected to have met this requirement and produced evidence of received such training before 1 October 2017. Failure to do so will result in the driver's licence being suspended until such time they undertaken the training.

5. Disability Awareness

The Council requires all operators and drivers to be compliant with the provisions of the Equalities Act 2010, which has specific sections in relation to Private Hire and Hackney Carriage Drivers and their statutory responsibilities in respect of their service to disabled persons, including those aided by assistance dogs, and non-discrimination towards such persons.

The Council supports vehicles that are able to provide a service for disabled persons and encourages operators and drivers to provide a 24 hour service for disabled persons. The Council strongly encourages the provision of wheelchair accessible vehicles in Newport's Private Hire trade, in addition to the specific policy requirements that all Newport's Hackney Carriages are required to be wheelchair access.

Drivers and operators are expected to have knowledge in safe methods of conveying disabled persons, wheelchair bound or not.

The Council encourages all drivers to attend training on assisting with disabled people; this not only covers people in wheelchairs, but also the needs of people with a wide range of disabilities.

Disabilities include: limited or restricted movement, sight or hearing disabilities, learning difficulties and mental impairment. This list is not exhaustive; the provisions of the current Equalities Act will be taken into account when determining if a person is classed as disabled.

Drivers of wheelchair accessible vehicles are advised to attend a recognised training course to ensure that they comply with health and safety requirements for handling and securing wheelchairs.

The Council may review the licence of any driver/operator who is found to be deficient in disability awareness. The lack of training/knowledge on the part of the driver/operator will not be accepted as a defence to an allegation of inadequate performance/behaviour or discrimination.

6. Medical Examination

The DfT recognises that it is good practice for medical checks to be made on each driver as a condition of the initial grant of a licence and thereafter at each renewal. Adopting 'Group 2' medical standards and applying the C1 Standards to Hackney Carriage and Private Hire Drivers with insulin treated diabetes is considered to be best practice. A medical examination by a General Practitioner with whom the applicant is registered and who has access to the driver's medical records, to assess an applicant's fitness to drive a licensed vehicle, is required before a licence will be granted. It is Council Policy that a DVLA Group 2 standard of medical fitness for professional drivers must be undertaken.

A "request for a medical examination" form, which must be presented to the General Practitioner, with whom the applicant is registered, is available from the Licensing Section. The applicant is responsible for paying the fee for the examination to his/her relevant doctor's surgery. On completion, the

examination report must be submitted to the Licensing Section. The applicant may on request have a copy of the report.

Licence Holders who have reached their 45th birthday upon application for renewal shall be required to have a full medical examination and thereafter, every 5 years at application for renewal. Licence holders who have reached their 65th birthday will be required to provide a full medical report at renewal and thereafter, every year at application for renewal. In all other cases, licence holders with relevant medical conditions, will be required to produce upon renewal a full medical report annually. More frequent checks will be required if, in the opinion of the Medical Practitioner, it is necessary.

Holders of current PSV and/or HGV Licences, who are able to produce proof of a current medical examination, not more than one month old, will not be required to undergo a further medical examination before licensing or re-licensing.

Currently licence holders must notify the Licensing Section of any deterioration in their health that may affect their driving capabilities. Notification must be given in writing and within 14 working days. The Licence Holder will have to either obtain a written statement from their General Practitioner with whom they are registered to confirm that the medical condition does not affect their Group 2 entitlement or to produce a new Group 2 medical. Failure to produce a written statement from the applicant's General Practitioner or a new Group 2 medical within 14 days will result in the driver's licence being suspended. Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo a further examination by a medical practitioner appointed by the Council.

Where there remains any doubt about the fitness of any applicant, a Licensing Panel will review the opinion of the examining Medical Practitioner and make the final decision.

7. Disclosure & Barring Service (Criminal) check

A criminal record check on a driver is seen as an important safety measure. The DfT considers that such checks should be at the level of standard / enhanced disclosure through the disclosure & barring service (DBS) as these include details of spent convictions and Police cautions. It is recommended as best practice that DBS disclosures should first be applied for when a licence is first sought and then every three years, even if a licence is renewed annually. Drivers must report all new convictions and cautions to the Licensing Authority in writing within seven days. The Rehabilitation of Offenders Act 1974 **excludes** Hackney Carriage and Private Hire drivers. Applicants for such licences are, therefore, required to disclose all convictions, including those that are regarded as spent under the 1974 Act. Before an application for a driver's licence will be considered, the applicant must undertake an enhanced DBS disclosure of criminal convictions. New applicants from overseas must obtain a Certificate of Good Conduct from the relevant Embassy. A DBS check and a certificate of good conduct will be required for those who have resided in the UK for less than five years.

The Council is an approved Disclosure & Barring Service body. Therefore, applicants can apply for a DBS (CRB) check through the Council. It should be noted that the Authority will not facilitate portability of DBS checks from one Public Body to another.

A further enhanced DBS disclosure must be obtained and submitted by a licensed driver to the Council every three years. In having a regime which allows for a DBS check on drivers every three years, the Council additionally has system of undertaking DBS checks on drivers on a random basis. It should be noted that incomplete applications for licences will not be accepted by the Authority.

8. Common Law Police Disclosure

Under this Scheme, when an individual comes to the notice of the Police and identifies their occupation as a taxi or PHV driver, the Police are requested to notify the appropriate Local Licensing Authority of convictions and any other relevant information that indicates that a person poses a risk to public safety. Most notifications will be made once an individual is convicted, however, if it is considered that sufficient risk exists, the Police will notify the Authority immediately.

9. Immigration checks policy

The Authority will only grant a Hackney Carriage/Private Hire driver's licence to those who have the right to work within the **UK in accordance with national legislation**. Drivers will be required to provide evidence to the Authority regarding their immigration status.

10. Driver Application Procedure

An application for a Hackney Carriage and Private Hire driver's licence must be made on the specified form. The Licensing Authority will send correspondence to drivers via e-mail, although it should be noted that it is the driver's responsibility to ensure that renewal applications are undertaken in time.

To allow sufficient time for documents to be processed, applicants should ensure that the Licensing Authority receives their complete application, including the fee and any other necessary monies e.g. DBS, at least two weeks before expiry date of a driver's licence. A licence cannot be renewed following its expiry and in such cases, the applicant will be treated as being a new applicant. (Provided an application is submitted **within 62 days** after expiry, the applicant will not be required to undertake the Knowledge test and CSE training).

All drivers are required to have a current and valid E-mail address so the authority can undertake an electronic DBS check and send relevant appointments and reminders to applicants and drivers.

11. The Consideration of Driver Applications

The Council will consider each application on its own merits and in accordance with the Licensing Policies once the appropriate tests have been undertaken and the application form and supporting documents are complete. The relevant elements of the proposed procedure to consider the merits of applications are set out in Appendix A.

The standards expected of licensed drivers are set out in a Code of Good Conduct in Appendix B which should be read in conjunction with the other statutory and requirements of the policies set out in this document. Applicants for licences shall be required to sign a declaration to confirm their understanding and acceptance of the code at their next renewal date, should a licence be issued.

12. Grant and Renewal of Driver Licence

The DfT Guidance recognises that it is not necessarily good practice to require licences to be renewed annually. It sees this requirement as imposing an undue burden on drivers and Licensing Authorities alike. **As such Newport City Council has already been issuing drivers with 3 year drivers licences.**

The DVLA will be contacted to check the applicant's driving licence for motoring offences. In having a regime which allows for a DVLA check to be undertaken on drivers every three years, the Council additionally has a system of carrying out random DVLA checks on drivers. The conditions which will be attached to a Private Hire Driver's licence can be found in **Appendix B**.

13. Relevance of Convictions, Cautions and Conduct

The DfT Guidance recommends that in considering an individual's criminal record, Authorities must be encouraged to consider each case on its merits, but to take a particularly cautious view of any offences involving violence, and sexual attack. It is recommended that Authorities have a clear Policy for the consideration of criminal records. Policies must address:

- The type of offence
- Number of offences, and
- The number of elapsed years since the offence.

Such Policies should cover applications from drivers outside of the United Kingdom for example, by requiring a Certificate of Good Conduct authenticated by the relevant Embassy.

Both Convictions and cautions are similar in respect of culpability, evidence and admission of guilt. In relation to the consideration of convictions, cautions and conduct recorded against a driver/operator the Council has adopted the Policy found at **Appendix A**. In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits.

In relation to previous convictions, the Council will have regard to the following:

- the nature of the offences
- the age of the offences
- whether the offences are relevant
- Relevant duplicate convictions of a similar kind.

Guidance in relation to specific offences is given in **Appendix A**. In general terms, if the offence is recent and relevant to public safety, the application is less likely to be granted.

The overriding consideration for the Licensing Authority is to ensure its statutory duty to protect the public is met. The licensing regime is intended, among other things, to ensure so far as is possible, that those licensed to drive vehicles are suitable persons to do so.

Having considered and applied the appropriate guidelines, the following question should be asked: *"...Would you allow your daughter or son, granddaughter or grandson, spouse, mother or father, or any other person you care for or any vulnerable person you know, to get into a vehicle with this person alone?..."*

If the answer to this question is an unqualified "yes", then a licence should normally be approved. If there are any doubts in the minds of those making the decision, then the licence must be refused, suspended or revoked. It is the responsibility of the applicant or existing driver to satisfy the Council the driver/operator is a 'fit and proper' person.

In determining if a driver is "Fit and proper", the authority will not only base its decision solely on convictions or cautions, but also on a driver's conduct or any inappropriate behaviour. The Licensing Authority will take into account "soft" intelligence provided by the Police and other partners. The evidential threshold for licensing committees is based on the "balance of probability" and not the "beyond reasonable doubt" standard which is the criminal standard of proof for criminal trials. In short, if the Licensing Panel is 51% certain an applicant is not fit and proper person, it will refuse/revoke the licence. Further details can be found in Appendix A.

The Council has carefully considered recent Child Sexual Exploitation (CSE) cases within the "taxi" trade both locally and nationally and has considered carefully the findings of the Independent Inquiry into Child Exploitation in Rotherham 1997-2013 undertaken by Alexi Jay OBE. In particular, in the context of taxis, it should be noted that the Jay report states: "One of the common thread running through child sexual exploitation across UK has been the prominent role of taxi drivers in being directly linked to children who were abused". It also notes the Casey report (February 2015) into the Inspection of Rotherham Metropolitan Borough Council.

APPENDIX A

Policy relating to the relevance of previous convictions and other relevant information

Driving Convictions

1. Minor Traffic Offences

Convictions for minor* traffic offences should not prevent a person from proceeding with an application or continue to be licenced. However, new applicants who have 9 or more penalty points applied to a DVLA driver licence will be required to undertake and pass a Pass Plus Course or a council approved driving test and provide a pass certificate (the test pass must be no older than 12 months old).

If penalty points are accrued which result in a period of disqualification of the applicant's DVLA driving licence the **Licensing Manager** will not grant a Hackney Carriage or Private Hire driver licence until 6 months after the restoration of a DVLA licence and the applicant has passed a Pass Plus Course or a council approved driving test.

In regard to existing Hackney or Private Hire drivers, their Council-issued licence would normally be revoked or suspended by the **Licensing Manager** and the above standard would apply.

**A minor traffic offence is where the court imposes three or fewer penalty points.*

2. Major Traffic Offences

An unspent conviction for a major** traffic offence will require that the application be referred to the Council **Licensing Panel** for determination. This application may be refused or an existing licence suspended or revoked and/or the Panel may request the applicant / existing driver to undertake a Pass plus Course or council approved driving test prior to the issue or re-instatement of the licence.

3. Major Traffic Offence resulting in Disqualification

Where convicted of an offence which results in an immediate period of disqualification being applied to the applicant's or existing driver's DVLA driving licence, the **Licensing Manager** will not normally grant a "taxi" driver's licence until 1 year after the restoration of their DVLA licence and the driver will also have to pass a Pass Plus Course or council approved driving test prior to the licence issue.

In regard to existing Hackney or Private Hire drivers where their Council licence would normally be revoked by the **Licensing Manager**, the above standard would apply.

*** A major traffic offence is when the Court imposes four or more penalty points or disqualification.*

4. Driving a Motor Vehicle under the Influence of Drink or Drugs

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An application with one conviction on the DVLA licence under this category will be accepted provided a 1 year period has elapsed since the restoration of applicant's DVLA licence. More than one conviction of this type and the application will normally be refused by **Licensing Manager** for 5 years after the restoration of applicant's DVLA licence.

In regard to existing Hackney or Private Hire drivers, their Council licence would normally be revoked by the **Licensing Manager** and the above standard would apply.

5. Failure to report a disqualification

It may be the case that the driver's disqualification period is now out of this part of driving convictions criteria by the time the failure to report is uncovered. By being dishonest, the licence holder has evaded the best intentions of the policy and in such circumstances the 'start date' for the application of this part of the policy would become effective from the date the Council first became aware of the period of disqualification. Failure to report such a disqualification will normally result in the driver licence being suspended or revoked by **Licensing Manager** and the period of suspension or revocation will not normally be less than had the disqualification been properly reported to the Council.

Where false declarations have been made at the time of application or renewal, these may also be considered under the 'fit and proper' person assessment by a **Licensing Panel**.

6. Offences under the Town Police Clauses Act 1947 and Part II of the Local Government (Miscellaneous Provisions) Act 1976

One of the main purposes of the Licensing regime set out in the above named Acts is to ensure the protection of the public. For this reason, a serious view is taken of convictions for offences under these Acts when deciding whether a person is to be considered 'fit and proper' to hold a licence. All applications regarding under the Town Police Clauses Act 1947 and Part II of the Local Government (Miscellaneous Provisions) Act 1976, will be determined by the **Licensing Panel**.

7. Equality Act offences

Equality Act offences (Sections 168 and 171 of the Equality Act 2010) require Hackney Carriages & Private Hire drivers to carry guide, hearing and other assistance dogs accompanying disabled people and to do so without any additional charge.

Section 165 of Equality Act 2010 places duties on drivers of 'designated' wheelchair accessible Hackney Carriage and Private Hire vehicles.

One incident of this type would call into question whether or not that person is a 'fit and proper' to hold or retain a licence. An applicant will normally be refused a licence where he or she has been convicted of a Level 3 or above offence under the Act. The minimum refusal will be for a period of 5 days to 1 month on first offence and 6 months to 2 years, if the applicant has more than one conviction within five years preceding the date of the applicant's appearance before the **Licensing Panel**.

All applications with issues covered by Equality Act will be determined by the **Licensing Panel**.

Existing licensed drivers receiving a conviction may have their licence revoked or suspended in accordance with the above standard by the **Licensing Panel**.

8. Offences involving violence

Licensed drivers have close frequent contact with the public. A firm line is taken with those who have conviction/ cautioned for offences involving violence. An application will normally be refused by the **Licensing Manager** if the applicant has a conviction for an offence that involved the loss of life.

8.1 Category A

A licence will not be granted where the applicant has a conviction for an offence such as:

- Murder, • Manslaughter, • Manslaughter or culpable homicide while driving,
- Terrorism offences, • Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

In regard to existing Hackney or Private Hire drivers, their Council "taxi" licence would normally be revoked by the **Licensing Manager** and the above standard would apply.

8.2 Category B

An application will normally be refused by the **Licensing Manager** if the applicant has a conviction for an offence of:

- Arson, • Malicious wounding or grievous bodily harm which is racially aggravated
- Grievous bodily harm, • Robbery, • Possession of firearm
- Riot, • Assault Police Officer.

However, consideration may be given to the granting / issuing of a licence if at least 10 years have passed since the completion of any sentence and / or licence period following conviction/ caution

In regard to existing Hackney or Private Hire drivers, their Council licence will normally be revoked by the **Licensing Manager** and the above standard would apply.

8.3 Category C

An application will normally be refused by the **Licensing Manager** if the applicant has a conviction for an offence of:

- Actual bodily harm
- Racially-aggravated criminal damage
- Racially-aggravated (fear or provocation of violence)
- Racially-aggravated public order (intentional harassment, alarm or distress)
- Racially-aggravated harassment (putting people in fear of violence)

- Any other similar offences including attempted or conspiracy to commit offences that replace the above.

Consideration may only be given to the granting / issuing of a licence if at least 5 years have passed since the completion of any sentence and / or licence period following conviction/ caution.

In regard to existing Hackney or Private Hire drivers, their Council licence will normally be revoked by the **Licensing Manager** and the above standard would apply.

8.4 Category D

An application will normally be refused by the **Licensing Manager** if the applicant has a conviction for an offence of:

- Violent disorder, • Resisting arrest, • Any racially-aggravated offence against a person or property, • Common assault, • Affray, • Any Public Order Act offence (harassment, alarm or distress, intentional harassment or fear of provocation of violence),

- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

Consideration may only be given to the granting / issuing of a licence by **Licensing Manager** if at least 3 years have passed since the completion of any sentence and / or licence period following conviction/ caution.

In regard to existing Hackney or Private Hire drivers, their Council licence will normally be revoked by the **Licensing Manager** and the above standard would apply.

8.5 Category E:

Consideration may only be given to the granting / issuing of a licence by the **Licensing Panel** following conviction/ caution for an offence for:

- Obstruction
- Criminal damage
- Any racially-aggravated offence against a person or property,
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

In regard to existing Hackney or Private Hire drivers, the **Licensing Panel** will determine whether their licence should be suspended or revoked and the above standard would apply.

8.6 Category F:

An application will be refused by the **Licensing Manager** if the applicant has a conviction for an offence of:

- Possession of a weapon or any other weapon related offence,

This will give serious concern as to whether the person is fit to carry the public.

However, depending on the circumstances of the offence, at least 3 years must have passed since the completion of the sentence, before a licence is granted by **Licensing Manager**.

In regard to existing Hackney or Private Hire drivers, their Council licence will normally be revoked by the **Licensing Manager** and the above standard would apply.

9. Domestic Violence / Offences

Any offence that may be categorised as domestic violence will be determined by the **Licensing Panel** and treated on its merits.

10. Sexual and indecency offences

As licensed drivers often carry unaccompanied and vulnerable passengers, the Council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will have their licence refused by the **Licensing Manager**.

Such offences include:

- Rape, • Assault by penetration, • Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003),
- Making or distributing obscene material, • Possession of indecent photographs depicting child pornography.

- Sexual assault, • Indecent assault, • Exploitation of prostitution, • Soliciting (kerb crawling)
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) offences which replace the above

In regard to existing Hackney or Private Hire drivers, their Council issued licence will normally be revoked by the **Licensing Manager** and the above standard would apply.

11. Dishonesty

A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. For these reasons, a serious view is taken of any conviction involving dishonesty.

In general, a minimum period of 2 years free of conviction / caution, or at least 5 years have passed since the completion of prison sentence (suspended or otherwise) will be required before a licence is granted by the **Licensing Manager**. Offences involving dishonesty include:

- theft, • burglary, • fraud • benefit fraud • handling or receiving stolen goods
- forgery • conspiracy to defraud • obtaining money or property by deception
- other deception • taking a vehicle without consent
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not be issued with a licence.

In regard to existing Hackney or Private Hire drivers, their Council issued "Taxi" licence will normally be revoked or suspended by the **Licensing Manager** and the above standard would apply.

12. Drugs

A serious view is taken of any drug related offence. Taking drugs and driving poses an obvious risk to public safety. Applicants who have convictions for the supply of drugs will also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply will be considered.

Because of the nature of a driver's involvement with the public, a licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs.

A licence will be normally refused by **Licensing Manager** where the applicant has a conviction for offences related to the supply / production of illegal / controlled drugs, including possession with intent to supply, until at least 7 years have passed since the completion of any sentence and / or licence period, and only then, after full consideration of the nature of the offence and the quantity / type of drugs involved.

If there is evidence of persistent drugs use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict then he/she will be required to show evidence of 3 years free from drug taking after detoxification treatment.

If a caution or conviction of possession of drugs (for personal use) a licence will be refused by **Licensing Manager** for a 1 year alongside a drug test prescribed by the Licensing Authority (but paid for by the applicant) before the grant of the licence. If applicant declines to undertake a drug test, the application will be refused for a 3 year period by the **Licensing Manager**.

In regard to existing Hackney or Private Hire drivers, their Council issued licence will normally be revoked or suspended by the **Licensing Manager** and the above standard would apply.

13. The Conduct of Drivers or Applicants

Any Hackney Carriage or Private Hire Driver acting in a disorderly, abusive, violent manner, including towards any member of the public, other drivers, Police Officers or any Council official (Newport City Council or otherwise) will be referred to the **Licensing Panel** for it to consider the matter of his/her conduct (other than parking on Queensway bus stop or bus lane- see para 13.1).

To determine if a driver is "Fit and proper" the Council will **not** base its decision solely on conviction or caution, but also a driver's or applicant's conduct or any inappropriate behaviour. The **Licensing Panel** will take into account "soft" intelligence provided by the Police and other partners including the Licensing

Authority. The evidential threshold for licensing committees is based on the “balance of probability” and not the “beyond reasonable doubt” (the criminal standard of proof). In short, if the **Licensing Panel** is 51% certain an applicant is not fit and proper person it will refuse/revoke the licence.

14. Repeat offending

There are occasions where licensed drivers may have a range of low level offences, warnings, cautions that may call into question whether they meet the acceptable standard with regard to passenger safety. In these particular cases, the Council **Licensing Panel** will consider all the facts in deciding whether that person is ‘fit and proper’ to retain a licence.

The Licensing Manager may if feel it appropriate to refer any applicant or driver to the Licensing Panel for its consideration in interest of public safety if for any reason the Manager feels he/she cannot determine such an application.

15. Table of delegation

Delegation Caution or Conviction	Licensing Panel	Licensing Manager
Minor Traffic Offences		X
Major Traffic Offences (not resulting in disqualification)	X	
Major Traffic Offence (resulting in disqualification)		X
Failure to report motoring disqualification		X
Drink driving or driving under influence of Drugs		X
Offences under TPCA 1947& LG(MP)Act 1976	X	
Equality Act offences	X	
Serious Offences involving violence		X
Obstruction & Criminal Damage	X	
Sexual & Indecency Offences		X
An Offence that may be categorised as domestic Violence.	X	
Dishonesty		X
Drugs		X
Conduct of Drivers or Applicants.	X	
Use of Queensway bus lane and bus stops (SW, Cambrian Road)	If the driver continues to use the bus lane after letter of warning in a twelve month period the driver will be required to attend Licensing Committee to determine if he is a fit and proper person	Letter of warning
Repeat Offending	X	
Matters that falls outside the above policies but are required to be determined in the interests of public safety or the Licensing Manager may if feel it appropriate to refer any applicant or driver to the Licensing Panel for its consideration in interest of public safety if for any reason the Manager feels he/she cannot determine such an application.	X	

APPENDIX B

Private Hire Drivers' Conditions

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II PRIVATE HIRE DRIVER'S LICENCE – CONDITIONS OF LICENCE

1. A driver shall at all times maintain 'a high standard of appearance and behaviour', afford assistance with passengers 'luggage' and take all reasonable steps to ensure the safety of passengers. (drivers should obtain a medical exception from Licensing authority if they unable to conduct the above duties to medical reasons)
2. A driver shall not operate a radio / music / or electronic device in the vehicle so as to interfere with the comfort of passengers, nor without the express consent of the hirer shall he/she eat or drink in the vehicle.
3. A driver shall not convey a greater number of persons than specified in the Licence of the vehicle he/she is using, provided that for this purpose children under the age of ten may be conveyed in the rear passenger compartment. No child under the age of ten, or more than one person over that age may be conveyed in the front of the vehicle. The driver shall not allow any person other than the Hirer to ride in the vehicle (unless school contract escort) when it is on hire, without the Hirer's consent.
4. Property accidentally left in a Private Hire vehicle must be reported to the operator and the Police within a 24 hour period.
5. The driver shall upon request provide the hirer with a written receipt for the fare paid.
6. The driver shall convey no animal except when it is in the custody of the hirer and in this case the animal must be conveyed in the rear of the vehicle.
7. The driver shall make all attempts to arrive punctually at the time and place specified by the hirer.
8. A driver shall not demand of the hirer a sum in excess of that agreed between the hirer and the Operator. If the vehicle is fitted with a taximeter which is used to determine the fare, then the driver shall give the hirer the opportunity to examine the fare shown on the taximeter at the termination of the journey.
9. The driver shall notify the Council of all changes in his personal circumstances or relating to this licence, such as arrests, any offence for which reported, issue of fixed penalty notices, convictions, police cautions, and changes of address within fourteen days.
10. The driver should have no sexual contact or be sexually explicit either physically or verbally towards passengers they are transporting. The driver shall at all times ensure that the hirer/passenger is cared for and must not knowingly put them in any position that could lead them into any physical or moral danger. Any suspicious behaviour or circumstances must be reported to a relevant authority, e.g. Police, Children's Services or Licensing Officers.
11. Private Hire Drivers should take no part in the booking procedure between the customer and the Private Hire Operator. This includes supplying a customer with a communication device, i.e. mobile phone, computer device so they can make a booking with the Operator.
12. The Private Hire Driver shall only work for the Operator they have listed on their application form. If they change Operator, they should inform the Licensing Authority within 5 working days.

Legislation

The holder of a Private Hire Driver's Licence shall comply with the provisions relating to Private Hire vehicles contained in the following legislation:

- Town Police Clauses Act 1847
- Part II Local Government (Miscellaneous Provisions) Act 1976
- Road Traffic Act 1988 Part 11(a) Construction and Use of Vehicles and Equipment
- Equality Act 2010
- Health Act 2006

CODE OF GOOD CONDUCT FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

This Code should be read in conjunction with the other statutory and Policy requirements set out in this document, it should be noted these are **not conditions**.

1. Responsibility to the Trade:

Licence holders shall endeavour to promote the image of the hackney carriage and private hire trades by:

- Complying with this Code of Good Conduct;
- Complying with all the Conditions of their Licence, Byelaws and the Authority's Hackney Carriage and Private Hire Licensing Policy;
- Behaving in a civil, orderly and responsible manner at all times.

2. Responsibility to Clients:

Licence holders shall:

- Maintain their vehicles in a safe and satisfactory condition at all times. Carry out frequent checks of vehicles to ensure compliance with Motor Vehicles Construction and Use Regulations to ensure that the vehicle is a roadworthy condition prior to carrying passengers. Where faults of any description are identified which undermine the roadworthy condition of the vehicle, the driver should not drive the vehicle until such time as the fault has been rectified.
- keep their vehicle clean and suitable for hire to the public at all times;
- Attend punctually when undertaking pre-booked fares;
- Assist, passengers into and out of vehicle where necessary
- Provide passengers reasonable assistance with luggage.
- The driver should have no sexual contact or be sexually explicit, either physically or verbally towards passengers they are transporting. The driver shall at all times ensure that the hirer/passenger is cared for and must not knowingly put them any position that could lead to any physical or moral danger. Any suspicious behaviour or circumstances must be reported to a relevant authority, e.g. Police, Children's Services or licensing officers.
- To be professional and understanding to other road users
- To be polite and courteous to passengers
- Not use a hand held mobile phone or similar devices whilst driving
- Be smart and clean in appearance
- Have awareness of personal hygiene
 - Transport passengers by the shortest available route

3. Responsibility to Residents:

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

- not sound the vehicle's horn (between 11:30 pm and 07:00am unless danger is presented by another road user) or from a stationary vehicle);
- keep the volume of music media player or VHF radio to a minimum
- switch-off the vehicle's engine if required to wait;

- Take whatever additional action is necessary to avoid causing disturbance to residents in the neighbourhood.
- Pick up and drop off safely and without risk to pedestrians and other road users.

4. Responsibilities at Ranks and Offices

Licence holders shall:

- Rank in an orderly manner and proceed along the rank promptly
- Remain in attendance of the vehicle
- Not allow their music media players or radios to cause disturbance to residents of the neighbourhood
- Private Hire Vehicles are not permitted to park or block a Hackney Carriage
- Use of Queensway bus lane and bus stops (SW, Cambrian Road) Newport City Centre. The use of Queensway bus lane and bus stop is prohibited to all Hackney Carriage & Private Hire Vehicles (other than Hackney Carriages vehicles accessing the night time (after 12 midnight) rank located under the NCP car park). Private Hire and Hackney Carriage parking illegally causes significant risk to members of public especially on the pedestrian crossing. Any Hackney Carriage or Private Hire Driver found using the bus lane / bus stop will be given a letter of warning by the Licensing Manager. If the driver is found on a subsequent occasion using the bus lane or bus stop in a 12 month period, the driver would normally be required to attend a Licensing Panel to determine if he/she is a fit and proper person.

5. General

Drivers shall:

- Attend to their personal hygiene and dress so as to present a professional image to the public.
- be polite, helpful and fair to passengers
- drive with care and due consideration for other road users and pedestrians
- obey all traffic regulation orders and directions at all time
- not eat in the vehicle in the presence of customers; and
- Respect authorised Officers during the execution of normal course of their normal duties.

6. Conduct when working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties. Additionally a person should be considered as vulnerable if their condition is such as to render them more susceptible to harm than may otherwise be the case (E.g. physical or mental illness, as a result of being under the influence of drugs or alcohol).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passengers in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practice:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- A vulnerable passenger should not be transported in the front passenger seat of the vehicle, unless directed to do so by a Licensing Officer/ Police or Operator.
- The driver / operator must confirm that appropriate provision has been made for the vulnerable person prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver / operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver / operator must not undertake the journey.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the council.
- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.
- Drivers must remain professional at all times

- Should not touch passengers inappropriately
- Should not use inappropriate or offensive language (swearing or sexualised discriminatory comments)
- Cause any passenger to feel intimidated or threatened.
- Attempt to use any passenger details recorded by the operator for any reason other than associated with that Private Hire Contract.
- Drivers should not behave in an over familiar manner with any passenger and under no circumstance provide any gift or gratuity.
- Drivers should not deviate from the journey allocated to them by their Operator.

These standards are equally applicable when working with vulnerable and non-vulnerable passengers.

- A log should be kept by drivers where there has been an incident occurring / actions taken or refusals of service involving a vulnerable person.
- When a service has been provided to a vulnerable passenger, drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by calling 999).
- If drivers/operators are concerned about someone else's conduct, they should report the concerns to the Council's Licensing Service or Local Police.

VEHICLE POLICIES

1. Limitation of "Taxi" Numbers

No powers exist for Licensing Authorities to limit the numbers of Private Hire vehicles which they licence. The present legal provisions on restricting the numbers of Hackney Carriage Vehicles are set out in Section 16 of the Transport Act 1985. This provides that the grant of a Hackney Carriage licence may be refused, for the purpose of limiting the number of licensed Hackney Carriages "if, but only if, the Local Authority is satisfied that there is no significant demand for the services of Hackney Carriages (within the area to which the licence would apply) which is unmet".

Many local Licensing Authorities, including Newport, do not impose any quantitative restrictions for Hackney Carriages. Where quantitative restrictions are imposed, vehicle licence plates can command a premium. This might suggest that there are people who want to enter the market and provide a Service to the public but are being prevented from doing so by the limitation of numbers. It may be difficult to justify a quantitative control in such circumstances.

The Council has not at this time decided to set a limit on the number of Hackney Carriages which it licenses: no evidence has been provided of any difficulty arising from this stance.

2. Accessibility Policy

The Council is committed to social inclusion and to ensure that, a wide variety of opportunities are available to disabled residents for them to be able to enjoy a high quality of life. It fully supports the view of the Disability Rights Commission that:

"Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment healthcare as well as social and family life is significantly improved when journeys become accessible."

For this reason, the Council considers it important for disabled residents to have access to all forms of public transportation. In addition to the general conditions, accessibility for disabled people including, but not limited to, people who need to travel in a wheelchair, is an important consideration.

Different accessibility considerations should apply to Hackney Carriage as opposed to Private Hire vehicles. This is because Hackney Carriages can be hired immediately in the street or at a Hackney Carriage stand by the customer dealing directly with a driver, whereas Private Hire vehicles can only be used by prior booking, through an Operator. On the basis that those with disabilities must have equal access to transport services, it is considered to be particularly important for a disabled person to be able

to hire a Hackney Carriage on the spot with the minimum of delay or inconvenience and having accessible Hackney Carriages available helps make that possible.

Consequently, as from April 2007, the Council decided that it would only license as Hackney Carriages, vehicles that are Purpose Built "London style" fully wheelchair accessible vehicles. The Hackney Carriage must be safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort whilst remaining in their wheelchair. The wheelchair can enter either from the side of the vehicle or the rear. The vehicle must comply with British and European vehicle regulations, be type approved to the standard of M1 whole-vehicle, M1 (Low Volume) category and be unaltered since the type-approval.

The Disability Discrimination Act 2005 superseded by the Equality Act 2010 imposes a duty on Taxi drivers to ensure that disabled people are not discriminated against or treated less favourably.

Section 166 of Equality Act 2010 places duties on drivers of 'designated' wheelchair accessible Hackney Carriage and Private Hire vehicles. These duties are:

1. To carry the passenger while in the wheelchair;
2. Not to make any additional charge for doing so;
3. If the passenger chooses to sit in a passenger seat to carry the wheelchair;
4. To take such steps as necessary to ensure that the passenger is carried in safety and reasonable comfort; and
5. To give the passenger such mobility assistance as is reasonable required.

Section 165 of the Equality Act 2010 allows Taxi Drivers to apply to the Licensing Authority for an exemption from such duties in relation to their assisting disabled passengers. Drivers seeking an exemption will require a letter from their Regional Medical Practitioner stating the reason why an exemption should be granted.

Section 166 allows the Licensing Authority to exempt drivers from these duties to assist passengers in wheelchairs if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with these duties. An exempted driver will have to display an 'Exemption Notice' issued by the DfT in the vehicle.

Assistance Dogs

Licensed taxi drivers in England and Wales are under a duty under Equality Act 2010 to carry guide, hearing and other prescribed assistance dogs in their taxis without additional charge. Drivers who have a medical condition that is aggravated by exposure to dogs may apply to Newport City Council for an exemption from the duty on medical grounds. Any other driver who fails to comply with this duty could be prosecuted through a Magistrates' Court and is liable to a fine of up to £1,000 and could be deemed not to be a fit and proper person to hold a Hackney or Private Hire Driver's licence. Similar duties exist for PHV operators and their drivers.

3. Vehicle age

The DfT Guidance reminds Licensing Authorities that it is perfectly possible for an older vehicle to be in good condition and that the setting of an age limit, beyond which they will not licence vehicles, may be arbitrary and disproportionate. It is, nevertheless, accepted that a greater frequency of testing may be appropriate for older vehicles, for example, twice-yearly tests for vehicles that are more than five years old.

The Council recognises the advice given by the DfT and at this stage does not intend to place any rigid age restrictions on licensed vehicles. However, once a vehicle is 15 years old it will be required to be inspected by the Licensing Authority alongside the vehicle test, to determine if the vehicle is fit to be licensed or re-licensed.

4. Environmental Policy

The DfT Guidance asks Licensing Authorities to consider how far their vehicle Licensing Policies can and should support any local environmental policies that they may have adopted, bearing in mind the need to ensure that benefits outweigh costs.

The Council aims to ensure that Hackney Carriages and Private Hire Vehicles assist in the suitable improvement of air quality as such; the Council has adopted the following emission standards for Hackney Carriage & Private Hire vehicles.

- **New Hackney Carriage & Private Hire Vehicles licences** will only be granted on vehicles that meet Euro 5 Standard.
- **Transfer of Hackney Carriage & Private Hire Vehicles licences** will only be granted on vehicles that meet Euro 5 standard.
- **Replacement of Hackney Carriage & Private Hire Vehicle.** An existing vehicle licence holder (a proprietor that has held a current licence before introduction of the policy and has continued to renew this licence) may change the vehicle on that licence if the vehicle meets minimum Euro 4 standards. Vehicle licences granted after the introduction of the policy will only be granted to replace vehicles that meet Euro 5 standard.

Euro Standard	Date the standard was introduced
Euro 2	January 1996
Euro 3	1 st January 2000 until 31 st December 2004
Euro 4	1 st January 2005 until 31 st August 2009
Euro 5	1 st September 2009 until 31 st August 2014
Euro 6	1 st September 2014

It is also important to note that some vehicle manufacturers introduced the Euro Ratings to their vehicles before the due dates above (i.e. it is possible that a vehicle could be rated as a Euro 5 before the 01/09/2009 depending on the make/model. Details of Euro ratings can be found on vehicle V5 or V5C log book)

The authority will also look at providing in the future further incentives for Vehicles that are either electric or hybrid.

5. Vehicle testing

The DfT Guidance recognises that an annual MOT test for licensed vehicles of whatever age is appropriate. More frequent tests are not recommended, except for older vehicles (see section 3 above). The Council recognises the DfT guidance that a MOT test is appropriate, but considers it is important that vehicles are not only checked for road worthiness, but also that the vehicle meets the taxi licence conditions and that it is in excellent condition to carry passengers, as such before a vehicle licence is granted, the vehicle must be tested at a Council designated test / testing centres and in accordance with the Council testing procedures.

The following testing requirements are therefore proposed:

1. Hackney Carriage and Private Hire vehicles less than 5 years old (from date of first registration) will be tested annually and upon test pass will be granted a vehicle licence effective for 12 months/1 year.*
2. Hackney Carriage and Private Hire Vehicles over 5 years old (from date of first registration will be granted a 12 month/yearly licence (although the vehicle will be issued a licence for 12 months it will be required to pass the Council vehicle test before 6 month from the date of issue of the 12month/yearly licence has elapsed.) Proprietors who fail to present the vehicle for testing before 6 month has elapsed will have their vehicle licence suspended immediately by the Licensing Authority and such suspension shall remain until the vehicle successfully passes the Council test*. (Vehicles may be tested 31 days prior to the 6 month interval date)

**(In cases when the Proprietor has a poor history of vehicle maintenance the Licensing Manager may determine that the vehicle(s) licenced by that proprietor is tested on a quarterly basis. Before implementing this condition, a written warning and mediation meeting will take place between the Proprietor and the Licensing Manager/ Senior Licensing Officer.)*

3. Vehicle testing arrangements are currently through a nominated local testing station at which compliance with the requirements is assessed and confirmed by the issue of a certificate. Any authorised Officer of the Council or any Constable has the power at all reasonable times to inspect and test for the purpose of ascertaining its fitness, any Hackney Carriage or Private Hire vehicle licensed by the Council. If the Officer feels the vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle, or the vehicle is not in compliance with Taxi Legislation or the Council's Licensing Policy and Conditions, the vehicle's licence may be suspended, revoked or not renewed. The Licensing Officer may refer revocations and renewals to the Licensing Panel to determine if the vehicle is fit for purpose. It should be noted that proprietors who purposely cover up brakes/moving parts etc. with under-seal, similar product or any other method to prevent parts of the vehicle being checked, will not pass the Council vehicle test.

6. Signage/Plates/Advertising Policy

Some members of the public do not distinguish between Private Hire vehicles with Hackney Carriages, and do not realise that Private Hire vehicles are not available for immediate hire or able to be hailed in the street. Therefore, it is important that the public are able to easily distinguish each type of vehicle. Creating distinctive livery for Hackney Carriages helps to resolve this difficulty.

Roof-mounted signs on Private Hire vehicles are not seen as best practice even if they indicate 'pre-booked only'. This because as any roof-mounted sign is liable to create confusion with a Hackney Carriage which also has a roof mounted sign.

Newport City Council licensed vehicles, both Hackney Carriages and Private Hire are required to display a 'Council' issued identity plate to the rear of the vehicle and adhesive signage on the front offside and front nearside doors of the vehicles. Currently, the adhesive door signs are circular and predominantly green in colour for Hackney Carriages and triangular and predominantly Yellow for Private Hire Vehicle. It is proposed to continue using these colours in order to distinguish between the two different types of vehicles.

From the 1 June 2001, Hackney Carriages were required to be Black or a colour approved by the Council. Private Hire vehicles can be any colour unless the vehicle is of the same design and appearance of "Purpose Built" vehicles which are licensed for the Hackney Carriages trade in Newport. Vehicles which are similar in appearance and colour to "Purpose Built or approved Hackney Carriage vehicles" shall not be licensed as Private Hire vehicles in order to prevent any confusion between a Private Hire Vehicle and a Hackney Carriage Vehicle.

A Hackney Carriages licensed by the Council must carry an illuminated roof-mounted sign. The roof sign must state Taxi and must be illuminated when plying for hire.

Hackney Carriages Vehicles must have affixed to both offside and nearside front doors Council approved adhesive signs provided solely by the Council and affixed at the approved testing station.

Private Hire Vehicles must have affixed to both offside and nearside front doors Council-approved adhesive signs provided solely by the Council and affixed at the approved testing station. The design of the signs (livery) can be found in Appendix E.

Limited advertising is permitted on Private Hire Vehicles. Details of any signs or advertising shall be submitted, in the first instance, to the Council's Licensing Manager for due consideration as to content.

7. Hackney Carriage Fares Policy

Licensing Authorities have the power to set maximum Hackney Carriage fares for journeys within their area and the majority, including Newport City Council, do so. There is no power to set Private Hire fees. Fare scales should be designed with a view to practicality. The DfT sees it as good practice to review the fare scales at regular intervals, including any graduation of the fare scale by time of day or day of the week. The DfT also suggests that in reviewing fares, Authorities should pay particular regard to the needs of the travelling public, with reference both to what it is reasonable to expect people to pay but also to the need to give taxi drivers sufficient incentive to provide a service when it is needed. There may well be a case for allowing higher fares to be changed at times of higher demand, for example later at night and early morning.

The Council will set Hackney Carriages fares, at maximum fare that Drivers or Operators of Hackney Carriage Vehicles can charge. Drivers or Operators of Hackney Carriage Vehicles who wish to charge less than the Council Tariff may do so. The Fare Tariff will be subject of on-going review to ensure that it

meets with both the needs of the travelling public and of the Hackney Carriage Trade in providing that service.

Although the Council is not permitted to set fares for Private Hire Vehicles, Private Hire vehicles wishing to have "taxi" meters in the vehicle will be required to run under the tariff that has been set by the Private Hire Operator. The vehicle will either be required to display the Operator's Tariff on a tariff card in the vehicle or the Operator should give an estimated fixed fair to the customer at the time of the booking that should coincide with the meter.

8. Security/CCTV Policy

The DfT Guidance recommends Licensing Authorities look sympathetically on or actively encourage the installation of security measures such as a screen between driver and passengers or CCTV systems as a means of providing some protection for vehicle drivers.

It is not required by this Policy and Conditions that such measures should be implemented, as it is considered that such decisions are best left to the judgement of operators and drivers themselves. The Hackney Carriage and Private Hire Vehicle trade are, however, encouraged to build good links with Gwent Police, and to participate in the 'One Newport' Partnership. However, should proprietors wish to install CCTV in their Hackney Carriage or Private Hire Vehicle, they must write to the Licensing Authority and inform us of the installation. The Licensing Authority will provide practice guidance for the trade. Hackney Carriages drivers who wish to use the front passenger seat for a paying passenger or for gain must have CCTV present in the vehicle and it must be approved by the Council following its best practice guidance. This will allow the provisions of the front seat to be used by family and friends when the vehicle is "not working".

9. Grant and Renewal of Vehicle Licences Policy

The DfT Guidance makes no recommendation as to the duration of Hackney Carriage or Private Hire vehicle licences and legislation limits the maximum period of such licences to twelve months. The Council will grant both Hackney Carriage and Private Hire Vehicle Licences for a 12 month period. The Authority has power to impose conditions on both Hackney Carriage and Private Hire Vehicle licences. These can be found in Appendix C for Hackney Carriage and Appendix D for Private Hire Vehicles.

10. Prestige / Special" Vehicles/Stretched Limousines Policy/Wheelchair Private Hire Vehicles

Local Licensing Authorities may be asked to license stretched limousines as Private Hire Vehicles. It is suggested by DfT guidance that Local Authorities should approach such requests on the basis that these vehicles, The Council's "special vehicle" Policy in respect of licence applications for such vehicles is set out in Appendix D alongside Prestige/Special and wheelchair Private Hire Vehicles.

Where a vehicle has been imported from another country, VOSA approved certification will be required. Historically, this has been in a form of Single Vehicle Approval (SVA) inspection regime before becoming registered in the United Kingdom. This is now the Individual Vehicle Approval (IVA) Scheme. The IVA test verifies that the converted vehicle is built to certain safety and environmental standards. The Council will require imported vehicles to meet the IVA standard and require evidence of this in the form of the V5C (Registration Certificate) of the vehicle, which may refer to IVA under the "Special Note" Section; or the proprietor must obtain written confirmation from:

VOSA, Ellipse, Padley Road, Swansea, SA1 8AN, that the vehicle is IVA compliant.

Proprietors will require details of the vehicle's make and model, registration number and VIN number. Consideration may be given to the age of such vehicles, these usually being five years old when imported into the United Kingdom.

Due to the individual nature of a "special vehicle" including wheelchair- carrying vehicles, it will inevitably give rise to issues that would not apply to conventional Private Hire vehicles and therefore it will be necessary to consider whether special conditions should be included on any licence including being exempt from the "environmental policy".

11. Contract Vehicles

Until January 2008, there were no requirements for a vehicle to be licensed when used for a contract with an organisation or firm for a period of at least seven days, for carrying passengers for hire or reward

under a contract for the hire of the vehicle. However, this exemption only applied to the vehicle and driver specified by the contract and then only during the period of the contract. Any vehicle being used for a contract with one firm could not be used for any other contract or purpose during the period of that contract. Vehicles carrying out contract work after that date have been required to be licensed by the Council in order to continue to undertake that work: this includes school transport.

Funeral Vehicles / Wedding Vehicles

There is no requirement for a vehicle to be licensed when it is used solely in connection with a funeral, or is wholly or mainly used by a person carrying on the business of a Funeral Director. A vehicle does not need to be licensed while it is being used solely for the wedding service.

12. Hackney Carriage Stands

The purpose of Hackney Carriage stands (also known as 'Taxi Ranks') is to provide the public with a set location where they can hire a licensed Hackney Carriage. The stand is where a Hackney Carriage only may ply for hire in a stationary position. The Council shall work with the Hackney Carriage trade and other stakeholders to keep stands under constant review.

PRIVATE HIRE OPERATORS

13. Requirements and Obligations

Any person who operates a Private Hire service using Private Hire vehicles must apply to the Council for a Private Hire Operator's licence. An Operator's licence permits the operator to make provision for the invitation or acceptance of bookings for a vehicle. A Private Hire operator must ensure that every Private Hire vehicle is driven by a person who holds a Private Hire driver's licence. An application for an Operator's Licence must be made on the prescribed form, together with the appropriate fee.

14. Criminal Record Check Policy

Private Hire operators are not exempt from the Rehabilitation of Offenders Act 1974, so standard or enhanced disclosures can be required. A basic disclosure from the Disclosure Scotland or a standard disclosure from the CRB or a certificate of good conduct from the relevant embassy for overseas applicants will be required for new operators. A Criminal Record Check will be required every 5 years. Operators that hold either a Hackney Carriage or Private Hire driver's licence with the Authority will not be required to undertake a CRB check.

15. Conditions

The Authority has the power to impose such conditions on an Operator's licence, as it considers reasonably necessary as stipulated in Appendix F.

16. Record Keeping Policy

Sections 56(2) and (3) of the 1976 Act place a duty on a Private Hire Operator to maintain records. However, it is for the Council to decide what records are required in relation to journeys that are booked. Operators are required to keep records in respect of all bookings, vehicles and drivers, for a period of one year as defined in the Private Hire Operator's Conditions of Licence appendix D.

17. Insurance Policy

Before an application for a Private Hire Operator's Licence is granted, the applicant must take out the appropriate public liability insurance for the premises from which he/she is to be licensed. The conditions proposed for a Private Hire Operator's licence, will require that the Operator produces an appropriate certificate of motor insurance which covers every Private Hire vehicle they operate.

18. Licence Duration Policy

The DfT considers that annual licence renewal is not necessary or appropriate for Private Hire Operators, whose involvement with the public is less direct than that of a driver. They recommend, as good practice, that a licence period of five years would be reasonable.

Changes in legislation from the 1 October 2015 under the De-Regulation Act 2015 required all authorities to issue Private Hire Operators for a period of five years. Newport City Council will issue a 5 year licence to an individual(s) or a company, although the Operator's licence will not be transferrable.

19. Address from Which an Operator May Operate

Upon grant of an Operator's Licence, the Council will specify the address from which the operator may operate. This will be the premises where the records are to be kept and at which they may be inspected by authorised Officers and Police Constables.

It is the responsibility of the Operator to ensure that appropriate planning consent exists for the use of the address which is to be used for operating the business. It should be noted that the grant of a Private Hire Operator's Licence will not imply that planning consent has been given.

20. Bases outside the Newport City Council Area & "Satellite" bases

The Authority will not normally grant an Operator's Licence to an Operator with an operating base that is located outside the district of Newport. This is to ensure that proper regulation and enforcement measures can be taken and is in no way intended to be a restraint on trade. If the Authority were to ever consider issuing a licence outside the City, a comprehensive business plan would have to be developed to ensure proper regulation and enforcement measures were not undermined.

Where Operators use a second 'satellite' base as an Operator's office (whether it is a business or residential address) within Newport, they shall inform the Licensing Authority in writing so that the addresses may be stated on the Licence. The Licensing Authority reserves the right to charge for every additional office.

21. Sub-Contracting Private Hire Bookings

Operators are allowed to sub-contract bookings to other operators, both within the licensed area and outside of the Council's area. Operator licence conditions relating to Sub-Contracting can be found in Appendix D.

22. Operator's Responsibilities

Newport City Council expects Private Hire Operators to play an integral role in ensuring not only public safety, but also the safety of the driver they despatch (despite the majority of drivers being "self-employed"). As such, all Operators are required to keep an incident book in which records both driver and passenger incidents.

As part of the Operator's 5 year licence, the licence conditions will be audited periodically in connection with the statutory requirements and any condition which forms part of the Operator's Licence. Following the audit, the Operator shall be graded as either: Compliant, Bronze, Silver or Gold. The Operator will be given a certificate highlighting the award given by the Licensing Authority. This certificate will not be mandatory to display, although Operators who are awarded with Gold or Silver may wish to highlight the award on their websites, promotional material or when tendering for contracts. The aim of the awards scheme is to promote the "taxi" industry and ensure that there is a high quality of service which is recognised by affixing of a grade/award on their vehicles and at the Operator's Base. In addition, it allows the residents of the City and those visiting to make a choice of whom they wish to use by virtue of the grade award to a particular company.

APPENDIX C

Hackney Carriage Vehicle Conditions

Hackney Carriage Vehicle Licence Conditions

A Hackney Carriage proprietor is an owner or part owner of a vehicle, or where a vehicle is subject to leasing contract, hiring agreement or hire purchase, a proprietor is the person in possession of the vehicle under the agreement. In all such cases the proprietor requires a Hackney Carriage Proprietor's Licence from Newport City Council, before they are legally entitled to use the vehicle to ply for hire. Licences can be obtained by making a full application to the Council. Each applicant must submit an application in respect of every vehicle for which a licence is required.

Specification

1. The Proprietor shall ensure that the vehicle and all its fittings and equipment shall at all times when the vehicle is in use or available for hire be kept in an efficient, safe, tidy and clean condition and that all relevant statutory requirements (including in particular those contained in Motor Vehicles Construction and Use Regulations) shall be fully complied with.
 - a) The vehicle shall have no evident signs of previous significant accident damage. The paint work shall be of a professional finish over the whole of the vehicle's bodywork.
 - b) The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered.
 - c) Bodywork damage cannot be patched up or fixed with 'Gaffer Tape' etc. (Although the quarter light windows can be affixed by Gaffer Tape in the interest of prevention of crime and wing mirrors can be taped if the mirror has been vandalised, but the mirror should be fixed before any future council tests.)
 - d) All parts of the passenger compartment shall be kept clean and free of any damage, which may otherwise affect its suitability for the carriage of passengers.
 - e) Where seat covers are used they shall be properly affixed to the seat so as not to become loose during use. They shall be kept clean and devoid of damage of any kind.
 - f) A working heating and ventilation system shall be provided within the Hackney Carriage.
 - g) A window on either side of the passenger compartment shall be capable of being opened easily by passengers and/or by the driver.
2. No material alteration or change to the specification, design, condition or appearance of the vehicle shall be made without the prior approval of the Licensing Manager.

Type of Vehicle

3. The vehicle must be a purpose built fully wheelchair accessible vehicle. The vehicle must be safely accessible to a disabled person in their wheelchair and must be able to carry the person in safety and in reasonable comfort while remaining in their wheelchair. The vehicle must comply with British and European Vehicle Regulations, be type approved to the standard of M1 whole-vehicle, **M1 (Low volume) category** and be unaltered since the type-approval was obtained. Wheelchairs can either access the vehicle from the side or from the rear of the vehicle. The wheelchair must be secured within the vehicle at all times and in accordance with the Vehicles Manufacture Guidelines.

PLATE, SIGNS, ADVERTISING, AND LIVERY

4. (a) Vehicles shall at all times display the external plate and internal disc which are supplied with this licence by the Council. The plate must be securely attached to the vehicle with the use of a plate bracket provided by the Council or screwed to the rear of the vehicle (magnetic or self-adhesive securing of the plate is not permitted). The only exception for not displaying the plate on the bracket is when the bracket breaches the Road Traffic Act, or if the vehicle precludes the use of the bracket; in this case proprietors must contact the Licensing Team in order to obtain an exemption from having to display a plate bracket.
And

- (b) Display the Council licence disc at the top left hand corner of the inside front windscreen ensuring that the licence details thereon are visible from both inside and outside the vehicle and in such a way as not to obscure visibility in anyway. The inside disc should display the plate number and expiry date.
5. The vehicle must display authorised Council Door Stickers on the driver's and front passenger's door. No signs, notices, symbols or emblems should be displayed in or on the vehicle without the prior approval of the Licensing Manager. However a sign can be attached to the rear passenger doors: this sign must be no larger than 80cm x 50 cm and should only be used to highlight the Company/Operator for whom the vehicle is working.
6. The Vehicle must be in BLACK in colour or a colour approved by the Council.

CHANGE OF CIRCUMSTANCES

7. The Proprietor shall, within fourteen days, notify the Council, in writing, of any arrest, pending prosecution, report for summons, any road traffic offence, any conviction or any other offence in his/her regard during the period of this licence.
8. The Proprietor shall, within fourteen days, notify the Council in writing of all changes in circumstances affecting this licence, such as: change of address, phone number, taxi operator for whom he/she is working, owner of the vehicle, change of insurance company etc.
9. The Proprietor should inform the Licensing Authority within 4 working days and in writing of any accident or damage to the vehicle and present the vehicle for inspection upon request of a Licensing Officer.

RETURN OF PLATE

10. The Hackney Carriage Licence plate and disc, supplied with this licence, is the property of Newport City Council. The plate should be returned within 14 days after expiry; failure to do so will result in loss of the plate deposit and may result in other action being taken.

INSURANCE

11. The Proprietor shall ensure that a copy of the Insurance Policy or Cover Note is carried in the vehicle at all times. The proprietor shall not use the vehicle, nor permit it to be used as a Hackney Carriage vehicle when there is not in force for the vehicle an appropriate Policy of Insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988 and that the requisite vehicle road tax has been paid for the year. The Proprietor shall produce, when requested, the vehicle registration document and a valid MOT Certificate.

SEATING PLAN & LUGGAGE COMPARTMENT

12. Each passenger shall have direct access to a door without the need to remove or completely fold flat other seating. Where passengers do not have direct access to a door vehicles that have seats that "tilt" forward by a single operation will be permitted by the Council. A clear sign within the vehicle should clearly indicate the location of the handle that operates the tilt forward seat.
13. Hackney Carriages that wish to use the passenger seat for a paying passenger or for gain must have CCTV present in the vehicle and be approved by the Council; separate guidance will be available for proprietors.
14. The vehicle must be capable of carrying no fewer than four passengers and no more than eight.
15. The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage.
16. Each passenger seat shall be fitted with a seat belt. No seats may be side facing, other than a wheelchair that has been correctly secured in the vehicle, in accordance with vehicle manufacturer's guidelines.
17. The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint, then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained, but instead held in an adult's arms/lap. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act. (Further details can be found on)

http://www.dft.gov.uk/think/focusareas/children/childincar?page=Advice&whoareyou_id=

ALTERATION OF VEHICLE

18. No alteration to the manufacturer's specification for the vehicle including a change of or additional fuel type shall be carried out except with the prior written approval of the Council.

TINTED WINDOWS

19. The front windscreen and front windows must have a visible light transmission (VLT) of not less than 75 per cent and all other windows must not be tinted to the extent that passengers cannot be seen from outside the vehicle.

VEHICLE TESTS

20. Hackney Carriages will be tested once every year until 5 years old. Hackney Carriage over 5 years' old will be tested every 6 month following issue of a 12 month/yearly licence. Licence holders are permitted to book the vehicle in for testing up to 28 days prior to the 6 monthly test.
21. If a vehicle fails the Council's vehicle test or a MOT the vehicle cannot be used as a Hackney Carriage until such time the vehicle is re-examined and passes the Council test or MOT.

VEHICLE EQUIPMENT

22. The vehicle must carry the following equipment:
- a. A spare wheel suitable for immediate use and which is properly maintained. If the spare wheel is of the temporary space saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary and vehicles that have certain technology may be exempt from this condition at the discretion of the Council (E.g. vehicle is fitted with run-flat tyres).
 - b. A jack and tools for changing the wheels.
 - c. A ramp, or ramps, for the loading of a wheelchair and passenger must be available at all times for use at the nearside rear passenger door. An adequate locking device shall be fitted to ensure that the ramp(s) do not slip, splay apart or tilt when in use. Provision shall be made for the ramps to be stored safely in the vehicle when not in use. The duties for proprietor / driver:
 - Are to transport the passenger while 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.Unless the driver holds an Exemption certificate as defined under Equality Act 2010. Any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users.

ADVERTISING

23. Advertisements are only permitted on the interior of purpose built Hackney Carriages on the underside of the tip-up seats and across the bulkhead above the dividing glass partition. The permitted sizes are as follows:
- bulkhead 60cm x 8 cm
 - tip up seat 33cm x 30.5cm.
- No advertisement may be placed on the dividing glass partition other than notices approved by the Council, for example the tariff card.

AUDIO, VIDEO & RECORDING SYSTEMS

24. No audio, video or recording systems which were not installed when the vehicle was manufactured shall be installed or operated in the vehicle without complying with the Council CCTV guidance.

NO SMOKING IN VEHICLE

25. No smoking is permitted in the vehicle by either the driver or passengers. The vehicle should comply with the “smoke free” regulations as stated in the Health Act 2006. The vehicle must display ‘no-smoking’ signs in a prominent position. The sign should include the international red ‘no smoking’ symbol.

METERS AND FARES

26. The vehicle must be fitted with a taxi meter which must comply with the Measuring Instruments (Taximeters) Regulations 2006. The taxi meter shall:
- show the fare recorded on the taxi meter in clearly legible figures, and the word ‘FARE’ shall be clearly displayed so as to apply to such figures;
 - The meter should be set in accordance with the Council’s Table contrary of Hackney Carriage fares, unless the Proprietor wishes to have a lower tariff. In this case the Proprietor must display the Council Tariff alongside a Proprietor’s Tariff Card. In such circumstances the Proprietor’s Tariff Card must clearly state that the Proprietor does not charge the maximum Council taxi rates. A copy of the Proprietor’s Card should be given to the Council for its own records.
27. The fare tariff must be fixed in such a position so that the fare to be charged is visible to all passengers within the vehicle at all times and the figures shall be illuminated for this purpose. In the case of Hackney Carriage vehicles that have safety shields, the fare tariff should be displayed in the rear compartment of the vehicle.
28. The Proprietor of the hackney carriage shall ensure that there is a receipt book available in the vehicle at all times and a receipt should be provided at the passenger’s request.

LOST PROPERTY

29. The proprietor or driver of a Hackney Carriage shall take all reasonable steps to return any property that has been left in his vehicle to the rightful owner and in any case must take any found property to Newport Central Police Station within 24 hours.

ENVIRONMENTAL CONDITION

30. **New Hackney Carriage licences will only be granted on vehicles that meet Euro 5 Standard.**

Transfer of Hackney Carriage licences will only be granted on vehicles that meet Euro 5 standard.

Replacement of Hackney Carriage licences. An existing vehicle licence holder (a proprietor that has held a current licence before introduction of the policy and continued to renew this licence) may change the vehicle on that licence if the vehicle meets minimum Euro 4 standards. Vehicle licences granted after the introduction of the policy will only be granted to replace vehicles that meet Euro 5 standard.

31. The holder of every Hackney Carriage licence shall comply with the provisions relating to Hackney Carriages contained in the following legislation:
- Town Police Clauses Act 1847
 - Part II Local Government (Miscellaneous Provisions) Act 1976
 - Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment.
 - Equality Act 2010.
 - Health Act 2006

APPENDIX D

PRIVATE HIRE VEHICLE LICENCE CONDITIONS

A Private Hire vehicle proprietor is an Owner or part-Owner of a vehicle, or where a vehicle is subject to a hiring agreement or hire purchase, the person in possession of the vehicle under the agreement. A Private Hire vehicle proprietor requires a Private Hire vehicle licence from Newport City Council for each vehicle used for Private Hire. The vehicle can only operate under a Newport City Council Operator's Licence.

Licences can be obtained by making a full application to the Council. Applicants must submit an application for every vehicle for which a licence is required.

SPECIFICATION

1. The Proprietor shall ensure that the vehicle and all its fittings and equipment and at all times when the vehicle is in use or available for hire kept in an efficient, safe, tidy and clean condition and all relevant statutory requirements (including in particular those contained in Motor Vehicles Construction and Use Regulations) shall be fully complied with.
 - a) The vehicle shall have no evident signs of previous significant accident damage. The paint work shall be of a professional finish over the whole of the vehicle's bodywork.
 - b) The bodywork shall have no significant signs of corrosion. Corrosion includes visible rust and signs of rust by virtue of the paintwork being blistered etc.
 - c) Bodywork damage cannot be patched-up or fixed with 'Gaffer Tape' etc. (Although the quarter light windows can be affixed by Gaffer Tape in the interest of prevention of crime and wing mirrors can be taped if the mirror has been vandalised, but the mirror should be fixed before any future Council tests).
 - d) All parts of the passenger compartment shall be kept clean and free of any damage, which may otherwise affect its suitability for the carriage of passengers.
 - e) Where seat covers are used they shall be properly affixed to the seat so as not to become loose during use. They shall be kept clean and devoid of damage of any kind.
 - f) An adequate heating and ventilation system shall be provided for the driver and the passengers alike.
 - g) A window on either side of the passenger compartment shall be capable of being opened easily by passengers when seated.
2. No material alteration or change to the specification, design, condition or appearance of the vehicle shall be made without prior approval of the Licensing Manager.
3. The vehicle must comply with British and European Vehicle Regulations, be type approved to the standard of M1 Whole-Vehicle, M1 (Low volume) and be unaltered since it received type-approval.
4. Private Hire vehicle can be any colour unless the vehicle is a "Purposed Built" vehicle; these types of vehicles are not permitted to be black / dark blue / dark grey or any other colour that could be confused with 'black'.

PLATES, SIGNS, ADVERTISING AND LIVERY

5. The Private Hire Vehicle Licence plate must be displayed externally, adjacent to the rear bumper and securely attached to the vehicle with the use of a plate bracket provided by the Council. The only exception for not displaying the plate is when the bracket breaches the Road Traffic Act. In this case proprietors must contact the Licensing Team to seek exemption from having to display a bracket.
6. The licence disc must be displayed at the top left hand corner of the inside front windscreen in such a way as to obscure the driver's visibility ensuring that the licence details thereon are visible from both inside and outside the vehicle.
7. The vehicle must display authorised Council door stickers on the driver's and the front passenger doors. (The only exception is when Private Hire Vehicles are used in connection with a wedding or a funeral, they are then permitted to cover up the Council Door stickers with a magnetic cover and no other advertising is permitted on the vehicle including company logos).
8. No signs, notices, symbols or emblems shall be displayed in or on the vehicle without the approval of the Licensing Manager. However, a sign can be attached to the rear passengers' doors: this sign

must be no larger than 80cm x 50cm and should only be used to highlight the operator for whom the vehicle is working.

CHANGE OF CIRCUMSTANCES

9. The Proprietor shall, within fourteen days, notify the Council, in writing, of any conviction, arrest, or caution imposed on him/her during the period of this licence.
10. The Proprietor shall, within fourteen days, notify the Council, in writing, of all changes in circumstances affecting this licence, such as change of address or change of Private Hire Operator etc.
11. The Proprietor should inform the Licensing Authority within 4 working days and in writing of any accident or damage to the vehicle.

RETURN OF PLATE

12. The Private Hire Licence plate and disc supplied with the licence is the property of Newport City Council. The plate should be returned within 7 days after expiry. Failure to do so will result in loss of the plate deposit and could result in other action being taken.

INSURANCE

13. The Proprietor shall ensure that a copy of the Insurance Policy or Cover Note is carried in the vehicle at all times. The proprietor shall not use the vehicle, nor permit it to be used, as a Private Hire vehicle when there is not in force for the vehicle a Policy of Insurance, or such security as complies with the requirements of Part VI of the Road Traffic Act 1988, covering the use of the vehicle to carry passengers for hire or reward. The proprietor shall produce when requested the vehicle registration document, a valid MOT certificate and shall ensure that the vehicle's road tax has been paid for the year.

SEATING PLAN AND LUGGAGE COMPARTMENT

14. The vehicle must be capable of carrying no fewer than four passengers and no more than eight. Cars must have a back seat width (when measured in a continuous line from edge to edge) of at least 1220mm (48 inches).
15. Larger vehicles (MPV, minibus, or people mover types) must have sufficient doors of sufficient size to allow passengers to get in and out quickly and safely. Where exit from the rear seats in vehicles equipped with three rows of seats requires operation of a tip seat mechanism, passengers must be able to exit from either side of the vehicle and the tip seats at either end of the middle row must be capable of independent operation. Where a vehicle is equipped with pop-up, or auxiliary seats intended for occasional use only, those seats must not be included in the licensed capacity of the vehicle. Where the vehicle configuration requires a whole bench seat to slide and/or tip for access/egress to the rear seats, the rear seats should not be included in the seating capacity and should be removed to avoid pressure from passengers to carry numbers in excess of the licensed capacity.
16. The vehicle must have a boot or luggage compartment which provides sufficient space to carry a reasonable amount of luggage. For this reason certain models of **small "family hatchback"** vehicles will not be considered for a licence unless they are an estate model and able to carry a reasonable amount of luggage, for example prams, wheelchair and luggage.
17. Each passenger seat shall be fitted with a seat belt. No seats may be side facing, other than a wheelchair that has been correctly secured in the vehicle and in accordance with vehicle manufacturer's guidelines.
18. The vehicle should not carry children in pushchairs; the pushchair should be folded up and stored. If the vehicle does not have the correct child restraint then the child should be placed on the rear seat only. Children under 3 years old may travel unrestrained and instead should be held in an adult's arms/lap. Children aged 3 years old or over must use an adult seat belt as in accordance with Road Traffic Act. (Further details can be found on www.dft.gov.uk/think/focusareas/children/childincar?page=Advice&whoareyou_id=

ALTERATION OF VEHICLE

19. No alteration to the manufacturer's specification for the vehicle including a change of or additional fuel type shall be carried out except with the prior written approval of the Council.

TINTED WINDOWS

20. The front windscreen and front windows must have a visible light transmission (VLT) of not less than 75%. Only vehicle manufacture tints are permitted on the rear vehicle windows.

VEHICLE TESTS

21. Private Hire Vehicles will be tested once every year until 5 years old. Private Hire Vehicles over 5 years' old but below 10 years will be tested at the 6 month anniversary of yearly licence.

22. If a vehicle fails a Council Vehicle Plating Test or a MOT the vehicle should not be used as a Private Hire Vehicle until such time the vehicle passes the Council test or MOT.

VEHICLE EQUIPMENT

23. The vehicle must carry the following equipment:

- a. a spare wheel suitable for immediate use and which is properly maintained. If the spare wheel is of the temporary space-saver type, it may only be used to complete the particular journey or hiring the vehicle is engaged on when the wheel change is necessary. Vehicles that have certain technology may be exempt from this condition at the discretion of the Council.
- b. a jack and tools for changing the wheels.
- c. any auxiliary equipment that is fitted to a vehicle shall not impede the driver in any way, or hinder his/her view, or impede, or cause hazard to passengers or other road users.

AUDIO, VIDEO OR SURVEILLANCE SYSTEMS

24. No audio, video or recording systems which were not installed when the vehicle was manufactured shall be installed or operated in the vehicle without informing the council in writing.

NO SMOKING IN VEHICLES

25. No smoking is permitted in the vehicle by either the driver or passengers. The vehicle should comply with the "smoke free" regulations as stated in the Health Act 2006.

METERS AND FARES

26. The vehicle is not required to have a meter but if a meter is installed it must comply with The Measuring Instruments (Taximeters) Regulations 2006. The meter shall:

- a) show the fare recorded on the taxi meter in clearly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
- b) the meter should be set in accordance with the Operator's Tariff.

27. The fare card must be fixed in such a position in order that the fare to be charged is clearly visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose.

28. The Proprietor of the Private Hire Vehicle must ensure that he/she has a receipt book available in the vehicle at all times and a receipt should be provided at the passenger's request.

LOST PROPERTY

29. The proprietor or driver of a Private Hire Vehicle shall take all reasonable steps to return any property that has been left in his vehicle to the rightful owner and in any case must take any found property to Newport Central Police Station within 48 hours.

ENVIRONMENT POLICY

30. **New Private Hire Vehicle licences will only be granted on vehicles that meet Euro 5 Standard.**

Transfer of Private Hire Vehicles licences will only be granted on vehicles that meet Euro 5 standard.

Replacement of Private Hire Vehicle. An existing vehicle licence holder (a proprietor that has held a current licence before introduction of the policy and continued to renew this licence) may change the vehicle on that licence if the vehicle meets minimum Euro 4 standards. Vehicle licences granted after the introduction of the policy will only be granted to replace vehicles that meet Euro 5 standard.

LEGISLATION

31. The holder of every Private Hire licence shall comply with the provisions relating to the licensing of Private Hire Vehicles contained in the following legislation:
- Town Police Clauses Act 1847,
 - Part II Local Government (Miscellaneous Provisions) Act 1976 ,
 - Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment;
 - Equality Act 2010,
 - Health Act 2006

POLICY ON SPECIAL EVENT VEHICLE: INCLUDING LIMOUSINES, WHEELCHAIR & PRESTIGE TYPE VEHICLES

This element of the Policy only applies to Private Hire Vehicles.

1. For the purpose of this Policy, a 'special event vehicle' shall mean a vehicle that is used for a particular occasion or occasions of a restricted nature e.g. transport to parties and is not a conventional vehicle used for standard Private Hire work.
2. Examples of vehicles that may fall within the 'Special Event' category are stretch limousines, classic cars, vehicle that has fewer than four seats or have wheelchair provisions for example vehicle that have rear operated lifts etc. Proprietors of prestige type vehicles licensed as private hire vehicles or private hire vehicles used in special circumstances may seek the permission of the Authority to waive conditions of their licence relating to the display of licence plates, door stickers and driver badges.
3. This element of the Policy does not apply in relation to vehicles which are used exclusively in connection with weddings and funerals and as such are exempt from Private Hire Licensing.
4. The General Licence Conditions for Private Hire Vehicles will not normally allow for special event vehicles to be licensed for a number of reasons including the style and design of the vehicle and "classic" cars failing to meet admission standards.
5. Any special event vehicle that has not been type approved, which does not meet the requirements of the Construction and Use Regulations or which otherwise would not meet the standard Private Hire vehicle conditions may apply to be licensed by seeking a variation or exemption from some of the standard conditions which would otherwise apply.
6. Each vehicle will be considered and assessed by **Licensing Manager** on its merit taking account of:
 - the overall condition of the vehicle
 - the number of passengers for which it is required to be licensed and
 - The specific criteria from which an exemption is sought.
 - Type of wheelchair access (for example rear lift operating vehicles)
 - Type of Work or Contract the vehicle will be used for.
 - The Council's primary consideration will always be the safety and comfort of the travelling public.

LIMOUSINE CONDITIONS

The following set of conditions will be attached to all stretched limousines:

1. Limousines are permitted to be Left or Right Hand Drive.
2. The majority of stretched limousines are imported from the U.S.A and are left hand drive. The Department for Transport has recommended that Councils should not refuse to licence limousines simply because they have characteristics which contravene their existing Policy, i.e. left hand drive. Limousines with sideways facing seating will be permitted.
3. A main characteristic of stretched limousines is their sideways facing bench seats. In line with the Department for Transport's guidance outlined above, the Council will consider the suitability of limousines with sideways seating for Licensing. The vehicle must have a seat belt available for every travelling passenger.

4. Limousines will not be required to display any Council livery but will be required to display the Council's private hire plate. (The plate serves to distinguish Private Hire Vehicles from ordinary saloon cars and Hackney Carriage vehicles and to make them clearly identifiable to the public. However, the naturally distinctive appearance of stretched limousines means that they are very unlikely to be confused with a Hackney Carriage or a private-use vehicle).
5. Limousines with heavily tinted glass in the rear offside/nearside windows will be considered for Licensing. However, heavily tinted glass in the driver cockpit would remain prohibited in line with legal requirements. It is recognised that the privacy provided by tinted glass in the passenger compartment is a central characteristic of a limousine. However, glass in the driver cockpit must satisfy the standards within the Road Vehicles (Construction and Use) Regulations 1986 as amended.
6. Limousines will be required to hold a valid Single Vehicle Approval (SVA) Certificate or an IVA certificate. (The SVA or IVA test comprises a visual examination of a vehicle and certifies its safety and roadworthiness).
7. The limousine must be fitted with tyres that meet with both the size and weight specification. (Given the increased weight of the vehicle, tyres of the correct weight and size rating must be used at all times).
8. Any seats in the driver's compartment shall not be used to carry passengers. (This is to ensure that passengers are not carried in the front of the vehicle in order to improve driver and passenger safety).
9. In any advertisement publicising any limousine service, the Operator must state that the vehicle is only licensed to carry up to a maximum of 8 passengers. This is in order to inform customers of the maximum carrying capacity of the vehicle).
10. Alcoholic drinks provided in the vehicle shall be under the terms of an appropriate licence issued under the Licensing Act 2003 which relates to the sale and supply of alcohol. In order to comply with alcohol licensing requirements and safeguard public safety bottles of alcohol shall be placed in a secure place and should be removed when any passenger is under 18 years old. Any glassware in the vehicle must be made of either shatterproof glass or plastic, (safeguard public safety).
11. The driver shall not play or permit the performance of any media that, given its age classification or content, is unsuitable for the age of the passengers in the vehicle. (This is in order to safeguard child passengers from viewing unsuitable material).
12. If the limousine parks to provide some form of regulated entertainment for its passengers, a licence must be in place in accordance with the requirements of the Licensing Act 2003.
13. Any vehicle that has been constructed or adapted to seat more than eight passengers cannot be licensed as a Private Hire vehicle.
14. Due to the individual nature of a Limousine vehicle it will inevitably give rise to issues that would not apply to conventional Private Hire Vehicles and, therefore, it will be necessary to consider whether special conditions should be included on any licence. The Licensing Manager will determine any such additional special conditions. If the proprietor is not satisfied with the proposed conditions, the matter will be heard and determined by the Licensing Panel.

“PRESTIGE” TYPE VEHICLES CONDITIONS

15. Prestige Vehicles that wish to be exempt from the requirements that they be plated and display side stickers will have to comply with all Private Hire Conditions other than Conditions relating to the plate and side stickers (Livery).
16. No cash work can be undertaken by the vehicle unless the vehicle is booked at least 1 hour before the commencement of the journey or the operator has a written contract with particular business(es) or person.
17. No meter is permitted in the vehicle (unless integrated).
18. Vehicles must be under 7 years old though older vehicles will be considered by the Licensing Manager, and this predominately will permit older vintage cars or unique cars to be granted a licence.
19. Vehicle must be of a standard of comfort and be equipped to a level equal to or above that of luxury model vehicles such as Mercedes Benz E or S Class, BMW 5 and 7 Series, Lexus GS or LS, Audi A6, A8, Range Rover, Jaguar XF, XJ, Tesla, Maserati Ghibli, Quattro Porte, VW Phantom, Volvo

- S/V90, etc. (Higher specification executive-type saloon and MPV cars from other manufacturers may also be considered for example Mercedes Vito).
20. An "executive" window plate must be displayed at all times in the front windscreen of the vehicle.
 21. No advertising is permitted on or in the vehicle at any time.
 22. The driver of the vehicle must be appropriately dressed for formal occasion wearing a formal suit (jacket, trousers or skirt) and formal shoes. No casual wear shall be permitted to be worn by the driver.
 23. The individual nature of a special event vehicle will inevitably give rise to issues that would not apply to conventional Private Hire Vehicles and, therefore, it will be necessary to consider whether any special conditions should be included on a licence. The Licensing Manager will determine any such special conditions. If the proprietor is not satisfied with the proposed conditions, the matter will be heard and determined by the Licensing Panel.

It should be noted that Proprietors / Operators found to be breaching the above conditions will be stripped of "executive" status for period of 12 months by the Licensing Manager and the vehicle will be suspended until such time as the vehicle(s) complies with Private Hire Vehicle Conditions.

PRIVATE HIRE OPERATOR'S CONDITIONS

1. The holder of a Private Hire operator's licence shall comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.
2. The Operator shall:
 - a. Provide a prompt, efficient and reliable service to members of the public at all reasonable times.
 - b. Ensure that his/her Office Staff behave in a civil and orderly manner at all times
 - c. Ensure that when a vehicle has been hired it arrives punctually at the appointed place, unless delayed by unforeseen circumstances.
 - d. Ensure that premise provided for the purpose of hiring or waiting are kept clean, adequately lit, heated and ventilated.
 - e. Ensure that any 'Waiting Area' provided has adequate seating facilities and, if such are provided, that any telephone facilities are in good working order.
 - f. The Operator shall notify the Authority in writing of any change affecting this licence, including any change of address (including any address from which he/she operates or otherwise conducts his/her business), which takes place during the currency of the licence. Such notice shall be given, in writing, within 14 days of the change to the Licensing Section.
 - g. The Operator shall within 14 days of the occurrence of any arrest, report for summons for any offence, or any conviction, notify the Licensing Authority in writing the details of such occurrence. If the operator is a company or partnership, this requirement shall apply to any of its Directors or Partners.
 - h. The Operator shall only dispatch a licensed vehicle that fully complies with Licence vehicle conditions.
 - i. The Operator shall bring to the attention of all drivers their legal obligations regarding the use of seatbelts both by adults and children.
 - j. The Operator shall in so far as possible ensure that Private Hire Vehicles under their specific control meet general conditions of roadworthiness required of a licensed vehicle whereas the driver of the vehicle responsible shall at all times have this responsibility. Any Operator who knowingly operates a defective vehicle shall be liable for enforcement action.
 - k. The Operator shall ensure that a certificate of motor insurance pursuant to Section 143 of the Road Traffic Act 1988 exists for every Private Hire vehicle used under his/her Operator Licence in respect of the carriage of passengers for hire or reward. **Where individual drivers choose to arrange their own motor insurance cover, the Operator must examine the insurance for such drivers on a frequent basis to ensure lawful requirements have been met.**
 - l. If the Operator has premises to which the public have access in connection with the hiring of vehicles, he shall ensure that there is sufficient public liability insurance in force, which indemnifies him/her against any claim for loss, damage or personal injury by any person using those premises.

- m. To operate a Private Hire Business from a residential dwelling, planning permission for such business use, will normally be required. A Private Hire Operator's licence will not be granted without evidence that either planning permission has been issued in respect of the premises concerned or planning permission is not required in respect of the limited use which is proposed.
- n. The records required to be kept by the operator under Section 52(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book or on a computer or any other recordable device. The records must be kept for a minimum of twelve months. If a book is used, the pages must be numbered consecutively and the operator shall enter or cause to be entered before commencement of each journey, the following particulars of every booking accepted:
- i. the time and date of the booking
 - ii. the name of the hirer
 - iii. the time of the proposed pick up
 - iv. the point of pick up and drop off
 - v. the registration or licence plate number of the vehicle allocated for the booking and the name of the driver.
 - vi. If receiving a sub-contracted booking from another operator, the above must be recorded alongside the following details: The name and the Licensing Authority of the Sub-contracting Operator.
 - vii. If sub-contracting a job, the following details must be recorded: the name of the Operator to whom the job is sub-contracted and the name of their Licensing Authority.
- o. Operators are expected to take seriously their duties with regard to safety of drivers and the safeguarding of the public. To aid in this duty, an operator shall record any customer complaint or concerns raised by either a driver or passenger they receive regarding the attitude or behaviour of a driver or passenger. The Operator is expected to make such records available to an authorised Officer or Police Officer upon request. These records should:
- Be kept securely and remain confidential for a minimum period of 1 year and confidentially destroyed thereafter;
 - Include the name, address and contact number of the complainant;
 - Record the details of the complaint;
 - Record details of the driver to which the complaint relates;
 - Record the action the operator has taken.
 - Where 3 or more substantiated complaints are received regarding a particular driver in a rolling 12 month period, the operator shall be expected to notify the Licensing Authority without delay.
 - If any complaints/concerns are received regarding sexual or inappropriate words/behaviour by drivers, these complaints must be reported to the Licensing Authority within 2 working days, regardless of the number of previous complaints.
 - Operators are also required to keep an incident log for driver's safety. Drivers should be able to log incidents for example: non-payment, racial abuse, physical or verbal abuse by a customer. An Operator should undertake a written risk assessment in light of a barring policy if a passenger is abusive, violent, racist, towards a driver.
 - Operators, from time to time, will be given addresses by Gwent Police or Social Services to which that they should not dispatch vehicles or a password system may be put in place with carers or parents of family.
 - Operators should have a policy in regard to transporting children under 10 years old without adult supervision during their normal business of provision of Private Hire transport (this excludes School and Social Services contracts which are subject to requirements as determined by those departments).

The Operator shall also keep records of the particulars of all Private Hire vehicles and drivers operated by him, which shall include:

- A copy of the private hire vehicle licence issued by the Council

- A copy of the Private Hire driver's licence or badge issued by the Council together with details of any radio call signals.
- Valid Insurance certificate used by the driver.

All records kept by the operator shall be kept for a period of not less than twelve months following the date of the entry and shall be made available upon request to an Authorised Officer of the Council, Police Officer or any other relevant duly authorised Officer of an Enforcement Agency including HMRC.

- p. The Operator must allow access to the premises identified as the Operator Premises to the Police and Licensing Officers at all times (this includes Operators who operate from a home address).
- q. Operators can only dispatch a "Prestige" vehicle only when the booking involves no cash work or the vehicle is booked at least 1 hour before the commencement of the journey or the operator has a written contract with particular business(es) or person.

LEGISLATION

The holder of every Private Hire Operator vehicle licence shall comply with the provisions relating to Private Hire vehicles contained in the following legislation:

- Town Police Clauses Act 1847,
- Part II Local Government (Miscellaneous Provisions) Act 1976,
- Road Traffic Act 1988 Part 11 (a) Construction and Use of Vehicles and Equipment, Equality Act 2010

APPENDIX E

Newport City Council Private Hire Livery



Newport Hackney Carriage Livery



APPENDIX F

Results of Consultation on Revised Draft Statement of Licensing Policies In respect of Hackney Carriage and Private Hire Drivers, Vehicles and Operators.

1. From the Newport Hackney Taxi Driver Association

New section added to the code of good conduct for driver, regarding parking, ranking on the Queensway Bus Lanes:

We have an objection with this section as a whole for many different reasons. First of all I would like to start with the point that most lanes that are around the country make taxi drivers privileged to use them and it is not something that you can stop. This would be taking the right of taxi drivers which is not something that you can proceed with.

You have mentioned that we should not be using bus stops by Cambrian Road; this is something we have a problem with as it will cause us to lose business as hackney carriage drivers. If we are not able to use bus stop from NCP car park to the bus stops by top of Cambrian road as a flowing rank and use just the NCP car park bus stop as a rank we will not get customers. The reason to this would be that at station there is a Private hire taxi firm and if customers are coming up they are more likely to cross the road and go to them instead as the NCP car park bus stops are out the way from them. We would like you to allow us use bus stops from NCP car park to top of Cambrian road bus stops as that they customers see cars parks which they can then use.

This is something that also comes into the health and safety of our customers as if they are having to cross the road in terrible condition's to get to the Rank at the station there health can be in dangers crossing the road. If we have a part time rank on weekends as I have mentioned before that way everyone is safe and we ask to use them when busses are not running 2300/0500.

From what we see you are asking us to not use them bus stops at all and we are not asking to be able to use them all of the time through the week. We want that to become a part time rank on weekend starting from 2300/0500.

When the railway station is closed what happens is that there are no customers coming to the station rank so we need an alternative rank for weekends that we can pick customers up safely without endangering them. The station rank is not provided by the council all station rank drivers pay to use and park there. Therefore that isn't an allocated space from the council at any point.

There are many other ranks that we are provided with but they are all not suitable places for customers to be picked up from such as by the Lloyds bar, it is tucked away and can be danger to customers as well. We would like you to re allocate ranks in suitable places for us drivers.

One of the private taxi firms that go by the name Capital have the permission to pick up from City Centre bus stops during the time busses are not running why is that? By looking at why have you got an objection with Hackney Carriage drivers parking on the bus stops? You have also given permission to Dragon to pick up from bus stops on Queensway we would like to know why? Dragon are even using the bus stops throughout the day and you can see that from this what we are getting you are overlooking this for them why are there two types of policy here?

We would also appreciate if we can have a taxi marshal partially funded by the council' with the powers to report, observe and allocate working practices relevant to the trade. If you take a look at all different cities around us such as Cardiff, Swansea, Bristol etc. They are all controlled by marshals and by that problems never occur as much as they do now. Also another letter we received by council regarding refusal of fare will be sorted by 80% by having a marshal. A marshal provides safety of customers and drivers together.

I would like you to consider what we are placing to you and I can also provide you annotated map of Queensway showing exactly what are demand is. All that we are simply asking is that we get a part time rank on Queensway. We would like you to work with us on this matter as many times before the council haven't shown us much support at all and if that is the case for this would we would like a clear answer so that we can get political with this problem. That isn't a problem we have as it is something that we have done many times before.

Regards, General Secretary of NHTDA (Newport Hackney Taxi Driver Association)

Malik H Ahsan

2. Guide Dogs Response to

“Newport City Council Hackney Carriage & Private Hire Policies”

9 June 2017

Summary

- 0.1 Guide Dogs provide mobility services to increase the independence of people with sight loss in the UK. Alongside our mobility work we campaign to break down physical and legal barriers to enable people with sight loss to get around on their own terms. Current estimates suggest about 106,990 people with vision impairments are living in Wales of which about 331 are guide dog owners.¹
- 0.2 Taxis and private hire vehicles (PHVs), and the door to door service they provide, are essential to the independence of blind and partially sighted people, who are often unable to drive or use public transport. However, accessing taxis and PHVs can be a major challenge for assistance dog owners: A Guide Dogs survey found that 42% of assistance dog owners were refused by a taxi or PHV driver during a one-year period because of their dog – despite this being a criminal offence under the Equality Act 2010.² Such access refusals can have a significant effect on assistance dog owners' lives, leading to feelings of anger and embarrassment and a loss of confidence and independence.
- 0.3 To help reduce the number of access refusals, it is important that drivers know their legal obligations and how to best offer assistance to their customers with vision impairments, including those travelling with a guide dog. This can be best achieved by having all drivers to undertake disability equality training.
- 0.4 Recognising the damaging effect an access refusal can have on an assistance dog owner's life, the policy should further clearly state that any such refusal will be investigated with a view to prosecution.
- 0.5 We further recommend specifying that medical exemptions certificates for carrying assistance dogs will only be issued where medical evidence is supplied. This will help ensure exemptions are only granted where the driver has a genuine medical condition that is aggravated by exposure to dogs.

Key recommendations: We recommend that all drivers should undertake disability equality training when obtaining their licence and that every access refusal should be investigated with a view to prosecution; as such behaviour constitutes a criminal offence under the Equality Act 2010.

1. Disability equality training

- 1.1. Drivers who refuse to carry an assistance dog are committing a criminal offence under the Equality Act 2010. However, a Guide Dogs survey found that many taxi drivers are unaware of their legal obligations and therefore refuse to carry assistance dogs.³ The best way to address this is through disability equality training for all taxi and PHV drivers.

¹ Royal National Institute for Blind People [research](#); Guide Dogs data

² Guide Dogs, [Hail Storm: The experiences of assistance dog owners when trying to use taxis and private hire vehicles](#) 2016 [PDF].

³ Guide Dogs, [Access All Areas](#), 2015 [PDF].

- 1.2. Disability equality training focuses on the concept of people being disabled by society's barriers and attitudes. It highlights the role an organisation and individuals play in the removal of those barriers, while also including awareness elements such as customer care, etiquette and appropriate communication.
- 1.3. Many of the positive experiences disabled people report come about following disability equality training.⁴ Councils who have introduced disability equality training report very positive results with fewer refusals and drivers feeling more confident in assisting passengers with disabilities.
- 1.4. While we welcome the current provision in the draft policy that encourages all drivers to undertake appropriate training, we recommend these provisions be strengthened and that all drivers should be required to undertake disability equality training. This will ensure they are knowledgeable on disability issues, have discussed barriers in their service and how to overcome them, and are informed about their legal obligations.

2. Enforcement

- 2.1. We welcome the provisions in the draft policy that refer to the consequences of refusing an assistance dog owner and specifically that this may lead to the driver being considered not 'fit and proper'.
- 2.2. However, we recommend these provisions are strengthened, and to clarify that every reported refusal of assistance dog owner should be investigated with a view to prosecution. As the draft policy mentions, under the Equality Act 2010, it is a criminal offence for any operator or driver to refuse to carry assistance dogs. On conviction for such an offence, drivers can be fined up to £1,000.
- 2.3. The consequences of delayed travel combined with the emotional impact of facing discrimination and confrontation when trying to carry out everyday activities take a significant toll on assistance dog owners. Apart from feelings of anger and embarrassment, refusals can undermine the independence that assistance dogs bring to their owners. Assistance dog owners also reported that the stress of refusals has had a detrimental impact on their mental health and on whether they feel able to leave the house.⁵
- 2.4. As guide dog owner's report:
 - 2.4.1. "Each refusal is crushing, confidence shattering, rejecting, and traumatic. I always feel that I don't want to go out after - but work dictates I must." Guide dog owner, Stevenage
 - 2.4.2. "The impact of a taxi refusal for me with my guide dog and family is far more than the initial destroying and emotional refusal. Not only does the incident impact on my whole family at the time as well as obviously the inconvenience but it is a continuous feeling of worthlessness this puts upon you as a guide dog owner.
The experience of a refusal for a taxi puts a cloud over your everyday plans and movements for fear you may have to go through it again with another taxi driver. It is hard to put into words how demoralising and sickening an actual refusal feels." Guide dog owner, Suffolk
 - 2.4.3. "My guide dog enables me to live an independent life. When a taxi refuses to take me and my dog I first feel very vulnerable as my independence has been taken away. I am not able to get to where I want to go. This does make me feel very angry inside and leaves me feeling bad for the rest of the day." Guide dog owner, Suffolk
 - 2.4.4. "I personally avoid taxis because of a fear of being refused and left stranded. In the end it is events such as these, rather than my visual impairment per se, which make me disabled." Guide dog owner, London

⁴ Minutes of Guide Dogs focus group, Nottingham, Wales, August 2015.

⁵ Guide Dogs, Hail Storm, 2016

- 2.5. It is therefore important that assistance dog owners know that all cases of access refusals are investigated and appropriate fees issued. To this end, we suggest inserting the following paragraphs into the policy:
- 2.5.1. The Licensing Authority will investigate all reported violations of the Equality Act 2010 with a view to pursuing a conviction and ensuring appropriate fines are given that are in line with the distressing impact a refusal can have on an assistance dog owner.
 - 2.5.2. The Council will undertake periodic test purchasing on licenced vehicles to ensure that licensing requirements are being complied with.

3. Medical exemption certificates

- 3.1. As the draft policy notes, drivers can be exempt from carrying an assistance dog on medical grounds, if they have a certifiable medical condition which is aggravated by exposure to dogs.
- 3.2. To ensure that exemptions are granted correctly, the policy should specify that exemption certificates will only be issued when authorised by a medical practitioner and accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.
- 3.3. It is often difficult for vision-impaired passengers to identify the validity of exemption certificates. We encourage the Council to introduce exemption certificates that are accompanied or incorporate features that are distinguishable to vision-impaired passengers, and that these are produced in consultation with the relevant authorities to ensure the certificates remain valid.

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