

# **Merthyr Tydfil County Borough Council**

## **Taxi Licensing Application Process**

**2015**

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## 1. Introduction

Merthyr Tydfil County Borough Council (the Authority) is responsible for the licensing of the taxi trade in Merthyr Tydfil.

The primary concern in administering its Licensing functions is to ensure Public Safety.

Legislation permits the authority to create conditions and bye laws to regulate drivers, vehicles and operators in Merthyr Tydfil.

The purpose of the policy is to ensure the provision of public transport by hackney carriages and private hire vehicles to the residents and visitors of Merthyr Tydfil is; safe, reliable, comfortable, clean, and creates a positive image of the borough.

The Authority has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 to regulate the provision of hackney carriages and private hire vehicles operating in its area, the Borough of Merthyr Tydfil.

Vehicles regulated by the above stated legislation and this policy are any passenger carrying vehicle with 8 or fewer passenger seats. Vehicles with more than 8 passenger seats used for public transport must be licensed by the Traffic Commissioner at the Vehicle and Operator Services Agency.

The Authority expects all licensed operators, drivers and vehicle proprietors to comply with all national or local legislation regulating the use of motor vehicles on public roads.

All vehicles, proprietors, drivers and operators of hackney carriages and private hire vehicles must be licensed by the council before they can operate a vehicle as either a hackney carriage or private hire vehicle in the borough of Merthyr Tydfil. All licences must be issued by Merthyr Tydfil County Borough Council, and cannot be issued by another council.

This policy provides guidance, conditions of application, and conditions that licence holders must adhere to when acting in the capacity of a driver, operator or proprietor. The conditions are set out in the relevant sections of this policy for each type of licence.

Licence holders are required to comply with the terms and conditions of this policy.

The Authority will follow the terms and conditions of this policy when making decisions on any licensing matter related to hackney carriage and private hire licensing. However, all decisions must be considered in the light of the current circumstances, and if there are exceptional circumstances the decision may be referred to the licensing panel which may make a decision not to follow the policy.

Users of licensed vehicles expect a prompt and reliable service, to be carried in the vehicle in safety, and treated courteously by the driver and/or booking office. They have the right to make complaints about the service they receive direct to the operator/proprietor and The Authority's licensing team.

This document is subject to change in accordance with any subsequent changes in national legislation that will always take precedence over this document.

Current fees for all licences are available from the Licensing section.

## **2. Hackney Carriage and Private Hire Drivers**

In order to drive a Hackney Carriage or Private Hire Vehicle a driver has to be licensed by the Authority. The process covers new applicants and those wishing to submit a renewal application of an existing licence. Legislation requires that licences are only issued to "Fit and Proper Persons" and the Authority takes into account all relevant information and medical fitness in determining applications.

False or inaccurate information provided by the applicant may lead to the application being refused and possible offences committed by the applicant.

Hackney carriage and private hire driver licences are normally valid for a period of three years.

### **Application Process**

1. An application must be completed on the prescribed application form and must include the appropriate application fee and a passport type photograph. Payments by cheque which are subsequently dishonored may invalidate an application. Payment includes process fees for administering your application and a grant fee if the application is successful. If the application is unsuccessful then only the grant fee will be refunded. Applications must be completed within six months of the initial application.
2. The applicant must have held a full UK driving licence for a minimum period of 12 months when the application is made. The driving licence must be presented for examination with the application form.
3. The applicant must sign a mandate allowing the Authority to obtain information from the DVLA relating to driving records and driving convictions/penalty points issued. DVLA records are checked yearly by licensing officers. Driving penalty points and convictions are matched to the Criminal Fitness Criteria for Drivers and Operators Policy.
4. New applicants must present a Driving Standards Agency Hackney Carriage and Private Hire Test Pass Certificate (DSA certificate) and checklist as part of their application. Applications will be accepted and processed without the DSA certificate however a licence to drive will not be granted until a MOT and checklist is provided. Existing licencees applying to renew their licence will not be asked to provide a new DSA pass certificate providing their application is received prior to the expiry of their existing licence.

5. The applicant must have a right to work in the United Kingdom. Applicants will be required to provide proof of citizenship of the United Kingdom, European Union or an appropriate VISA permitting them to work in the United Kingdom.

### **Medical Certificate**

6. Applicants are required to meet the DVLA Group 2 Medical Standards. A medical certificate provided by the Authority must be completed by a Medical practitioner who has access to the applicant's medical history. The medical certificate must be provided prior to the grant of a licence. The applicant is responsible for all costs relating to the medical examination.
7. A new medical certificate must be provided every five years on or after the age of 45 and annually from the age of 65. Certain conditions such as diabetes treated by Insulin or some tablets may require an additional annual declaration or a medical certificate signed by the appropriate medical practitioner on a certificate provided by the Authority.
8. PSV- Applicants holding a current PSV licence can produce their most recent Group 2 medical certificate and sign a disclaimer that their condition has not changed since the certificate was issued providing the medical certificate is less than 12 months old.

### **Criminal Convictions**

9. All applicants will be required to complete an Enhanced Disclosure and Barring Service check and must provide identification documents when submitting the application to verify the applicant's identity.
10. An Enhanced Disclosure and Barring Service Check (DBS) carried out by an agency other than The Authority will **not be accepted** unless the applicant has subscribed to the online DBS Service.
11. Where an existing licence holder has subscribed to the DBS online service they will not be required to produce a new Certificate **unless** the online DBS indicates a change in their convictions status. Where a change in status has been identified the applicant will be required to produce a new certificate. In such circumstances a licence will not be granted until the new certificate is obtained and a decision taken that the driver is a fit and proper person to hold a licence.

12. A Criminal Record will not automatically debar you from obtaining a licence. The authorities Fitness Criteria For Drivers and Operators Policy identifies relevant information and provides guidance on what information may affect your suitability however **each case is decided on its own merits**. A copy of the Authorities Fitness Criteria for Drivers and Operators Policy is attached as Appendix 1.
13. Where relevant information is identified the Licensing Officer will refer the application to the Licensing Sub Committee for a decision to be made as to whether the applicant is a fit and proper person.
14. Where an existing licence holder submits an application to renew their licence they would have been expected to have applied for their DBS certificate in sufficient time to allow their application to be processed prior to expiry of their existing licence. Where a renewal application has been received without production of a valid DBS then the application will be held pending until the DBS has been produced. **During this period the applicant will not be able to carry out hackney carriage or private hire work as no licence will have been granted.**
15. Where an applicant has spent 6 months or more outside the United Kingdom since birth or in the case of an application to renew since the last application, a record of criminal convictions or certificate of good conduct will be required from the relevant country.

### **Granting of a Licence.**

16. Once an application has been assessed by a Licensing Officer or the Licensing Sub Committee a decision whether or not to grant a licence will be made. The granting of a Licence will be made by the issuing of a drivers badge. Until the badge has been issued there will be **no licence** and any applicant undertaking hackney carriage or private hire work **will be doing so unlicensed which may constitute a criminal offence. This includes existing driver's applying to renew their licence.**

### **Licensed Drivers.**

17. When granted a hackney carriage drivers licence drivers must comply with the bye laws relating to such a licence attached as appendix 3.
18. When granted a private hire drivers licence holders must comply with the conditions of licence attached as appendix 4.

## **Appeal**

19. Applicants have a right of appeal to a Magistrates Court where a decision is made not to grant a licence or a decision is made to suspend or revoke a licence.



### **3. Hackney Carriage Vehicle Licence**

In determining whether a vehicle is suitable and safe to be licensed as a Hackney Carriage Vehicle the Authority will use their nominated vehicle testing stations to conduct inspections of vehicles.

A hackney carriage vehicle licence is valid for one year.

#### **Application Process.**

1. The applicant must complete an application form prescribed by the Authority and pay the appropriate fee. Payment includes a process fees for administering the application and a grant fee if the application is successful. If the application is unsuccessful then only the grant fee will be refunded
2. The Authority operates an Intended Use Policy. As part of the application process the applicant must disclose if they intend to operate outside the County Borough. A copy of the policy is attached as appendix 2
3. Applications will only be accepted for vehicles which are black in colour and are under 4 years old from first registration/ manufacture at the time of the initial application. The age restriction shall not apply to renewal of vehicle licences provided the application to renew is made prior to the expiry of the existing licence.
4. The applicant must produce proof of ownership of the vehicle namely a V5 certificate, proof of purchase or a credit agreement.
5. A valid certificate of insurance and, if applicable, a schedule or an original cover note covering the use of the vehicle for Hackney Carriage purposes must be provided. Electronic insurance documents will only be accepted if sent directly from the insurance company or broker to the Licensing section.
6. A licence will only be granted when a MOT and checklist is produced by a nominated test centre confirming that the vehicle meets the required conditions of licence.
7. Where an applicant seeks to renew an existing licence they should ensure the application form, MOT and checklist, V5 and relevant insurance documents(s) are provided prior to the expiry of the existing licence.

8. The application must be made in full and a part application will not be accepted.
9. Where a licence is issued the proprietor shall ensure that they comply with the conditions of licence attached as appendix 3

### **Grant of Licence**

10. Once an application has been assessed by a Licensing Officer a decision whether or not to grant will be made. The granting of a Licence will be made by the issuing of a vehicle plate. Until the plate has been issued there will be **no licence** and any applicant undertaking hackney carriage work **will be doing so unlicensed which may constitute a criminal offence. This includes those applying to renew existing licenses.**

### **Appeal**

11. Applicants have a right of appeal to the Crown Court where a decision is made not to grant a licence.

## **4. Private Hire Vehicle Licence**

In determining whether a vehicle is suitable and safe to be licensed as a Private Hire Vehicle the Authority will use their nominated vehicle testing stations to conduct inspections of vehicles.

A private hire vehicle licence is valid for one year.

### **Application Process.**

1. The applicant must complete an application form prescribed by the Authority and pay the appropriate fee. Payment includes a process fees for administering the application and a grant fee if the application is successful. If the application is unsuccessful then only the grant fee will be refunded
2. Applications will only be accepted for vehicles which are any colour other than black and are under 4 years old from first registration/ manufacture at the time of the initial application. The age restriction shall not apply to renewal of vehicle licences provided the application to renew is made prior to the expiry of the existing licence.
3. The applicant must produce proof of ownership of the vehicle namely a V5 certificate, proof of purchase or a credit agreement.
4. A valid certificate of insurance and, if applicable, a schedule or an original cover note covering the use of the vehicle for Private Hire purposes must be provided. Electronic insurance documents will only be accepted if sent directly from the insurance company or broker to the Licensing section.
5. A licence will only be granted when a MOT and checklist is produced by a nominated test centre confirming that the vehicle meets the required conditions of licence.
6. Where an applicant seeks to renew an existing licence they should ensure the application form, MOT and checklist, V5 and relevant insurance documents(s) are provided prior to the expiry of the existing licence.
7. The application must be made in full and a part application will not be accepted.
8. Where a licence is issued the proprietor shall ensure that they comply with the conditions of licence attached as appendix 5

## Grant of Licence

9. Once an application has been assessed by a Licensing Officer a decision whether or not to grant will be made. The granting of a Licence will be made by the issuing of a vehicle plate. Until the plate has been issued there will be **no licence** and any applicant undertaking private hire work **will be doing so unlicensed which may constitute a criminal offence. This includes those applying to renew existing licenses.**

## Appeal

10. Applicants have a right of appeal to the Crown Court where a decision is made not to grant a licence.

## 5. Private Hire Operators Licence

In order to become a private hire operator you must hold a licence issued by the Authority. The process covers new applicants and those wishing to submit a renewal application of an existing licence. Legislation requires that licences are only issued to "Fit and Proper Persons" and the Authority takes into account relevant information in determining applications.

False or inaccurate information provided by the applicant may lead to the application being refused and possible offences committed by the applicant.

An operator's licence is valid for five years.

### Application Process

1. An application must be completed on the prescribed application form and must include the appropriate application fee. Payment includes a process fees for administering the application and a grant fee if the application is successful. If the application is unsuccessful then only the grant fee will be refunded. Payments by cheque which are subsequently dishonored may invalidate an application.
2. The applicant must sign a mandate allowing the Authority to obtain information from the DVLA relating to driving records and driving convictions/penalty points issued. Such a check will not be required where the applicant holds either a Private Hire Vehicle driver's licence or a Hackney Carriage driver's licence issued by this authority.
3. Applicants will be required to provide a Standard Level Disclosure and Barring Service check. Such a check will not be required where the applicant holds either a Private Hire Vehicle driver's licence or a Hackney Carriage driver's licence issued by this authority where the last disclosure and barring service check required for the driver's licence is less than two and a half years old.
4. A Criminal Record will not automatically debar you from obtaining a licence. The authorities Fitness Criteria For Drivers and Operators Policy identifies relevant information and provides guidance on what information may affect your suitability however **each case is decided on its own merits**. A copy of the Authorities Fitness Criteria for Drivers and Operators Policy is attached as Appendix 1.

5. Where an applicant has spent 6 months or more outside the United Kingdom since birth or in the case of an application to renew since the last application, a record of criminal convictions or certificate of good conduct will be required from the relevant country.
6. Where an existing licence holder submits an application to renew their licence they would have been expected to have applied for their DBS certificate in sufficient time to allow their application to be processed prior to expiry of their existing licence. Where a renewal application has been received without production of a valid DBS then the application will be held pending until the DBS has been produced. **During this period the applicant will not be able to carry out private hire work as no licence will have been granted, any private hire vehicle licenses held by the applicant will be suspended until the operator's licence is granted.**
7. Where relevant information is identified the Licensing Officer will refer the application to the Licensing Sub Committee for a decision to be made as to whether the applicant is a fit and proper person
8. The applicant must have a right to work in the United Kingdom. Applicants will be required to provide proof of citizenship of the United Kingdom, European Union or an appropriate VISA permitting them to work in the United Kingdom.
9. Where a licence is issued the proprietor shall ensure that they comply with the conditions of licence attached as appendix 6.

### **Grant of Licence**

10. Once an application has been assessed by a Licensing Officer or the Licensing Sub Committee a decision whether or not to grant will be made. The granting of a Licence will be made by the issuing of a Licence. Until the Licence has been issued there will be **no licence** and any applicant undertaking private hire work **will be doing so unlicensed which may constitute a criminal offence. Furthermore Private Hire vehicles registered to the applicant will not be able to be used for private hire work.**

### **Appeal**

11. Applicants have a right of appeal to a Magistrates Court where a decision is made not to grant a Licence.

## **6. Complaints Procedure**

1. Where a complaint is received which relates to a driver, vehicle or operator details of the complaint will be recorded by the Licensing Officer.
2. An assessment will be made to determine whether a criminal offence or breach of a condition or bye law has occurred or whether an informal resolution is required.
3. Where there is welfare, public safety or safeguarding issues reported immediate consideration will be given to suspend or revoke a licence. The decision to suspend or revoke will be made by the Head of Public Protection and Housing and/or the Trading Standards, Licensing and Transport Manager in conjunction with the authorities' legal section.
4. A full record of the investigation of a complaint will be made and retained and will be recorded against the relevant Licence holder.
5. Following assessment and investigation of a complaint the Licensing officer will consider whether the incident is required to be brought to the attention of the Licensing sub-committee. This decision will be taken in conjunction with the Trading Standards and Licensing Manager.