

Merthyr Tydfil County Borough Council

Taxi Licensing Application Policy

2018

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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.

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.

Privacy Notice:

For information on how we use your personal information, please read the Council's privacy notices which are available on our website :

www.merthyr.gov.uk/council/data-protection-and-freedom-of-information

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 four 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 relating to DVLA 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 an advanced driving certificate from an approved provider as part of their application. Applications will be accepted and processed without the certificate, however a licence will not be granted until a pass certificate is provided. Existing licencees applying to renew their licence will not be asked to provide a new pass certificate providing their application is received prior to the expiry of their existing licence.

4. Knowledge test – All new applicants will have to pass a knowledge test to demonstrate that they have the required local knowledge of Merthyr Tydfil along with a numeracy test and an understanding of the law relating to taxi licensing. The Trading Standards and Licensing Manager will constantly review the knowledge test to ensure that it remains fit for purpose and covers developing areas of law. Grandfather rights will be given to existing licence holders, however Licensing committee can instruct the sitting of a test as part of a review of an existing licence.
5. The applicant must have a right to work in the United Kingdom. Applicants will be required to provide relevant documents as prescribed by the Home Office.

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.
16. The Finance Act 2021 introduced tax checks as part of application to renew licences for Hackney Carriage and Private Hire driver licences from 4th April 2022. The applicant will need to confirm they are aware of their tax responsibilities if they are applying for a licence for the first time or for one that they have already held but has not been valid for over a year. The applicant will need to complete a tax check and provide the tax check code if they are renewing a licence, applying for the same type of licence they previously held that ceased to be valid less than a year ago, or applying for the same type of licence they already hold with another licensing authority. Licences cannot be issued without compliance

with this.

Granting of a Licence.

17. 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

18. When granted a hackney carriage drivers licence drivers must comply with the bye laws relating to such a licence.
19. When granted a private hire drivers licence holders must comply with the conditions of licence.

Appeal

20. 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. Applicants will be advised in writing of their right to appeal.

National Register of Taxi Licence Refusals and Revocations (NR3)

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

Therefore:

- Where a Hackney Carriage or Private Hire driver licence is revoked, or an application for one refused, the Authority will automatically record this decision on NR3.

- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the Authority will seek further information about the entry on the register from the Authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

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

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

This is a mandatory part of applying for / being granted a Hackney Carriage or Private Hire driver licence. The Authority has a published policy on the approach it will take to requests by other Authorities for further information about entries on NR3, and about the use it will make of any further information provided to it. You can read that policy at <https://www.merthyr.gov.uk/business/licences-and-permits/taxi-licences/hackney-carriage-drivers-licence/>.

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

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the Authority's Data Protection Officer at data.protection@merthyr.gov.uk. This

includes submitting a subject access request.

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

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.
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. An application to renew a licence cannot be made any sooner than 28 days prior to the expiry of the existing licence and the MOT and pass certificate, the MOT must also be dated within 28 days of 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.

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 licences.**

Appeal

11. Applicants have a right of appeal to the Crown Court where a decision is made not to grant a licence. Applicants will be advised in writing of their right to appeal.

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. An application to renew a licence cannot be made any sooner than 28 days prior to the expiry of the existing licence and the MOT and pass certificate, the MOT must also be dated within 28 days of 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.

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. Applicants will be advised in writing of their right to appeal.

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 Authority's 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.**
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 will 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 license 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. The Finance Act 2021 introduced tax checks as part of application to renew licences for Private Hire Operator licences from 4th April 2022. The applicant will need to confirm they are aware of their tax responsibilities if they are applying for a licence for the first time or for one that they have already held but has not been valid for over a year. The applicant will need to complete a tax check and provide the tax check code if they are renewing a licence, applying for the same type of licence they previously held that ceased to be valid less than a year ago,

or applying for the same type of licence they already hold with another licensing authority. Licences cannot be issued without compliance with this.

10. Where a licence is issued the proprietor shall ensure that they comply with the conditions of licence.

Grant of Licence

11. 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

12. Applicants have a right of appeal to a Magistrates Court where a decision is made not to grant a Licence. Applicants will be advised in writing of their right of appeal.

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. All initial contact is made via the Authority's customer contact centre. The Licensing Section will endeavor to respond to enquiries within 2 working days.
3. On receipt of a complaint 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.
4. 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 Community Safety and Regulatory Compliance Manager in conjunction with the Authority's Legal Section.

5. A full record of the investigation of a complaint will be made and retained and will be recorded against the relevant Licence holder.
6. 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.