

# Public Document Pack

## Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr

### Bridgend County Borough Council



Swyddfeydd Dinesig, Stryd yr Angel, Pen-y-bont, CF31 4WB / Civic Offices, Angel Street, Bridgend, CF31 4WB

*Rydym yn croesawu gohebiaeth yn Gymraeg.  
Rhowch wybod i ni os mai Cymraeg yw eich  
dewis iaith.*

*We welcome correspondence in Welsh. Please  
let us know if your language choice is Welsh.*



#### **Cyfarwyddiaeth y Prif Weithredwr / Chief Executive's Directorate**

Deialu uniongyrchol / Direct line /: 01656 643148 /  
643147 / 643694

Gofynnwch am / Ask for: Democratic Services

Ein cyf / Our ref:

Eich cyf / Your ref:

**Dyddiad/Date:** Wednesday, 21 September 2022

Dear Councillor,

#### **LICENSING COMMITTEE**

A meeting of the Licensing Committee will be held remotely - via Microsoft Teams on **Tuesday, 27 September 2022 at 14:00.**

#### **AGENDA**

1. Apologies for Absence  
To receive apologies for absence from Members.
2. Declarations of Interest  
To receive declarations of personal and prejudicial interest (if any) from Members/Officers in accordance with the provisions of the Members Code of Conduct adopted by Council from 1 September 2008.
3. Approval of Minutes 3 - 4  
To receive for approval the minutes of the 25/05/2022
4. Proposed Amendment To The Hackney Carriage Vehicle Licence Conditions,  
Private Hire Vehicle Conditions And The Hackney Carriage And Private Hire  
Driver's Licence Conditions 5 - 26
5. Urgent Items  
To consider any other item(s) of business in respect of which notice has been given in accordance with Rule 4 of the Council Procedure Rules and which the person presiding at the meeting is of the opinion should by reason of special circumstances be transacted at the meeting as a matter of urgency.

Note: Please note: Due to the current health and safety requirements this meeting will not be held at its usual location. This will be a virtual meeting and Members and Officers will be attending remotely. The meeting will be recorded for subsequent transmission via the Council's internet site which will be available as soon as practicable after the meeting. If you have any queries regarding this, please contact [cabinet\\_committee@bridgend.gov.uk](mailto:cabinet_committee@bridgend.gov.uk) or tel. 01656 643147 / 643148.

**By receiving this Agenda Pack electronically you will save the Authority approx. £0.52 in printing costs**

Yours faithfully

**K Watson**

Chief Officer, Legal and Regulatory Services, HR and Corporate Policy

Councillors:

M Lewis

R Williams

J Llewellyn-Hopkins

J E Pratt

I Williams

Councillors

R J Smith

RM James

RJ Collins

MJ Kearns

H T Bennett

Councillors

A R Berrow

S J Bletsoe

H Griffiths

P W Jenkins

Present

Councillor M Lewis – Chairperson

R Williams  
RJ Collins  
S J Bletsoe

J E Pratt  
MJ Kearn  
H Griffiths

R J Smith  
H T Bennett  
P W Jenkins

RM James  
A R Berrow

Apologies for Absence

I Williams

Officers:

Kirsty Evans	Senior Licensing Officer
Katia Daw	Lawyer
Julie Ellams	Democratic Services Officer - Committees
Andrew Rees	Democratic Services Officer – Committees

1. DECLARATIONS OF INTEREST

None

2. APPROVAL OF MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing Committee of 13 July 2021 be approved as a true and accurate record.

3. APPOINTMENT OF LICENSING SUB-COMMITTEE(S) AND DELEGATIONS TO OFFICERS

The Licensing and Policy Officer presented a report proposing the membership of the Licensing Committee Sub-Committees following the Annual Meeting of Council 2022. It was proposed that the Licensing Committee continue with the existing arrangements and approve the formation of two panels sitting on a rota basis, each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible. In the event that the Chair or Vice Chair were not able to attend their respective sub-committee meeting, a chair would be elected from those in attendance.

A member asked if both sub-committees dealt with a mix of items or if they each focussed on certain areas. The Democratic Services Officer replied that they both would have the same functions. Both committees dealt with identical work and this was just a way of sharing the workload.

RESOLVED: The Committee approved the formation of two panels sitting on a rota basis (as listed below) each consisting of seven Members of the Licensing Committee and chaired by the Chairperson and Vice Chairperson of the Licensing Committee where possible. In the event that the Chair or Vice Chair were not able to attend their respective sub-committee meeting, a chair would be elected from those in attendance. These Licensing Sub-Committees would

undertake licensing functions, including taxi licensing and street trading as set out in the Council's Constitution.

Licensing Sub-Committee A  
Cllr Maxine Lewis – Chair  
Cllr Johanna Llewellyn-Hopkins  
Cllr Richard Collins  
Cllr Mike Kearn  
Cllr Jonathan Pratt  
Cllr Steven Bletsoe  
Cllr Anthony Berrow

Licensing Sub-Committee B  
Cllr Richard Williams – Chair  
Cllr Heather Griffiths  
Cllr Heidi Bennett  
Cllr Malcolm James  
Cllr Rob Smith  
Cllr Ian Williams  
Cllr Philip Jenkins

4. URGENT ITEMS

None.

The meeting closed at 10:17

## BRIDGEND COUNTY BOROUGH COUNCIL

### REPORT TO LICENSING COMMITTEE

27 SEPTEMBER 2022

#### REPORT OF THE CHIEF OFFICER – LEGAL AND REGULATORY SERVICES, HR AND CORPORATE POLICY

##### PROPOSED AMENDMENT TO THE HACKNEY CARRIAGE VEHICLE LICENCE CONDITIONS, PRIVATE HIRE VEHICLE CONDITIONS AND THE HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE CONDITIONS

#### 1. Purpose of report

- 1.1 The purpose of this report is to seek to amend the Hackney Carriage and Private Hire Vehicle licence conditions along with the dual Hackney Carriage/Private Hire Driver's Licence conditions to promote public safety, and to seek approval to formally consult with the taxi trade.

#### 2. Connection to corporate well-being objectives/other corporate priorities

- 2.1 This report relates to a regulatory function. There is no direct link to the corporate well-being objectives / other corporate priorities.

#### 3. Background

- 3.1 Under the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach any conditions to the grant of a Hackney Carriage Vehicle Licence, Private Hire Vehicle Licence, and dual Hackney Carriage/Private Hire Driver's Licence that they consider reasonably necessary. Conditions of licence are essential to promote public safety.
- 3.2 Bridgend County Borough Council's current conditions for the aforementioned licences have been in place for a number of years. The Hackney Carriage Vehicle Licence conditions can be found in **Appendix A** of this report, the Private Hire Vehicle Conditions at **Appendix B**, and the Hackney Carriage/Private Hire Driver's Licence conditions are detailed in **Appendix C**.

#### 4. Current situation/proposal

- 4.1 Welsh Government is proposing to introduce national guidelines for taxis but it is believed that the proposed amendments would not have a detrimental impact on that process and that, in the interim, these amendments are necessary to strengthen the existing conditions.
- 4.2 A proportion of vehicle licensees/proprietors rent, lease or loan out their vehicle to other licensed drivers. Whilst the current procedures require the licensee to declare who is involved in the letting or keeping of the vehicle, at the commencement of the licence, the current conditions do not require the licensee to keep records of who is

driving the vehicle throughout its duration. This can prove difficult when investigating complaints.

- 4.3 The licensing authority is proposing to further safeguard the public by adding the following condition to the Hackney Carriage and Private Hire Vehicle Licence conditions:

*In the case of Licensees/Proprietors who rent, lease, hire or loan out their [Hackney Carriage Vehicle][Private Hire Vehicle]\*, the Licensee/Proprietor shall provide and keep a suitable register in which he/she shall enter the following particulars relating to the details of the driver to whom the vehicle has been rented, hired, leased or loaned.*

- a) *The name and address of the driver.*
- b) *The Badge number and expiry date of the Hackney Carriage/Private Hire Driver's Licence relating to the driver.*
- c) *The plate number and registration number of the vehicle rented, hired, leased or loaned.*
- d) *The date(s) and time(s) the vehicle is rented, hired, leased or loaned by the driver.*

*The records shall be kept for a minimum of 12 months, be in chronological order and must be produced on request to an authorised officer of the Council or a police constable for inspection.*

*\*condition to be amended for the relevant licence condition.*

- 4.4 With this added condition the Licensing Authority will ~~not~~ be able to ensure that those who drive licensed hackney carriage and private hire vehicles can be more easily traced when investigating complaints or assisting other agencies.
- 4.5 Hackney carriage/private hire vehicle drivers may be issued with a one or three year licence and as part of their grant and renewal application they must provide the Licensing Authority with an enhanced DBS certificate. The authority will then consider any convictions they may have, in accordance with the Licensing Committee's Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades.
- 4.6 There are already multi agency data sharing protocols in place to notify the Licensing Authority of issues involving taxi drivers. However, proposed that in order to promote public safety the following condition is added to the dual Hackney Carriage/Private Hire Driver's Licence. It would therefore cover all types of relevant issues not just criminal convictions:

*The licensee shall notify the Council in writing, within seven days if:*

- a) *he/she is convicted of any offence or receives a caution, warning, fixed penalty notice or any other kind of penalty notice.*
- b) *he/she is the subject of any pending criminal investigation*
- c) *If he/she is notified of the outcome of any pending criminal investigation*

- 4.7 The addition of this condition places an onus on licensees to inform the Licensing Authority of any convictions or pending convictions/investigations during the course of their licence.
- 4.8 Applicants and licensees are also required to provide a medical certificate upon the grant and renewal of a licence. A medical certificate is required to ensure that drivers are in good enough health to maintain public safety on the roads. Hackney carriage and private hire drivers are subject to higher medical standards than ordinary drivers. They are legally obliged to report any changes in their medical condition to the Driver and Vehicle Licensing Agency (DVLA) for an assessment as to whether this affects their legal ability to drive safely, but this proposal also places an onus on them to report any changes to the Licensing Authority.
- 4.9 The Licensing Authority is proposing that the following condition also be added to the current Hackney Carriage/Private Hire Driver's Licence conditions:

*The licensee shall notify the Council in writing within seven days of:*

- a) *any change or deterioration to his/her health which requires notification to the Driver and Vehicle Licensing Agency (DVLA).*
- b) *The Council reserves the right to require an existing licence holder to produce medical evidence of their continuing fitness to drive, from their own GP or consultant (as deemed appropriate), during the period of the licence. Such medical evidence shall be produced by the licensee to the Council within fourteen days of request.*

- 4.10 The Committee is requested to authorise a 14 day consultation with the taxi and private hire trade in relation to the addition of the aforementioned conditions.

## **5. Effect upon policy framework and procedure rules**

- 5.1 The report content has no direct effect upon the policy framework and procedure rules.

## **6. Equality Act 2010 implications**

- 6.1 The protected characteristics identified within the Equality Act, Socio-economic Duty and the impact on the use of the Welsh Language have been considered in the preparation of this report. As a public body in Wales the Council must consider the impact of strategic decisions, such as the development or the review of policies, strategies, services and functions. This report relates to a regulatory function, therefore it is not necessary to carry out an Equality Impact assessment in the production of this report. It is considered that there will be no significant or unacceptable equality impacts as a result of this report.

## **7. Well-being of Future Generations (Wales) Act 2015 implications**

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report. It is considered that there will be no significant or unacceptable impacts upon the achievement of well-being goals/objectives as a result of this report.

## **8. Financial implications**

- 8.1 There are no financial implications arising from the report.

## **9. Recommendation(s)**

- 9.1 It is recommended that the Committee consider the contents of the report and authorise officers to carry out a 14 day consultation with the taxi and private hire trade on:

- 1) Amending the Hackney Carriage and Private Hire Vehicle conditions to include the condition:

*In the case of Licensees/Proprietors who rent, lease, hire or loan out their [Hackney Carriage] [Private Hire Vehicle], the Licensee/Proprietor shall provide and keep a suitable register in which he/she shall enter the following particulars relating to the details of the driver to whom the vehicle has been rented, hired, leased or loaned.*

- a) *The name and address of the driver.*
- b) *The Badge number and expiry date of the Hackney Carriage/Private Hire Driver's Licence relating to the driver.*
- c) *The plate number and registration number of the vehicle rented, hired, leased or loaned.*
- d) *The date(s) and time(s) the vehicle is rented, hired, leased or loaned by the driver.*

*The records shall be kept for a minimum of 12 months, be in chronological order and must be produced on request to an authorised officer of the Council or a police constable for inspection.*

- 2) Amending the dual Hackney Carriage/Private Hire Driver's Licence conditions to include the conditions:

*The licensee shall notify the Council in writing, within seven days if:*

- a) *he/she is convicted of any offence or receives a caution, warning, fixed penalty notice or any other kind of penalty notice.*
- b) *he/she is the subject of any pending criminal investigation*
- c) *If he/she is notified of the outcome of any pending criminal investigation*

*The licensee shall notify the Council in writing within seven days of:*

- c) *any change or deterioration to his/her health which requires notification to the Driver and Vehicle Licensing Agency (DVLA).*



- d) *The Council reserves the right to require an existing licence holder to produce medical evidence of their continuing fitness to drive, from their own GP or consultant (as deemed appropriate), during the period of the licence. Such medical evidence shall be produced by the licensee to the Council within fourteen days of request.*

**Kelly Watson**  
**Chief Officer – Legal and Regulatory Services, HR and Corporate Policy**

21 September 2022

**Contact officer:** **Yvonne Witchell**  
Licensing Team Manager Bridgend and Vale

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Angel Street  
Bridgend CF31 4WB

**Background documents:**

None

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## **HACKNEY CARRIAGES CONDITIONS OF LICENCE**

The proprietor shall observe and perform the following terms and conditions in respect of hackney carriages:

1. All vehicles shall be white in colour.
2. Adhesive signs be affixed on the upper part of the driver and front passenger side doors indicating that the vehicle is licensed by the Council with the number of the vehicle in letters no smaller than 3" in height.
3. The licence plate shall be fixed and displayed outside on the rear of the vehicle directly on or immediately above the bumper in such a position that the vehicle's registration mark is not obscured, with the particulars there on facing outwards in such a manner and place that the licence plate is clearly visible by daylight from the road at the rear of the vehicle.
4. The licence disc and licence plate shall remain the property of the Council and shall be returned to them within seven days after the service on him of an appropriate notice by the Council in the event of the Hackney Carriage Licence ceasing to be in force in respect of the vehicle.
5. At all times, the proprietor shall during the currency of the licence keep in force in relation to the use of the hackney carriage, a policy of insurance issued on a minimum of third party basis by an approved insurance company and comply with the requirements of Part V1 of the Road Traffic Act 1988.
6. A copy of the current Insurance Certificate in respect of the vehicle shall at all times be displayed on the windscreen of the vehicle so as to be available for inspection.
7. TESTING OF VEHICLES
  - 7.1 As a policy guideline, vehicles submitted for licensing for the first time must be less than 5 years old from the date of first registration or first use/date of manufacture if the vehicle is imported, with the exception of minibus type vehicles fitted with permanent automated tail lifts which may be aged up to 10 years on first licensing. Applications for converted or modified vehicles outside the M1 Vehicle Type approval category must be accompanied by a full service history and appropriate safety certification including a Voluntary Individual Vehicle Approval (IVA) Certificate issued by the Driving and Vehicle Standards Agency (DVSA).
  - 7.2 Vehicles aged up to 10 years old from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested twice a year.

- 7.3 Vehicles that are 10 years or older, from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested three times a year.
8. No signs or advertisements shall be displayed in, on or from the vehicle unless first approved by the Council in writing.
9. All vehicles, other than mini-buses must have rear seat belts fitted in accordance with Motor Vehicles (Fitting of Seat Belts) Regulations 1987.
10. All mini-buses licensed from 1st March 1999 must have seat belts fitted to all forward facing seats and where fitted must comply with the technical and installation requirements of regulations 46-48 of the Road Vehicles (Construction and Use) Regulations 1986 (as amended).
11. An appliance for extinguishing fire must be carried in such a position as to be readily available for use and be a minimum of 2.0 kg dry powder meeting the requirements of European Standard BS EN3:1996, such extinguisher to be fixed on the vehicle in such a position as to be readily available for use and maintained in good working order at all times. Any previously approved appliance may continue to be carried until its expiry date has elapsed or is found to be in an unserviceable condition.
12. The proprietor of a hackney carriage shall cause to be carried within the vehicle, a first aid kit of no less a standard than the "Industrial Size No. 1 Kit" required under the Office, Shops and Railway Premises Act 1963.
13. The licensee of any vehicle licensed under the Council's special policy for wheelchair accessible vehicles must ensure that the vehicle is wheelchair accessible at all times and carry such ramps etc. that are necessary. The maximum seating capacity of the vehicle will be specified in the licence and must include provision for at least one wheelchair.
14. The proprietor shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence provided.
15. The Licensee shall obtain any necessary planning permission for any premises intended to be used for Private Hire or Hackney Carriages and shall not engage in or allow such business to be carried on from any premises until any necessary planning permission has been so obtained.
16. All remould/retread tyres, as from 3rd February 1999 must be marked and comply with the current BS number.
17. Every "estate car" type vehicle which has more than four seats must have a means of opening the rear tailgate from the inside and signs indicating "Emergency Exit" and the method of operation to open the door must be clearly marked on the inside of the door.

18. Where the licence fee is paid by cheque which is subsequently dishonoured and any licence issued shall be revoked as from the date on which the Licensee is notified of such revocation.
19. A Certificate issued by the Council indicating that a vehicle is licensed as a Hackney Carriage shall be displayed on the left hand side of the windscreen of such vehicle in such a position that it can be easily seen from the front of the vehicle.
20. The proprietor shall cause the number of the licence to be fixed and displayed on the vehicle at all times this number to be displayed by means of a licence disc and licence plate and door signs issued by the Council to the proprietor.
21. The licence disc shall be fixed and displayed inside the vehicle in such manner and place that the particulars there on are clear and visible to any passenger being conveyed in the vehicle.
22. On being so required by an authorised officer, the proprietor shall produce to that officer for examination a Certificate of Insurance issued by an approved insurance company in respect of the vehicle for the purposes of Part VI of the Road Traffic Act 1988 (as amended) provided that if the proprietor fails to produce such Certificate to the officer on request, the proprietor shall within five days of such request produce it to that officer or to any other authorised officer at the Council's Offices.
23. Any alteration in the design of the vehicle to the machinery or the body shall be reported to the Council who may require the proprietor to submit the vehicle for further examination.
24. The proprietor of a Hackney Carriage shall cause the table of fares fixed by the Council to be exhibited inside the carriage, such table to be of clearly distinguishable letters and figures, together with a notice displaying the limitations on the fare rates and charges to be made.
25. The proprietor shall inform the Council within 72 hours of any accident to the vehicle where damage materially affects the safety, performance and appearance of the vehicle.
26. The proprietor shall ensure that the vehicle shall not be used under contract or purported contract for hire except at the rate of fares fixed by the Council for Hackney Carriages.
27. Without prejudice to the aforementioned provisions, the proprietor on receipt of a notice in writing from the Council shall present the Hackney Carriage Vehicle for inspection and testing by or on behalf of the Council.
28. The vehicle must be fitted with four road wheels, at least four doors and be of right hand drive.
29. The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity, head and knee room shall be as follows:

- (a) Height (Inside): From the top of the seat cushion to the lowest part must be not less than 30”.
- (b) Knee Space: The measurement between the front of the rear seat and the rear of the driver’s seat be not less than 8” when the driver’s seat is in a position for a driver of average height.
- (c) Seat Width: The width of the back seat from the squab to the front edge must not be less than 17”.

Condition (c) above does not apply to rear facing seats in Council approved purpose built vehicles.

- (d) Rear Seat (Length): The length of the rear seat measured in a straight line over the majority of its length be such as to allow adequate seating accommodation to the extent of at least 16” per person.

30. If the vehicle is an estate car, it must be fitted with a grill/fitting sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat.

### 31. METER AND EQUIPMENT

The proprietor of a hackney carriage shall cause the same to be provided with a taxi meter so constructed, attached and maintained as to comply with the following requirements: that is to say:

- (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taxi meter into action and cause the word “HIRED” to appear on the face of the taximeter;
- (b) such key, flag or other device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- (c) when the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in clearly legible figures a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance on pursuance of the bylaw in that behalf;
- (d) the word “FARE” shall be printed on the face of the taximeter in plain letters so as to clearly apply to the fare recorded thereon;
- (e) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- (f) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

32. The hackney carriage must be fitted with an illuminated roof sign, so constructed to bear the word "TAXI" in plain letters at least two inches in height, with a further fluorescent sign of similar dimensions bearing the words "FOR HIRE" such sign being affixed to the front windscreen of the vehicle and wired to the taximeter so as to enable it to be extinguished during the carrying of a fare, for which the meter is in operation. The design of these signs is to be approved by the Council. This condition will not relate to the 'London type Taxi' where the flag indicating "FOR HIRE", attached to the meter is plainly visible.

February 2021

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## PRIVATE HIRE VEHICLE CONDITIONS OF LICENCE

The proprietor shall observe and perform the following terms and conditions in respect of Private Hire Vehicle Licences.

1. The vehicle must not be white in colour.
2. The licence plate shall be fixed and displayed outside the rear of the vehicle directly on or immediately above the bumper in such a position that the vehicle's registration mark is not obscured, with the particulars thereon facing outwards in such a manner and place that the licence plate is clearly visible by daylight from the road at the rear of the vehicle.
3. Adhesive signs, provided by the Council, shall be affixed on the upper part of the driver and front passenger side doors indicating that the vehicle is licensed by the Council, by showing the licence number of that vehicle in the Council approved format.
4. A Certificate issued by the Council indicating that a vehicle is licensed as a Private Hire Vehicle shall be displayed on the left hand side of the windscreen of such vehicle in such a position that it can be easily seen from the front of the vehicle.
5. Testing of vehicles
  - 5.1 As a policy guideline, vehicles submitted for licensing for the first time must be less than 5 years old from the date of first registration or first use/date of manufacture if the vehicle is imported, with the exception of minibus type vehicles fitted with permanent automated tail lifts which may be aged up to 10 years on first licensing. Applications for converted or modified vehicles outside the M1 Vehicle Type approval category must be accompanied by a full service history and appropriate safety certification including a Voluntary Individual Vehicle Approval (IVA) Certificate issued by the Driving and Vehicle Standards Agency (DVSA).
  - 5.2 Vehicles aged up to 10 years old from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested twice a year.
  - 5.3 Vehicles that are 10 years or older, from the date of first registration, or first use/date of manufacture if the vehicle is imported, will be tested three times a year.
6. The proprietor shall not display or suffer or permit to be displayed on or from a Private Hire Vehicle any sign, notice, device or livery which includes the word "Taxi" or "Cab" whether in the singular or plural or "Hire", or any word of similar meaning or appearance to any of those words, whether alone or as part of another word.

7. The proprietor shall not display or suffer or permit to be displayed in or on the vehicle any advertisement without the prior written approval of the Council. For the purposes of this condition, "advertisement" means any word, letter, sign, notice, illumination, device or representation in the nature of the advertisement.
8. Conditions 6 and 7 shall not apply to:-
  - a) a sign or notice displayed on or from the vehicle which is prescribed by or under an enactment;
  - b) A sign being not more than 4" in depth fixed to the front windscreen of the vehicle indicating the name of the owner or operator, which has been approved by the Council.
9. The proprietor shall cause to be carried on the vehicle a minimum of 2.0 kg dry powder fire extinguisher meeting the requirements of European Standard BS EN3, such extinguisher to be fixed on the vehicle in such a position as to be readily available for use and maintained in good working order at all times.
10. The licensee of any vehicle licensed under the Council's special policy for wheelchair accessible vehicles must ensure that the vehicle is wheelchair accessible at all times and carry such ramps etc that are necessary. The maximum seating capacity of the vehicle will be specified in the licence and must include provision for at least one wheelchair.
11. Every "estate car" type vehicle which has more than four seats must have a means of opening the rear tailgate from the inside and signs indicating "Emergency Exit" and the method of operation to open the door must be clearly marked on the inside of the door.
12. Where payment of the licence fee is made by a cheque which is subsequently dishonoured any licence shall be revoked as from the date on which the licensee is notified of such revocation.
13. The proprietor shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the Licence provided.
14. The licence shall remain in force for a period of one year and is not transferable to any other vehicle unless such vehicle has passed the Council's test for private hire vehicles.
15. The proprietor shall cause the number of the licence to be affixed and displayed on the vehicle at all times during which the vehicle is being used as a Private Hire Vehicle, this number to be displayed by means of a licence disc and licence plate issued by the Council to the proprietor.
16. The licence disc shall be fixed and displayed inside the vehicle in such a manner and place that the particulars thereon are clear and visible to any passenger being conveyed in the vehicle.

17. The licence disc and licence plate shall remain the property of the Council and shall be returned to them within seven days after the service on the proprietor of an appropriate notice by the Council proprietor no longer holds a Private Hire Vehicle Licence with the Council which is in force in respect of the vehicle.
18. The proprietor shall permit an authorised officer of the Council or police officer to inspect and test a vehicle at all reasonable times. If the officer is not satisfied as to the fitness or condition of the Private Hire Vehicle he shall give notice in writing to the proprietor to make the vehicle available for further inspection and testing at such reasonable times and place as specified in the notice, the vehicle licence being suspended until such time as the officer is so satisfied; provided that if the officer is not so satisfied before the expiration of a period of two months, the licence shall be revoked. The disc and plate shall on revocation of the licence be handed to the officer but will be returned upon reinstatement of the licence.
19. In the event of a vehicle licence being suspended, the licence disc and plate shall be surrendered to the authorised officer or police officer, and shall be held by him pending the testing of the vehicle.
20. Without prejudice to the aforementioned provisions, the proprietor on receipt of a notice in writing from the Council shall present the Private Hire Vehicle for inspection and testing by or on behalf of the Council.
21. At all times, the proprietor shall during the currency of the licence keep in force in relation to the user of the vehicles as a Private Hire Vehicle a policy of insurance issued by an approved insurance company on a minimum of a third party basis and comply with the requirements of Part VI of the Road Traffic Act 1988.
22. On being so required by an authorised officer, the proprietor shall produce to that officer for examination a Certificate of Insurance issued by an approved insurance company in respect of the vehicle for the purpose of Part VI of the Road Traffic Act 1988, provided that if the proprietor fails to produce such certificate to the officer on request, the proprietor shall within five days of such request produce it to that officer or to an authorised officer at the Council's Offices.
23. Any alteration in the design of the vehicle, whether to the machinery or the body, shall be reported to the Council who may require the proprietor to submit the vehicle for further examination.
24. The proprietor shall inform the Council within 72 hours of any accident to the vehicle where damage materially affects the safety, performance and appearance of the vehicle.
25. If the proprietor of a private hire vehicle in respect of which a vehicle licence has been granted by the Council transfers his interest in the vehicle to a person other than the proprietor whose name is specified in the licence, he shall within

14 days after the transfer give notice in writing thereof to the Council specifying the name and address of the person to whom the private hire vehicle has been transferred.

26. The vehicle must be fitted with four road wheels, at least four doors and be of right hand drive.
27. The vehicle must be of sufficient seating capacity to carry at least four and not more than eight passengers in addition to the driver. The seating capacity, head and knee room shall be as follows:
  - (a) Height (Inside): From the top of the seat cushion to the lowest part must be not less than 30".
  - (b) Knee Space: The measurement between the front of the rear seat and the rear of the driver's seat be not less than 8" when the driver's seat is in a position for a driver of average height.
  - (c) Seat Width: The width of the back seat from the squab to the front edge must not be less than 17".  
Condition (c) above does not apply to rear facing seats in Council approved purpose built vehicles.
  - (d) Rear Seat (Length): The length of the rear seat measured in a straight line over the majority of its length be such as to allow adequate seating accommodation to the extent of at least 16" per person.
28. If the vehicle is an estate car, it must be fitted with a grill/fitting sufficient to prevent luggage carried in the rear compartment from coming into contact with persons in the rear seat.

#### 29. Exemptions for Specialist Vehicles

Where a private hire vehicle has been licensed and approved as a specialist vehicle, exemptions to the above conditions will apply. These exemptions are listed on the attached sheet and form part of these conditions of licence.

##### Exemption 1

Approved specialist vehicles only may be white in colour.

##### Exemption 2

Approved specialist vehicles only are exempt from the requirement to display a licence plate at all times. All other conditions requiring display of licence discs remain.

##### Exemption 3

Approved specialist vehicles only may be left hand drive.

February 2021

**Bridgend County Borough Council**

**Hackney Carriage Driver/Private Hire Vehicle Driver**

**Conditions Of Licence And Explanatory Notes**

1. The licence for drivers of hackney carriage vehicles is subject to the provisions of the Council's Byelaws under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 with respect to hackney carriages in the County Borough of Bridgend.(Copy attached)
2. The driver shall, when driving a hackney carriage, wear in a conspicuous position (on the upper part of the body NOT at the waist) the drivers badge issued to the licensee by the Council bearing the number corresponding with the number assigned to the licensee in the register kept by the Council for that purpose.
3. The driver shall at all times be dressed in a clean and presentable manner and shall behave in a civil and orderly fashion.
4. The licence may be suspended, revoked or not renewed by the Council:-
  - (a) If the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; and the Town Police Clauses Act 1847;
  - (b) If the driver has been convicted of an offence involving dishonesty, indecency or violence;
  - (c) Where a licence has been obtained by giving false information, consideration will be given to using these powers as well as prosecuting for the offence committed;
  - (d) On any other reasonable grounds;
5. If the driver becomes disqualified for driving under any Road Traffic Act the licence shall be automatically suspended for the period of disqualification.
6. The driver's badge referred to in condition 3 shall remain the property of the Council and if the driver's licence is not renewed or is otherwise revoked or suspended such badge shall be returned by the licensee to the Council within seven days of Notice by the Corporate Director – Operational & Partnership Services of the Council requesting the licensee so to do.
7. The licensee shall at the request of any authorised officer of the Council or any constable produce for inspection a driver's licence either forthwith or before the expiration of five days beginning with the day following the date of request. In the case of a request of an authorised officer, at the Council's Offices Bridgend, but in the case of a request of a police constable at any police station within the Council's area and which is nominated by the driver when the request is made.
8. The licence is not transferrable and is valid for the period specified in the licence
9. The driver shall notify the Council in writing of any change of his/her address during the period of the licence within seven days of such change taking place.

10. Licences will not be issued until the appropriate fee is paid. Where payment is made by a cheque which is subsequently dishonoured, any licence issued shall be revoked as from the date on which the licensee is notified of such revocation.
11. Renewal of a licence should be made well in advance to ensure continuity. There is no automatic period of grace. **Unlicensed Driving Is An Offence.**
12. The driver shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence provided.
13. Every person who shall offend against the Council's Byelaws shall be liable on summary conviction to a fine.
14. Carrying of guide, hearing and other assistance dogs

This condition imposes duties on the driver of a private hire vehicle which has been hired;

- (1) by or for a disabled person who is accompanied by his/her guide, hearing or assistance dog
- (2) by a person who wishes such a disabled person to accompany him/her in the private hire vehicle
- (3) the duties are:
  - (a) to carry the passenger's dog and allow it to remain with the passenger and
  - (b) not to make any additional charge for doing so.

If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt a person from the above duties, it shall issue a certificate of exemption. In making the assessment the authority shall have regard to the criteria laid out in section 37 of the Disability Discrimination Act 1995. This condition of licence will be imposed on existing licensees from the date of renewal of licence.

15. The Disclosure and Barring Certificate is required every three years.
  - (a) Medical Certificates are produced on the grant of a licence, on the first renewal after the age of 45, then every five years between the ages of 45 and 65 and every year after the age of 65 years.
  - (b) An applicant for the renewal of a licence may be asked to provide such other information as may be required by the Council at the time the application is made.
16. The grant of a Hackney Carriage and Private Hire Driver Licence is conditional upon the passing of the Knowledge Test.
17. This condition is without prejudice to the other standard conditions of the Council as to the grant of a Hackney Carriage and Private Hire Driver Licence, and such other special conditions that may have been imposed by the Council in respect of any particular Hackney Carriage and Private Hire Driver Licence.

18. Upon the grant or renewal of a licence where a medical certificate expires during the period of the licence, the licensee shall submit the approved medical certificate to the Council no later than the due date specified in the written notice issued seeking production of the certificate.

**Bridgend County Borough Council**

**Hackney Carriage Driver/Private Hire Vehicle Driver**

**Conditions Of Licence And Explanatory Notes**

The licensee shall observe and perform the following conditions:-

1. The licensee shall not assign or any way part with the benefit of the licence, which is personal to the licensee.
2. Where payment for the licence fee is made by a cheque which is subsequently dishonoured, any licence issued will be revoked as from the date on which the licensee is notified of such revocation.
3. The proprietor shall not cause or suffer or permit to be conveyed in the vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence provided.
4. (a) The driver of a private hire vehicle which has been hired to be in attendance at an appropriate time and place shall unless delayed or prevented by some sufficient cause, punctually attend at the appointed time and place  
  
(b) The driver shall, when requested by the hirer:-
  - (i) Convey a reasonable quantity of luggage;
  - (ii) Afford reasonable assistance in loading and unloading, including assistance in removing it to and from the entrance of any house or other place where he collects or sets down his passengers;
- (c) The driver shall immediately after the termination of any hiring, carefully search the vehicle for any property that may have been accidentally left therein, and if such property is found:-
  - (i) Where the name and address of the owner is known return such property to the owner, within 24 hours; or
  - (ii) Take such property, within 24 hours, to any police station within the Borough;
  - (iii) The driver will be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of the office of the police or the owners address) whichever is the greater but not more than five pounds.
5. The driver shall at all times be dressed in a clean and presentable manner and shall behave in a civil and orderly fashion.

6. Carrying of guide, hearing and other assistance dogs

This condition imposes duties on the driver of a private hire vehicle which has been hired;

- (1) by or for a disabled person who is accompanied by his/her guide, hearing or assistance dog
- (2) by a person who wishes such a disabled person to accompany him/her in the private hire vehicle
- (3) the duties are:
  - (a) to carry the passenger's dog and allow it to remain with the passenger and
  - (b) not to make any additional charge for doing so.

If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt a person from the above duties, it shall issue a certificate of exemption. In making the assessment the authority shall have regard to the criteria laid out in section 37 of the Disability Discrimination Act 1995.

This condition of licence will be imposed on existing licensees from the date of renewal of licence.

7. The Disclosure and Barring Certificate is required every three years.

- (a) Medical Certificates are produced on the grant of a licence, on the first renewal after the age of 45, then every five years between the ages of 45 and 65 and every year after the age of 65 years.
- (b) An applicant for the renewal of a licence may be asked to provide such other information as may be required by the Council at the time the application is made.

8. This condition is without prejudice to the other standard conditions of the Council as to the grant of a Hackney Carriage and Private Hire Licence, and such other special conditions that may have been imposed by the Council in respect of any particular Hackney Carriage and Private Hire Licence.

9. Upon the grant or renewal of a licence where a medical certificate expires during the period of the licence, the licensee shall submit the approved medical certificate to the Council no later than the due date specified in the written notice issued seeking production of the certificate.

10. The licensee shall not, while driving or in charge of a private hire vehicle:

tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or

cause or procure any other person to tout or solicit on a road or other public place any person to hire or be carried for hire in any private hire vehicle, or



offer that vehicle for immediate hire while the licensee or that vehicle is on a road or other public place provided that merely parking that vehicle on a road or other public place shall not of itself be deemed to be a breach of this condition, or

accept an offer for the immediate hire of that vehicle while the licensee or that vehicle is on a road or other public place except where such offer is first communicated to the licensee by telephone or by apparatus for wireless telegraphy fitted to that vehicle.

In this condition:

“road” means any highway and any other road to which the public has access and includes bridges over which a road passes.

11. The licence may be suspended, revoked or not renewed by the Council:
  - (i) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
  - (ii) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
  - (iii) on any other reasonable grounds.
12. If the driver becomes disqualified for driving under any Road Traffic Act the licence shall be automatically suspended for the period of disqualification.
13. Any person who commits an offence against any of the provisions of these conditions or Part II of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided, shall be liable on summary conviction to a fine not exceeding one hundred pounds.
14. Private hire drivers are reminded that they are only allowed to take passengers who have pre-booked their journey via a licensed operator. They are not allowed to ply for hire in the same way as hackney carriages and will be guilty of an offence if they do so. Private hire drivers may also commit an offence if they display signs etc. in or on the car which suggest the car is for hire.
15. The Council has the power to suspend, revoke or refuse to renew the licence on the appropriate grounds. Where a licence has been obtained by giving false or incomplete information, consideration will be given to using these powers as well as prosecuting the offence committed.
16. The renewal of a licence should be made in advance to ensure continuity. There is no automatic period of grace. Unlicensed driving is an offence.
17. The licensee shall, at the request of any authorised officer of the Council or any Constable, produce for inspection his driver's licence either forthwith or before the expiration of 5 days, beginning with the date of request:-
  - (i) in the case of a request of an authorised officer to the Head of Legal and Regulatory Services of the Council at the Council Offices;

- (ii) in the case of a request of a police constable at any police station within the Council's area and which is nominated by the constable when the request is made.

In this condition:

"authorised officer" means any officer of the Council authorised in writing by the Head of Legal and Regulatory Services or predecessor of the Council for the purposes of these conditions.

"the Council" means the Council of the County Borough of Bridgend.

- 18. The driver shall when driving a private hire vehicle, wear in a conspicuous position on the upper part of the body, not at the waist the driver's badge issued to the licensee by the Council bearing the number corresponding with the number assigned to the licensee in the register kept by the Council. Badges must be returned to the Council immediately the driver ceases to be licensed by the Council.
- 19.. The driver's badge referred to above shall remain the property of the Council and if the driver's licence is not renewed or is otherwise revoked or suspended, such badge shall be returned by the licensee to the Council within seven days of a Notice by the Head of Legal and Regulatory Services of the Council requesting the driver to do so.
- 20. The driver shall not cause a private hire vehicle to wait at a hackney carriage stand.
- 21. The driver shall notify the Council in writing of any change of their address during the period of the licence within seven days of such change taking place.

**Dated: September 2019**