



## **GWYNEDD COUNCIL**

### **REGULATORY DEPARTMENT - PUBLIC PROTECTION SERVICE.**

### **COMBINED HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE INFORMATION PACK**

**A WELSH VERSION OF THIS APPLICATION  
PACK IS AVAILABLE**

**ADOPTED BY THE COUNCIL - 22.10.2010.  
COMMENCES - 1.12.2010**

**APPLICATION FOR A COMBINED HACKNEY  
CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS LICENCE AND  
BADGE**

Please find enclosed the application forms and guidance notes to assist you in making an application to the Council. If you require any further information or assistance regarding making an application for a Combined Hackney Carriage/Private Hire Vehicle Drivers Licence, please do not hesitate to contact the Licensing Team at:

Licensing Dept (Arfon) Gwynedd Council. Shire Hall Street, Caernarfon, Gwynedd. LL55 1SH. Tel No. 01286 679925.	Licensing Dept (Dwyfor) Gwynedd Council Embankment Road, Pwllheli, Gwynedd. LL53 5AA 01758 704000	Licensing Dept (Meirion) Gwynedd Council Penarlag, Dolgellau, Gwynedd. LL40 2YB. 01341 424326
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The Licensing Team are:

Amlyn ab Iorwerth Ceridwen Pritchard Gwenda Ann Roberts Heilyn Williams Robert Taylor Alwyn Thomas	Licensing Manager Licensing Officer (Arfon) Licensing Officer (Dwyfor) Licensing Officer (Meirion) Licensing Enforcement (Arfon). Licensing Enforcement (Meirion/Dwyfor)
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The following information and guidance is contained within this information pack.

1. Guidelines relating to the Relevance of Convictions.
2. Application for the Grant of a Combined Hackney Carriage/Private Hire Vehicle Drivers License.
3. Medical Certificate
4. Standard Conditions of License
5. Guidance Notes - Applying for a disclosure

*Prior to completing an application form, the applicant will be given a copy of the rules and conditions to study, and thereafter sit and pass an examination. This is carried out to prevent any future breach of the Rules and Conditions, which may result in the suspension/revocation of the license.*

## **GUIDANCE ON LICENSING PROCEDURES**

### **RELEVANCE OF CONVICTIONS:**

Each case will be dealt with on its own merits.

A person with a conviction or convictions need not be permanently barred from obtaining a licence, but should be expected to be free from conviction for 3 to 5 years, according to the circumstances, before a licence is considered. Whilst the Council may exercise its discretion, the overriding consideration should be the protection of the public and someone who has committed an offence and has to wait a year or two before being accepted as a driver is more likely to value the licence and act accordingly.

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The following examples afford a **general guide** to action to be taken where convictions or police cautions are revealed.

Where, in these Guidelines, an 'application' is mentioned, this also refers to 're-application' upon revocation of a current licence or renewal of licence.

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### **Traffic Offences**

- Convictions for minor traffic offences, such as obstruction, contravention of waiting regulations etc should not prevent a person from making application.
- If an applicant has previously accrued sufficient penalty points to require a period of disqualification, and has not been required to undergo a further driving test, then a licence may be granted after it's restoration, with a strict warning as to the high standards that are required of licensed drivers.
- If an applicant has a driving licence revoked following six or more penalty points accrued during the first two years since passing their driving test, then a period of 12 months free from further conviction **after** passing a further driving test should have elapsed before an application is considered.
- If an applicant has been ordered to retake a driving test after a period of disqualification for another offence which attract penalty points, then 6 months free from conviction, **after** passing the driving test, should have elapsed before an application is considered.

### **TRAFFIC OFFENCES INVOLVING DISQUALIFICATION**

- As isolated conviction for driving without due care and attention should not prevent a person from making an application.
- If an applicant has been convicted of an offence of dangerous driving, or other offence involving obligatory disqualification, and ordered to take an extended driving test at the end of that period of disqualification, a period of at least 12 months free from conviction, **after** passing the driving test, should have elapsed before an application is considered.

### **DRIVING WITHOUT INSURANCE OR DRIVING WHILST DISQUALIFIED**

- As licensed drivers are responsible for the safety of members of the public who are travelling in their vehicles, a serious view will always be taken of convictions for driving without insurance or driving whilst disqualified.
- An applicant will have to show a period of at least 6 months free from conviction of these types of offence before an applicant is considered.

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- If an applicant has been disqualified from driving as a result of convictions of this type, then the 6 month period shall run from the date of restoration of the licence.
- If an applicant has more than 1 conviction of this type within the last 3 years, then a period of 12 months, from the restoration of the licence, must have elapsed before an application is considered.

### **PLYING FOR HIRE**

- This is regarded as a serious offence as the vehicle insurance may be invalidated if the driver is found guilty in a Magistrate Court of plying for hire in a vehicle other than a hackney carriage in a controlled district.
- A period of at least 6 months free from conviction should elapse before an application is considered.
- If a licence is granted, a strict warning will be given as to the conduct expected of licensed drivers.

### **FAILURE TO WEAR IDENTIFICATION BADGE**

- A serious view will be taken of persons convicted by a Magistrate Court of failing to wear the identification badge whilst acting as a licensed driver.
- An isolated conviction will not prevent an application being considered. However, if granted a strict warning will be given as to the conduct expected of a licensed driver.
- If an applicant has been convicted of this offence more than once, by a Magistrate Court, then a period of three months free of conviction shall have elapsed before an application is considered.

### **DRUNKENNESS AND OTHER RELATED OFFENCES**

#### **i) WITH A MOTOR VEHICLE**

- A serious view will always be taken of convictions of driving or being in charge of any vehicle whilst under the influence of drink or drugs or failing to give a specimen for analysis.
- If an applicant has been disqualified and ordered to take either an extended driving test or driving test, then a period of at least 12 months free of convictions, **after** passing the necessary test, should have elapsed before an application is considered.

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- If the offence arose as a result of the person being in charge of, or driving a licensed vehicle and ordered to take a further test, then a period of 2 years free from conviction after passing the necessary test should have elapsed before an application is considered.
- If no driving test has been ordered, then a period of 12 months free of conviction after the restoration of the licence should have elapsed before an application is considered.
- If an applicant has more than one conviction of this type then grave doubt should arise as to the applicant's suitability to hold a licence.
- At least 3 years must elapse after restoration of the driving licence and passing any further test before an application is considered.
- If there is **any** suggestion that the applicant is an alcoholic or illegal drug user, a special medical examination should be arranged by a medical practitioner nominated by the Council.
- This examination must be certified as satisfactory before an application is considered.
- If it is ascertained that the applicant is an alcoholic or illegal drug user then no application will be considered until at least 5 years have elapsed after any treatment has been completed.

**ii) NOT IN A MOTOR VEHICLE**

- An isolated conviction for a drink related offence should not debar an applicant from obtaining a licence.
- A number of convictions for this type of offence may indicate a medical problem necessitating further examination as mentioned above.
- In some cases a warning will be given as to the standards expected of licensed drivers.

**iii) DRUGS**

- An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free from conviction before an application is considered, or at least 5 years after detoxification treatment if the applicant was an addict.

**INDECENCY OFFENCES**

- Applicants with conviction for indecent exposure, indecent assault, importuning, or of any offence of a sexual nature should be refused a licence until a period of 3-5 years free from conviction has elapsed.
- If the applicant was required to register on the National Sex Offenders Register as a result of an offence. Then no application

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- should be considered whilst the applicant remains on the Register.
- An applicant with more than one conviction for this type of offence should not be considered suitable to license until at least 5 years has elapsed following the most recent conviction.
- If a conviction of this type arose as a result of the person acting as a licensed driver then no application should be considered for at least 5 years after conviction or, if longer, the conclusion of the sentence imposed.
- In all cases, if a licence is granted, then it will be for a period of 6 months only, after which the person must undergo another criminal record check.
- If no further conviction has been obtained within the 6 month period of licence, no further application will be considered until a period of at least 5 years free of conviction has elapsed.

### **VIOLENCE**

- A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.
- An applicant must be free of conviction for at least 3 years before an application is considered.
- In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.

### **DISHONESTY**

- A serious view will be taken of any convictions involving dishonesty.
- In general a period of 3-5 years free from conviction should be required before an application is considered.

### **POLICE CAUTIONS**

- A Police caution is considered and administered where a person comes to the notice of the Police for the first time, and admits the offence.
- A Police caution is considered similar to a conviction, as, if the person is convicted at court of a similar offence within 5 years of the caution being administered. Then the caution can be brought to the attention of the court and any sentence passed would be regarded as being a second conviction and therefore sentence may be imposed.
- In general, an application showing a caution may be considered and approved but the overriding consideration should be the protection of the public

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## **OTHER OFFENCES**

- Where a Binding Order or Restraint Order has been imposed by a court, no application will be considered whilst that order is still current.
- A period of at least 6 months free of conviction must have elapsed, after expiry of the order, before an application is considered.
- The overriding consideration should be the protection of the public.

## **THE APPLICATION.**

The following documentation is required to accompany your application:

1. Completed application form - As a joint Hackney/Private Hire Driver you are exempted from the provisions of the Rehabilitation of Offenders Act, 1974 and by the Rehabilitation of Offenders Act, 1974 (Exception) (Amendment) Order, 2002, applicants are required to disclose ALL convictions, Cautions, ASBO's, Fixed Penalty.
2. Medical Certificate completed by your own GP. A medical certificate is required to complete your application, but should you be unsure about whether a license will be granted to you, due to previous convictions or endorsements on your DVLA driving licence, you may delay your medical until all our checks have been completed and the application has been considered by the Licensing Committee.
3. Current Fee
4. DVLA driving licence (Having held it for 12months prior to the application).
5. 2-passport size photographs.

NB: an appointment must be made with an authorised officer of the Licensing Team so that a Criminal Records Bureau Disclosure(Enhanced) form may be completed. On attendance at this meeting you must bring your DVLA licence, Passport, Birth Certificate/Marriage Certificate and another form of identification showing your current address i.e. utility bill. No application will be processed until the appropriate fee has been received.

On receipt of a satisfactory reply to the CRB form, and submission of all the necessary documentation the applicant will be granted his/her Combined Hackney Carriage/Private Hire Vehicle Drivers License and Badge.

An application will need to be considered by the Licensing Committee if:

1. there are relevant conviction(s)



All matters relating to your application are confidential and will not be discussed with anyone other than those directly involved in the processing of your application.

# **GWYNEDD COUNCIL**

## **Local Government (Miscellaneous Provisions) Act 1976 Town Police Clauses Act 1847**

### **COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE – STANDARD CONDITIONS OF LICENCE**

#### **PART A - LEGAL STATUS**

1. These Conditions were made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and all other enabling powers and adopted by the Gwynedd Council and any subsequent modifications are noted where appropriate.
2. Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the license pursuant to Section 61 of the said Act.

#### **PART B - INTERPRETATION**

1. In these Conditions the following words shall bear the meanings ascribed to them below:-

"**the Act**" - the Local Government Miscellaneous Provisions Act 1976.

"**the Council**" - the Gwynedd Council.

"**the licence**" - a combined hackney carriage/private hire vehicle driver's licence granted pursuant to Section 51 of the Act.

"**the driver**" - the holder of the license.

"**driver's identification badge**" - the badge issued by the Council to the driver.

"**private hire vehicle**" - a vehicle which is currently licensed by the Council under Section 48 of the Act.

"**driver's license number**" - the number allocated by the Council, to a license

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granted for a private hire vehicle licensed under Section 48 of the Act or for a hackney carriage under Section 37 of the Town Police Clauses Act 1847.

**"hackney carriage"** - a vehicle which is currently licensed by the Council under Section 37 of the Town Police Clauses Act 1847.

**"hackney carriage stand"** - a place designated by the Council as a hackney carriage stand.

**"vehicle plate"** - the plate provided by the Council for affixing to a private hire vehicle under Section 48(5) of the Act and to a hackney carriage under Section 38 of the of the Town Police Clauses Act 1847.

**"licensed vehicle"** - a vehicle licensed by the Council as a hackney carriage or private hire vehicle.

2. Reference to the male gender shall be construed as to include reference to the female gender where appropriate.

3. All other words and phrases used in these Conditions shall bear the meanings ascribed to them (if any) in the Act.

#### **PART C - THE CONDITIONS**

1. The license cannot be transferred to any other person.

2. The driver shall not carry passengers for hire or reward in any vehicle other than a licensed hackney carriage or private hire vehicle.

3. On expiry, revocation or suspension of the license the driver shall forthwith return his driver's identification badge to the Authorised Officer of the Council.

4. (a) the driver shall upon initial application and on every third anniversary thereafter, or at such other times as may be specified by the Council, produce a medical certificate completed by his own medical practitioner stating his fitness to drive, and such certificate shall include a report completed in accordance with Group II entitlement contained within the Document "Medical Aspects of Fitness to Drive" issued for the guidance of medical practitioners by the Medical Commission on Accident Prevention.

(b) A driver who has attained the age of 65 shall produce annually a certificate which complies with paragraph (a) of these conditions.

5. The driver shall not drive the hackney carriage or private hire vehicle whilst suffering from any illness or disability which could impair his ability to drive or whilst certified as unfit to drive by a registered medical practitioner.

6. The driver shall notify the Council in writing within 5 days after

(a) being convicted of any offence under Road Traffic Legislation or any offence of Dishonesty, Indecency or Violence or Drugs or any ASBO's Cautions, Fixed Penalty Notices or of contravening radio-telecommunications legislation.

(b) becoming aware of any illness or disability which could impair his ability to drive.

(c) any change of address of the driver.

7. (a) the driver shall on request produce the license for inspection to an Authorised Officer of the Council or any Constable and shall otherwise give such assistance and information as may be reasonably required by such an officer or Constable in relation to his statutory duties.

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(b) the driver shall, immediately upon the issue of the license, deposit a copy of his license with any operator/proprietor by whom he is employed.

(c) the driver shall notify the Council forthwith on leaving the employment of an operator/proprietor and shall notify the Council of the identity of any new employer.

## **8. CONDUCT OF DRIVERS**

The Driver:-

(a) shall at all times be clean and respectably dressed and behave in a civil and orderly manner. **The following mode of dress will not be allowed - Vests; Shorts; Football Tops; Flip Flops.**

(b) shall not without the express consent of the hirer or other passenger drink or eat in the vehicle.

(c) shall take all reasonable steps to ensure the safety of passengers entering, being conveyed in and alighting from the licensed vehicle and assist in loading and unloading a reasonable quantity of luggage. **(With regard to Disabled Persons the Equality Bill, which is currently on its passage through Parliament would extend the requirements of Section 36 DDA,1995, to drivers of Hackney/Private Hire Vehicles, whilst operating normal services using wheelchair accessible vehicles)**

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

(e) shall, if he is aware that the vehicle has been hired to be in attendance at an appointed time and place, punctually attend the appointed time and place unless delayed or prevented by such sufficient cause.

(f) shall if required provide the hirer with a written receipt for the fare paid.

(g) shall not allow the engine of a hackney carriage to run while the vehicle occupies a hackney carriage stand or is stationary for a prolonged period at any other location.

(h) shall when driving a hackney carriage remain with the vehicle at all times during periods in which it occupies a hackney carriage stand.

(i) will not at any time smoke in the Hackney/Private Hire Vehicle.

(j) whilst driving a Private Hire Vehicle, will not accept a booking directly from a member of the public - **all bookings must be made through the Operator.**

## **9. DRIVING**

The Driver:-

(a) shall ensure that at all times the vehicle plate is clearly visible and that all information displayed on the plate is legible.

(b) shall at all times when driving, wear the driver's identification badge in a clearly visible position and shall immediately report the loss of the badge to the Council and obtain a replacement badge, the driver paying such fee as the Council may prescribe for the same.

(c) shall always deliver passengers to their destination by the shortest route unless otherwise instructed by the hirer.

(d) shall immediately upon termination of any hiring of a licensed vehicle, or as soon as is practicable thereafter, carefully search the vehicle for any property which may have been left in it, and unless claimed by or on behalf of the owner any property found by the driver or any other person shall be taken by the driver, as soon as is practicable, and in any case within 48 hours, to a Police Station within the district and left in the custody of the officer in charge upon the issue of a receipt.

(e) shall not demand of the hirer (private hire vehicle) in excess of that agreed between the hirer and the operator or, if the vehicle is fitted with a taximeter a fare greater than that shown on the taximeter. The taximeter must be used on all

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journeys and the driver shall give the hirer the opportunity to examine the fare shown at the termination of the journey. There are three Tariffs on the meter Tariff 1 is the general tariff to be used by all hackney vehicles, **irrespective of its seating capacity**, Tariff 2 is to used only between midnight and 7am on any day except Christmas Day and New Year Day. Tariff 3 is to be used on Christmas Day and New Years Day.

In the case of a hackney carriage attending a pre-booked call, the fare shall be calculated from the point in the district at which the hirer commences his journey, the taximeter must be used and the fare charged shall not be greater than that shown on the meter.

**(f)** shall not use a private hire vehicle to ply for hire in any public place or imply, directly or indirectly, that he is acting as a hackney carriage driver.

**(g)** shall ensure that the licensed vehicle is maintained in a roadworthy condition at all times, by completing at the start and end of his/her duty, the vehicle maintenance log book, kept in that vehicle. That a current vehicle excise licence is correctly displayed. That its use for public hire (if a hackney carriage) or private hire (if a private hire vehicle) is covered by an endorsement on the motor insurance certificate.

**(h)** shall ensure that a licensed vehicle driven by him carries at all times a spare wheel which complies with current legal requirements (paying particular attention to depth of tread) and wheel changing equipment including a jack and wheel brace.

#### **10. PASSENGERS**

The Driver:-

**(a)** shall not convey a number of passengers (irrespective of age) greater than the number specified in the licence and displayed on the vehicle plate.

**(b)** shall not convey any animal unless it is in the custody of the hirer and in any case shall ensure that any such animal (with the exception of a guide, hearing and other prescribed assistance dogs) be carried in the rear of the vehicle.

**(c)** shall not without the consent of the hirer convey any other person in the licensed vehicle which is hired.

**(d)** shall at all times ensure that all passengers use the seatbelts provided in the proper manner. In the case of passengers under the age of fourteen years it shall be the driver's responsibility to ensure that seatbelts are worn - see Motor Vehicles ( Wearing of Seat Belts ) ( Amendment ) Regulations 2006.

**11.** The driver shall not while driving a licensed vehicle in exercise of the licence use in connection with a taxi business any radio equipment which is capable or scanning more than one frequency.

**12.** The driver shall not while driving or in charge of a licensed vehicle cause a nuisance to any occupiers of property or users of land.

**13.** A Penalty Point System is now in operation which will penalise any infringements of any rules; conditions; enactments, appertaining to the Driver or Vehicle. (Copy attached).