



Llywodraeth Cymru  
Welsh Government

GUIDANCE

# Taxi and private hire vehicles: licensing guidance

Guidance for local authorities to ensure operators and vehicle drivers meet licensing requirements.

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# Foreword

Taxis and private hire vehicles (PHVs) provide a vital public service connecting people to places when alternative public transport services are not available or viable. Taxis perform a vital service to some of the most vulnerable members of society especially in rural areas where there are no other forms of public transport, taxis also deliver a significant contribution to the night time and tourism economy. The support taxis give to our communities cannot be underestimated and the industry is a vital component in our ambitions for public transport in Wales, as set out in the Wales Transport Strategy.

Despite the importance of this sector to our public transport ambitions, the industry remains governed by laws made when the horse drawn hackneys were a common feature on our streets. Put simply, the law is complicated, outdated and is in need of reform. Taxi and PHV licensing is a devolved matter under the Wales Act 2017. Until Welsh Government introduces new legislation, the current licensing legislation that applies to England and Wales will continue to apply.

The primary responsibility for taxis licensing sits with local authorities and local authorities have over many years developed different licencing regimes. These differing standards and the antiquated legislation have in some areas of Wales caused difficulties in safely managing the trade.

Welsh Government are developing new legislation and will be engaging with key stakeholders over the next 12 months to ensure this meets the needs of the sector. Our long-term aim is to produce a licensing system with a focus on, public safety, equality, improving the environment and customer experience.

The new legislation will take some time to develop properly. Consequently, Welsh Government has been working with the Welsh Local Government Association and taxis licencing leads from Local Authorities from across Wales to develop some short term recommendations to help to better manage the

sector between now and the new legislation being and place.

These recommendations are a step towards achieving a consistent, more effective approach to taxi and PHV licensing in Wales. The main focus of the recommendations is to promote safety of the travelling public. We want to ensure that all Wales's taxi and PHV drivers, operators and vehicles are safe and suitable for licensing.

The recommendations in this guide have identified areas that could improve public safety consistently across Wales. If the national and local governments in Wales are going to be able to provide a consistent, more effective and safer approach to taxi and PHV licensing in Wales, prior to new legislation being enacted, I would request that all local authorities adopt these recommendations without amendment as a priority.

## **Part 1: background and reasons to adopt recommendations**

### **1. Introduction**

Taxis (also known as hackney carriages) and private hire vehicles (PHVs) are a vital form of public transport. They deliver a practical door to door transport solution. They provide an essential service to the following:

- People living in rural communities where other forms of public transport are insufficient
- People using the night-time economy
- Passengers with mobility issues

They also play an important role in facilitating social inclusion.

The current legislation relating to taxis and PHVs is out of date, with the main legislation dating back to 1847 and 1976. The legislation allows flexibility around the content of policies and licence conditions. This has contributed to inconsistent policies, standards and conditions across England and Wales.

There are approximately 5,000 licensed taxis, 5,400 private hire vehicles and 12,000 licensed drivers in Wales.

It is clear that the taxi and PHV industry is progressing and adapting faster than the legislation governing it. The introduction of app-based booking and hailing systems has made it quicker and easier for customers to hire vehicles. In some areas this has led to an increase in the prevalence of 'out of town' vehicles and has highlighted the inconsistencies in licensing standards across Welsh local authorities.

In some areas of Wales there is an over-supply of licensed vehicles. This can make it difficult for the taxi and PHV industry in those areas to make a decent living. In other parts of Wales there can be an under-supply of licensed vehicles. In particular disability groups have expressed that it is often difficult to hire vehicles that suit their needs.

The age of the legislation can make administration and enforcement functions challenging for local authorities. For example, enforcement officers do not automatically have powers to take action against 'out of area' drivers/vehicles operating in their area.

The licensing regime needs to be updated to remedy the current problems; ensure that the taxi and PHV licensing system is fit for modern Wales; and promote public safety.

Taxi and PHV licensing is a devolved matter under the Wales Act 2017. Until such time that Welsh Government introduces new legislation, the current national licensing legislation that relates to England and Wales will continue to

apply.

The aim of the recommendations in Part 2 of this guide is to improve the consistency of licensing standards and increase public safety.

## 2. Background

In December 2018, Welsh Government published the White Paper 'Improving Public transport'. The consultation focused on four proposals:

1. The creation of National Standards to address the variation in taxi and PHV standards across Wales
2. The extension of enforcement powers to allow local authority officers to take enforcement against any taxi/PHV operating in their area
3. The establishment of effective information sharing protocols for the purposes of safeguarding
4. The possible redirection of taxi and PHV licensing functions away from local authorities and towards a Joint Transport Authority (JTA)

The responses to the consultation show strong agreement to proposals one to three. See the [Improving Public Transport consultation outcome](#).

Proposal four was the least popular with local authorities and taxi/PHV trade representatives. Of the 402 responses to this proposal, only 17% answered 'yes' they would agree to licensing functions being redirected to a JTA.

In July 2019, Minister for Economy, Transport and North Wales, Ken Skates AM, made a written statement in response to the White Paper consultation. He accepted there was general support for the proposals 1 to 3, but agreed there was strong feeling that plans did not go far enough to address the challenges faced by the industry and regulators. As a result the Minister stated that the taxi and PHV proposals would be developed further.

### 3. Welsh Government vision

To take forward the policy development, Welsh Government has developed a Vision Statement with the following aim:

‘Our aim is to update Wales’s taxi and PHV licensing system to make it fit for a modern Wales. We want to create one consistent standard applied across Wales that promotes safety, contributes to a cleaner environment, improves the customer experience, and is accessible by all.’

The vision statement focuses around the following four themes:

1. Safety: national standards will aspire to ensure that operators, vehicle and drivers are safe and suitable for licensing. Regulators will have the necessary powers to undertake effective enforcement when required.
2. Environment: cleaner licensed vehicles will contribute to national targets for a cleaner environment and reduction in greenhouse gases.
3. Equality: the aim is to ensure that all passengers, regardless of their gender or any disability, have access to suitable vehicles. Drivers and operators will provide a service that fits customer needs.
4. Customer experience: the intention is that all customers in Wales will access a good taxi service. Vehicles will be available, accessible, safe, and driven by suitable drivers that provide good customer service.

### 4. Outline of recommendations

In response to the White Paper consultation, it was accepted that ‘quick fixes’ could improve some of the current issues. It is intended that the

recommendations could be adopted by local authorities without needing legislative change.

The recommendations within this guide have been developed by representatives of Welsh Government, the Welsh Local Government Association (WLGA) and local authority representatives through the Public Protection Board Wales. This guide is used as non-statutory guidance.

The recommendations detailed in part 2 of this guide are designed to:

- improve public safety
- increase consistency
- improve the customer experience

So far as is possible without changes in legislation, and without unreasonable cost to licensing authorities and the taxi and PHV industry.

These recommendations alone will not solve all the challenges associated with the existing licensing regime, but they will provide some improvements. They will form the basis for further development by Welsh Government into national standards.

The Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards' are considered in the drafting of this guide, and adoption of the recommendations in part 2 of this guide will support compliance with a number of the recommendations in the standards. These standards apply to Wales, until such time that Welsh Government introduces new legislation.



## 5. Reasons to adopt the recommendations

### a) Public Safety

The main purpose of licensing is to protect the public. It aims to ensure that drivers, operators and vehicles are safe and suitable to transport the public.

#### Drivers

Taxis and PHVs are used by all cross sections of society including children, and vulnerable adults. Members of the public across Wales should expect that a licensed driver is competent, honest, safe and trustworthy.

In March 2016, the Home Office published its Modern Crime Reduction Strategy. As part of the Strategy, the UK Government has committed to remove opportunities for criminals to commit child sexual abuse and violence against women and girls, by working with local areas to introduce rigorous taxi and private hire licensing regimes.

Both the Jay and Casey reports on child sexual exploitation in Rotherham highlighted examples of taxi drivers being linked to children that were abused, including instances when children were picked up from schools, children's homes or from family homes and abused, or sexually exploited in exchange for free taxi rides.

The Casey Report made it clear that weak and ineffective arrangements for taxi licensing had left the public at risk. In response to the reports and in contribution to the Home Office's Modern Crime Reduction Strategy, the Department for Transport published statutory standards for local authorities for the licensing of taxis and private hire vehicles.

The Welsh Government National Action Plan Preventing and Responding to Child Sexual Abuse (June 2019) stated that more could be done across Wales in terms of consistent arrangements for safeguarding training for taxi drivers.

It is important that all possible actions to ensure that licensed drivers are safe and suitable be taken into account. In relation to licensing drivers, it is considered that the adoption of the following recommendations will enhance public safety across Wales:

- enhanced DBS checks and use of DBS Update Service
- checks on applicant's that have lived abroad for more than 6 months
- standardised medical checks
- use of the NR3S refusal/revocation register
- safeguarding training
- applicant and licence holder suitability policy

## **Vehicles**

To ensure public safety, local authorities necessitate various licensing requirements for taxis and PHVs such as vehicle testing standards, age restrictions and vehicle specifications. These requirements aim to confirm that vehicles are suitable and remain safe for public use.

Across Wales, licensing requirements differ significantly and it is considered too costly at this stage to attempt to harmonise these policies and conditions ahead of any legislative change.

Presently, the main area of vehicle licensing agreed for harmonisation is the type and use of voluntary vehicle CCTV systems (both internal and external facing cameras).

Vehicle CCTV systems are a useful tool in the prevention and investigation of

crime. It can provide protection to both the driver and passengers.

Taxi drivers frequently transport passengers who are intoxicated, which can pose a risk to their safety. They also often carry large sums of cash which can make them a target of robbery. CCTV may act as a deterrent to such crimes.

Taxi drivers are sometimes falsely accused of crimes. This can result them to being out of work for some time if their license is suspended/revoked pending the investigation. CCTV may assist in disproving false allegations in a timely manner.

Currently there are no local authorities in Wales that require the mandatory use of CCTV, but many allow it on a voluntary basis. The cost of a suitable CCTV system can be expensive, and local authorities are required to develop extensive policies and risk assessments if they mandate the use of CCTV in their licensed vehicles.

Some local authorities in England that have required the mandatory use of CCTV have been able to offer reduced rates through various funding initiatives.

Although the mandatory use of CCTV is something that Welsh Government may consider in future national standards, this stage an agreed specification for proprietors that wish to install a system on a voluntary basis is considered beneficial. The specification will ensure that systems are safe and compliant with current data protection requirements.

Local authorities will need to ensure that they have Privacy Impact Assessments and Data Download Policies in place when approving the use of in-vehicle CCTV systems.

## **Private Hire Operators**

Private hire operators often collate large amounts of personal data and are in a

position of trust. For example, they may be aware of when people are away from their properties on holiday. It is thus important that local authorities establish that operators are 'fit and proper' for licensing.

Operators are also often the first point of call for passengers wishing to complain about the service they have received from a taxi/PHV driver. In some cases relevant information is not always fed back to the licensing authority, who may need to decide on whether a driver remains 'fit and proper' to continue as a licensed driver.

In drafting the recommendations, local authority representatives felt that private hire operator conditions could be improved across Wales, with additional requirements for notification of offences and documented complaints procedures.

## **b) Consistency**

Local authorities currently create their own taxi and PHV licensing policies and conditions. This means that requirements for licences differ substantially across the 22 authorities in Wales.

The taxi and PHV trade often see this as unfair and claim that in some areas it adds to problems of 'cross-border hire'. There are assertions that some applicants licence with local authorities that have lower licensing requirements and then predominantly undertake private hire work in other areas of higher demand. This practice is lawful but can lead to problems in some areas such as:

- increased traffic congestion,
- an over-supply of licensed vehicles in towns/cities which can reduce a driver's income,
- confusion for the public as the vehicle they hire may be licensed by a different licensing authority,

- unfairness for the taxi /PHV trade in terms of required standards,
- enforcement limitations as local authority officers have restricted powers against 'out of town' vehicles.

Without standardised licensing requirements and fees across Wales, it is recognised that the problems of cross-border hire will remain. However, the recommendations in part 2 of this guide have been created as a first step to improving consistency across Wales.

### **c) Enforcement**

Harmonised driver and operator licence conditions across Wales will help to improve the consistency of enforcement.

In addition it is recommended that a protocol for the adoption of cross-border authorisation of officers is introduced in areas that have problems with cross border hire. A suggested protocol is detailed in the Local Government Association's Taxi and PHV –Councillor's Handbook (England and Wales).

Such protocols facilitate enforcement officers to take more effective action against 'out of town' vehicles working in their area.

### **d) Accessibility**

Welsh Government's plan is that Wales's taxis and PHVs are accessible by all. There are many documented accounts from members of the public that have experienced problems accessing taxi and PHV services in Wales.

One in five people in the UK (13.3 million) are reported to have a disability; of those only 26% of those reporting a disability are under the age of state pension. Mobility impairments are the most prevalent type of disability and account for 49% of impairments.

Wales is higher than the UK average in terms of reported disabilities with 25% of people reporting a disability as opposed to the UK average of 21%.

In 2017 Disability Wales undertook a survey to capture the experiences of disabled people using taxi and PHVs across Wales. They found that 78% of respondents to the survey identified as disabled, and 64% of respondents stated that they experienced problems when using taxis or PHVs. Problems highlighted in the survey included:

- lack of accessible vehicles;
- refusal to take passengers in wheelchairs or those with assistance dogs;
- overcharging;
- driver inability to secure wheelchairs correctly.

There is further work to be done to make certain that passengers with disabilities do not continue to experience these types of problems.

Part 2 details a procedure for licensed drivers seeking exemptions to their duties under the Equality Act 2010. It is anticipated that this will evoke a consistent approach to the issuing of exemption certificates and make certain that only those with genuine reasons under the legislation can be exempt from their duties.

In addition, a suggested licence condition applicable to proprietors/drivers of wheelchair accessible vehicles aims to ensure that all drivers are able to deploy wheelchair ramps correctly and load and secure wheelchairs safely.

It should be noted that the matters contained within the Equality Act 2010 are a reserved matter, and as such will continue to have affect in Wales after such time that new taxi licensing legislation is introduced.

## e) Customer service

Local Authority Officers have expressed that many of the complaints they receive relate to driver's conduct and behaviour. This can be particularly difficult to deal with in terms of enforcement if there is no clear breach of legislation or licence condition. It comes down to deciding whether a driver is 'fit and proper' to continue as a licensed driver.

A driver Code of Conduct has been developed to assist licensed driver's understanding of what level of service and behaviour is expected of them. It should be communicated to drivers that failure to meet the standard required in the Code could cause concern about their suitability to continue as a licensed driver. The Code can also assist the public in understanding what standard of service they can expect.

A driver Dress Code has also been developed to ensure that drivers' clothing is of a suitable standard and they maintain a professional appearance.

Welsh Government aims to increase the professionalisation of the taxi and private hire industry to ensure that the trade offers excellent customer service and act as ambassadors for Wales.

## 6. Conclusion

Welsh Government has a vision of how the taxi and PHV trade should evolve in Wales. This will involve the introduction of new legislation to transform the outdated licensing regime.

This Guide is issued as non-statutory guidance. The recommendations in Part II of this guide are seen as a starting point for change in order to address some of the existing problems with the licensing regime, improve standards and

consistency. In order to achieve this it is strongly recommended that each local authority in Wales adopt these recommendations (where they are not already in place) for the reasons outlined above.

When making changes to Licensing Policies it is recommended that local authorities should consult with local stakeholders and undertake impact assessments where necessary.

When making changes to Licensing Policies it is recommended that local authorities should consult with local stakeholders and undertake impact assessments where necessary.

Adoption of the recommendations in this guide will also support compliance with many of the recommendations of Department for Transport's 'Statutory Taxi and Private Hire Vehicle Standards'.

## **Part 2: recommendations**

It is recommended that the following policy wording and measures are incorporated into the licensing authority's hackney carriage and PHV licensing policy, and the documents in the appendices are adopted.

Local authorities should follow their usual procedures when reviewing their licensing policy statements.

### **1. Driver standards**

#### **a) DBS check**

In order to satisfy the authority that they are a 'fit and proper' person, all



applicants for the role of hackney carriage or private hire vehicle (PHV) driver will undergo an Enhanced Disclosure and Barring Service (DBS) check, which includes a check of the children and adult barred lists. For licensed drivers this check will be repeated every 6 months.

All applicants/licence holders must sign up to the DBS Update Service and maintain their subscription for the duration of their licence. The licence holder must give permission for the Licensing authority to undertake checks of their DBS status.

Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application. To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)' April 2018.

It should be noted that individuals that appear on either barred list will routinely have their application refused, unless there are exceptional circumstances in which the licensing authority considers that, on the balance of probabilities, the individual is 'fit and proper'.

## **b) Overseas criminal record check**

All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday will need to provide evidence to the licensing authority of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: [GOV.UK Criminal records checks for overseas applicants](#).

In the event that an applicant is not able to obtain a certificate of good conduct, the applicant should contact the Licensing authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The Licensing authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

### **c) Medical checks**

All applicants for a hackney carriage/private hire driver's licence are required to meet the DVLA Group 2 medical standards of fitness to drive. The medical must be carried out by the applicant's own general practitioner (GP) or another GP at the applicant's registered practice that has full access to their medical records.

In exceptional circumstances, and only with prior agreement from the Licensing authority, a medical assessment may be carried out by another registered GP practice as long as the applicant's full medical history has been viewed and assessed by that GP.

The licensing authority may direct any licence holder to supply satisfactory evidence in the form of a medical certificate, stating the licence holder meets the required Group 2 standards, should their medical fitness be called into question.

Any applicant for the grant or renewal of a licence who is unable to satisfy the licensing authority that they meet the required medical standard shall not have a licence granted to them, or the licence shall not be renewed, or shall be revoked.

The frequency of medical checks for applicants/licensed drivers are as follows:

- Upon application, every 5 years between the ages of 45 and 65
- Every year when the driver is aged 65 years or over
- Or anytime as required by the licensing authority or the medical practitioner.

The medical form is valid for 4 months from the date the examining doctor, optician or optometrist signs it.

All licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.

All costs associated with obtaining the relevant medical certificate are to be met by the applicant/licence holder.

Find the medical form: [Medical report for taxi or private hire vehicle drivers licence: application form](#)

#### **d) Equality Act medical exemption policy**

The Equality Act 2010 places a number of legal duties on licensed drivers when transporting passengers with disabilities.

In order to improve compliance with the requirements of the Equality Act, the Policy detailed in [Taxi and private hire vehicles: Equality Act medical](#)

**exemption policy** should be adopted with regards to driver medical exemptions from the obligations concerning the carriage of assistance dogs and passengers in wheelchairs.

## **e) Driver conduct**

It is expected that licensed drivers behave in a professional manner and provide a high quality service at all times.

The **taxi and private hire driver's code of conduct** has been developed to outline the standards expected of licensed drivers and is an integral part of the 'fit and proper' assessment.

The Code also serves to advise potential passengers of the level of service they should expect when hiring a licensed vehicle.

## **f) Driver dress code**

It is recognised that the taxi trade, both Hackney Carriage and Private Hire, plays an important role in portraying a positive image of the area and drivers can be seen as key ambassadors for Wales.

Anything that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers, is to be welcomed.

To ensure not only are the above objectives met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set, which is detailed in **Taxi and private hire vehicles: dress code**.

## **g) Private hire driver conditions**

The conditions of licence applicable to drivers of private hire vehicles are detailed in [Private hire vehicle drivers: licensing conditions](#).

## **h) Safeguarding training**

Hackney carriage and private hire drivers have an important responsibility in the safe transportation of fare paying passengers. Drivers are expected to act in a professional manner at all times and provide excellent customer service.

Licensed drivers can often be the eyes and ears of a community. Training can be important in assisting licensed drivers in recognizing when they carrying passengers at risk of abuse and exploitation.

All new applicants for a hackney carriage/private hire driver's licence must undertake safeguarding training. The training focuses on recognising what makes adults and children vulnerable, violence, sexual exploitation, county lines and human trafficking indicators. It includes examples of suspicious journeys as well as information on maintaining professional boundaries. The training will inform drivers how they report safeguarding concerns and provide useful contact details.

Safeguarding training is required. For an example of safeguarding training, the following video and a test based on the content of the video may be passed prior to obtaining a licence.

Watch the video: [Safeguarding training for Hackney Carriage and Private Hire drivers and passenger assistants](#)

## 2. Vehicle standards

### a) DBS check

All applicants for a hackney carriage and PHV vehicle licence will be required to submit a basic disclosure from the DBS in order to satisfy the authority that they are a 'fit and proper' person. This checks will be repeated for vehicle licence holders annually. The cost of these checks will be covered by the applicant/ licence holder.

Applicants that already hold a hackney carriage or private hire driver licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018. The guidance is detailed in the Institute of Licensing's '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)'.

Driving offences will not normally be considered as part of the assessment for vehicle licence holders.

Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a vehicle licence.

## **b) Overseas criminal record check**

All applicants for a hackney carriage or PHV driver's licence that have spent 6 or more continuous months outside the United Kingdom since their tenth birthday the licensing authority will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

The applicant will be required to cover any financial costs of such checks.

For EU nationals (including UK citizens) suitable checks should be available. For those countries for which checks are not available, the Licensing authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available from: [GOV.UK Criminal records checks for overseas applicants](#).

In the event that an applicant is not able to obtain a certificate of good conduct, the applicant should contact the Licensing authority for further information.

Overseas criminal history checks must have been obtained within the 6 month period preceding the application.

The licensing authority will require any Certificate of Good Conduct that the applicant may have regardless of the age of the document.

Certificates of Good Conduct which are in a language other than English will be required to be translated into English at the applicant's expense by an independent translation service and the translation must be verified.

### **c) Vehicle Closed Circuit Television Cameras (CCTV)**

Security for drivers and passengers is of paramount importance and internal vehicle CCTV cameras can be a valuable deterrent.

The use of an internal vehicle CCTV system must be approved by the Licensing authority, and must meet or exceed the specifications set out in [Taxi and private hire vehicles: CCTV specifications and conditions](#).

The system must be capable of both visual and audio recordings (in emergency situations).

Conditions in relation to CCTV systems are included in the hackney carriage and private hire vehicle licence conditions.

It is the responsibility of the licensed driver to make certain that the CCTV system is fully operational at the start of each shift and before accepting a fare paying passengers.

### **d) Video Point of Impact Systems (VPIS) / Dash cams**

The licensing authority allows the use of VPIS systems (external facing dash cams) in hackney carriage and private hire vehicles. The proprietor of any vehicle fitted with a VPIS system must comply with the conditions set out in [Taxi and private hire vehicles: dash cam policy](#).

### **e) Accessibility**

Designated wheelchair accessible vehicles (WAVs) must be able to facilitate the carriage of disabled persons and accommodate a disabled person in a 'reference' wheelchair\* in the passenger compartment.



\*A reference wheelchair is defined in Schedule 1 of the **Public Service Vehicles Accessibility Regulations 2000**.

Proprietors have a responsibility to ensure that any licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.

The following condition of licence should apply to proprietors of WAVs:

The proprietor of a licensed wheelchair accessible vehicle must demonstrate to every driver of the vehicle how to assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle. This will include showing the driver how to deploy the ramp(s) and how to use and adjust the restraints. The proprietor must keep a record of this demonstration and include the following:

- a) The date of the demonstration
- b) The name and licence number of the driver
- c) A signed and dated acknowledgment by the driver that the demonstrating has taken place and he/she clearly understands how to transport a passenger in a wheelchair into the vehicle

The proprietor must retain this record for as long as the driver is using the vehicle. If the driver rents the vehicle again in future the proprietor must repeat the demonstration and record.

In the case that the proprietor is also the licensed driver of the vehicle, the proprietor shall record a signed acknowledgement to certify that he/she can perform the vehicle manufacturer's instructions on how to safely transport a wheelchair passenger into and out of the vehicle and how to secure the wheelchair.

## 3. Private Hire Operator Standards

### a) DBS Check

All applicants for a grant or renewal of a Private Hire Operator's licence must submit a basic disclosure (dated within one month of the application) which can be obtained from Disclosure & Barring Service in order to satisfy the authority that they are a 'fit and proper' person. In the case of applications from a company or organisation, all director of the company/organisation must provide a basic disclosure. The cost of these checks will be covered by the applicant/licence holder.

Applicants that already hold a hackney carriage or PHV driver's licence with this authority are not required to provide the basic disclosure as part of their application for a private hire operator's licence.

To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018. The guidance is detailed in the Institute of Licensing's '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)' .

Driving offences will not normally be considered as part of the assessment for private hire operator licence holders. Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a private hire operator's licence.

## **b) Private Hire Operator conditions**

The conditions of licence applicable to private hire vehicle operators are detailed in [Private hire vehicle operators: licensing conditions](#).

## **4. General policy**

### **a) Licence holder self-reporting**

All Licence holders are required to notify the issuing authority within 48 hours of any arrest and release for any sexual offence, any offence involving dishonesty or violence and any motoring offence. Further notifications to the licensing authority must be made within 48 hours of any charge and any conviction. Failure by a to disclose an arrest that the issuing authority is subsequently advised of might be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.

### **b) National register for hackney carriage and private hire licence revocations and refusals (NR3S)**

The Licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3S), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or private hire vehicle (PHV) driver licence revoked, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV driver licence.

Therefore:

- Where a hackney carriage / PHV driver licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3S.
- All applications for a new licence or licence renewal will automatically be checked on NR3S. If a search of NR3S indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3S search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3S itself will be limited to:

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

Information will be retained on NR3S for a period of 11 years.

This is a mandatory part of applying for being granted, a hackney carriage / PHV driver licence. The authority has a published policy on the approach it will take to requests by other authorities for further information about entries on NR3S, and about the use it will make of any further information provided to it.

Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3S are necessary to the authority's statutory

licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3S data will be transferred out of the United Kingdom.

If you wish to raise any issues related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [insert contact details] This includes submitting a subject access request.

You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: [Make a complaint](#).

### **c) Cross border enforcement**

Where it becomes apparent that either a number of vehicles licensed by this authority are undertaking the majority (i.e. over 50%) of private hire work in another local authority area, or when it is evident that a number of vehicles licensed by another local authority are undertaking the majority of private hire work in this area, the licensing authority will endeavour to develop enforcement protocols with those local authorities.

In these circumstances the following protocol (as described in the Local Government Association's Taxi and PHV Licensing- Councillor's handbook) will be followed:

- All authorities agree what level of expertise/qualification/skills is the minimum for approval of authorisation of each individual.
- All authorities establish, via their own schemes of delegation, what procedural steps need to be taken to validly authorise (i.e. chief officer's report, sub-committee or full committee decision).
- All authorities agree the form and wording of the 'letter of authorisation' and

'photo warrant card' to be issued.

- Each 'requesting council' formally requests authorisation of named individual officers.
- Each 'receiving council' obtains authorisation and provides a 'letter of authorisation' in respect of the other authority's officers.
- Each employing authority provides its own officers with a photo warrant card specifying that for the purposes of [specify Acts of Parliament] that officer [name] is a duly authorised officer of [list all authorising councils].
- Each authority provides all officers with copies of appropriate bylaws, conditions and agreed methodologies/reporting mechanisms for dealing with defective vehicles and other issues from other areas.
- Each authority seeks political and financial approval for pre-planned joint operations both with each other and also police/HMRC Customs & Excise.
- Data sharing protocols, as required, be established between authorities, including standard incident reporting templates/operation logs to be used by all for consistency and scheme recording.

#### **d) Suitability policy**

In order to assess the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' April 2018.

The guidance is detailed in the Institute of Licensing's **[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)**'.

## **e) Department for Transport (DfT) Statutory Taxi and Private Hire vehicle standards**

DfT's Statutory Taxi and Private Hire Vehicle Standards sets out a framework of policies under Section 177 (4) of the Policing and Crime Act 2017 that licensing authorities "must have regard" to when exercising their functions.

In order to safeguard children and vulnerable adults the licensing authority is committed to implementing the recommendations of the DfT's Statutory Taxi and Private Hire Vehicle Standards, wording of this Policy has been amended to take account of the Standards.

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