THE ISLE OF ANGLESEY COUNTY COUNCIL
HACKNEY CARRIAGES (TAXIS), PRIVATE HIRE VEHICLES, DRIVERS AND OPERATORS LICENSING POLICY

October 2018

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1 INTRODUCTION

Purpose of the Policy

1.1 The primary purpose of this Hackney Carriages (Taxis), Private Hire Vehicles, Drivers and Operators Licensing Policy (the Policy) is to protect the safety and welfare of the public. It is also important that the public should have reasonable access to Taxi and PHV services, because of the part they play in local transport provision.

1.2 The Council recognises the importance of a thriving hackney carriage and private hire trade to the growth and prosperity of Anglesey's local economy; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy.

1.3 The Policy is intended as Guidance. The Council will have regard to it, but can, at its discretion if lawful and appropriate, deviate from the guidance set out in the Policy. The Council will record the relevant reasons and proportionate steps taken in relation to any deviation from this Policy.

Overriding principles

1.4 Isle of Anglesey County Council (the Council) wishes to ensure through this Policy:

(a) the safeguarding of children, young persons and vulnerable adults;

(b) that any person who applies to be a hackney carriage or private hire vehicle driver or operator is a fit and proper person and does not pose a threat (in any form) to the public;

(c) that the public are safeguarded from dishonest persons;

(d) that vehicles used are safe and fit for the purpose for which they are licensed; and

(e) that vehicles meet all relevant legislative vehicle standard requirements.

Relevant legislation

1.5 The principal Acts governing licensing under this Policy are:

(a) Town Police Clauses Act 1847 (the 1847 Act) and Town Police Clauses Act 1889

(b) Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act)

Licensing requirements

1.6 The following require a licence:

(a) Every vehicle which is to operate as a Hackney Carriage or private hire vehicle.

(b) Every driver of a Hackney Carriage or private hire vehicle.

(c) Every operator of a private hire vehicle(s).

Note on Terminology

1.7 In this Policy reference to "Taxis" are to Hackney Carriages and references to "PHV" are to private hire vehicles.

1.8 By way of guidance Taxis or Hackney Carriages are vehicles that "ply for hire" e.g. can be immediately hired by customers while on the street or at a taxi rank, while PHVs cannot ply for hire but must be pre-booked through a licensed operator.
These definitions are provided for information only and should not be treated as strict legal definitions of either Taxis or PHVs.
2  HACKNEY CARRIAGE (TAXI): VEHICLE LICENSING

Application Process

2.1  Please see Section 7 – Applying for a Licence, or Renewing a licence.

Standard Conditions

2.2  The following standard conditions shall apply to all Hackney Carriage (Taxi) Vehicle licences:

2.3  Condition of the Vehicle and Testing

(a)  The vehicle must be suitable in type, size and design for use as a Hackney Carriage, including that the vehicle must be suitable to carry a passenger’s wheelchair if the wheelchair user chooses to sit in the passenger seat during the journey.

(b)  The maximum number of passengers that can be carried will be 8 persons with a minimum seat width of 400mm (16 inches) per person required for all seats in the vehicle.

(c)  All licensed vehicles must:

(i)  Be less than six years old from date of first registration on application as a licensed taxi.

(ii)  Be white or silver in colour.

(iii)  Be clean in appearance inside and out.

(iv)  Hold a valid MOT certificate after one year of age.

(v)  Be registered with the DVLA as a Hackney Carriage vehicle.

(vi)  Hold a valid hire & reward insurance policy

(d)  Vehicles under 6 years old must undertake an annual vehicle test. Vehicles 6 years old and over must undertake a vehicle test every six months. Failure to comply with this testing schedule will render the vehicle ineligible for renewal.

(e)  Vehicles must be presented for inspection by the Council on 3 days notice. The Council is entitled to require a proprietor to present the same vehicle for inspection on up to a maximum of three separate occasions during any one period of 12 months.

2.4  Plates

(a)  Unless exempt\(^1\), vehicle plates must be exhibited on the vehicle by being affixed to the vehicle securely and in a prominent position:

(i)  External plates shall be permanently attached to or near the vehicle registration plates.

(ii)  Internal plates shall be in clear view of the passengers at all times.

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\(^1\) On granting a Hackney Carriage (Taxi) Vehicle licence the Council will issue an appropriate plate bearing the same number as shall be designated to the relevant vehicle in the licence. The standard conditions shall apply, subject to the Council exercising its discretion to grant certain categories of vehicles an exemption from displaying plates on the outside of the vehicle.
(b) On revocation or expiry of a vehicle licence the licence holder must return (within 7 calendar days) all vehicle plates (both external and internal) to the Council.

2.5 Change of owner details

(a) Any person named in the licence as having an interest in the vehicle shall, if he changes his home address, notify the Council in writing within 14 calendar days of such change and produce the licence to the Council so that the appropriate amendments can be noted on the licence and the Council's register.

2.6 Transfer of interest

(a) Any person with an interest in the vehicle who transfers that interest to a person not currently specified in the licence must notify the Council within 14 calendar days of such transfer specifying the name and address of the person to whom the interest has been transferred.

(b) The owner of the vehicle must ensure that any driver using the vehicle is properly licensed to drive by the Council and DVLA. A record of the licences held by the driver(s) using the vehicle must be kept by the owner of the vehicle, but only during the period the driver is in his employ.

2.7 Alterations to a vehicle

(a) No alteration shall be made to the vehicle without the prior approval of the Council. Applications for approval should be made in writing to the Chief Public Protection Officer. If approved the Council must be notified forthwith when that alteration has been completed and the vehicle may be required to be submitted for testing before it resumes operation.

(b) If a vehicle is involved in an accident the licence holder must notify the Council in writing within 5 Working Days of the circumstances of the accident and nature of the subsequent repairs. The vehicle may be required to be submitted for testing before it resumes operation.

(c) If a licensed vehicle becomes temporarily inoperable due to a serious mechanical failure or accident then the plate may, with the written consent of the Council, be transferred on a temporary licence to another appropriate vehicle for a period of up to 6 months. A full vehicle test and payment of a pro rata fee will be required.

2.8 Insurance

(a) The vehicle shall not be operated at any time unless there exists a fully valid insurance including public hire liability in force in respect of the vehicle. When requested by an authorised officer of the Council or police constable, the licence holder must produce a valid insurance certificate for the vehicle within 1 working day of the request.

(b) Any change in the Insurer's details must be reported to the Council within 7 calendar days.

2.9 Tariffs

(a) No fare shall be levied in excess of that prescribed by the Council in its "Table of Fares" in Appendix D (as amended and updated from time to time).

(b) On granting a vehicle licence the Council will issue a schedule of the prescribed fares which must be exhibited within the vehicle by being affixed securely and in a prominent position.
2.10 Fire Extinguisher
(a) Every vehicle shall at all times carry in a conveniently accessible position, a suitable fire extinguisher which is manufactured, tested and maintained according to good industry practice.

2.11 First Aid Kit
(a) Every vehicle shall at all times carry a first aid kit according to the relevant British Standard.

2.12 Capacity/Signs & Meters
(a) Every vehicle must exhibit a distinctive sign/plate indicating that the vehicle is a licensed hackney carriage and the number of people it seats as follows:
"I gludo/To carry........................personas/persons".
(b) Seating capacity shall be in accordance with any applicable legislation (as amended or replaced from time to time), including but not limited to the Road Vehicles (Registration and Licensing) Regulations 2002 (as amended or replaced from time to time).
(c) The vehicle must not carry more passengers than that indicated on the plate.
(d) The vehicle shall carry the word "TACSI/TAXI" on a sign securely fixed to the roof of the vehicle.
(e) The vehicle must display on or near the front and rear registration plates a Hackney Carriage plate as supplied by the Council.
(f) An approved taxi meter must be fitted to the vehicle and comply with all relevant legislative requirements. The meter must be connected and work in unison with the Tacsi/Taxi for hire sign.

2.13 Advertising on vehicles
(a) Any advertisements to be placed on vehicles must be pre-approved by the Council. Applications should be made in writing to the Chief Public Protection Officer and contain details of the proposed advertisement.

Deviation from standard conditions

2.14 The standard conditions are subject to the Council exercising its discretion to determine that any such standard conditions should not apply on a case-by-case basis.

Suspension and revocation of licence

2.15 The Council may suspend, revoke or refuse to renew a Hackney Carriage (Taxi) vehicle licence on any of the following grounds:
(a) that the vehicle is unfit for use;
(b) that there has been an offence or non-compliance with the provisions of the 1847 Act or Part II of the 1976 Act by the operator or driver;
(c) a breach of any of the standard or individual licence conditions;
(d) any other reasonable cause.
2.16 Where the Council takes such action of suspension, revocation or refusal to renew, it shall give the licence holder written notice within 14 days of such action of the reasons for so doing. There is a right of appeal to the Council's Appeals Committee and subsequently to the Magistrates Court.

2.17 Appeals can be made to the Council's Appeal's Committee. Details of the procedure are provided in APPENDIX H.

2.18 Renewal of Licence

2.19 Once granted, licences last for a period of 1 calendar year, unless a shorter licence duration is specified.

2.20 All renewal applications must be made prior to expiry of the licence. Applications for renewal received after the expiry of the licence shall be returned and a new application must be submitted.

2.21 For the renewal process please see Section 7 – Applying for a Licence, or Renewing a licence.

Intended Use

2.22 Applicants should note Appendix F which details the Council's Policy for the Intended use of any Licensed Hackney Carriage.
3 PRIVATE HIRE: VEHICLE LICENSING

Application Process

3.1 Please see Section 7 – Applying for a Licence or Renewing a licence.

Standard Conditions

3.2 The following standard conditions shall apply to all PHV licences:

3.3 Condition of the Vehicle and Testing

(a) The vehicle must be suitable in type, size and design for use as a PHV, including that the vehicle must be suitable to carry a passenger’s wheelchair if the wheelchair user chooses to sit in the passenger seat during the journey.

(b) The vehicle must be so marked as it may clearly NOT be confused with a Hackney Carriage vehicle.

(c) The maximum number of passengers that can be carried will be 8 persons with a minimum seat width of 400mm (16 inches) per person required for all seats in the vehicle.

(d) All licensed PHV’s must:

(i) Be less than six years old from date of first registration on initial application as a PHV.

(ii) Be any colour apart from white or silver.

(iii) Be clean in appearance inside and out.

(iv) Hold a valid hire & reward insurance policy

(e) Vehicles under 6 years old must undertake an annual vehicle test. Vehicles 6 years old and over must undertake a vehicle test every six months. Failure to comply with this testing schedule will render the vehicle ineligible for renewal.

(f) Vehicles must be presented for inspection by the Council on 3 days notice. The Council is entitled to require a proprietor to present the same vehicle for inspection on up to a maximum of three separate occasions during any one period of 12 months.

(g) An authorised officer of the Council (or any police constable) has the power to inspect and test, at all reasonable times, any PHV for the purpose of ascertaining its fitness and/or the accuracy of any taxi-meter affixed to such a vehicle. If the officer is not satisfied as to the fitness of the vehicle or as to the accuracy of its taxi-meter, the officer may by notice in writing require the proprietor of the vehicle to make the vehicle or the taxi-meter available for further inspection and testing at such reasonable time and place as may be specified in the notice and suspend the vehicle licence until such time as such authorised officer or police constable is so satisfied as to the fitness of the vehicle or accuracy of the taxi-meter.

3.4 Plates

(a) Unless exempt², vehicle plates must be exhibited on the vehicle by being affixed to the vehicle securely and in a prominent position:

² On granting a PHV licence the Council will issue an appropriate plate bearing the same number as shall be designated to the relevant vehicle in the licence. The standard conditions shall apply, subject to the Council exercising its discretion to grant certain categories of vehicles an exemption from displaying plates on the outside of the vehicle.
(i) External plates shall be permanently attached to or near the vehicle registration plates.

(ii) Internal plates shall be in clear view of the passengers at all times.

(b) On revocation or expiry of a vehicle licence the licence holder must return (within 7 calendar days) all vehicle plates (both external and internal) to the Council.

3.5 Change of owner details

(a) Any person named in the licence as having an interest in the vehicle shall, if he changes his home address, notify the Council in writing within 7 calendar days of such change and produce the licence to the Council so that the appropriate amendments can be noted on the licence and the Council's register.

3.6 Transfer of interest

(a) Any person with an interest in the vehicle who transfers that interest to a person not currently specified in the licence must notify the Council within 14 calendar days of such transfer specifying the name and address of the person to whom the interest has been transferred.

3.7 Alterations to a vehicle

(a) No alteration shall be made to the vehicle without the prior approval of the Council. Applications for approval should be made in writing to the Chief Public Protection Officer. If approved the Council must be notified forthwith when that alteration has been completed and the vehicle may be required to be submitted for testing before it resumes operation.

(b) If a vehicle is involved in an accident the licence holder must notify the Council within 5 Working Days in writing of the circumstances of the accident and nature of the subsequent repairs. The vehicle may be required to be submitted for testing before it resumes operation.

(c) If a licensed vehicle becomes temporarily inoperable due to a serious mechanical failure or accident then, with the written consent of the Council, the plate may be transferred on a temporary licence to another appropriate vehicle for a period of up to 6 months. A full vehicle test and payment of a pro rata fee will be required.

3.8 Insurance

(a) The vehicle shall not be operated at any time unless there exists a full insurance including for hire and reward liability in respect of the vehicle. When requested by an authorised officer or constable, the owner of a licensed vehicle, must produce a valid insurance certificate for the vehicle within 1 working day of the request.

(b) Any change in the Insurer's details must be reported to the Council within 7 calendar days.

3.9 Licence plate not transferable

(a) The PHV is licensed by the Council. It is not lawful to transfer the plate to another vehicle. A vehicle operating as a PHV without a licence but bearing a plate issued in respect of another vehicle will be unlawfully operating without a licence.
3.10 **Fire Extinguisher**

(a) Every vehicle shall at all times carry in a conveniently accessible position, a suitable fire extinguisher which is manufactured, tested and maintained according to good industry practice.

3.11 **First Aid Kit**

(a) Every vehicle shall at all times carry a first aid kit according to the relevant British Standard.

3.12 **Capacity & Signs**

(a) No fittings or signs are to be attached to the inside or outside of the vehicle unless prior approved by the Council.

(b) The words "taxi", "cab", "hire" or any word of similar meaning or appearance to any of these words, whether alone or in combination with any other or as part of another word or any sign shall not be allowed anywhere inside or outside the vehicle.

(c) Every vehicle must exhibit a distinctive sign indicating that the vehicle is a Private Hire Vehicle and the number of people it seats as follows:

"I gludo/To carry .......... bersonau/persons"

(d) Seating capacity shall be in accordance with any applicable legislation (as amended or replaced from time to time), including but not limited to the Road Vehicles (Registration and Licensing) Regulations 2002 (as amended or replaced from time to time). The private hire vehicle must not carry more passengers than that indicated on the plate.

3.13 **Plying for Hire and Hackney Carriage Stands**

(a) No PHV shall ply for hire\(^3\).

(b) No PHV shall stand at a Hackney Carriage (Taxi) rank or stand so appointed by the Council.

**Deviation from standard conditions**

3.14 The standard conditions are subject to the Council exercising its discretion to determine that any such standard conditions should not apply on a case-by-case basis.

**Suspension and revocation of licence**

3.15 The Council may suspend, revoke or refuse to renew a PHV vehicle licence on any of the following grounds:

(a) that the vehicle is unfit for use;

(b) that there has been an offence or non-compliance with the provisions of the 1847 Act or Part II of the 1976 Act by the operator or driver;

(c) a breach of any of the standard or individual licence conditions;

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\(^3\) It is an offence to use a PHV to ply for hire in a street, railway station or railway premises, as a PHV which is not licensed to operate as a Hackney Carriage. "Plying for hire" is akin to waiting. The Council considers that this could include being parked, be it on private or public ground whilst in full view and accessible to the public.
(d) any other reasonable cause.

3.16 Where the Council takes such action of suspension, revocation or refusal to renew, it shall give the licence holder written notice within 14 days of such action of the reasons for so doing. There is a right of appeal to the County Council's Appeals Committee and subsequently to the Magistrates' Court.

3.17 Appeals can be made to the Council's Appeal's Committee. Details of the procedure are provided in APPENDIX H.

Renewal of Licence

3.18 Once granted, licences last for a period of 1 calendar year, unless a shorter licence duration is specified.

3.19 All renewal applications must be made prior to expiry of the licence. Applications for renewal received after the expiry of the licence shall be returned and a new application must be submitted.

3.20 For the renewal process please see Section 7 – Applying for a Licence, or Renewing a licence.
4 PRIVATE HIRE: SPECIALIST VEHICLES

Overview and Definition

4.1 The Council has determined that additional standard conditions shall apply to specialist vehicles.

4.2 PHV Specialist Vehicles include:

(a) Stretched Limousines and American Stretched Limousines.
(b) Any vehicle that has been specially constructed adapted or converted by a specialist vehicle manufacture or modifier, for example a converted fire engine.
(c) Any vehicle that has been specially modified from its original design or specification that is capable of carrying up to but not exceeding eight passengers.
(d) Any other vehicle that in the opinion of the Council, because of its specialist design, styling or origin is to be classed as a novelty or specialist vehicle.
(e) A high specification executive/ luxury/ prestige model in the opinion of the Council.
(f) Classic Vehicle.

Application Process

4.3 Please see Section 7 – Applying for a Licence, renewing a licence.

4.4 There are specific additional application requirements in relation to PHV Specialist Vehicles as set out below.

4.5 For Specialist vehicles, originals of the following documents must be submitted to the Council as part of the application process.

(a) Where applicable, for Specialist vehicles that are subject to type approval; a European Community Whole Vehicle Type approval (ECWVTA), or a European Community Small Series Type Approval (ECSSTA), or a National Small Series Type Approval (NSSTA), or an Individual Vehicle Approval (IVA).
(b) DVLA Registration Document (V5).
(c) Valid Certificate of Insurance, with cover for hire and reward.
(d) Current MOT certificate issued by an approved Testing Station.
(e) Evidence of payment of Road Vehicle Excise Duty.
(f) Evidence of the date of PHV Specialist Vehicle manufacture/Proof of age.

Standard Conditions

4.6 Standard conditions shall apply to all PHV Specialist Vehicles. They shall apply in addition to the Authority's standard conditions for all PHVs as set out in Section 3 "Private Hire – Vehicle Licensing".

4.7 The following standard conditions shall apply to all PHV Specialist Vehicles in addition to those set out in Section 3 "Private Hire – Vehicle Licensing":

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4.8 **General**

(a) The maximum number of passengers that can be carried will be 8 persons with a minimum seat width of 400mm (16 inches) per person required for all seats in the vehicle. A seating plan should be submitted with each application for a PHV Specialist Vehicle licence.

4.9 **PHV Specialist Vehicles**

(a) The vehicle shall comply with the following:

(i) Be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed.

(ii) Seat belts, where fitted, must be fitted in accordance with any applicable legislation (as amended or replaced from time to time), including but not limited to the Road Vehicle (Construction and Use) Regulations 1986 (as amended or replaced from time to time).

(iii) Tinted glass shall conform with applicable legislation (as amended or replaced from time to time) including but not limited to the Road Vehicle (Construction and Use) Regulations 1986 (as amended or replaced from time to time).

4.10 **Alcohol and Entertainment**

(a) The licence holder must ensure that alcoholic drinks provided in the vehicle are done so in accordance with any relevant licensing requirements.

(b) Only plastic glasses and bottles are to be used whilst the vehicle is in motion. Glasses and glass bottles must be locked away prior to the commencement of any journey.

(c) Only music and TV/Video/DVD entertainment may be provided in the vehicle.

4.11 **Passengers Under 18**

(a) Where a group of passengers includes any passenger under 18 years of age, the supply of alcohol during the journey is prohibited.

(b) Children under the age of 16 years must be accompanied by a responsible adult.

(c) Where a group of passengers includes any passenger under 18 years of age, a declaration must be completed by the parent or guardian responsible for the journey, prior to the commencement of the journey, providing details of the persons travelling and the name and contact details of the person responsible for the booking. A copy of the form must be carried by the driver.

**Deviation from standard conditions**

4.12 The standard conditions are subject to the Council exercising its discretion to determine that any such standard conditions should not apply on a case-by-case basis.

4.13 The Council may, at its discretion grant an exemption from displaying Licensed Identification Plates on the outside of the vehicle. Each application, for such a dispensation, will be considered on its own merit with the overriding consideration given to public safety.
Suspension, revocation and renewal

4.14 The provisions set out in in Section 3 "Private Hire – Vehicle Licensing" in relation to all PHVs shall also apply to PHV Specialist Vehicles.
5 HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE: DRIVER LICENSING

Application Process

5.1 Please see Section 7 – Applying for a Licence, Renewing a Licence and Appendix A.

5.2 No person shall act as the driver of any licensed vehicle without first obtaining a licence from the Council.

Standard Code of Conduct conditions

5.3 The following standard Code of Conduct driver conditions shall apply to all drivers licences (both Hackney Carriage (Taxi) and PHV):

5.4 Passengers

(a) The driver shall not convey or permit to be conveyed a greater number of persons than that prescribed in the licence for the vehicle.

(b) The driver shall not allow to be conveyed in the front of the vehicle: i) any child below 1.35 meters in height or less than 12 years old; or ii) more than one person per seat.

(c) In relation to wheelchair users the driver:

(i) Shall not refuse a hire because the passenger is a wheelchair user.

(ii) Shall not charge any wheelchair user any additional fare for a journey.

(iii) Shall take such steps as are necessary to ensure that the wheelchair user is carried in a safe manner and in reasonable comfort.

(iv) Shall provide a reasonable level of mobility-assistance to the disabled passenger.

5.5 Behaviour of Drivers

(a) Drivers must:

(i) Afford all reasonable assistance with passenger's luggage.

(ii) At all times be clean and respectable in his/her dress and person and behave in a civil and orderly manner.

(iii) Greet their passengers in the passenger's language of choice.

(iv) Take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by him/her.

(v) Not without the express consent of the hirer, drink or eat in the vehicle.

(vi) Not without the express consent of the hirer play any radio or sound reproducing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle.

(vii) At no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which he/she is driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
When hired to drive to any particular destination, subject to any directions given by the hirer, proceed to that destination by the shortest practicable route.

Immediately after the termination of any hiring or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there and use his best endeavours to return any property to its rightful owner where that person's identity and whereabouts can reasonably be identified.

Wear, in a conspicuous position, the driver's badge issued to him/her by the Council.

Upon expiry, revocation or suspension of his/her licence return forthwith to the Council the driver's badge issued to him/her by the Council when granting this licence.

If requested by the hirer of a vehicle, provide the hirer with a written receipt for the fare paid.

At all times carry with him/her a copy of the Code of Conduct driver conditions and make it available for inspection by the hirer or any other passenger or authorised officer on request.

Will not smoke in the vehicle or allow any passenger to smoke in the vehicle. This also applies to electronic cigarettes (Vapourisers)

If they are unable to return lost property to the owner, deposit property left by passengers in their vehicle with police within 24 hours.

5.6 Care of Vehicle

(a) Drivers must keep their vehicle clean inside and out at all times.

(b) Drivers must check their vehicle before the start of each shift to ensure that the vehicle complies with all standard conditions, including but not limited to availability of First Aid Kit and Fire Extinguisher and check general roadworthiness and general working condition of the vehicle including cleanliness of the vehicle.

5.7 Notification of change of details

(a) The driver shall notify the Council in writing of any change of address for the duration of the licence within 7 calendar days of such change taking place.

(b) The driver shall notify the Council in writing of any criminal caution or conviction within 7 calendar days of such caution or conviction taking place.

5.8 Private Hire Vehicles - Booking

(a) Drivers shall not pick up passengers that have not pre-booked their journey in advance. To pick up a passenger that has not pre-booked will be deemed as illegal "Plying for Hire".

(b) Bookings can only be made by a customer in one of three ways:

(i) Personal visit to Booking Office; or

(ii) By telephone with Booking Office; or

4 Booking Office is the person/entity holding the PHV Operator licence – see section 7.
5.9 **Hackney Carriage (Taxi) – Plying for Hire**

(a) The driver of a Hackney Carriage (Taxi) shall, when plying for hire in any street but whilst not actually hired:

(i) proceed with reasonable speed to any one of the Council's designated Taxi stands or ranks; and

(ii) if a Taxi stand or rank, at the time of arrival is occupied by the full number of Hackney Carriages (Taxis) authorised to occupy, proceed to another stand or rank.

(b) A proprietor or driver of a Hackney Carriage (Taxi), when standing or plying for hire shall not by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for this purpose.

### Suspension and revocation of Licence

5.10 The Council may suspend, revoke or refuse to renew a vehicle driver licence on any of the following grounds:

(a) that the driver is an unfit person to hold a licence;

(b) that there has been an offence or non-compliance with the provisions of the 1847 Act or Part II of the 1976 Act by the driver;

(c) a breach of any of the standard or individual licence conditions;

(d) any other reasonable cause.

5.11 Where the Council takes such action of suspension, revocation or refusal to renew, it shall give the licence holder written notice within 14 days of such action of the reasons for so doing. There is a right of appeal to the County Council's Appeals Committee and subsequently to the Magistrates' Court.

5.12 Appeals can be made to the Council's Appeal's Committee. Details of the procedure are provided in **APPENDIX H**

### Renewal of Licence

5.13 Once granted, licences last for a duration of 3 calendar years, unless a shorter licence duration is specified by the Council, on a case by case basis.

5.14 All renewal applications must be made prior to expiry of the licence. Applications for renewal received after the expiry of the licence shall be returned and a new application must be submitted.

5.15 For the renewal process please see Section 7 – Applying for a Licence, Renewing a licence
6 PRIVATE HIRE: OPERATOR LICENSING

6.1 Any individual, partnership or limited company that in the course of business makes provision for the invitation or acceptance of bookings for a PHV requires a PHV Operators Licence under the 1976 Act (subject to any relevant exemptions).

Application Process

6.2 Please see Section 7 – Applying for a Licence.

Standard Conditions

6.3 The following standard conditions shall apply to all PHV Operator Licences:

6.4 A basic DBS disclosure is required if the Operator does not hold a Driver’s Licence.

6.5 Records

(a) A PHV Operator Licence holder must keep records as specified at Appendix C and shall enter on a register before the commencement of each journey particulars of every booking of a PHV invited or accepted. This shall be the case whether accepting the booking from the hirer, undertaking the booking at the request of another operator or subcontracting the booking to another Operator. The PHV Operator Licence holder shall produce such records on request to any authorised officer of the Council or to any police constable for inspection.

(b) The PHV Operator Licence holder must keep particulars (including make, model, colour, registration, insurance and test certificates along with the relevant licences issued by the Council) of all PHVs operated.

(c) All records must be kept for a minimum period of three years.

6.6 Accepting of bookings

(a) A PHV can only be utilised when booked in Advance.

(b) Bookings can only be made by a customer in one of three ways:

(i) Personal visit to Booking Office;

(ii) By telephone with Booking Office; or

(iii) Online electronic booking with Booking Office.

6.7 Insurance

(a) A PHV Operator Licence holder must ensure that all PHVs operated shall not be operated at any time unless there exists a valid third party liability and for hire and reward insurance in respect of the vehicle. When requested, by an authorised police constable, the PHV Operator Licence holder must produce a valid insurance certificate for the vehicle within 1 working day of the request.

Deviation from standard conditions

6.8 The standard conditions are subject to the Council exercising its discretion to determine that any such standard conditions should not apply on a case-by-case basis.
Suspension and revocation of Licence

6.9 The Council may suspend, revoke or refuse to renew a PHV Operator Licence on any of the following grounds:

(a) the commission of an offence or other conduct rendering the PHV Operator Licence holder unfit to hold a licence;

(b) any material change in circumstances in which the licence was granted;

(c) a breach of any of the standard or individual licence conditions;

(d) any other reasonable cause.

6.10 Where the Council takes such action of suspension, revocation or refusal to renew, it shall give the licence holder written notice within 14 days of such action of the reasons for so doing. There is a right of appeal to the County Council's Appeals Committee and subsequently to the Magistrates' Court.

6.11 Appeals can be made to the Council's Appeal's Committee. Details of the procedure are provided in APPENDIX H.

6.12 Renewal of Licence

6.13 Once granted, licences last for a duration of 5 calendar years, unless a shorter licence duration is specified by the Council, on a case by case basis.

6.14 All renewal applications must be made prior to expiry of the licence. Applications for renewal received after the expiry of the licence shall be returned and a new application must be submitted.
7 APPLYING FOR A LICENCE OR RENEWING A LICENCE

7.1 Applicants for a licence must complete the relevant application form. Forms are available from the Council’s Public Protection Section (see contact details below), www.anglesey.gov.uk or www.direct.gov.uk.

7.2 Application forms should be returned to: Isle of Anglesey County Council, Regulation and Economic Development Public Protection Section, Council Offices, Llangefni, LL77 7TW.

7.3 Each application should include the documentation and fee detailed on the relevant application form.

7.4 Further information in respect of applications for drivers’ licences can be found in Appendix A.

Period of validity of licence

7.5 Unless suspended or revoked the period of validity of a Licence will be as follows:

<table>
<thead>
<tr>
<th>Licence Type</th>
<th>Period of Validity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vehicle Licence (Hackney Carriage)</td>
<td>12 months / 1 year or such lesser period as may be specified in the licence.</td>
</tr>
<tr>
<td>Vehicle Licence (PHV)</td>
<td>12 months / 1 year or such lesser period as may be specified in the licence.</td>
</tr>
<tr>
<td>Operator’s Licence</td>
<td>60 months/5 years or such lesser period (specified in the licence) as the Council think appropriate in the circumstances</td>
</tr>
<tr>
<td>Driver’s Licence (Hackney Carriage (Taxi) or PHV)</td>
<td>36 months / 3 years or such lesser period (specified in the licence) as the Council think appropriate in the circumstances</td>
</tr>
</tbody>
</table>

Renewals

7.6 Any application for renewal must be submitted so as to be received by the Council prior to the expiry of the relevant licence.

7.7 If the application for renewal is received by the Council prior to expiry of the relevant licence, the licence holder will be able to continue to operate beyond the expiry of the existing licence until determination of this application. Applications for renewal received by the Council after the expiry of the licence shall be returned and the applicant will be required to make an application for a new licence.
APPENDIX A - APPLYING FOR A HACKNEY CARRIAGE (TAXI) OR PHV DRIVERS LICENCE

The following provisions should be noted in respect of applications for a Hackney Carriage (Taxi) or PHV Drivers licence.

1 SUPPORTING DOCUMENTATION

1.1 Application forms must be accompanied by the following items:

(a) The applicant's DVLA Driving Licence (original - not a photocopy) showing current address.

(b) The applicant's passport or birth certificate (original - not a photocopy) or other evidence of right to work in the UK

(c) 2 colour passport type photographs taken within the last month.

(d) Medical Examination certificate.

(e) Disclosure and Barring Service form.

(f) Two completed reference request forms for new applicants

(g) Application fee - payment can be made at the Council Offices by debit / credit card or cheque.

2 KNOWLEDGE TEST

2.1 Each applicant will be required to pass a knowledge test comprising of 4 sections:

(a) Basic English & Maths;

(b) Conditions;

(c) Driver Competence; and

(d) Local Route Knowledge.

2.2 Further information on this test can be found in Appendix E.

3 PRIOR CONVICTIONS

3.1 A search will be conducted by the Council with the Disclosure and Barring Service (DBS), on the basis of enhanced disclosure, on all initial applications to ascertain whether the applicant has any relevant criminal convictions. (See Appendix B for further information).

3.2 Applicants born outside the United Kingdom must provide a current criminal record check from their Country of origin and any other countries in which they have been resident.

3.3 Applicants who have lived outside the UK for a period of at least six months must provide a current criminal record check from each country in which they have been resident. Criminal record checks must be provided with the application. All criminal record checks must be translated into English and must be verified by the relevant UK based Embassy or High Commission. All original documentation will be photocopied by the Council and returned to the applicant.

4 APPLICATION TIMINGS

4.1 Due to the length of time required for the checks with the DBS to be completed applications may take up to 6 weeks to be approved.
5 RIGHT TO WORK

5.1 All applicants must provide evidence of their right to work in the UK before an application can be accepted.

5.2 British citizens and EU nationals should provide their passport or full birth certificate with their application. Non British Citizens/ EU national must provide their passport and residence permit confirming immigration status and right to work in the UK.

5.3 All original documentation will be photocopied by the Council on receipt of the application and returned to the applicant. Any relevant documentation will be forwarded to the UK Border Agency.

5.4 If an application is for the renewal of a driver's licence, the Council may consult with the UK Border Agency in regard to the applicant's immigration status and right to work in the UK.

6 MEDICAL EXAMINATION

6.1 Each applicant must provide a certificate signed by a registered medical practitioner to confirm that the effect that the applicant is physically fit to be the driver of a Taxi or PHV (as appropriate). The Council may also require an examination by their own medical practitioner.

7 REFERENCES

New applicants should provide two completed reference request forms that are available from the Council.

8 ADDITIONAL INFORMATION

8.1 The Council reserves the right to request such additional information that it may reasonably consider necessary to determine whether a licence should be granted.

8.2 Any person aggrieved by the refusal of the Council to grant a driver’s licence, or any conditions attached to the grant of a driver’s licence has the right of appeal to the County Council’s Appeals Committee and subsequently to the Magistrates’ Court.
APPENDIX B - STATEMENT OF POLICY REGARDING RELEVANT PREVIOUS CONVICTIONS

1 INTRODUCTION

1.1 The purpose of this Appendix B is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney carriage (Taxi) driver and/or PHV driver licence or PHV operator licence. This Appendix B shall also provide guidance when the Council is considering whether it is appropriate to suspend, revoke, or renew an existing licence.

1.2 The aim of this policy is to protect the safety of the public. The Council is concerned to ensure:

* that a person is a fit and proper person;
* that the person does not pose a threat to the public;
* that the public are safeguarded from dishonest persons;
* the safeguarding of children and young persons;
* the safeguarding of vulnerable persons;
* that the public have confidence in their use of licensed vehicles.

1.3 Where licensing officers have delegated powers to grant licences, they may utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from this Policy. References to "the Council" in this Appendix B should be treated as reference to the relevant decision-maker in each specific case.

1.4 Where applicants fail to disclose any previous convictions; cautions; warnings; penalty notices, orders or reprimands on their application form including any pending court proceedings or other matters the relevant application may be referred to the Licensing Committee for determination.

2 GENERAL POLICY

2.1 Each case will be decided on its own merits.

2.2 When exercising its powers in respect of grant, suspension, revocation or renewal of licences (see paragraph 4 below) the Council shall generally have regard to the provisions of this Policy and specifically of this Appendix B, however decisions shall be at the ultimate discretion of the Council considering the specific circumstances of a given case pursuant to paragraph 2.1.

2.3 Where an applicant has a relevant conviction (or other matter) as set out in this Appendix B, but where the specified period of time has elapsed in respect of that conviction (or other matter), the applicant will still be expected to satisfy the Council that he or she is a fit and proper person to hold a licence in order for their application to be successful.

2.4 For the purposes of this Policy, reference to "other matters" may include the following:

a) courts martial;
b) cautions;
c) fixed penalty notices or other penalty notices;
d) anti-social behaviour orders or other similar orders;
e) breach of licensing conditions;
f) formal warnings or reprimands;
h) charges or matters awaiting trial; or
i) any other consideration relevant to fitness and propriety of the applicant.

2.4 Where an applicant has a conviction(s) or other matter(s) to be considered for a criminal offence, the council will not review the merits of the conviction or other matter unless it is of the view, at its sole discretion, that this is necessary and relevant to determination of the application or to decision as to suspension or revocation of an existing licence.

2.5 Where an applicant / licence holder has a conviction or other matter to be considered for an offence of aiding, abetting, attempting, conspiring, counselling, procuring, causing, permitting or inciting any of the criminal or motoring offences / matters specified in this guidance, they will be considered relevant for the substantive matter.

3 APPEALS

Any applicant who has been refused a driver or operator licence, or a licensed driver / licensed operator whose licence has been suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of receipt of the notice.

4 POWERS IN RESPECT OF GRANT, SUSPENSION, REVOCATION, AND RENEWAL OF LICENCES

4.1 Powers to grant driver / operator licences are contained within Section 51, Section 55 and Section 59 of the 1976 Act (as amended or replaced from time to time).

4.2 Powers to suspend, revoke or refuse to renew a driver's licence are contained within Section 61 of the 1976 Act (as amended or replaced from time to time).

4.3 Powers to suspend, revoke or refuse to renew an operator's licence are contained within Section 62 of the 1976 Act (as amended or replaced from time to time).

5 CONSIDERATION OF DISCLOSED CRIMINAL HISTORY

5.1 Where an applicant / licence holder is subject to any relevant convictions or other matters the Council may, at its discretion, take these into account when exercising its powers.

5.2 In general the Council shall take account of the provisions of this Appendix B in consideration of convictions or other matters pursuant to the exercise of its powers set out in paragraph 4. However, the Council shall retain ultimate discretion to the extent permitted by law.

5.3 Factors in respect of convictions or other matters that the Council might consider include, without limitation:

* how relevant the offence(s) are to the licence being applied for;
* how serious the offence(s) were;
* when the offence(s) were committed;
* the date of conviction and age of applicant at time of conviction;
* sentence imposed by the court;
* whether they form part of a pattern of offending;
* any other factors that the Council considers might be relevant.

6 CRIMES RESULTING IN DEATH

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

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

8 OFFENCES INVOLVING VIOLENCE

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

9 POSSESSION OF A WEAPON

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

10 SEX AND INDECENCY OFFENCES

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

11 DISHonesty

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

12 DRUGS

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

13 DISCRIMINATION

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

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

15 **DRINK DRIVING/DRIVING UNDER THE INFLUENCE OF DRUGS**

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

16 **USING A HAND-HELD TELEPHONE OR HAND HELD DEVICE WHILST DRIVING**

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

17 **OTHER MOTORING OFFENCES**

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

18 **HACKNEY CARRIAGE AND PRIVATE HIRE OFFENCES**

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

19 **VEHICLE USE OFFENCES**

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

Notwithstanding any guidance in this Appendix that may apply to the individual convictions or other matters relating to an applicant, as a matter of general policy an application will be refused where that applicant has a record of repeat offending that, in the Council's opinion, shows a lack of regard for the wellbeing of others or for property.

21 OUTSTANDING CHARGES OR SUMMONSES

If an applicant is the subject of an outstanding charge or summons the Council shall, in their absolute discretion (and treating each individual case on its merits) determine whether the application is to proceed or whether the application should be deferred for determination until such proceedings are concluded.

22 NON-CONVICTION INFORMATION

The Council has broad discretion when making its decisions pursuant to this Appendix B and shall consider the individual facts of each case. This may include (without limitation) circumstances where an individual is arrested or charged for a serious offence which suggests he/she could be a danger to the public but is not convicted, and in those circumstances the Council may consider it appropriate to refuse a relevant application or suspending / revoking a relevant licence.
APPENDIX C - PRIVATE HIRE VEHICLE OPERATORS BOOKING RECORDS GUIDANCE

Records should include the following information:

NAME & ADDRESS OF OPERATOR

LICENSE NUMBER

DATE

FOR EACH BOOKING THE FOLLOWING INFORMATION SHOULD BE RECORDED:

<table>
<thead>
<tr>
<th>DATE</th>
<th>TIME</th>
<th>HIRER</th>
<th>PICK UP POINT</th>
<th>TIME &amp; DATE OF PICK UP</th>
<th>VEHICLE USED OR SUB CONTRACTED</th>
<th>BOOKING METHOD (telephone, caller etc.)</th>
<th>DESTINATION</th>
</tr>
</thead>
</table>

|                  |      |       |               |                        |                               |                                          |             |
|                  |      |       |               |                        |                               |                                          |             |
APPENDIX D – MAXIMUM FARES

FIXED MAXIMUM FARES FOR HACKNEY CARRIAGES

The public are advised of the current table of fares applicable to Hackney Carriages (Taxis) licensed by the Council.

A. Up to and including the first mile £3.00
B. Subsequent 1/10th of each mile .28
C. From midnight to 0700 hours increase of 100%
D. Waiting time per minute or part thereof .25
E. Carriage of more than one person (each) .40
F. Carriage of animals* (each) £1.20
G. Luggage carried outside passenger compartment (each) .25
H. December the 25 and 26 increase of 100%
I. Additional Bank Holidays increase of 50%
J. Soiling charge £45.00

*No charge shall be made for the carriage of Guide Dogs

CYNGOR SIR YNYS MON
DEDDF DARPARIAETHAU AMRYWIOL LLYWODRAETH
LEOL 1976

PRISIAU AM DEITHIO MEWN TACSI

Hysbysir y cyhoedd or rhestr prisiau addas i dacsis ar Ynys Mon

A. Hyd at ac yn cynnwys a filltir gyntaf £3.00
B. 1/10 fed rhan o bob milltir ar ol hynny .28
C. O hanner nos hyd at 0700 cynnydd o 100%
D. Amser aros fesul munud neu rhan o funud .25
E. Cludo mwy na dau person (yr un) .40
F. Cludo anifeiliaid* (yr un) £1.20
G. Cario bagiau ychwanegol (fesul item) .25
H. Rhagfyr 25 a 26 cynnydd o 100%
I. Gwyliau Banc ychwanegol cynnydd o 50%
J. Baeddu’r cerbyd £45.00

*Fod dim tâl i’w godi am gludo Ci Tywys
APPENDIX E - KNOWLEDGE TEST

Each applicant for a Taxi driver licence or PHV driver licence will be subject to a Knowledge Test (the "Test").

The Council considers successful completion of the Test a necessary part of establishing that an applicant is a fit and proper person to hold a licence.

Test Composition

The Test comprises 4 sections: 1) Basic Language & Mathematics, 2) Conditions, 3) Driver Competence and 4) Local route knowledge. Below is some guidance on each section:

1) Basic Language/Mathematics Section
This part of the Test will comprise of listening and reading exercises where applicants are required to correctly answer comprehension questions and basic mathematical questions.

*e.g. provide a written receipt and correct change at the end of a typical fare*

2) Conditions
This part of the Test comprises questions in respect of the Council's conditions relating to the relevant licences.

3) Driver Competence
This part of the Test comprises questions in respect of legislation. Applicants will be asked questions relating to general driving practices and road signs/markings similar to a DVLA driver theory test.

4) Local route knowledge
This part of the test will consist of questions asking applicants to provide the most direct route from one place to another. In order to pass this part of the test applicants will need to have detailed knowledge of the Isle of Anglesey area. Applicants will need to know popular landmarks such as places of interest, prominent buildings, the location of public houses, hospitals, hotels and train stations.

*e.g. "Describe the most direct route from The Ferry Terminal at Holyhead to RAF Valley"

This section of the test will include one 'out of area' route question which will require applicants to give the most direct route to a place outside of the Isle of Anglesey area.

Pass rate and Number of attempts

*Please note that applicants need to achieve the pass rate of 80% FOR EACH SECTION in order to pass the Test.*

If an applicant fails the Test the application will not be considered further until a pass result is achieved. The fee for the first Test is included in the overall application fee. Applicants are required to pay an additional fee of £25.00 for each subsequent re-sit of the Test. Applicants will be allowed a maximum of 3 attempts in connection with their application. Should the applicant fail the test 3 times, the application will be referred to the Chief Public Protection Officer for determination. A revision period will be applied before the applicant can reapply.

Further assistance and information

If you have any special requirements please notify a member of the Council's Public Protection Team prior to sitting the Test.

Further details in respect of the format of the Test and in respect of upcoming, scheduled Test sessions are available from the Council's Public Protection Team on request.
APPENDIX F - INTENDED USE POLICY FOR HACKNEY CARRIAGES (TAXIS)

Applications for the new grant of a Hackney Carriage (Taxi) vehicle licence

Applicants for Hackney Carriage (Taxi) vehicle licences (referred to as "Vehicle Licences" for the purpose of this Appendix F) will be expected to demonstrate a bona fide intention to ply for hire within the area of the Council under the terms of the licence for which an application is being made.

While each application for a Vehicle Licence will be decided on its merits, the general policy of the Council is that applicants who do not intend to entirely or predominantly ply for hire within the area of the Council will not be granted a Vehicle Licence.

Even where the applicant intends to ply for hire entirely or predominantly in the area of the Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and/or public safety will thereby be compromised) then, subject to the merits of the particular application, the general policy of the Council is that the application will be refused.

In this Appendix F, references to the "purpose of the legislation" are to the principle that Vehicle Licences are granted under the relevant law in respect of specified areas. If, in the Council's opinion, the intended use of the vehicle in question appears to run counter to this principle (e.g. by trading in an area other than the area of the Council for a substantial amount of time) then the Council may take the view that the purpose of the legislation will be compromised.

Applications for the renewal of a Hackney Carriage (Taxi) vehicle licence

Section 60 of the 1976 Act also gives the Council a broad discretion to refuse to renew a Vehicle Licence for any reasonable cause. The intended use policy set out in this Appendix F will apply to renewals of Vehicle Licences in the same way as for new applications. However, each application for renewal will be decided on its merits.

Applications for the transfer of a Hackney Carriage (Taxi) vehicle licence

Should the Vehicle Licence be transferred to another proprietor during the term of the licence, the new proprietor will be asked to inform the Council whether he has a bona fide intention to use the vehicle in question to ply for hire within the area of the Council.

New proprietors of licensed hackney carriages will be expected to have a bona fide intention to ply for hire within the area of the Council under the terms of the Vehicle Licence being transferred.

If the new proprietor of a licensed Hackney Carriage is found to have no intention to ply for hire entirely or predominantly within the area of the Council and/or intends to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and/or public safety will be compromised) then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the Vehicle Licence under section 60 of the 1976 Act. Where the new proprietor proposes to operate remotely from the administrative area of the Council the general policy of the Council is that his Vehicle Licence will be revoked. However, each case will be decided on its merits.

New proprietors should note the obligation under section 73 of the 1976 Act to give to an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its general powers of suspension of the licence under section 60 of the 1976 Act until such information is forthcoming, in addition to its powers under section 73.
Applications for the replacement of a Hackney Carriage (Taxi) vehicle licence

When a proprietor replaces a licensed vehicle, applicants seeking the grant of a Vehicle Licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle.

The general policy of the Council is that applicants who no longer intend to ply for hire entirely or predominantly within the area of the Council will not be granted a replacement Vehicle Licence. Even where the applicant intends to ply for hire entirely or predominantly in the Council's area if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and/or public safety will be compromised) then, subject to the merits of the particular case, the general policy of the Council is that the application will be refused.

Revocation of a Hackney Carriage (Taxi) vehicle licence

Where a Vehicle Licence has been granted under the terms that the applicant intends to ply for hire entirely or predominantly within the area of the Council but is subsequently found not to be plying for hire entirely or predominantly in the Council's area and/or to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and/or public safety will be compromised) the general policy of the Council is that the Vehicle Licence in question will be revoked, though each application will be decided on its merits.

General Policy of the Council and exceptional circumstances

As set out above the general policy of the Council is that it will not support the grant, renewal, transfer or replacement of a Vehicle Licence (and will seek to suspend and/or revoke such a licence) where intended use of the vehicle in question is not to ply for hire entirely or predominantly in the area of the Council, or where the intention is that vehicle in question is to trade for a substantial amount of time in another authority's area.

However, each application will be decided on its merits, and the general policy of the Council as set out above might be found not to apply in exceptional circumstances.

Whilst it is not possible to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to:

- provide details of such circumstances;
- explain why, in the context of these circumstances the general policy of the Council should not apply; and
- be able to satisfy the Council that it would not compromise the purposes of the legislation or compromise public safety if the licence were granted, renewed or if were not suspended or revoked.
APPENDIX G - SAFEGUARDING PRINCIPLES

The Isle of Anglesey County Council believes that it is always unacceptable for a child or vulnerable person to experience abuse or harm of any kind and recognises its responsibility to safeguard and promote the welfare of all children, young people and vulnerable adults by a commitment to practices that protect them. We take our responsibilities seriously and expect all of our licensed drivers and operators to share this commitment.

Safeguarding is the process of protecting children and adults at risk from harm, preventing impairment to their health and development, which includes keeping them safe from neglect, and physical, emotional and sexual abuse.

All Hackney carriage (taxi), Private Hire drivers and Private Hire Operators must complete approved mandatory safeguarding training. Guidance will be provided on what is acceptable approved mandatory training.

APPENDIX H - APPEALS PROCEDURE

APPEALS AGAINST THE REFUSAL, SUSPENSION OR REVOCATION OF A LICENCE

Subject to rights of appeal to the Magistrates Court, the Council may suspend, revoke or refuse to issue or renew a licence on any of the following grounds:

a. that the driver or operator is an unfit person to hold a licence;
b. that the vehicle is unfit for use

c. any offence under, or non-compliance with the provisions of the 1847 Act, or of part II of the 1976 Act by the driver or operator;
d. A breach of any of the licence conditions;
e. any other reasonable cause.

Where the Council takes such action of suspension/revocation/refusal to issue or renew, they must within 14 calendar days of such action give written notice to the person concerned of their reasons for so doing and in each case there is a right of appeal to the County Council’s Appeals Committee and subsequently to the Magistrates Court, or directly to the Magistrates Court.

There is a right of Appeal against any such decision. Appeals can be made to the County Council’s Appeals Committee, or directly to the Magistrate’s Court, within 21 calendar days of receipt of the written notice mentioned above.

Notice of Appeal should be given to the Chief Public Protection Officer, in writing, stating the grounds of Appeal.

The Council will then give notice in writing of at least 7 calendar days in advance of the time and place of the hearing unless a shorter period is agreed by each side.

The Appeal Committee procedure rules are as follows:

1 The first item of business at each meeting of an Appeals Committee shall be the election of a Chairperson for the duration of the meeting.

2 The Council will give notice in writing of at least 7 days in advance of the time and place of the hearing unless a shorter period is agreed by each side.

3 Any person exercising a right of appeal may represent himself/herself or be represented by any other person and may produce witnesses and documents relevant to the appeal.

4 The Council’s representative may produce witnesses and documents relevant to the appeal.
5 Each side must give written notice to the other of the witnesses that each will present together with a resume of the evidence and the documents to be produced by each witness. These details will be delivered to the other side at least 3 days before the hearing.

6 The quorum for the Committee shall be 3 members.

7 The Monitoring Officer or his/her nominee will be Secretary to the Committee.

8 Procedure at the hearing:

8.1 The appellant or his/her representative will put his/her case in the presence of the Council’s representatives and will present any witnesses and read any written statements.

8.2 The Council’s representatives will have the opportunity to ask questions of the appellant and/or his/her representative and any witnesses.

8.3 The Committee will have the opportunity to ask questions of the appellant and/or his/her representative and any witnesses.

8.4 The Council’s representatives will put the Council’s case in the presence of the appellant and/or his/her representative and will present any witnesses and read any written statements.

8.5 The appellant and/or his/her representative will have the opportunity to ask questions of the Council’s representatives and any witnesses.

8.6 The Committee will have the opportunity to ask questions of the Council’s representatives and any witnesses.

8.7 The Council’s representatives will have the opportunity to sum up the Council’s case if they so wish. No new material may be introduced at this stage.

8.8 The appellant or his/her representative will have the opportunity to sum up their case if they so wish. No new material may be introduced at this stage.

8.9 The appellant and his/her representative, together with the Council’s representatives and all witnesses, will withdraw.

8.10 The Committee, together with the Secretary to the Committee, will deliberate in private only recalling the appellant and the Council’s representatives to clear points of uncertainty on evidence already given. If recall is necessary both parties are to return, notwithstanding if only one is concerned with the point giving rise to doubt.

8.11 The Committee will inform the appellant and the Council’s representatives of their decision.

8.12 The Secretary will write to the appellant to confirm the decision and report the Committee’s decision to the Executive – for information. The Committee’s decision shall be final and cannot be changed by any Body on behalf of the Council or the Council itself.