



County Hall
Cardiff
CF10 4UW
Tel: (029) 2087 2000

Neuadd y Sir
Caerdydd
CF10 4UW
Ffôn: (029) 2087 2000

AGENDA

Pwyllgor	PWYLLGOR DIOGELU'R CYHOEDD
Dyddiad ac amser y cyfarfod	DYDD MAWRTH, 5 MAWRTH 2019, 10.30 AM
Lleoliad	YSTAFELL BWYLLGORA 1 - NEUADD Y SIR
Aelodaeth	Cynghorydd Mackie (Cadeirydd) Cynghorwyr Dilwar Ali, Davies, Derbyshire, Goddard, Jacobsen, Lancaster, Robson, Taylor a/ac Wood

1 Ymddiheuriadau am Absenoldeb

Derbyn ymddiheuriadau am absenoldebau.

2 Datganiadau o fuddiant

Dylid gwneud hyn ar ddechrau'r eitem agenda dan sylw, yn unol â'r Cod Ymddygiad Aelodau.

3 Cofnodion *(Tudalennau 3 - 8)*

Cymeradwyo cofnodion y cyfarfod blaenorol fel cofnod cywir.

4 Cais am Gerbyd Arbennig *(Tudalennau 9 - 10)*

5 Gofynion Oedran, Allyriadau a Phrofi *(Tudalennau 11 - 40)*

6 Cofrestr Genedlaethol y Trwyddedau Tacsï *(Tudalennau 41 - 82)*

7 Papur Gwyn Trafnidiaeth Llywodraeth Cymru *(Tudalennau 83 - 98)*

8 Materion Brys (os o gwbl)

Davina Fiore

Cyfarwyddwr Llywodraethu a Gwasanaethau Cyfreithiol

Dyddiad: Dydd Mercher, 27 Chwefror 2019

Cyswllt: Graham Porter, 02920 873401, g.porter@caerdydd.gov.uk

PUBLIC PROTECTION COMMITTEE

29 JANUARY 2019

Present: Councillor Mackie(Chairperson)
Councillors Dilwar Ali, Derbyshire, Goddard, Jacobsen,
Lancaster, Robson and Taylor

20 : APOLOGIES FOR ABSENCE

Apologies were received from Councillors Davies and Wood.

21 : DECLARATIONS OF INTEREST

No declarations of interest were received.

22 : MINUTES

The minutes of the meetings held on 6 November 2018, 4 December 2018 and 8 January 2019 were approved by the Committee as a correct record and were signed by the Chairperson.

23 : HACKNEY CARRIAGE FULL LIVERY ADVERTISING

The Committee were advised that an application has been received for full livery advertising on wheelchair accessible hackney carriage vehicles such as the Peugeot Partner and Euro Cab. Currently only vehicles that meet the London Metropolitan Conditions of Fitness a permitted to have full livery advertising.

The Committee received a report and representations from the applicant, Mr Karl Maresch of Ubiquitous Ltd. Members were advised that currently there are only 7 vehicles operating in the city which are permitted to carry full livery advertising. However, 'superside' advertising is permitted on other vehicles. Taxi proprietors receive an income of between £1000 and £1500 per annum for full livery advertising and there was some demand in the trade to allow it on wheelchair accessible vehicles.

Members were asked to note that in Cardiff hackney carriage vehicles are coloured black with a white bonnet in order to assist the public in identifying them as licensed vehicles. The Committee when determining an application for full livery advertising in 2001 considered that the distinctive shape of vehicles that meet the Metropolitan Conditions of Fitness made those vehicles easily recognisable, when compared to standard saloons and wheelchair accessible vehicles.

A comparison of the full livery restrictions in some other local authorities was set out in the report. Members were asked to consider the implications of the existing restriction relating to rear windscreens in licensed vehicles in Cardiff.

Officers stated that the Welsh Government was currently undertaking a consultation exercise and a review of policy relating to the hackney carriage and private hire standards would be forthcoming. The consultation exercise did not set out any

specific proposals in terms of advertising. A report on the consultation exercise will be brought to the March Committee meeting.

Members discussed the application. Whilst a number of Members supported the application, concerns were expressed that given that the Welsh Government is currently consulting on changes to policy it would not be appropriate to consider changing the Cardiff's policy at this juncture. Members also considered that full livery advertising on wheelchair accessible vehicles was likely to cause confusion for members of the public and therefore there would be public safety implications.

RESOLVED – That the application for full livery advertising on wheelchair accessible vehicles be refused.

24 : URGENT ITEMS (IF ANY)

No urgent items were presented.

The meeting terminated at 11.00 am

DRAFT MINUTES

Meeting ID	3705
Committee	Public Protection Sub Committee
Date	29/01/2019
Attendees	<p>Councillor Norma Mackie (Chair)</p> <p>Councillor Bob Derbyshire (Committee Member)</p> <p>Councillor Susan Goddard (Committee Member)</p> <p>Gill Nurton (Notify)</p> <p>David Marr (Officer)</p> <p>Claire Hartrey (Officer)</p> <p>Amanda Jones (Officer)</p> <p>Clive Pursey (Officer)</p> <p>Andrea Redmond (Clerk)</p> <p>Graham Porter (Clerk)</p> <p>Gary Jones (Monitor)</p> <p>Davina Fiore (Monitor)</p>

Item ID	14876
Item Title	Exclusion of the Public
Summary	<p>The following item is confidential and exempt from publication as it contains exempt information of the description contained in paragraph 14 of Part 4 and paragraph 21 of Part 5 Schedule 12A of the Local Government Act 1972. The public may be excluded from a meeting by resolution of the Committee pursuant to Section 100A (4) of the Local Government Act 1972 during discussion of this item.</p> <p>RESOLVED - That the public be excluded.</p>

Item ID	14877
Item Title	Hackney Carriage/Private Hire Matters
Summary	<p>RESOLVED – That the following matters be dealt with as indicated:</p> <p>(1)</p>

	(2)
	(3)

th
£2
th
ac
ac
TI
dr
no
st
po
ac
R
pa
A
TI
m
w
as
ac
TI
la
br
S
w
ac
ha
ac
M
ill
In
aq
le
TI
jo
da
R
A
A

	(4)	
	(5)	

Ap
 TI
 co
 ac
 sh
 as
 av
 th
 th
 w
 th
 ot

 TI
 ac
 m
 la
 st
 TI
 th
 w
 ca

 M
 su
 ac
 at

 R
 th

 A

 M
 re
 pl
 pi
 pa
 as
 se
 ve
 ap
 oc

 TI
 a
 an
 ha
 ya

	(6)
	(7)

cu
ac
M
ci
R
A
M
T
3
vi
he
th
R
A
M
dr
co
T
Li
ap
sh
ev
re
ch
R
pr

CARDIFF COUNCIL
CYNGOR CAERDYDD

PUBLIC PROTECTION COMMITTEE: 5th March 2019

REPORT OF THE HEAD OF REGULATORY & SUPPORTING SERVICES

HACKNEY CARRIAGE/PRIVATE HIRE APPLICATIONS

The Committee is requested to determine the following application:-

1. Mr Salahuddin Roshan –Hyundai I40 EO67 XPE

Application to have the Hyundai I40 to be approved as a prestige vehicle with a ten year age restriction.

Mae'r dudalen hon yn wag yn fwriadol

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 5 March 2019

Report of the Head of Shared Regulatory Services

**UPDATE TO THE AGE, EMISSION AND TESTING REQUIREMENTS OF
HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES**

1. Background

- 1.1 Under the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach any conditions to the grant of hackney carriage and private hire vehicle licences that they consider reasonably necessary.
- 1.2 This report outlines current issues around air quality in Cardiff, the current policies in relation to the age and testing of licensed vehicles, and proposes changes to the current regime to deal with the air quality challenges faced by the City.

2. Air Quality

- 2.1 Air quality is a devolved matter in the UK, meaning that the Devolved Administrations are responsible for developing domestic policies and legislation to improve air quality and reduce risks to human health. The Air Quality Standards Regulations 2010 transpose the Ambient Air Quality Directive requirements (2008/50/EC)¹ into devolved legislation.
- 2.2 To meet its requirements under the EU Ambient Air Quality Directive (AAQD), through the Department for Environment Food and Rural Affairs (DEFRA) the UK government published its air quality plan to tackle roadside nitrogen dioxide (NO₂) concentrations in July 2017². The document identified the Cardiff Urban Agglomeration area as a problematic area in terms of continued non-compliance with the EU limit value, for NO₂.
- 2.3 Modelled projections from Defra using its national Pollution Climate Mapping (PCM) model indicated a number of road links in Cardiff that would continue to exceed the EU Limit Value for NO₂ beyond 2021. This modelling projected continued non-compliance of the national annual average NO₂ standard beyond 2021 along the A48, Eastern Avenue and the A4232 near the Cardiff Bay Retail Park.

¹ [DIRECTIVE 2008/50/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL](#)

² [Defra - UK plan for tackling roadside nitrogen dioxide concentrations July 2017](#)

2.4 Welsh Government exercised powers conferred to it under section 85(5) of the Environment Act 1995 and issued a legal direction titled Environment Act 1995 (feasibility study for Nitrogen Dioxide Compliance) Air Quality Direction 2018, to Cardiff Council.

2.5 The direction came into force, as signed by the then Minister of Environment, on the 15th February 2018, and was delivered to Cardiff Council on the 9th March 2018. The direction has a schedule of specified activities, and states:

'Under the Environment Act 1995 (Feasibility Study for Nitrogen Dioxide Compliance) Air Quality Direction 2018, the Welsh Ministers make this direction having determined that it is necessary in order to meet obligations placed upon the United Kingdom under the EU Ambient Air Quality Directive.

Cardiff Council will undertake, as part of the UK plan for tackling roadside nitrogen dioxide concentrations 2017, a feasibility study in accordance with the HM Treasury's Green Book approach, to identify the option which will deliver compliance with legal limits for nitrogen dioxide in the area for which the authority is responsible, in the shortest possible time.'

2.6 The has required the Council to undertake the following as part of the feasibility study:

- **30th September 2018** at the latest submit the Initial Plan to set out the case for change and develop options for measures that the local authority will implement to deliver compliance in the shortest possible time.
- **30th June 2019** at the latest submit the Final Plan to identify in detail the preferred option for delivering compliance in the shortest possible time, including a full business case.

2.7 To date the Council has met the first requirement detailed above by submitting an Initial Plan³ to Welsh Government by the 30th September 2018. The report presented the results of detailed local transportation and air quality modelling which presented significantly different results to the national modelling. The results of the local modelling has indicated that beyond 2021, only the **A4161 Castle Street** in the City Centre will exceed NO₂ limit value under the AAQD.

2.8 In assessing the model data the main reason for this exceedance relates to very high traffic flows, some **32,000** vehicles a day and accompanying slow speeds of around 11mph on this specific road link.

2.9 There are over 2,000 licensed vehicles in Cardiff, which contribute to roadside NO₂ levels, with the vast majority of these vehicles not meeting the latest Euro 6 diesel emissions standard. As part of the Council's ongoing commitment to improving air

³ [Cardiff Council, Clean Air Feasibility Study September 2018](#)

quality in Cardiff, it is important that this is considered when reviewing and renewing vehicle policies. A NO_x pollution source apportionment exercise was undertaken on Castle Street which identified that by 2021, 6% of the NO₂ pollution will be from diesel Taxis.

- 2.10 Work is currently ongoing to finalise an Outline Business Case to identify a preferred option(s) which will enable the Council to implement a solution to ensure that compliance with the limit value is achieved in the shortest possible time. One measure being assessed as part of a package of measures in the Outline Business Case is the implementation of the revised age and emission policy proposed within this report. As part of a combined package which also includes improvements to bus emissions and active travel, the Council has been able to model the impact of this proposed policy in improving air quality in Castle Street and elsewhere across Cardiff.
- 2.11 In addition to meeting the requirements of the AAQD, under the Local Air Quality Management (LAQM) regime, Cardiff Council has 4 Air Quality Management Areas (AQMAs) declared for exceedances of the NO₂ air quality standard. Monitoring data for 2017 indicates that annual mean concentrations of nitrogen dioxide recorded at sites of relevant exposure, within the already established AQMAs, continue to be elevated or exceed the annual mean NO₂ Air Quality Standard (40µg/m³). Coinciding with the projections of non-compliance identified in the feasibility study's initial plan, the LAQM regime and location of the City Centre AQMA also incorporates the A4161 Castle Street link.
- 2.12 Under the LAQM regime, with specific reference to Section 84 of the Environment Act 1995, Local Authorities have a statutory duty to ensure the improvement of air quality at a local level by implementing an Air Quality Action Plan (AQAP) for each AQMA. In Cardiff a singular citywide AQAP was drafted, referred to as the Clean Air Strategy and Action Plan (CASAP). The CASAP formulates the foundations to the ongoing works for the feasibility study.
- 2.13 The proposed age and emission policy changes presented in this report have been assessed as a potential measure that should be implemented as part of the City wide Action Plan to address Air Quality within the AQMAs and across Cardiff as a whole, as improvements in the emission standards of the licensed taxi fleet in Cardiff will have a positive impact on NO₂ levels in the AQMAs, as demonstrated in the modelling work undertaken as part of the Councils Feasibility Study.

3. Exhaust Emissions Standards on Vehicles

- 3.1 Since the early 1990s, new car models have had to meet increasingly stringent exhaust pollution limits, known as Euro emissions standards, before they can be put on sale.

- 3.2 Since the introduction of 'Euro 1' in 1992 which made catalytic converters mandatory on petrol cars, there have been a number of updates requiring manufacturers to reduce vehicle exhaust emissions to help improve air quality. The latest standard, 'Euro 6', applies to new type approvals from September 2014 and new cars from September 2015 and reduces some pollutants by 96% compared to the Euro 1 limits.
- 3.3 Table 1 below details the different Euro emission standards and the date of their implementation, showing a trend towards a cleaner environment.

Table 1 - Evolution of Euro Emission Standards

Emissions Standard	Applied to most* new registrations from:
Euro 1	31 December 1992
Euro 2	1 January 1997
Euro 3	1 January 2001
Euro 4	1 January 2006
Euro 5	1 January 2011
Euro 6	1 September 2015

*individual Euro 5 vehicles already on sale that were built and dispatched from the manufacturer before 1st June 2015 could continue to be sold until 1st September 2016.

- 3.4 In recent years there has been increase in the number ultra-low emission vehicles (ULEVs). These are vehicles that emit extremely low levels of motor vehicle emissions compared to other vehicles. Pure electric vehicles (EVs), plugin hybrid vehicles (PHEVs), range-extended electric vehicles (E-REVs), and hydrogen fuel cell electric vehicles (FCEVs) are all types of ULEVs.

4. Current Vehicles Policies

- 4.1 The current policies in relation to hackney carriage and private hire vehicles, notwithstanding a number of piecemeal amendments, have largely been in place for a number of years. The Licensing Department have received comments from the trade and other stakeholders that these policies have become unwieldy and could be simplified.
- 4.2 There are 3 types of vehicle currently licensed by the authority; saloon/MPV vehicles, saloon/MPV vehicles designated as 'prestige', and purpose built hackney carriages, which are vehicles constructed specifically as hackney carriages that can carry a person whilst sitting in a wheelchair.
- 4.3 Table 2 below details the current vehicle types, maximum age at which they can be licensed and the frequency they are tested:

Table 2 - Existing Vehicle Licensing Requirements

Specification	Saloon/MPV	Prestige Vehicle	Purpose Built Hackney Carriage
Maximum age at first application	25 months	Under 10 years	Under 10 years
Maximum licensable age (unless vehicle complies with exceptional condition policy)	6 years	10 years	10 years
Age at which vehicle may be annually tested / 12 month licence issued	Under 4 years	Under 4 years	Under 10 years
Age at which vehicle is tested 6 monthly / 6 month licence issued	4 years	4 years	10 ears

- 4.4 When a vehicle reaches its maximum licensable age, it may continue to be licensed provided that it complies with the Council's Exceptional Condition Policy. This requires the vehicle to be inspected annually by a Licensing Officer to ensure the vehicle continues to meet the required standard. A copy of the Exceptional Condition Policy is attached at Appendix A.
- 4.5 In order for a vehicle to be classed as 'prestige', it must undergo a subjective assessment made by Members of the Public Protection Committee. A variety of vehicles are currently licensed as prestige and include MPV style vehicles such as the Fiat Doblo, Peugeot Euro 7, and Citroen Berlingo, and saloon type vehicles such as the Ford Mondeo, Toyota Avensis, Audi A8, and Jaguar XF. A full list of prestige vehicles is attached at Appendix B
- 4.6 The prestige vehicle classification was introduced to encourage prospective vehicle purchasers to obtain vehicles that would provide the public with the most appropriate vehicle for the purposes of hire and reward. Currently, the prestige classification does not mean that the vehicle has the status that the motor trade may regard as a superior higher class model, but simply that it is of a type that would make it good for use for hire and reward. To be awarded prestige status the vehicle is inspected by Committee Members and assessed against criteria regarding quality and comfort.
- 4.7 Manufacturers have greatly improved vehicles in terms of quality and reliability in recent years and it is clear that the majority of currently manufactured four door vehicles are capable of use for hire and reward. The prestige classification is now therefore of little value in assessing vehicles for use as hackney carriage and private hire vehicles.

- 4.8 There are currently 946 hackney carriages and 1,264 private hire vehicles licensed in Cardiff. Of those licensed, the average age of a hackney carriage is 8.5 years old, with 32% of the fleet over 10 years old. The average age of a private hire vehicle is 5.9 years old, with 8.7% of the private hire fleet over 10 years old. Of the vehicles that are currently licensed, there is 1 vehicle that meets the Euro 2 standard, 3.5% meet Euro 3 standard, 42% meet Euro 4 standard, 42% meet Euro 5 standard and 12.5% meet Euro 6 standard. Therefore, more than 87% of the current fleet does not meet the latest emission standards.
- 4.9 Hackney carriage and private hire services are a vital aspect of the transport network in Cardiff. They are essential for many passengers with disabilities and play an important social role in enhancing the public transport system. However, they are also a source of road traffic derived emissions causing air pollution, especially in the City Centre. There are currently no emission standards for licensed vehicles imposed by the Licensing Authority.

5. Vehicle Testing

- 5.1 A licensing authority should ensure that hackney carriage and private hire vehicles are of a suitable type, comfortable, and in suitable mechanical condition so as to be safe for the purpose for which they are used. Therefore, in the interests of passenger and other road user's safety, a stringent maintenance and testing regime is required.
- 5.2 As part of the application process for licensed vehicles in Cardiff, applicants are required to submit a satisfactory MOT test certificate and an additional Declaration of Fitness form. This form must be completed at the same time as the MOT test and includes the testing of items such as the taxi roof light, which wouldn't otherwise be part of an MOT test. Licensing Officers also investigate complaints regarding the standard of vehicles and routinely carry out spot checks. If required they have powers to suspend a licence until they are satisfied with the vehicle's condition.
- 5.3 The frequency of vehicle testing is currently controlled through the current vehicle licensing conditions and the main criteria revolves around the age and type of vehicle. Purpose built taxis are required to be tested annually up to 10 years old, but all other vehicles must be tested annually up to 4 years old, and every 6 months after they are 4 years old.

6. Proposal

- 6.1 It is proposed that:
- All applications for the grant of a new vehicle licence, or for the change of vehicle on a current licence, must comply with the draft Age/Emission Policy Guidelines attached at Appendix C.;
 - The prestige status classification for vehicles is removed; and.

- The following paragraph will be inserted into the Exceptional Condition policy:

Consideration for an exemption from the age restrictions will only be given to vehicles that meet or exceed the Euro 6 emission standard, or Ultra Low Emission Vehicles (ULEV). Alternative fuel vehicles must meet the equivalent of the Euro 6 emission standard

- 6.2 Table 3 below details the proposed policies in relation to the vehicle types, the maximum age at which they can be licensed and the frequency that they are tested:

Table 3 - Proposed Policy Amendments

Specification	All licensed vehicles
Vehicle age/emission standard at first application	Under 5 years old and meet or exceed Euro 6
Maximum licensable age (unless vehicle complies with exceptional condition policy)	10 years
Age at which vehicle may be annually tested / 12 month licence issued	Under 5 years old
Age at which vehicle is tested 6 monthly / 6 month licence issued	5 years

- 6.3 The proposed policy changes will affect the way in which a significant number of hackney carriage and private hire vehicles will be licensed and tested. Therefore, the draft policy changes will need to be consulted on extensively with the public, trade and other stakeholders.
- 6.4 The proposals detailed in this report are part of a wider strategy to implement a phased policy of vehicle improvement, beginning with removing the oldest and more polluting vehicles from the city's roads and transitioning to the long-term target of achieving a 100% zero emission fleet of licensed vehicles. It is proposed that the next stages in this process will include:

- A consultation on whether to require all hackney carriage and private hire vehicles licensed for the first time to be ULEV from January 2022;
- A consultation on whether to require all existing hackney carriage and private hire vehicles to be ULEV from January 2025.

7. Considerations

- 7.1 The proposals detailed in this report provide an opportunity to:
- Improve the fleet of licensed vehicles in the city;
 - Help to ensure that the public travel in vehicles with the latest safety technology;
 - Contribute to assisting the Council in complying with the **legal direction** to achieve compliance with the EU Limit Value for NO₂ in the shortest possible time, and reduce CO₂ emissions;
 - Ensure a supply of suitable modern vehicles for customers;
 - Continue to provide affordable options to the trade.
- 7.2 The proposals will apply to all licensed vehicles; purpose built vehicles and vehicles currently designated as prestige will be required to be under 5 years old at first application, a reduction from 10 years old at present. This proposal will simplify the age policy guidelines for all licensed vehicles and help to ensure that all newly licensed vehicles meet the latest emission standards.
- 7.3 Newer vehicles are less likely to be involved in fatal crashes, due to continual improvements in crash protection features. Mechanical defects also become more common as a vehicle ages, further compromising the safety of the vehicle. An analysis by the US Department of Transportation found that the driver of a vehicle 8 to 11 years old was 19% more likely to be fatally injured than the driver of a vehicle that was 3 years old.
- 7.4 The AA states that on average a new vehicle *“will have lost around 60% of its value at 3 years old... Buying a five-year-old car may be an even better option. You won't get the latest features, but it won't lose so much in value. And you won't be shelling out so much each month on interest to repay a loan but it's only better value if your mileage is low – under 10,000 miles a year. Your repair and maintenance bill will be higher and less predictable the older your car is and these costs will increase as your mileage goes up”... By the time a car reaches this age it's pretty much done all the depreciating it's going to do. Risks are higher too though and it's more likely that a one off repair bill could cost you as much or more than a year's depreciation would have done on a newer car”*.
- 7.5 In considering the proposals outlined in this report, it is felt that the type of vehicle, whether a saloon, MPV or a purpose built hackney carriage, should not have a bearing on the age at which it can be first licensed or the frequency of testing. All licensed vehicles will be used for similar purposes i.e. transporting passengers for hire and reward, and as such, these proposals offer a fairer approach in determining

- whether a vehicle can be licensed. In determining the maximum age at first licence, a balance should be sought between ensuring the public travel in a safe, modern vehicle without being unduly onerous on the trade. It is felt that the proposals outlined in this report enable proprietors to purchase a good quality vehicle at reasonable price, at the same time providing the public a safe, modern vehicle to travel in.
- 7.6 The proposed changes to the vehicle testing frequency would result in all licensed vehicles being tested 6 monthly from the age of 5 years old. This is one year later than present for saloon/MPV and prestige vehicles and five years earlier than present for purpose built hackney carriages. The Department for Transport's Best Practice Guidance for Taxi and Private Hire Vehicle Licensing states that an "annual test for licensed vehicles of whatever age seems appropriate in most cases, unless local conditions suggest that more frequent tests are necessary. However, more frequent tests may be appropriate for older vehicles... for example, twice-yearly tests for vehicles more than five years old". Licensed vehicles travel considerable mileage, which causes significant wear on vehicle components. The proposed changes ensure that vehicles are tested in line with current best practice and bring consistency to licence holders.
- 7.7 For a vehicle to be licensed after 10 years old, it must comply with the 'Exceptional Condition' policy. It is acknowledged that to comply with the proposed changes to the Exceptional Condition policy, most vehicles currently licensed will either require a conversion, or licence holders will replace their vehicle to meet Euro 6 standards.
- 7.8 The proposals and strategy detailed in this report provide significant short-term air quality improvements by phasing out the oldest and more polluting vehicles in a short space of time, while allowing sufficient time to develop an adequate rapid charging infrastructure to support a large numbers of licensed ULEVs. It is acknowledged that the development of such infrastructure will be crucial to the long term strategy as without a comprehensive network of rapid chargers, the economics of driving a ULEV as a taxi/private hire is unfeasible.

8. Achievability

- 8.1 This report contains no equality personnel or property implications.

9. Legal Implications

- 9.1 When considering any application for a Private Hire Vehicle Licence, the Council, in accordance with Section 48(a) (i) (iv) and (v) of the Local Government (Miscellaneous Provisions) Act 1976 shall not grant such a licence unless they are satisfied that the vehicle is suitable in type size and design for use as a private hire vehicle, safe and comfortable.

- 9.2 Under Section 47 of the Act the Council may attach to the grant of a hackney carriage licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety comfort and design.
- 9.3 Under Section 48 of the Act the Council may attach to the grant of a private hire vehicle licence such conditions as it may consider reasonably necessary. The range of conditions is wide and can therefore encompass safety comfort and design.
- 9.4 Under Section 50 of the Act the Council shall not require a proprietor to present the same hackney carriage or private hire vehicle for inspection and testing on more than three separate occasions during any one period of twelve months.
- 9.5 Other legal implications in respect of the manufacture of vehicles are found throughout the body of this report.

10 Equality Impact Assessment

- 10.1 The proposal has been screened for the potential impact on protected groups within the community and human rights. We do not consider on the basis of the above that a detailed Equality Impact Assessment is required for this proposal at this stage, but the position will be reviewed at the end of the consultation process.

11 Well-being of Future Generations (Wales) Act 2015 implications

- 11.1 The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2018-21: <http://cmsprd.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Corporate-Plan/Documents/Corporate%20Plan%202018-21.pdf> When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.

The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of

their decisions on people living their lives in Wales in the future. In doing so, the Council must:

- Look to the long term
- Focus on prevention by understanding the root causes of problems
- Deliver an integrated approach to achieving the 7 national well-being goals
- Work in collaboration with others to find shared sustainable solutions
- Involve people from all sections of the community in the decisions which affect them

The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below: <http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

11.2 An assessment has been carried out in consideration of the Cardiff Well-being Objectives. A summary of the implications from the assessment:

- Cardiff Grows in a Resilient Way
 - Taxis form part of the public transport network with environmental and economic benefits for the wellbeing goal of A Prosperous Wales
 - The proposed policy supports the development and delivery of the Cardiff Clean Air Strategy.
- Safe, Confident and Empowered Communities
 - Stakeholders within the taxi trade, the general public and other relevant groups will have the opportunity to consider the proposals and respond to the consultation

12. Financial Implications

12.1 There are no financial implications for the Council arising directly from this report.

13. Recommendation

13.1 The Committee is asked to consider the details of the report and determine whether to:

- a) Carry out a consultation with the public, trade and other stakeholders on the proposed policy changes;
- b) Reject the proposed policy changes and continue with the existing licensing framework.

Dave Holland
Head of Shared Regulatory Services

30 January 2019

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers:

- The Department for Transport - Best Practice Guidance for Taxi and Private Hire Vehicle Licensing
- The Department for Transport - A guide to ultra-low emission vehicles for Fleet Managers
- Department for Environment Food & Rural Affairs - UK plan for tackling roadside nitrogen dioxide concentrations
- AA Driving Advice - Limits to improve air quality and health
- AA - Find out how quickly new cars lose money
- Cardiff Local Well-being Plan 2018 – 2023
- Brake – Choosing Safer Vehicles



City of Cardiff Council

Policy and Guidance in relation to licence applications for Hackney Carriages and Private Hire Vehicles that wish to operate beyond the current age restrictions – vehicles in exceptional condition

1. The maximum permitted age of hackney carriage and private hire vehicles licensed by the City of Cardiff Council is:
 - a) Saloon vehicles: 6 years
 - b) Prestige vehicles: 10 years
 - c) Purpose-built vehicles: 10 years

2. With effect from 7th November 2016 the above age restrictions may only be waived in the case of individual vehicles where an application is made and the Council considers that the vehicle is in “exceptional condition” in accordance with the criteria described later in this document.
 - a) Any licence granted as an exemption from the age restrictions will normally be granted for a 12-month period.

 - b) Consideration for an exemption from the age restrictions will only be given to vehicles currently licensed by the Council.

 - c) Applications for vehicles to be considered under the Exceptional Condition Policy must be made in writing to the Licensing Section no later than **6 weeks** prior to expiry of the existing licence. Late submissions will not be accepted and in such cases the vehicle will not be granted a further licence.

3. In determining whether a vehicle is considered to be in exceptional condition the vehicle will be checked by an Officer and the vehicle must comply with all elements of the ‘exceptional condition standard’ as set out in Appendix A

4. If the vehicle fails to meet the standard it will not be considered to be in exceptional condition. It is not acceptable for such a vehicle to be taken away, repaired and represented for further consideration, and any application for a further renewal will be refused.

5. It is important for applicants to understand that:

- Only vehicles considered to be in exceptional consideration as outlined in Appendix A will be licensed above the Council’s maximum age limits.
- The policy is not designed to ‘pass’ average vehicles and it is important that applicants recognise this before applying.
- It is likely that the vehicle will not meet the exceptional condition standard if there are advisory items on the last MOT certificate that have not been addressed.
- If the vehicle is considered to be in exceptional condition a standard MOT test will also be required before the licence can be renewed.

Appendix A

The standard used to determine whether a vehicle is in “exceptional condition”.

The following standards will be applied when determining whether or not a vehicle is considered to be in exceptional condition:

- (1) The bodywork should be in excellent condition with all trims present, no signs of panel age deterioration, dents, scratches, stone chips, rust or any other abrasions that detract from the overall appearance of the vehicle. No tape may be used to cover defects.
- (2) The general paint condition should not show signs of fading, discolouration or mismatching that detract from the overall appearance of the vehicle.
- (3) All lights shall be secure and in full working order.
- (4) In the case of Hackney Carriages the roof sign shall be securely fastened to the vehicle and in full working order
- (5) Road wheels must be clean and free from significant marks or damage and rust free
- (6) All tyres, including the spare wheel (where fitted) must be roadworthy
- (7) All wheel trims to be present and fitted according to the manufacturer’s specification and all matched.
- (8) Front and rear registration plates to be clean, clear, not obscured by tow bar etc., unbroken and conform to the relevant legislation.
- (9) Front and rear bumpers to have no significant or noticeable rust, dents, cracks or scrapes properly painted where required and be securely fitted.

- (10) Windscreen to be clean and free of scratches or chips.
- (11) Wiper blades should be in proper working order and clear the relevant screen properly
- (12) Wing mirrors and rear view mirrors must be in good condition with no deterioration in the reflecting surface. Both wing mirrors must match.
- (13) Radiator grills should be secured and the original specification
- (14) All doors should be easily opened, in good condition with the correct functioning of door stay catches and devices (including sliding doors)
All door handles should be properly fitted easily operated and of original specification.
- (15) The interior trim, panels, seating and carpets, etc must be present and in excellent condition; clean, free of damage, odour, damp, stains and discoloration.
- (16) All panels should match the original trim.
- (17) Seats must be secure, clean and not unduly worn. Any seat covers should be a matching set, a good fit, clean and stain free without sagging, wrinkling holes or tears
- (18) All seat belts should be clean, undamaged and in good working order. All anchorage point covers should be properly fitted and match original trim.
- (19) All instruments, accessories, ash trays etc fitted securely, matching the trim and clean.
- (20) Headlining is to be stain free, clean with no holes or tears.
- (21) All windows must operate correctly and easily
- (22) Heating, demisting and air ventilation systems (including passenger compartment controls where fitted must be fully operational.
- (23) The inside of the vehicle should be free from any trailing or loose wires.
- (24) The vehicle must be in excellent mechanical condition and in all respects safe and roadworthy with no signs of corrosion to the mechanical parts, chassis, underside or body work. There shall be no sign of water or oil leaks from the vehicle.
- (25) The boot or luggage compartment to be in excellent condition, clean, undamaged with no sign of water ingress.

(26) If a hatchback the boot cover must be original with both lifting straps fitted.

Wheel chair accessible vehicles:

(27) a) single rear door – must open to a minimum of 90 degrees and be capable of locking in place
 b) twin rear door - both must open to a minimum of 180 degrees and be capable of being locked in place

(28) Wheelchair restraints must be in clean and in good condition

(29) If designed to use ramps they must be securely stored and free from damage, deformity and sharp edges. The anti-slip covering must be in good condition and not worn or missing.

(30) Vehicles fitted with a wheelchair lift must have a LOLER certificate that is valid for a period of six months from the date of issue.

Appendix B

FULL LIST OF VEHICLES - SUITABLE AND UNSUITABLE - Please note that this list is subject to change at short notice so please contact (029) 2087 1651 to confirm suitability of any vehicle prior to purchase.

NB DARKENED GLASS - ALL REAR WINDOWS MUST ALLOW AT LEAST 70% OF LIGHT THROUGH.

This list shows the approved vehicle makes and models only. If in doubt as to a specific model please contact taxi licensing.

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Audi	A4	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	14/09/1999	
Audi	A6	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	03/09/1998	
Audi	A7	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		Not suitable - insufficient headroom
Audi	A8	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		Approved prestige August 2012
Bentley	Bentley	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		No measurements or Committee date available at time of entry.
BMW	3 Series	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	04/04/2017	
BMW	5 Series	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		
BMW	7 Series	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	04/03/2014	
Chevrolet	Captiva	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Chevrolet	Cruz	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Chevrolet	Epica	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	05/05/2009	
Chrysler	300C	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		Approved as prestige 6th December 2011.
Chrysler	Voyager	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6	6	Yes	06/08/2002	Committee 14/07/2003 - now six seats

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Citroen	Berlingo	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	12/01/2016	If used for Private Hire use, cannot be black. MPV cannot be used on hackney plate 401+
Citroen	Berlingo	<input type="checkbox"/>	Purpose Built	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	12/01/2016	Initially measured 08/12/2015.
Citroen	Berlingo	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Citroen	C4 Picasso	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Measured 22/05/2017 for 6 seats - NOT SUITABLE.
Citroen	C5	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	13/09/2005	
Citroen	C8	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6	6	Yes	04/04/2006	
Citroen	Dispatch	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4		No		Only suitable for 4 seats one in front 3 Bench seats
Citroen	Dispatch	<input type="checkbox"/>	Purpose Built	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		7	No		Conversion by Cab Direct
Citroen	Dispatch	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	7	7	Yes	03/11/2009	H/C approved for under 400 plate.
Citroen	Grand C4 Picasso/SpaceTourer	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	05/10/2010	Under 400 plate. Glass to be measured on vehicles. Measured 22/05/2017 for 6 seats - NOT SUITABLE.
Citroen	Le Cab Noir (Vagor)	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes			No		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Citroen	Taxi (SVA)	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes			No		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Dacia	Duster	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Door panels at widest point.
Dacia	Logan MCV	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Dodge	Journey	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Window tint is 22.5% on standard model. 70% on executive. ALL MODELS NEED TO BE MEASURED.

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
European	European (Commercial Ltd)	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes			No		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Fiat	Doblo	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		
Fiat	Doblo (High Roof Wheelchair Adapted)	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	08/06/2010	High roof wheelchair adapted with winch ramp.
Fiat	Ducato	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	05/08/2008	
Fiat	Eurocab	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		7	No		Purpose built (not complying with metropolitan conditions of fitness)
Fiat	Scudo	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes		
Fiat	Scudo Eurocab Jubilee Anniversary	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		7	Yes		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Ford	C-Max 5 Seat	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		
Ford	Express	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	5	5	No		Vehicle supplied by Flexicab. Vehicle cannot be black if used for private hire
Ford	Focus	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No	N/A	N/A	No		
Ford	Galaxy	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6		Yes	07/05/2013	
Ford	Journey	<input type="checkbox"/>	Purpose Built	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes			Yes		
Ford	Mondeo	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		CK15 GSV
Ford	Mondeo	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	08/02/2011	
Ford	Procab	<input type="checkbox"/>	Purpose Built	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	No	Yes			No		ALLIED - PURPOSE BUILT
Ford	S Max	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	04/08/2015	
Ford	Tourneo	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	7	7	Yes	14/03/2000	

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Ford	Tourneo Connect	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Space saver or aerosol inflation required. Interior grab handles to be fitted to rear pass. doors.
Ford	Transit	<input type="checkbox"/>	Minibus	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	7		Yes		Vehicle must be inspected by a Licensing Officer to ascertain how many seats it can be licensed for
Honda	Accord	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	08/06/2010	
Honda	Civic Hybrid	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Honda	CRV	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Only suitable for Hackney on 400 plate or under.
Honda	Insight	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No		4	No		Knee room inadequate. Tinted glass.
Hyundai	i20	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		
Hyundai	i30	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4		No		Private Hire or Hackney under 400.
Hyundai	i40	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Hyundai	Ioniq	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Hyundai	ix 35	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		Not suitable.
Hyundai	Matrix	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	07/04/2009	
Jaguar	X Type	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	05/10/2010	
Jaguar	XF	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	04/02/2014	
Jaguar	XJ	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	03/04/2012	H/C under 400 plate Includes XJ L (LWB) Variant
Kia	Ceed	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		H/C under 400 plate.
Kia	Magentis	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	04/09/2002	Approved as Prestige Vehicle on 4/9/2002

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Kia	Niro 2	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No	4	4	No		Not suitable all rear side and back windows failed tint.
Kia	Optima	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Kia	Sedona	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6	N/A	Yes	04/08/2015	Approved for 6 seats provided seats are realigned to create an aisle between the two middle seats. Refused for prestige a second time on 08/11/2005
LDV	Maxus	<input type="checkbox"/>	Minibus	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	No			Yes	06/04/2014	Vehicle will need to be checked by an officer to establish seating configuration.
Lexus	IS	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		
Lexus	IS F	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	Yes	Yes	3	3	No		H/C under 400 plate.
Lexus	FX4	<input type="checkbox"/>	Purpose Built	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	No	Yes	N/A	5	Yes		
Lexus	TX1 / TX2	<input type="checkbox"/>	Purpose Built	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	No	Yes	N/A	5	Yes	06/07/1999	Aimed to 6 seats providing front seat fitted.
Mazda	6	<input type="checkbox"/>	Saloon	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4		Yes		H/C up to 400 plate.
Mercedes	200 CLS Shooting Brake	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No	4	4	No		
Mercedes	A Class	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		
Mercedes	C Class	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	04/07/2000	
Mercedes	CLS	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		Not suitable.
Mercedes	E Class	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	06/08/2002	All Mercedes 'E' Class vehicles now approved as prestige vehicles
Mercedes	Euro Cab	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		7	Yes	06/07/1999	Approved as a purpose built vehicle.
Mercedes	GL	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	No	4	n/a	Yes	12/01/2016	

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Mercedes	M8	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes		
Mercedes	M8 (Cabs Direct)	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes			No		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Mercedes	S Class	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	07/11/2006	
Mercedes	Sprinter	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	No			Yes	06/01/2015	Medium/Long Wheel Base. School contracts and PH only, not HC
Mercedes	Traveliner 113	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			No		Seating numbers and configuration to be checked by Licensing Officer
Mercedes	'V' Class	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes		7	Yes	06/08/2002	All Mercedes 'V' Class People Carriers now approved as Prestige vehicles
Mercedes	Viano	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes		Seating numbers and configuration to be checked by Licensing Officer
Mercedes	Viano	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes		Seating numbers and configuration to be checked by Licensing Officer
Mercedes	Vito 109	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	7	7	Yes	10/05/2011	Seating numbers and configuration to be checked by Licensing Officer
Mercedes	Vito 109	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6/7		No		Seating numbers and configuration to be checked by Licensing Officer
Mercedes	Vito Taxi	<input type="checkbox"/>	Purpose Built	<input type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes	7	7	No		Seating numbers and configuration to be checked by Licensing Officer
Mercedes	Vito Tourer 114	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	No			No		Seating numbers and configuration to be checked by Licensing Officer
Mercedes	Vito Traveliner	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6/7		Yes	05/07/2005	Seating numbers and configuration to be checked by Licensing Officer
Metrocab	Metrocab	<input type="checkbox"/>	Purpose Built	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	No	Yes	N/A	7	Yes		
Nissan	Infiniti Q30	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		Not suitable.

<i>Make</i>	<i>Model</i>	<i>Model out of date?</i>	<i>Type of vehicle</i>	<i>Purpose Built</i>	<i>Purpose Built with MCF</i>	<i>Suitable for licensing</i>	<i>P/H</i>	<i>H/C</i>	<i>No of Seats - P/H</i>	<i>No of Seats - H/C</i>	<i>Prestige Vehicle</i>	<i>Licensing Committee Date</i>	<i>Additional Comments</i>
Nissan	Leaf	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	08/09/2015	Notes - Rear window @ 70% tint Lead @ 30% tint OK. TH
Nissan	Primaster	<input type="checkbox"/>	Purpose Built	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		8	No	04/10/2011	8 seats if two separate seats for front passengers.
Nissan	Qashqai	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	No	4	4	No		
Peugeot	407	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes		SALOON VEHICLE ONLY NOT ESTATE/MPV. SALOON OKAY. GLASS ON ESTATE/MPV TOO DARK.
Peugeot	5008	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Insufficient dimensions to allow auxiliary seats to be licensed.
Peugeot	508 Saloon	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	04/07/2017	
Peugeot	607	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4		Yes	08/01/2008	
Peugeot	807	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6		Yes		
Peugeot	Combi	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4		No		
Peugeot	E7	<input type="checkbox"/>	Purpose Built	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes		7	No	15/07/2003	Same as Euro 7 only with alterations to seatbelts, floor-space and disabled ramps Committee 18/05/2004 now approved as P/H - any colour except black
Peugeot	Euro 7	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		7	No	09/08/2000	Purpose Built Vehicle not complying with metropolitan conditions.
Peugeot	Euro 7 / E7 (Class Direct)	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		7	Yes		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Peugeot	Eurobus	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	7	6	Yes	11/02/2003	Note different seating approvals for Hackney Carriage and Private Hire ****LICENCE FOR P/H FOR 6 SEATS UNLESS CHECKED BY ALO FOR 7 SEATS****

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Peugeot	Eurobus (Cabs <input type="checkbox"/> Direct)	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		6	No		Can only be Licensed on plate number 482 or above.
Peugeot	European Taxi <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		7	No	09/09/2003	Conversion of the Peugeot Euro 7 by cmak.
Peugeot	Expert Combi <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6		No		
Peugeot	Le Cab Noir (Voyager MPV) <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes			No		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Peugeot	Partner <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	02/12/2014	
Peugeot	Partner (Premi <input type="checkbox"/>)	<input type="checkbox"/>	Purpose Built	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes			Yes	02/12/2014	
Peugeot	Taxi (SVA) <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		7	No		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Peugeot	Tepee <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	5/7	5/7	Yes		Under 400 - Officer to check number of seats depending on vehicle specification
Renault	Espace <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		2003 MODEL ONWARDS.
Renault	Laguna <input type="checkbox"/>	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No	09/03/1999	Refused prestige status
Renault	Master (CN04 <input type="checkbox"/> BF)	<input type="checkbox"/>	Minibus	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Yes	Yes	Yes	8	8	No		8 seats to be positioned as per diagram attached to paper record
Renault	Master (EU58 <input type="checkbox"/> BX)	<input type="checkbox"/>	Minibus	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	No	Yes	Yes	8	8	No		School Contract Vehicle (Index EU58 EBX) Seating as per diagram on paperwork.
Renault	Megane <input type="checkbox"/>	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Renault	Scenic <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Renault	Trafic Passeng <input type="checkbox"/>	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	7	7	No		Only 1 of the front passenger seats suitable for licensing

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Rolls Royce	Rolls Royce	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		No measurements or Committee date available at time of entry.
Saab	95	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	05/06/2007	2002 Model viewed and approved. 2005 Model also approved.
Seat	Alhambra	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6	6	Yes	04/07/2000	All Seat Alhambras approved with manufacturers 25% obscurity darkened glass
Seat	Leon	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Not prestige.
Seat	Toledo	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No	13/09/1997	Refused prestige status
Skoda	Octavia	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	11/09/1999	
Skoda	Rapid	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		
Skoda	Superb	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	15/10/2002	
Saangyong	Rodius	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	03/11/2009	Vehicle presented had darkened glass. Glass needs to be checked on all before licensing. Also H/C approved for under 400 plate.
Taxiworld	TW200 Taxi	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No	No	Yes			No		Vehicle must be less than 3 years old in order to be Licensed on plate number 482 and above.
Toyota	Auris / Auris Touring Sports	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		
Toyota	Avensis	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	05/08/2008	
Toyota	Previa	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6	n/a	Yes	13/09/2005	For model with sliding doors 2 No. bi-fold seats either side only.
Toyota	Prius Hybrid	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	06/08/2013	
Toyota	Prius Plus	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		Amended record from initial incorrect measurement taken 28/01/2016.

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Toyota	Proace Verso	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		Dark glass standard on this vehicle. Too dark.
Toyota	Verso	<input type="checkbox"/>	Mini MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		
Vauxhall	Insignia	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	08/03/2011	
Vauxhall	Vectra	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	07/06/2005	Model 2001 onwards
Vauxhall	Vivaro	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	7		No		7 seats for vehicle reg: BV08 KGE
Vauxhall	Vivaro	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6		No		
Vauxhall	Zafira	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	N/A	No	05/07/2005	Application for prestige status refused at Committee.
Volkswagen	Caddy	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6	6	No		Only suitable for H/C plates under 400
Volkswagen	Caddy Life	<input type="checkbox"/>	Purpose Built	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	5	5	Yes		4 seats plus wheelchair. PPC approval 10/1/12
Volkswagen	Caravelle	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4 or	N/A	Yes	10/05/1995	Vehicle must be inspected by a Licensing Officer to ascertain how many seats it can be licensed for
Volkswagen	Caravelle Unique Cab	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes	N/A	7	No	03/09/2002	To be licensed for 7 seats
Volkswagen	Eurocab Taxi (Mobile)	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes			No		
Volkswagen	Jetta	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No			No		Insufficient length between door panels
Volkswagen	Kudos	<input type="checkbox"/>	Purpose Built	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	No	Yes		5	Yes		purpose built only vehicle converted by Cab Direct. Licensed for 5 (4 passengers & wheelchair passenger)
Volkswagen	Passat	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	07/10/2008	2005 model onwards
Volkswagen	Passat CC	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	No	No	No	3	3	No		Not suitable for Licensing. Re-measured 03/01/2019 still unsuitable.

Make	Model	Model out of date?	Type of vehicle	Purpose Built	Purpose Built with MCF	Suitable for licensing	P/H	H/C	No of Seats - P/H	No of Seats - H/C	Prestige Vehicle	Licensing Committee Date	Additional Comments
Volkswagen	Passat Highline	<input type="checkbox"/>	TDI Blutec Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes		
Volkswagen	Sharan	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	6	6	Yes	09/07/2002	Licensed for 6 seats Amended to include as a H/C but not purpose built
Volkswagen	Sharan (Automotive Group)	<input type="checkbox"/>	MPV	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes		5	Yes		
Volkswagen	Touran	<input type="checkbox"/>		<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	06/01/2009	**vehicle presented had darkened glass.**
Volkswagen	Transporter	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes		Vehicle must be inspected by a Licensing Officer to ascertain how many seats it can be licensed for
Volkswagen	Transporter	<input type="checkbox"/>	Minibus	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes			Yes	11/02/2003	Vehicle must be inspected by a Licensing Officer to ascertain how many seats it can be licensed for
Volvo	S60	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4		Yes	01/07/2008	
Volvo	S80	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	10/05/2005	
Volvo	S90	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Very Nice Car.
Volvo	V40	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No	07/12/1999	Refused prestige status
Volvo	V50	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4		No		
Volvo	V70	<input type="checkbox"/>	Saloon/Estate	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	Yes	15/02/2000	S70 approved on 15/2/2000 is the Saloon version. V70 is the Estate version of the S70 and is identical.
Volvo	XC 60	<input type="checkbox"/>	MPV	<input type="checkbox"/>	<input type="checkbox"/>	Yes	Yes	Yes	4	4	No		Tint info on yellow register.

Mae'r dudalen hon yn wag yn fwriadol

Appendix C

Age/Emission Policy Guidelines



Emissions Standards

The Council is committed to improving air quality and reducing the amount of carbon dioxide, nitrogen oxide (NOx) and other harmful substances emitted to the atmosphere from motor vehicles. In order to achieve this it is vital that the most polluting vehicles are phased out of service whilst recognising that there is an impact on the use of natural resources to manufacture new ones. To this end, the life of vehicles used as hackney carriage and private hire vehicles will be time limited as follows and Exhaust emission standards will be continually reviewed with a view to making on-going improvements in air quality.

These policy guidelines apply to all applications for the grant of a hackney carriage/private hire vehicle licence, and for any vehicle that is replaced during a licence after **TBC**.

Fuel Type	Age for the grant of a new licence or for a replacement vehicle during a licence	12 month licence issued	6 month licence issued
Diesel/Petrol*	Must be under 5 years old and meet or exceed Euro 6 emission standards	Under 5 years old	5 years or older
Ultra Low Emission Vehicle (ULEV)	Must be under 5 years old	Under 5 years old	5 years or older

*This includes hybrid vehicles

**Other alternative fuels will be considered, however, they will be required to meet the equivalent of the Euro 6 emission standard.

Mae'r dudalen hon yn wag yn fwriadol

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 5 March 2019

Report of the Head of Shared Regulatory Services

**NATIONAL REGISTER OF TAXI LICENCE REVOCATIONS & REFUSALS
(NR3)**

1. Background

- 1.1 The Local Government Association (LGA) has commissioned the development of a national register of hackney carriage/private hire driver licence refusals and revocations. The aim is to assist local authorities in determining whether applicant's are 'fit and proper' to obtain a licence.
- 1.2 This report is to advise the Committee of the functionality of the register and to approve the update of the Taxi Licensing Policy, and Fitness Criteria for Drivers and Operators to reflect the use of the register.

2. Details.

- 2.1 The National Register of Taxi Licence Revocations and Refusals (NR3) is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage/private hire driver's licence revoked, or an application for one refused. The register is hosted by National Anti-Fraud Network (NAFN). The NAFN and LGA guidance on the use adoption of the NR3 register is detailed in Appendix A.
- 2.2 Until the establishment of the register, unless disclosed by the applicant, the Licensing Authority had no consistent way of knowing if that applicant had previously been refused or revoked by another Licensing Authority. This means in determining whether an applicant is a 'fit and proper' person to hold a licence, vital information in the interest of public safety could have been missed.
- 2.3 For example if a driver was revoked by a local authority following a complaint about inappropriate behaviour towards a passenger, that driver could apply for a licence with another licensing authority. If the driver failed to disclose the revocation to the new licensing authority, they would not know that the applicant had been considered unfit to hold a licence by another authority and would have no knowledge of his previous behaviour.
- 2.3 It is envisaged that the NR3 register will provide a consistent approach towards licensing, increase confidence in the suitability of applicants, and potentially

increase public safety through assisting the refusal of unsuitable applicants to the taxi/private hire trade.

3. **NR3 Process**

- 3.1 When a grant or renewal application for a hackney carriage/private hire driver's licence is received, Licensing Authority officers will undertake a search of the NR3 register.
- 3.2 If the search concludes a positive result on the register, a request will be made to the local authority that made the entry for further information to determine the applicant's suitability.
- 3.3. The Shared Regulatory Service will retain records of all searches conducted on the NR3 register and a separate record will be made of all requests for information from other local authorities.
- 3.4 All new application forms will be amended to reflect the use of the NR3 register, and anyone added to the register will be informed in writing.
- 3.5 A draft policy on the use of NR3 is detailed in Appendix B. The text to be added to Cardiff's Taxi Licensing Policy and Fitness Criteria for Drivers and Operators is detailed in Appendix C.

4. **Consultation**

- 4.1 The trade consultation procedure was undertaken in accordance with the consultation procedure on any policy matters. The draft reports intended for consideration were made available at the licensing offices for any interested party to provide written submissions.

5. **Achievability**

This report contains no equality personnel or property implications.

6. **Legal Implications**

- 6.1 As the NR3 Register will involve the processing of personal data, the General Data Protection Regulation and Data Protection Act 2018 principles will need to be followed.
The Vale of Glamorgan act as the Data Controller in respect of the Shared Regulatory Service on behalf of each of the Licencing Authorities and they will be responsible for ensuring controls are in place for compliance with the DPA 2018.

A Data Protection Impact Assessment will be undertaken by the Shared Regulatory Service, assisted by all Licensing Authorities to ensure all controls and assurance required for compliance with its legislative responsibilities are met.

7. Financial Implications.

- 7.1 The council is already an existing member of NAFN, therefore there will be no additional cost associated with the adoption of the NR3 Register.
- 7.2 The small additional costs incurred in the administration of the register can be recovered in the hackney carriage/private hire driver's licence fee. The use of the register does not require any additional resource for the Licensing section.

8. Recommendation

- 8.1 It is recommended that the Committee determine the following:
- a) The use of the NR3 register, and if approved:
 - b) The NR3 Policy detailed in Appendix B
 - c) The amendment to the Taxi Licensing Policy and Fitness Criteria for Drivers and Operators as detailed in Appendix C

9. Reason for Recommendation

- 9.1 For many years local authorities have lobbied for a national database of taxi drivers in the interests of public safety. This register of refusals and revocations goes some way to address the public safety concerns raised by local authorities, especially with the increased prevalence of cross border hire.
- 9.2 Failure to adopt the NR3 Register may lead to a reputational risk to the authority for not following the LGA Guidance.
- 9.3 There is also the risk that Cardiff may grant a licence to an applicant who has been deemed unsuitable by another local authority, which could potentially have an impact on public safety.

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

15 January 2019

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers: None

Mae'r dudalen hon yn wag yn fwriadol



Guidance on adopting the National Register of Taxi Licence Revocations & Refusals (NR3)

Contents

1. Background
2. Objective of NR3
3. Voluntary disclosure of previous licensing history
4. NR3 - an overview
 - 4.1. Accessing the register
 - 4.2. Register functionality
 - 4.3. Historic data migration
5. Updating licensing processes and procedures
 - 5.1. Informing applicants of the NR3 register
 - 5.2. Adding details of a refusal or revocation
 - 5.3. Checking the register as part of the application and renewal process
 - 5.4. Acting on detailed disclosures
6. Complying with data protection requirements
 - 6.1. Updating the licensing policy, application forms and guidance
 - 6.2. Making existing licensees aware

Annex A – guidance on amendments to policies and forms

Annex B – suggested notification to existing licensees of NR3

Annex C - suggested notification to former licence holders or applicants whose details will be entered onto NR3

Annex D – Suggested template policy relating to requests for information, disclosure of information, and use of information as a result of an entry on NR3, including template disclosure form

1. Background

Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences¹ are 'fit and proper' to do so. This is done firstly during the determination of an application for a licence, and then at any time during the currency of a licence. For example when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.

The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities but there is widespread consensus on the need to increase consistency and set national minimum standards for the fit and proper test at a suitably high level. This would help prevent individuals who have had a licence revoked by one authority from simply going to another area and securing a licence - assuming the second authority was aware of the earlier revocation.

At the moment, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out. This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere. High profile instances of this happening have undermined public confidence in the safety of hackney carriages and PHVs, and left licensing authorities open to criticism for something that is currently very difficult for them to control.

In response to this issue, the Local Government Association (LGA) has commissioned the development of a national register of hackney carriage and PHV driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The new register will allow licensing authorities to record details of where a hackney carriage or PHV drivers' licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure. For the avoidance of doubt, NR3 does not extend to vehicle or operator licensing decisions.

This guidance note provides information on the steps that licensing authorities should take to ensure that they have the necessary supporting procedures in place to make use of the register. Specific user guidance and training materials on using the register will be published separately.

Important

Licensing authorities will be data controllers in relation to their processing of personal data in connection with NR3, including in relation to uploading information to NR3, consulting NR3, and disclosing or receiving information about individuals who appear on NR3. Licensing authorities are therefore strongly advised to work closely with their information governance and legal teams to assure themselves that they are taking the necessary steps to comply with data protection and other laws in regard to NR3.

¹ Throughout this document, this term includes dual or combined Hackney / PHV licences.

2. Objective of NR3

The simple objective of the national register is to ensure that authorities are able to take properly informed decisions on whether an applicant is fit and proper, in the knowledge that another authority has previously reached a negative view on the same applicant. This will be achieved by providing a mechanism for licensing authorities to be able to check whether an individual has had a licence refused or revoked. Whenever a licensing authority processes a new application for a hackney carriage/PHV driver's licence, or for a renewal, it should check the register at a suitably early stage of the process to confirm whether the applicant was subject to a previous licensing decision that they should be aware of.

Every application must always be considered on its own merits. A licensing authority must not fetter its decision-making, or appear to have simply relied upon the previous decision of another authority. The purpose of the register is not to mean that an applicant who has been refused a licence on one occasion will always be refused.

However, it will always be relevant for an authority to consider a previous refusal or revocation, and the reasons for that decision. That previous decision may in many cases warrant significant weight to be given to it. Licensing authorities will wish to think carefully about taking a different view to an earlier decision. Depending on the nature and context of the earlier decision, they may require strong and new evidence to support a different view, having regard to the representations of the applicant. Any authority will wish to have proper respect for the decision of a previous authority, having regard to the fact that a driver had the right of appeal to the Magistrates' Court against a decision which was wrong or flawed. Without this approach, the objectives of safeguarding and consistency – and the reputation of local government – will be undermined.

The register will not record suspensions of drivers' licences. This is for the following reasons:

- i. any suspension that was later lifted because the original information was false or unsubstantiated would have to be removed from the register, but any search during the period that the information remained in the register might prejudice a subsequent application
- ii. suspension should not be used as an interim step pending revocation. If the matter is serious enough to warrant a driver being prevented from driving, revocation should be the action taken²; and
- iii. where a suspension period is imposed as a short-term punishment for minor transgression, this should not influence a subsequent decision, as further serious non-compliance should lead to revocation³. Accordingly any pattern of unacceptable behaviour should be identified by revocations or refusals to renew, rather than by a recurring pattern of suspensions.

For these reasons, no records of suspension should be included, including migration of historic records relating to suspension.

² See *R (on the application of Singh) v Cardiff City Council (Admin)*, [2013] LLR 108 and *Reigate & Banstead Borough Council v Pawlowski* [2018] R.T.R. 10

³ Suspension as a punishment is permissible – see *R (on the application of Singh) v Cardiff City Council* [2013] LLR 108

3. Voluntary disclosure of previous licensing history

NR3 provides a mechanism for sharing information about an individual's previous licensing history if they have had a licence revoked or an application for one refused. Most licensing authorities already ask applicants to indicate on their application forms whether they have previously had a licence revoked or refused. With the introduction of NR3, authorities should ensure that the request for this information is clearly set out on the application form and accompanying guidance notes. Where an applicant fails to volunteer information that has been clearly requested but which is subsequently identified through NR3, this may in itself raise questions about the applicant's integrity and status as a fit and proper person.

4. NR3 - an overview

4.1. Accessing the register

The national register is hosted by the National Anti-Fraud Network (NAFN). Access to the register is only available to members of NAFN. Licensing authorities are encouraged to join up to NAFN and recover the cost of this through their taxi licence fees. NAFN can be contacted by email on general@nafn.gov.uk.

NAFN members will need to sign up specifically to the NR3 element of the NAFN database, which will allow access to the dedicated portal. This is a relatively straightforward process and can be done by contacting NAFN.

A relevant officer will need to be designated as a single point of contact (SPOC) as part of the registration process. Authorities which already use the NAFN system will already have an existing SPOC in place (or potentially multiple SPOCs for different areas of functionality), so consideration will need to be given to the interaction between existing NAFN contacts and the new NR3 functionality.

Once set up on the register, other officers will be able to create user accounts which will allow them to submit data or search the register, but these accounts will need to be verified/ approved by the SPOC. Consideration should be given to the number of officers that need to be set up with user accounts to enable them to use the register to search / input information.

Subscribing to the national register will require local authorities to sign up to data sharing and data processing agreements with NAFN. These agreements outline the necessary steps the authority will need to take to ensure compliance and will cover requirements under both the General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA).

4.2. Register functionality

The register has two basic elements of functionality; it enables authorities to record details of relevant drivers, and it enables them to undertake searches of the data held in the register.

Licensing authorities will be responsible for adding basic details of drivers who have had a licence revoked or an application for one refused. The intention is that when a licensing authority receives an application for a licence or a renewal, the applicant's details will be checked on the register to confirm that there is no record of them having being revoked or refused elsewhere.

Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy, but will not give a reason or explanation of why an action was taken. It will be up to individual authorities to follow up on any searches which come back with a match with the appropriate licensing authority, whose contact details will be included in the search result.

Details will be kept on the register for a period of 25 years, and local authorities will therefore need to ensure that their own information governance policies reflect this. The register has been developed to support public safety through the potential sharing of information that is relevant to consideration of whether an individual is a fit and proper person to hold a taxi licence. There will be instances where the basis for an individual's licence being revoked or refused is sufficiently serious as to remain relevant to a future taxi licence application however far in advance it is submitted; for example, where it concerns an issue of sexual misconduct in relation to a passenger. The data retention period for the register has therefore been set to reflect the potential gravity of some revocations and refusals, and the need for this information to be shared. However, as set out later in this document and in the supporting policy at Annex D, any information to be shared between authorities outside of the register must be shared on a proportionate and time limited basis, in accordance with the authority's policy for doing so. If an authority did not take a case specific approach but chose to share all data over the full retention period, this would be likely to be disproportionate and therefore unlawful.

Authorities will need to ensure that their information governance policies are updated to make reference to the NR3 retention period, the associated retention period for supporting taxi licence data, and the rationale for it.

4.3. Historic data migration

The first step once subscription to the register has been completed is to populate the register with historic data of licence revocations and refusals. To do this, licensing authorities will need to submit historic data via CSV file to NAFN. NAFN have provided a standard template to use to submit data.

The majority of licensing authorities will use an electronic licensing system, and therefore will be able to obtain extracts from their licensing systems which can then be cut and pasted into the spreadsheet. However, if authorities use a manual system to issue licenses, they will need to manually fill out the spreadsheet.

In order to comply with data protection law, there must be a point beyond which historic data will not be uploaded. It is difficult to determine what that should be. However as the retention period for data on the register is 25 years, this appears to an appropriate period. Accordingly no historic data more than 25 years old should be uploaded to the register. It is important to note here that the 25-year data retention period begins at the point at which a licence was refused or revoked, rather than the date when the data was uploaded to the register.

Crucially, it is vital to ensure that any historic data which is uploaded by a licensing authority has not been retained in contravention of that authority's own retention policy. It is accepted that this may lead to differing ages of historic data being uploaded, but that is unavoidable to ensure compliance with data protection law.

Before any historic data is uploaded, the authority must write to those individuals who the data concerns stating that the data will be uploaded at a future date, which should be a

period of not less than 28 days. Individuals should be informed about the purposes of the data processing, the legal basis for it, and their various rights to object in regard to this.

Although the letters do not specifically need to invite representations about the proposal, any representations that are made in that period should be considered by the authority and data should only be uploaded where the authority feels that it is fair and appropriate to do so. This will not prevent historic data being uploaded, but will ensure that where data is held which may be uploaded, there is an opportunity for the authority to reconsider whether that is the correct action to take. A template letter for contacting former licence holders is attached at Annex C.

Once historic data has been submitted, any new revocations or refusals will need to be entered onto the NAFN register portal by a licensing officer as and when decisions are taken.

5. Updating licensing processes and procedures

Using the register will necessitate some key changes to the way applications and renewals are processed and information recorded.

5.1. Informing applicants of the NR3 register

Applicants must be informed of the existence of the NR3 register and that it will be consulted in connection with their application (and subsequent applications to renew licences).

They must also be informed that their personal data will be placed on the register if at any time their licence is revoked or renewal is refused.

Licensing authorities in receipt of applications must ensure that applicants are given the contact details of the data protection officer for the licensing authority, contact details for NAFN, and are advised of the fact that the information can be retained for up to 25 years (which is the retention period) and the fact they have a right to lodge a complaint with the Information Commissioner, together with the contact details for the Information Commissioner. It is suggested that this information is included in the privacy information provided to individuals when they apply for a licence. This is discussed further in 6.1.

5.2. Adding details of a refusal or revocation

When an application for a licence is refused, or an existing licence is revoked, authorities will need to enter this information onto NR3. It will be important to ensure that authorities only enter refusals that have genuinely been considered and refused; NR3 is not intended to capture details of incomplete applications which an authority does not process. The key point is that a decision has been taken because there is evidence that an individual is not a fit and proper person to hold a licence.

Entering this information will be a simple and quick step, as only a limited amount of information will be added to the register: the individual's details; the date of the decision; the date it takes effect; and the decision taken – but not the reason for the decision.

Several authorities have reported that individuals who have had a licence revoked have previously moved very quickly to try to gain a licence elsewhere. It will therefore be important that authorities are prompt in adding the details of refusals or revocations to the register, so

that the information is available in the event that an individual does seek to secure a licence from another authority.

Authorities should ensure that they include the entries onto NR3 in their authority wide records of their data processing activities.

5.3. Checking the register as part of the application and renewal process

The second process change will relate to applications for hackney carriage/ PHV driver licences. Licensing authorities will also wish to check the register when they undertake licence renewals; firstly to confirm any historic information that may have been added in respect of one of their licensees, but also because it is possible that some drivers may hold more than one licence, and could therefore have one revoked in another area.⁴

This in itself is a two-stage process: stage one is the checking of the register; stage two is making a request to the authority that uploaded the information to the register for details of the revocation or refusal.

Once signed up to the register, licensing authorities will need to ensure that they check the details of new applicants on the register, to identify whether they have a previous licensing history (which may or may not have been disclosed on an application). Individual authorities will need to determine the appropriate point in their application process at which to check the register; however, it is suggested that this is done at a very early stage so that the authority can process the application with the knowledge of any previous history, if the applicant has one.

Guidance on using the register will set out the search parameters that authorities can use. It has been recognised throughout the process that individuals may use different names or provide different details to different authorities - perhaps in an attempt to avoid association with any previous issues – and searches should therefore take this into account.

If a search of the register does not indicate that an applicant has any previous history the authority should be aware of, then the authority should continue to process the application as normal. A negative search result will not, of course, mean that the applicant is a fit and proper person; that will be for the authority to assess in the usual way.

If a search does indicate a possible match on the register, then the authority will need to move on to stage two and seek further information. The register will indicate which authority has entered a possible match, and provide contact details for that authority.

It is suggested that an authority seeking information from another authority about an entry on the register should make a request in writing for the information on which the decision recorded in the register was based (a suggested form is included at the end of Annex D). Authorities are encouraged to respond to such requests as soon as possible, and ideally within 10 working days of receiving a request.

⁴ The growth of app-based models and sub-contracting changes introduced by the Deregulation Act have both facilitated increased 'out of area' working, and may therefore make it less likely that in the future, under the existing framework, a driver would hold more than one licence.

The sharing between licensing authorities of this more detailed data - which may often involve the processing of special category personal data⁵ - is not included within the data processing and data sharing agreements governing use of the register itself. Any authority which shares information in response to a request, and any authority which receives information having made a request, must have in place a clear and published policy which governs its approach to the circumstances in which it will share, receive and use information of this type. It must be recognised that information will not be shared following every request. The authority that receives the request must consider whether it is actually proportionate to share this information, and ensure that disclosures are not arbitrary. This must also be detailed in their policy document. Having such a policy is a requirement of data protection law, Article 8 of the European Convention on Human Rights and of public law.

If such a policy is in place which properly differentiates between circumstances, both authorities will be entitled to rely on processing conditions under Article 6(1)(e) and, in cases of special category data, Articles 9 and 10 GDPR⁶. Licensing authorities will need to satisfy themselves that they have followed the appropriate processes in sharing this more detailed data.

The authority that receives the request must consider what information, if any, to reveal to the requesting authority. This is not intended to undermine the effects of the register: it is essential to ensure that disclosures are compatible with the Data Protection Act, the General Data Protection Regulations, and the Human Rights Act. In making its decision the authority must consider the nature and seriousness of the conduct which led to the revocation or refusal to renew, and the time that has elapsed since the decision was made.

This will require not only a clear published policy, but also a decision-maker who has sufficient training and knowledge of the requirements to enable him/her to make an informed decision regarding disclosure.

It is suggested that where the time that has elapsed since the revocation or failure to renew exceeds the time limits relating to the particular conduct that are contained in the Institute of Licensing's "Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades"⁷, serious consideration should be given as to whether or not the information should be revealed.

A suggested template policy is attached at Annex D.

To ensure compliance with article 30 of the GDPR, the authority must maintain a clear written record of every disclosure made following a search of the register. This should be a separate document, and it is not sufficient to simply mark an existing register of licences.

⁵ Special category personal data is sensitive data that could reveal someone's racial or ethnic origin, political opinions, religious beliefs, trade union membership, and data concerning health or sex life.

⁶ Found in Parts 1, 2 and 3 of the DPA 2018.

⁷

[https://cplresourcestorage.blob.core.windows.net/documents/226798_Guidance%20on%20Suitability%20ONLINE%20PDF%20\(2\).pdf?sv=2013-08-15&sr=b&sig=sLMffzDNvtMihhMQ2xu1vOIUEQbD1n05TTY%2BrDTv9UM%3D&st=2018-07-17T14%3A28%3A32Z&se=2018-07-17T14%3A34%3A32Z&sp=r](https://cplresourcestorage.blob.core.windows.net/documents/226798_Guidance%20on%20Suitability%20ONLINE%20PDF%20(2).pdf?sv=2013-08-15&sr=b&sig=sLMffzDNvtMihhMQ2xu1vOIUEQbD1n05TTY%2BrDTv9UM%3D&st=2018-07-17T14%3A28%3A32Z&se=2018-07-17T14%3A34%3A32Z&sp=r)

The document must include the fact that disclosure was made, but not specify the contents of that disclosure.

5.4. Acting on detailed disclosures

The licensing authority that receives a disclosure under stage two must then act upon it. As detailed above, the information may warrant significant weight being attached to it, but it is vital authorities do not use evidence of a previous refusal or revocation as the sole basis for their current decision.

To ensure compliance with article 30 of the GDPR, the authority must maintain a clear written record of the action that is taken following the receipt of information from the register. This should be a separate document, and it is not sufficient to simply mark an existing register of licences.

6. Complying with data protection requirements

Licensing authorities will need to ensure that any individuals whose data is uploaded or entered onto NR3 is made aware of this: it is a legal requirement that data subjects must be made aware of the collection, storage and use of their personal data via a privacy notice.

In relation to NR3, the following details must be included in a privacy notice:

- The name and contact details of the licensing authority.
- The contact details of the authority's data protection officer.
- The purpose of the processing.
- The lawful basis for the processing.
- The recipients or categories of recipients of the personal data.
- The retention periods for the personal data.
- The rights available to individuals in respect of the processing.
- The right to lodge a complaint with a supervisory authority.

For current licensees or applicants, authorities should ensure that information about NR3 is included in:

- licensing policies
- application forms
- correspondence to named individuals that confirms that a licence has been revoked, or that an application for a licence has been refused.

These should fulfil the requirements for privacy notices, and suggested wording is provided in Annexes A and B.

Authorities will also need to ensure that they inform individuals in respect of whom a historic decision has been entered onto the register. Again, this correspondence should fulfil the legal requirements for privacy notices, and the LGA has developed a template letter that licensing authorities may wish to use for this purpose (Annex C).

Individuals whose details are contained on the register may submit a 'subject access request' (SAR) seeking copies of their details from the register at any point. **Full details of the process, mechanism and suggested point of contact for submitting a SAR must therefore be included within each local authority's policy, and also contained within application forms and supporting documentation when a licence is issued.** Should a SAR be received by an individual licensing authority, it should be dealt with as per the relevant authority's process. Licensing authorities, as the data controller, will need to liaise with NAFN, as the data processor, to fulfil SARs.

Licensing authorities will need to ensure that anyone whose details are included on NR3 is aware of their rights in relation to their data. In addition to the right to being informed, under the Data Protection Act, data subjects may have other rights in relation to the processing of their data. Various of these rights will apply in relation to the NR3, including: the right to object, the right to request access to data; the right to rectification or erasure of data, and the right to restrict processing of data.

It is important to note that although data subjects have the right to make these requests, the licensing authority does not have to agree to them. The fact that NR3 has been deemed necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller makes it very unlikely that an authority would agree to these rights, other than the rights to access individual data on the NR3 and the rectification of data where an error has been made. However, authorities will need to respond to these requests within thirty days, setting out their decision.

6.1. Updating the licensing policy, application forms and guidance

Licensing authorities will therefore need to update their hackney carriage / PHV licensing policies to reflect the use of the register and the new processes arising from it, including that relevant information on the register will in future be part of the process for assessing licence applications and whether an individual is a fit and proper person.

Authorities will similarly need to update their application forms and related paperwork (such as guidance notes) to make it clear that:

- all applicants will have their details checked against the register, and any relevant information taken into account in assessing the application
- where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.

These statements should provide assurance that this information will be processed in accordance with the DPA and GDPR. Suggested forms of words are included at Annex A.

Where an authority decides to refuse or revoke a hackney carriage / PHV licence (the first authority), the decision notice should refer to the authority's earlier notification in guidance and on application forms that the decision will be entered onto NR3. It should also make clear that if the individual makes an application to another licensing authority (the second authority) for a drivers' licence at a later date, the second authority will check the register, and the details of the refusal or revocation may be provided to them by the first authority, in line with their policy for disclosing information.

6.2. Making existing licensees aware

As well as new applicants, you will also need to make existing licensees aware of the fact that the authority has signed up to the register, and that if their licence is subsequently revoked or not renewed, this will be recorded. A suggested form of words is included at Annex B.

Annex A – guidance on amendments to policies and forms

Authorities will need to update their application forms and related paperwork (such as guidance notes) to make it clear that:

- all applicants will have their details checked against the register, and any relevant information taken into account in assessing the application
- where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.

The statements included in forms and guidance should provide assurance that this information will be processed in accordance with the DPA and GDPR. Critically, it should also make clear that there is a lawful basis for processing the data, which is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

Where an authority decides to refuse or revoke a hackney carriage / PHV licence, the decision notice should refer to the authority's earlier notification in guidance and on application forms that the decision will now be entered onto the national register.

I. Suggested form of additional wording for licensing policy document and application paperwork

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) 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 licence

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

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

- date of decision
- date decision effective

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

This is a mandatory part of [applying for] [being granted], a hackney carriage / 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 NR3, and about the use it will make of any further information provided to it. You can read that policy at [link / set out separately].

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 NR3 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 NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [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: <https://ico.org.uk/make-a-complaint/>

II. Suggested form of additional wording for decision letter concerning refusal of an application

In accordance with [insert appropriate reference to policy document or application paperwork explaining membership and implications of NR3], the decision to refuse your application will be entered onto the National Register of Taxi Licence Refusals and Revocations (NR3). The information entered onto NR3 will be limited to you:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken (but not the reason for it)
- date of decision
- the date the decision took effect.

This information will be processed and shared in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR), and 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 licence.

Recording this information on NR3 does not mean that you will be automatically prevented from securing a licence in future, but is intended simply to ensure that licensing authorities

are able to access your full licensing history should you make further licence applications elsewhere. Information will be held on the register for 25 years. If during that time another authority requests further details relating to this decision because you have applied to it for a licence, we may provide our reasons for the refusal of this application, in accordance with our policy at [details/link].

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

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

You always have the right to make a complaint to the Information Commissioner's Office.

III. Suggested form of additional wording for decision letter concerning revocation

In accordance with [insert appropriate reference to policy document / application paperwork / letter to existing licence holders explaining membership and implications of NR3], the decision to revoke your licence will be entered onto the National Register of Refusals and Revocations (NR3). The information entered onto NR3 will be limited to your:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken (but not the reason for it)
- date of decision
- the date the decision took effect.

This information will be processed and shared in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR), and 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 licence.

Recording this information on NR3 does not mean that you will be automatically prevented from securing a licence, but is intended simply to ensure that licensing authorities are able to access your full licensing history should you make further licence applications elsewhere. Information will be held on the register for 25 years. If during that time another authority requests further details relating to this decision because you have applied to it for a licence, we will provide our reasons for the revocation of this licence in accordance with our policy at [details/link].

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and

the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

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

You always have the right to make a complaint to the Information Commissioner's Office.

Annex B – suggested notification to existing licensees of NR3

To all hackney carriage / PHV / dual [combined] licence holders

Dear licensee

National Register of Taxi Licence Refusals and Revocations

I am writing to make you aware of a new initiative which X authority is involved in to help strengthen hackney carriage/ Private Hire Vehicle (PHV) licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

As you may be aware, the Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Taxi Licence Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN). The intention of this is to prevent drivers who have had a hackney carriage or PHV licence revoked or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in the hackney carriage and PHV trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or PHV licence revoked or an application for one refused. The development of NR3 has been welcomed by all sections of the taxi trade, safety groups and charities, the Department for Transport and by licensing authorities.

From [insert date], this authority will begin using the NR3. This means that from that point:

- Applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3.
- Where an existing licence is revoked or an application for renewal or a new licence is refused, this will be recorded on NR3.

This authority, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of 25 years. Any relevant data entered onto NR3 which relates to existing licence holders may be considered as part of future renewal processes.

The information recorded on NR3 will be limited to your:

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

Information will be retained on NR3 for 25 years.

Where an applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to your record will be responded to in accordance with the authority's published policy at [details/link]. Licensing authorities will still be required to consider each application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it 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 licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at [contact details].

You always have the right to make a complaint to the Information Commissioner's Office.

Yours sincerely

Licensing authority

Frequently asked questions

Why has the register been set up?

NR3 has been developed to improve public safety and confidence in hackney carriage and PHV licensing. There have been numerous high profile cases where drivers who have been refused licences or had a licence revoked in one area have gone to another area and received a licence in that area by failing to disclose their previous history. This undermines public safety, if there are legitimate reasons why a licence was refused or revoked, and damages confidence in the hackney carriage / PHV licensing regime and trade. This is why the initiative has been widely supported by reputable drivers and firms, as it will provide a mechanism for ensuring information about refusals and revocations can be shared between all licensing authorities in a safe and secure way, removing this potential loophole.

How will the register work – what information will be recorded?

When an authority revokes a licence, or refuses an application for one, it will record this information on NR3. The information recorded 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

Licensing authorities will then search the register when they are processing new applications or renewals. Where an authority finds a match for their applicant on NR3, it will contact the licensing authority that recorded the entry to seek more information, which, if shared, will then be used to help reach a decision on the application.

Will I automatically be refused a licence if I am on the register?

No. Licensing authorities are legally required to consider each licence application on its own merits, and cannot refuse an application simply because an applicant may be recorded on NR3. The purpose of NR3 is to ensure that authorities have the full information necessary to help them reach a decision on whether an individual is fit and proper. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.

What if my licence is suspended?

Suspensions of licences will not be recorded on NR3. This is because suspension should be used as either a short-term punishment or to overcome a short-term situation (e.g. driving or medical issues). Where a driver is no longer considered to be a fit and proper person to hold a licence, the licence should be revoked.

Can I find out if my details are on the NR3?

Individuals whose details are added to NR3 will be notified of this at the point at which they are advised of the decision to refuse or revoke a licence.

Outside of these times, an individual can make a subject access request (SAR) for any of their personal data held on NR3. The 'data controller' in respect of this data is this licensing authority, to whom a SAR should be submitted in the first instance. As the 'data processor', that is the organisation storing the data, the National Anti-Fraud Network will fulfil this request. Similarly, the exercise of any other rights provided under data protection legislation should be made to this authority in the first instance.

How long will details be held on NR3 for?

Data will be retained on the register to help licensing authorities fulfil their statutory duty to be satisfied that a person is a fit and proper person to hold a taxi or PHV licence. These duties are set out under sections 51, 59 and 61 of the Local Government (Miscellaneous Provisions) Act 1976; sections 13, 16 and 17 of the Private Hire Vehicles (London) Act 1998; section 3 of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003; sections 25 and 30 of the London Cab Order 1934; sections 9 and 19 of the Plymouth City Council Act 1975 and section 46 of the Town Police Clauses Act 1847. In accordance with this purpose, data will remain on NR3 for 25 years.

Annex C - suggested notification to former licence holders or applicants whose details will be entered onto NR3

Dear XXX

National Register of Refusals and Revocations

I am writing to make you aware of a new initiative which X authority is involved in to help strengthen hackney carriage / Private Hire Vehicle (PHV) licensing for the benefit of both passengers and responsible hackney carriage and PHV drivers.

The Local Government Association (LGA), the representative body for local councils, has commissioned a new National Register of Refusals and Revocations (NR3). The register will be hosted by the National Anti-Fraud Network (NAFN). The intention of this is to prevent drivers who have had a hackney carriage or PHV licence revoked or an application for one refused, going to another authority to dishonestly secure a licence by failing to disclose their previous licensing history.

Instances of drivers doing this in the past have undermined public confidence in both the hackney carriage and PHV trade and licensing authorities. The purpose of the NR3 initiative is therefore to provide a mechanism for licensing authorities to share details of individuals who have had a taxi or PHV licence revoked or an application for one refused. The development of NR3 has been welcomed by all sections of the hackney carriage and PHV trade, safety groups and charities, the Department for Transport and by licensing authorities.

From [insert date], this authority will begin using the NR3. This means that from that point:

- applications for new hackney carriage/PHV licences and for renewals will be checked on the NR3
- where an existing licence is revoked, or an application for renewal or a new licence is refused, this will be recorded on NR3.

This authority, and other licensing authorities, will also be adding historic information on refusals and revocations of licences to the register. Historic data will not go back beyond the retention period of [25 years / the authority's own data retention period]. As part of this process, it is intended that the details of your previous [licence revocation / refusal] will be added to the register in 28 days' time.

The information recorded on NR3 in respect of your case is limited to:

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

Information will be retained on NR3 for 25 years.

Where an applicant's details are flagged on NR3 during a search, this will be followed up separately between the authorities. Any such request in relation to your record will be responded to in accordance with the authority's published policy at [details/link].

Licensing authorities will still be required to consider each application on its own merits, but the introduction of NR3 will help ensure that they are able to do so on the basis of all the information that is relevant to an application.

All data processing and sharing undertaken by this authority on the NR3, and with individual authorities in regard to entries on the NR3 will be undertaken in accordance with the Data Protection Act (DPA) and the General Data Protection Regulations (GDPR). The legal basis for processing this information is that it 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 licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

You have various rights in relation to your data: the right to request access to your data; the right to rectification or erasure of your data; the right to restrict processing of your data, and the right to object to the processing of your data for this purpose. The authority will consider any such requests and respond within one month.

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

You always have the right to make a complaint to the Information Commissioner's Office.

Yours sincerely

Licensing authority

Frequently asked questions

Why has the register been set up?

NR3 has been developed to improve public safety and confidence in taxi and PHV licensing. There have been numerous high profile cases where drivers who have been refused licences or had a licence revoked in one area have gone to another area and received a licence in another area by failing to disclose their previous history. This undermines public safety, if there are legitimate reasons why a licence was refused or revoked, and damages confidence in the hackney carriage / PHV licensing regime and trade. This is why the initiative has been widely supported by reputable drivers and firms, as it will provide a mechanism for ensuring information about refusals and revocations can be shared between all licensing authorities in a safe and secure way, removing this potential loophole.

How will the register work – what information will be recorded?

When an authority revokes a licence, or refuses an application for one, it will record this information on NR3. The information recorded 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.

Licensing authorities will then search the register when they are processing new applications or renewals. Where an authority finds a match for their applicant on NR3, it will contact the licensing authority that recorded the entry to seek more information, which, if shared, will then be used to help reach a decision on the application.

Will I automatically be refused a licence if I am on the register?

No. Licensing authorities are legally required to consider each licence application on its own merits, and cannot refuse an application simply because an applicant may be recorded on NR3. The purpose of NR3 is to ensure that authorities have the full information necessary to help them reach a decision on whether an individual is fit and proper. If circumstances have materially changed since the decision that has been recorded on NR3, it may be appropriate for another authority to award a licence.

Can I find out if my details are on the NR3?

Individuals whose details are added to NR3 will be notified of this at the point at which they are advised of the decision to refuse or revoke a licence.

Outside of these times, an individual can make a subject access request (SAR) for any of their personal data held on NR3. The 'data controller' in respect of this data is this licensing authority, to whom a SAR should be submitted in the first instance. As the 'data processor', that is the organization storing the data, the National Anti-Fraud Network will fulfil this request. Similarly, the exercise of any other rights provided under data protection legislation should be made to this authority in writing in the first instance.

How long will details be held on NR3 for?

Data will be retained on the register to help licensing authorities fulfil their statutory duty to be satisfied that a person is a fit and proper person to hold a taxi or PHV licence. These duties are set out under sections 51, 59 and 61 of the Local Government (Miscellaneous Provisions) Act 1976; sections 13, 16 and 17 of the Private Hire Vehicles (London) Act 1998; section 3 of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003; sections 25 and 30 of the London Cab Order 1934; sections 9 and 19 of the Plymouth City Council Act 1975 and section 46 of the Town Police Clauses Act 1847. In accordance with this purpose, data will remain on NR3 for 25 years.

Annex D – Suggested template policy relating to requests for information, disclosure of information, and use of information as a result of an entry on NR3

Once an authority has signed up to the NR3, it is able to search the register when an application is received for a new drivers licence, or to renew an existing drivers licence. In this annex, the searching authority is referred to as ‘the second authority.’

If a match is found, then a request can be made to the authority that entered the information onto the NR3 (in this annex, this authority is referred to as ‘the first authority’) asking for more details of the revocation or refusal of a drivers’ licence by the first authority.

The first authority can then provide information to the second authority, enabling the second authority to take the earlier action into account and make an informed decision as to whether or not the licence should be granted or renewed.

To comply with the Data Protection Act, the General Data Protection Regulations, and the Human Rights Act, it is essential that the first authority which provides information about entries on the NR3 register, and the second authority that requests and receives such information, have a clear policy detailing how and when such information will be requested, provided, and how any information provided can then be used.

This is a suggested policy to address those situations. As each authority that signs up to the NR3 may at some point be both the first authority and the second authority for the purposes of this policy, the policy is drafted as a chronological progression through the process an authority may work through as either the first or second authority.

Policy for **Council/TfL** in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the ‘first authority’ refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the ‘second authority’ refers to a licensing authority which is seeking more detailed information about the entry.

I. Overarching principles

This policy covers the use that this authority **Council/TfL** will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers’ licence⁸. This information is important in the context of a subsequent application to another authority for a drivers’ licence by a person who has had their licence refused or revoked in the past.

This authority **Council/TfL** has signed up to the NR3. This means that when an application for a taxi drivers’ licence is refused, or when an existing taxi drivers’ licence is revoked, that information will be placed upon the register.

⁸ Throughout this policy reference is made to ‘taxi drivers licence.’ This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority [Council/TfL] will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application⁹.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated¹⁰. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined¹¹.

The data will be held securely in accordance with this authority's [Council/TfL] general policy on the secure retention of personal data [which is available at...]. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's [Council/TfL] general policy on the erasure and destruction of personal data (which is available at....).

⁹ The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

¹⁰ Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

¹¹ Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim first arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

II. Making a request for further information regarding an entry on NR3¹²

When an application is made to this authority [Council/TfL] for the grant of a new, or renewal of, a taxi driver's licence, this authority [Council/TfL] will check the NR3.

This authority [Council/TfL] will make and then retain a clear written record¹³ of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If this authority [Council/TfL] discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's [Council/TfL] data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at appendix 1 of this policy. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

III. Responding to a request made for further information regarding an entry on NR3¹⁴

When this authority [Council/TfL] receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years¹⁵.

This authority [Council/TfL] will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

This authority [Council/TfL] will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that

¹² This section of the template policy relates to the submission of a request by the second authority.

¹³ This can be electronic, rather than "pen and paper" hard copy.

¹⁴ This section of the template policy relates to the handling by the first authority of a request for information by the second authority.

¹⁵ This record can be combined with the written record of the action taken as a result of the request.

if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If this authority [Council/TfL] is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed¹⁶. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority [Council/TfL] (the 1st authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

This authority [Council/TfL] will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within the Institute of Licensing's "*Guidance on Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades*"¹⁷ [or own policy if this differs]. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IoL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.

Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. This authority [Council/TfL] will make and then retain a clear written record¹⁸ of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
- if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
- if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

¹⁶ If the 1st authority is not satisfied that the 2nd authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1st authority and the 2nd authority.

¹⁷ Available at

<https://www.instituteoflicensing.org/NewsJobsArticle.aspx?NewsID=11318&NewsOrJob=news>

¹⁸ This can be electronic, rather than "pen and paper" hard copy.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

IV. Using any information obtained as a result of a request to another authority

When this authority [Council/TfL] receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications [insert reference to the [Council/TfL]'s policy for determining applications].

This authority [Council/TfL] will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority [Council/TfL] will make in relation to the application.

Appendix 1 - information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

(For completion by requestor authority)

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and

proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.

To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request is attached to this document/can be accessed at ??.

Signed:
Name:
Position:
Date.....

(For completion by providing authority)

Further information to support the decision recorded on NR3 in respect of the above named individual

Declaration by providing authority

The authority hereby confirms that it has conducted a data protection impact assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:
Name:
Position:
Date:

National Register of Taxi Licence Revocations and Refusals (NR3) Policy.

This policy covers the use that Cardiff Council as the Licensing Authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3) a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) 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 licence.

Licensing Authority officers are employed by the Shared Regulatory Service who act as the data controller in respect of the functions conducted on behalf of the Licensing Authority Cardiff Council. The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.

Throughout this policy reference is made to 'taxi drivers licence.' This generic term covers a hackney carriage drivers licence, a private hire drivers licence and a combined/dual licence.

Cardiff Council has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.

The information recorded on NR3 itself will be limited to:

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

Information will be retained on NR3 for a period of 25 years. The information will be held by the Shared Regulatory Service systems on behalf of the Licensing Authority. Data will be retained on the register to help the Licensing Authority fulfil it's statutory duty to be satisfied that a person is a fit and proper person to hold a taxi or PHV licence. These duties

are set out under sections 51, 59 and 61 of the Local Government (Miscellaneous Provisions) Act 1976; sections 13, 16 and 17 of the Private Hire Vehicles (London) Act 1998; section 3 of the Private Hire Vehicles (London PHV Driver's Licences) Regulations 2003; sections 25 and 30 of the London Cab Order 1934; sections 9 and 19 of the Plymouth City Council Act 1975 and section 46 of the Town Police Clauses Act 1847. In accordance with this purpose, data will remain on NR3 for 25 years

General principles

When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, Licensing Authority Officers will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.

For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with Shared Regulatory Services general policy on the secure retention of personal data on behalf of the Licensing Authority, further information can be found at:

https://www.valeofglamorgan.gov.uk/en/working/adult_and_community_learning/Get-Back-on-Track/Website-privacy-notice.aspx

At the end of the retention period, the data will be erased and/or destroyed in accordance with Shared Regulatory Services' general policy on the erasure and destruction of personal data.

Searching the NR3 for applicants

When an application is made to Cardiff Council for the grant of a new, or renewal of, a taxi driver's licence, the Council will check the NR3.

Licensing Authority Officers will make and then retain a clear written record of every search that is made of the register. This will detail:

- the date of the search;
- the name or names searched;
- the reason for the search (new application or renewal);
- the results of the search; and
- the use made of the results of the search (this information will be entered to the register at a later date).

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

If Licensing Authority Officers discover any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of Shared Regulatory Services' data protection policy in relation to the use of any data that is obtained as a result of this process.

This request will be made in writing in accordance with the form at Appendix 1 of this policy.

It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

Responding to a request made for further information regarding an entry on NR3

When the Licensing Authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

The Licensing Authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.

The Licensing Authority will consider any request under the terms of the Data Protection Act 2018 and will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.

If the Licensing Authority is satisfied that the other authority's (the 2nd authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed. This will be determined by an officer who has been trained to discharge this function.

Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but the Licensing Authority will not disclose information relating to every entry. Each application will be considered on its own merits.

Any information about convictions will be shared in accordance with this policy under part 2 of schedule 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.

The officer will record what action was taken and why. Licensing Authority Officers will make and then retain a clear written record of every decision that is made as a result of a request from another authority. This will detail:

- the date the request was received
- how the data protection impact assessment was conducted and its conclusions
- the name or names searched
- whether any information was provided
 - if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
 - if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
- how and when the decision (and any information) was communicated to the requesting authority.

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

Using any information obtained as a result of a request to another authority

When the Licensing Authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications.

The Licensing Authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).

Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that the Licensing Authority will make in relation to the application.

Appendix 1 - information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

Name of licensing authority requesting information:

Requestor authority reference number:

Name of licensing authority from which information is sought:

Name of individual in respect of whom the request is made:

Decision in respect of which the request is made: Refusal / revocation

Other details for this record:

Address:

Driving licence #:

NI #:

Reference number:

Declaration by requesting authority:

The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest.

The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Shared Regulatory Service retention policy relating to the provision of such information.

To enable the authority to conduct an assessment on disclosure, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed at

https://www.valeofglamorgan.gov.uk/en/working/adult_and_community_learning/Get-Back-on-Track/Website-privacy-notice.aspx

Signed:

Name:

Position:

Date.....

(For completion by providing authority) Further information to support the decision recorded on NR3 in respect of the above named individual

Declaration by providing authority

The authority hereby confirms that it has conducted an assessment.

It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.

The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements

Signed:

Name:

Position:

Date:

Mae'r dudalen hon yn wag yn fwriadol

National Register of Taxi Licence and Refusals and Revocations (NR3)

The licensing authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) 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 licence.

Therefore:

- Where a hackney carriage/ PHV licence is revoked, or an application for one refused, the authority will automatically record this decision on NR3.
- All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

The information recorded on NR3 itself will be limited to:

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

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

This is a mandatory part of applying for being granted, a hackney carriage / 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 NR3, and about the use it will make of any further information provided to it. You can read that policy at <https://www.cardiff.gov.uk/ENG/Business/Licences-and-permits/taxi-drivers/Pages/default.aspx>

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 NR3 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 NR3 data will be transferred out of the United Kingdom. If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the Shared Regulatory Services Data Protection Officer at DPO@valeofglamorgan.gov.uk This includes submitting a subject access request.

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

**CARDIFF COUNCIL
CYNGOR CAERDYDD**

Agenda No.

PUBLIC PROTECTION COMMITTEE: 5 March 2019

Report of the Head of Shared Regulatory Services

**WELSH GOVERNMENT CONSULTATION ON IMPROVING PUBLIC
TRANSPORT**

1. Background

- 1.1 As part of the new devolved settlement for Wales, introduced through the Wales Act 2017, the licensing of taxis, private hire vehicles, drivers and private hire operators became a matter within the legislative competence of the National Assembly for Wales.
- 1.2 Following on from consultations undertaken by the Law Commission from 2011-2014, and a Welsh Government consultation in 2017, the Welsh Government are considering proposals to reform the taxi and private hire licensing regime in Wales.
- 1.3 The Welsh Government published a White Paper on 10 December 2018 which outlined a number of proposals to legislate for reforming the planning and delivery of local bus services and licensing of taxis and private hire vehicles. This document also included a further consultation, by way of a questionnaire, on the proposed changes to the licensing framework. Part 2 of the White Paper is contained in Appendix A.
- 1.4 This purpose of this report is to provide details of the Welsh Government proposals for the licensing of taxis. Officers of the Shared Regulatory Service will provide a presentation to elected members at Committee to elicit views on the proposals.

2. Introduction

- 2.1 The Welsh Government is seeking views on proposals for reforming the planning and delivery of local bus services in Wales, together with the licensing of taxis and other private hire vehicles. Part 1 of the White Paper concerns bus services across Wales; this matter falls outside the remit of the Public Protection Committee. Consequently, a response to Part 1 of the consultation will be considered and submitted by the Cabinet.
- 2.2 Part 2 of the consultation concerns taxis and private hire vehicles (PHV) in Wales; those matters are reserved to the Public Protection Committee and are set out for consideration below.

National Standards

As a taxi or PHV can undertake pre-booked work outside of the area in which it is licensed, applicants may be incentivised to apply in an area where standards are lower and then operate in an area whose standards they do not meet (and where enforcement action cannot be taken against them).

The Welsh Government is proposing to confer a power on the Welsh Ministers to create national standards, which the licensing authority will have to have regard to when issuing licences. This will mean that all taxis and PHVs in Wales would need to meet a common set of standards in order to obtain a licence. These standards would subsequently be set by regulations and so there will need to be further consultation on their content if the proposal is agreed.

Enforcement

The law currently only allows local authorities to suspend, revoke or refuse to renew a licence that they have issued. Licensing officers cannot undertake enforcement against vehicles, drivers or operators licensed in another area. Due to the modern nature in which taxi and private hire vehicles operate, the Welsh Government is proposing to allow a licensing authority to take enforcement action against any vehicle operating in its area.

Information-sharing

As there is currently no legal requirement for local authorities to share information with one another which might assist them in their decision-making. For example, if a driver is refused a licence or has their licence suspended or revoked by one local authority, it can be difficult for the remaining twenty one local authorities to obtain that information. The Welsh Government is proposing to create a duty on the Welsh Ministers to create a database, or make other information-sharing arrangements, to ensure that relevant information can be shared for the purposes of safeguarding.

3 Joint Transport Authority

- 3.1 It is the view of the Welsh Government that the best way of underpinning improvement in all three of the above areas is to centralise the licensing regime. In order to achieve this they propose that the existing taxi and PHV licensing functions of the twenty two Welsh local authorities should be redirected to a single national licensing authority.
- 3.2 The Welsh Government are therefore seeking views on a further proposal to transfer all licensing functions which exist in law (including licencing, fee- and fare-setting, enforcement, hearing appeals arising from licensing decisions,

prosecutions and deciding matters such as whether to apply quantity controls to taxis) away from local authorities and into a Joint Transport Authority. This is referred to in the White Paper as Option A.

3.3 The Welsh Government recognise however the significant scale of Option A and the potential for unintended consequences. Therefore, the White Paper also outlines an alternative Option B; to introduce provisions to deal with the issues outlined in the three areas above, but to retain the current 22 Welsh licensing authorities.

3.4 The proposals outlined in this report are broad in nature and may be subject to further consultation.

4. Achievability

4.1 This report contains no equality personnel or property implications.

5. Legal Implications

5.1 The licensing of taxi and private hire services are now a devolved settlement for Wales, introduced through the Wales Act 2017.

6. Financial Implications.

6.1 There are no immediate financial implications arising directly from this report. However, should the Welsh Government decide to transfer the licensing of taxis away from the Council to a new Joint Transport authority, there may be financial consideration for the Council.

7. Recommendations

7.1 To note the contents of the report.

7.2 To authorise the Head of Shared Regulatory Services to draft a response to the consultation as regards taxi licensing, and incorporate that response into the full Cabinet reply.

8. Reasons for Recommendation

8.1 To provide the Committee with information on developments for public transport in Wales

Dave Holland
HEAD OF SHARED REGULATORY SERVICES

7 January 2019

This report has been prepared in accordance with procedures approved by Corporate Managers.

Background Papers:

The Law Commission - Taxi and Private Hire Services Report (May 2014)

Welsh Government Consultation Document - Taxi and Private Hire Vehicle Licensing In Wales (June 2017)

Welsh Government Consultation Document – Improving Public Transport (December 2018)

Part 2 – Taxis and private hire vehicles (PHV)

Introduction

- Taxi and PHVs are an essential aspect of the Welsh transport network. Taxis and PHVs operate, often in rural or remote areas, where delivering rail or scheduled bus services may be problematic, either because of local geography or because there isn't enough local demand to support regular scheduled services. Their point-to-point services can facilitate social inclusion for disabled people, and be a lifeline for those who do not own their own car. Even where an area is well-served by rail or bus during the day, taxis and PHVs may be the only form of transport available to the public during the night.
- As at 25 October 2018, there were approximately 5,000 taxis and 4,900 PHVs in Wales, and 12,000 licensed taxi and PHV drivers¹⁰. In 2011, Wales had the highest proportion of people (75.2%) outside of London commuting to work by car, taxi or motorcycle¹¹.
- However, the legislative framework which governs taxis and PHVs does not reflect the industry as it is today.
- Taxi and PHV definitions:
 - **Taxis** – traditionally known as hackney carriages, can pick up passengers from ranks and be hailed from the street. They can also undertake pre-booked work (by telephone, in person or via technology); and
 - **PHVs** can only undertake pre-booked work (by telephone, in person and increasingly via technology).
- Taxis and PHVs are a regulated but decentralised industry in Wales. A taxi cannot operate unless both the vehicle and its driver are licensed by a local authority under the Town Police Clauses Act 1847 (TPCA 1847). PHV vehicles, drivers and operators cannot operate without licences granted under the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976). These two Acts are the main pieces of legislation in this area.
- Following on from consultations undertaken by the Law Commission from 2011-2014, and a Welsh Government consultation in 2017, work has been underway to consider how we might reform the taxi and PHV licensing system in Wales. We have listened to feedback from passengers, local authorities, taxi drivers and interest groups about the current provision of services. It is common ground that the law is outdated and that change is needed.

¹⁰ <https://www.gov.uk/government/statistical-data-sets/taxi01-taxis-private-hire-vehilces-and-their-drivers> (last visited 12 November 2018).

¹¹ http://www.ons.gov.uk/ons/dcp171766_299766.pdf (last visited 13 November 2018).

What are the issues?

- The legislative framework which governs taxis and PHVs is based on a localised system (services being licensed to be provided within local authority borders), but that is at odds with modern technology and taxi and PHV working practices. When the legislation was enacted in 1847 and 1976, taxis were horse-drawn carriages and radio signals for PHVs were unlikely to reach beyond the licensing authority borders. The legislation envisaged people going to their local PHV office, or telephoning it by landline, in order to pre-book a car. In 2018, with the internet, mobile 'phones and smartphone apps, the picture is clearly very different. In practice, taxis and PHVs undertake pre-booked work outside of their licensing area. The legislation did not envisage this; it provided for standard-setting, enforcement, and safeguarding to take place only within a local authority's borders. The mismatch between the legislation and modern practice is evident in the following problems:
 - **Inconsistent standards** – where local authorities have different licencing standards resulting in different costs for operators and variable safety and quality standards for passengers;
 - **Enforcement** – there is no statutory mechanism for enforcement against vehicles licensed in a different local authority area from where an infringement has occurred; and
 - **Safeguarding** – the ability to obtain a licence in one authority and work in another presents a risk when local authorities do not have the means to share safeguarding information.
- For these reasons, there is a need for reform to develop a licensing framework that reflects current working practices.

What we want to achieve

- We consider that there are three areas that could be improved, to align the licensing system with the technological reality. We are not proposing to alter the current position on out-of-area working. Our proposals tackle the following three areas:
 - Proposal 1: the variation in taxi and PHV standards between the twenty two local authorities in Wales;
 - Proposal 2: the inability to take enforcement action against vehicles which are operating "out-of-area"; and
 - Proposal 3: the difficulty in sharing relevant safeguarding information.
- Our view is that the best way of underpinning improvement in all three areas is to centralise the licensing regime.
- Proposal 4: that the existing taxi and PHV licensing functions of the twenty two Welsh local authorities should be redirected to a single national licensing authority. That national authority would be the joint transport authority (JTA), which we have referred to previously in the context of our proposals for bus reform in pages 16 –

20 of this paper. The purpose of the JTA in relation to taxis and PHVs would be to create a standardised licensing area encompassing all of Wales, and to streamline enforcement and information-sharing.

- Our preferred option constitutes implementation of proposals 1 to 3 alongside proposal 4 – Option A.
- We are also considering Option B: implementation of proposals 1 to 3 without proposal 4 i.e. without using a JTA as the delivery vehicle. This would involve creating national standards that the local authorities must follow; extend the existing enforcement powers of local authorities; and creating a mechanism by which local authorities can share relevant information. The sections below set out the proposals in more detail and seek your comments.

Proposals

National standards

The Welsh Government is proposing to set national standards for taxi and private hire vehicle licensing.

All taxis and PHVs in Wales would have to meet these standards in order to obtain a licence. These standards would subsequently be set by regulations and so there will be further consultation on their content.

Current legislative position

- Taxis and PHVs are a regulated but decentralised industry in Wales. A taxi cannot operate unless both the vehicle and its driver are licensed by a local authority under the Town Police Clauses Act 1847 (TPCA 1847). PHV vehicles, drivers and operators cannot operate without licences granted under the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA 1976).
- Licencing Criteria - Local authorities are allowed a wide discretion when licensing vehicles, drivers and operators which is summarised as follows:
 - **Taxis** of any kind or description can be licensed and licence conditions can be imposed by the local authority¹². The MOT is the only common vehicle requirement¹³;
 - **PHVs** – to be licensed a local authority must be satisfied that the vehicle is suitable for usage as a PHV, that its mechanical condition is suitable, that it is safe and comfortable, and that it has valid insurance¹⁴. Other than the common standard of MOT requirements, these terms are not legally defined. Local authorities are guided in relation to vehicles by Best Practice guidance issued by the Department for Transport¹⁵; and
 - **Drivers and Operators** - A “fit and proper person” test is applied to taxi drivers¹⁶, PHV drivers¹⁷ and PHV operators¹⁸. However, there is no legal definition of what is meant by a “fit and proper person”. This is left to local

¹² Section 37 TPCA 1847 and section 47 LGMPA 1976 respectively.

¹³ This is contained in the Road Traffic Act 1988.

¹⁴ Section 48 LGMPA 1976.

¹⁵

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

¹⁶ Section 51 LGMPA 1976.

¹⁷ Section 59 LGMPA 1976.

¹⁸ Section 55 LGMPA 1976.

authorities to determine, with the assistance of the Best Practice guidance¹⁹. Taxi and PHV driver licence applicants are required to disclose spent and unspent convictions²⁰, however there is variation in the way in which local authorities deal with criminal records. Some local authorities carry out an Enhanced Disclosure and Barring Service (DBS) check (which records spent and unspent convictions, cautions, reprimands, warnings and any relevant non-conviction information held on the Police National Computer) and a check of the barred list (which lists those legally prevented from working with children or vulnerable groups). In addition, the Law Commission noted that there is considerable variation in England and Wales as to how the outcome of those checks is interpreted against the “fit and proper person” criteria²¹. In Wales, sixteen local authorities conduct both checks and six conduct only an Enhanced DBS check²². Similar discrepancies arise in relation to medical fitness checks²³.

Case for change and desired outcomes

- Variation in local standards can become an issue when services are provided across local authority borders (i.e. “out-of-area”). Taxis may undertake pre-booked work in any area, and PHVs may also be provided that the “triple licensing requirement”²⁴ is met.
- There are twenty two local authorities in Wales, and therefore twenty two different approaches to vehicular suitability (beyond the basic MOT requirements) and to what “fit and proper” means. That has led to, sometimes considerable, variation in standards and a number of problems flow from that.
- As a taxi or PHV can undertake pre-booked work outside of the area in which it is licensed, applicants may be incentivised to apply in an area where standards are lower and then operate in an area whose standards they do not meet (and where enforcement action cannot be taken against them). This exposes passengers in different parts of Wales to different standards and levels of risk, which is difficult to justify. It also undermines local authorities that have taken steps to ensure that their residents can enjoy higher standards, and may irritate both drivers licensed in that area who have made an effort to meet those standards, and those who are unable to obtain a licence in that area because they do not meet the higher standards. Varying standards also mean that drivers across Wales bear different costs when carrying on their trade, which again is difficult to justify.
- We believe that the people of Wales are all entitled to minimum standards, regardless of where they live. National standards would represent a minimum threshold, with higher standards permitted if desired.

19

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/212554/taxi-private-hire-licensing-guide.pdf

²⁰ Regulation 4(1) of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975.

²¹ Local Government Regulation, Taxi and PHV licensing criminal convictions policy (September 2010).

²² <https://www.gov.uk/government/statistical-data-sets/taxi01-taxis-private-hire-vehicles-and-their-drivers> (last accessed 13 November 2018).

²³ Local Government Regulation, Taxi and PHV licensing criminal convictions policy (September 2010).

²⁴ The requirement that the vehicle, driver and place of booking all fall within the same licensing authority area.

- The Welsh Government has committed its aim in the Prosperity for All: economic plan²⁵ that all taxis in Wales will have a zero carbon footprint within 10 years. This is because of the environmental and public health impacts of vehicular emissions, which are now well-understood²⁶. We believe that a national standard should apply which specifies requirements for the vehicular emissions of taxis and PHVs.

Proposed legislative change

- We are proposing to confer a power on the Welsh Ministers to create national standards, which the JTA or local authority will have to have regard to when issuing licences. This will mean that all taxis and PHVs in Wales would need to meet the standards in order to obtain a licence. These standards would subsequently be set by regulations and so there will need to be further consultation on their content if the proposal is agreed.

Q22. Do you agree with our proposal to introduce national standards which will apply to all taxis and PHVs in Wales? Yes/No? Please explain your answer.

Q23. Are there any matters which you would like to see contained in any national standards?

Q24. Are there any matters which you think should be excluded from any national standards?

Q25. What practical obstacles might there be to setting common national standards for both taxis and PHVs?

Q26. What would be the best approach for determining the content of national standards?

Q27. Please provide any other comments or proposals around national standards that were not covered in the above questions.

²⁵ <https://gov.wales/topics/businessandconomy/economic-action-plan/?lang=en>

²⁶ <http://www.euro.who.int/en/health-topics/environment-and-health/Transport-and-health/data-and-statistics/air-pollution-and-climate-change2> (last visited 13 November 2018).

Enforcement

The Welsh Government is proposing to allow a licensing authority to take enforcement action against any vehicle operating in its area.

Current legislative position

- Local authorities have the power to suspend, revoke or refuse to renew a hackney carriage or PHV vehicle licence²⁷, a hackney carriage or PHV driver's licence²⁸, and a PHV operator's licence²⁹. These sections of the 1976 legislation are very broad. They allow suspension, revocation or refusal to renew on the following grounds:
 - The vehicle is unfit for use (vehicles only);
 - An offence is committed under TPCA 1847 or LGMPA 1976 (vehicles, drivers and operators);
 - Non-compliance with TPCA 1847 or LGMPA 1976 (vehicles, drivers and operators);
 - Conviction of an offence involving dishonesty, indecency or violence (drivers);
 - Conviction of an immigration offence or requirement to pay an immigration penalty (drivers and operators);
 - Conduct which appears to render a person unfit to be an operator (operators only);
 - Material changes in the operator's circumstances (operators only); or
 - Any other reasonable cause (vehicles, drivers and operators).
- The effect of suspension or revocation is not immediate. It takes effect only after twenty one days has elapsed, and that period is extended if an appeal is lodged within that time³⁰. There is one exception. A driver's licence may be immediately suspended or revoked where this is in the interests of public safety³¹.
- Where there has been a breach of licensing requirements that is not sufficiently serious to justify suspension or revocation of the licence, the local authority that issued the licence may issue a sanction. This process is not dictated by legislation.

²⁷ Section 60 LGMPA 1976.

²⁸ Section 61 LGMPA 1976.

²⁹ Section 62 LGMPA 1976.

³⁰ Section 77 LGMPA 1976 read alongside section 300 Public Health Act 1936.

³¹ Section 61(2B) LGMPA 1976.

Case for change and desired outcomes

- The law currently only allows local authorities to suspend, revoke or refuse to renew a licence that they have issued. **Licensing officers cannot undertake enforcement against vehicles, drivers or operators licensed in another area.** The local authority which finds itself in that position can only rely on its ability to bring a prosecution under section 222 of the Local Government Act 1972; but this will not be appropriate where no criminal offence has taken place. Additionally, local authorities currently have the discretion to set their own policies on lesser sanctions, and in practice only issue sanctions in relation to licences that they have issued. This limits enforcement to local authority borders, when in practice those borders have been eroded by technological advancement. There is no good reason why a local authority should not be able to take action against any taxi or PHV operating in its area.

Proposed legislative change

- We are proposing to amend sections 60-62 LGMPA 1976 to allow a local authority or a JTA to suspend or revoke a licence relating to **any** vehicle operating in its area. We propose to retain the provisions about immediacy i.e. that any decision will only take effect after twenty one days, unless an appeal has been lodged or there are grounds for immediate suspension or revocation.
- We are proposing to enable a local authority or JTA to issue a lesser sanction to **any** vehicle operating in its area.

Q28. Should a local authority be able to revoke or suspend a licence relating to **any** vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

Q29. Should a local authority be able to issue a lesser sanction in relation to **any** vehicle operating in its area, even if it did not issue the original licence? Yes/No? Please explain your answer.

Q30. Please provide any other comments or proposals around enforcement that were not covered in the above questions.

Information-sharing

The Welsh Government is proposing to allow the creation of a mechanism by which relevant information can be shared, for the purposes of safeguarding.

Current position

- There is currently no legal requirement for local authorities to share information with one another which might assist them in their decision-making. For example, if a driver is refused a licence or has his licence suspended or revoked by one local authority, it can be difficult for the remaining twenty one local authorities to obtain that information.

Case for change and desired outcomes

- In exercising their day-to-day licensing functions, individual local authorities access and manage data which could be extremely relevant for safeguarding purposes. That there is currently no legal requirement or formal mechanism for that information to be shared with other local authorities creates a risk to the general public.
- We recognise that the vast majority of people involved in the taxi and PHV trades abide by the rules and work hard to provide a good, safe and reliable service to the public. We believe that information should be accessible to allow decision-makers to identify the small minority that do not. All people in Wales are entitled to be safe when using taxi and PHV services.

Proposed legislative change

- We are proposing to create a duty on the Welsh Ministers to create a database, or make other information-sharing arrangements, to ensure that relevant information can be shared for the purposes of safeguarding.

Q31. Do you agree with our proposal to create a database or make other arrangements for relevant safeguarding information to be shared? Yes/No? Please explain your answer.

Q32. Please provide any other comments or proposals around information-sharing that were not covered in the above questions.

Joint Transport Authority

The Welsh Government is proposing to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority, a JTA.

This would include licencing, fee- and fare-setting, enforcement, hearing appeals arising from licensing decisions, prosecutions and deciding matters such as whether to apply quantity controls to taxis.

Current position

- Taxi and PHV licensing functions belonging to a local authority are contained in a number of pieces of primary and secondary legislation, which are too numerous to list in full here.
- The mechanism for establishing JTAs is contained in the Transport (Wales) Act 2006. For more information on our initial proposals to establish JTAs, please refer to pages 14 - 18 of this paper.

Case for change and desired outcomes

- We have highlighted above that there are problems with the existing localised approach to taxi and PHV licensing. These are: the discretion allowed to the twenty two Welsh local authorities in making licensing decisions; their inability to enforce across their borders; and the difficulty that they face in communicating information to one another. Our view is that these problems are best solved by centralising the regime. We propose to do this by creating a JTA, which would act as the national licensing authority for Wales. We propose that all of the existing taxi and PHV licensing functions of the twenty two Welsh local authorities would be redirected to the JTA. This means that rather than having twenty two local authority areas and their associated borders, there would be one licensing area encompassing all of Wales. We are calling this Option A.
- We do however recognise the scale of Option A, and acknowledge that it could produce unintended consequences. We are therefore also considering an alternative Option B: create national standards that the local authorities must follow; extend the existing enforcement powers of local authorities; and create a mechanism by which local authorities can share relevant information. We are especially keen to hear your thoughts on whether a JTA is the appropriate delivery vehicle for a standardised taxi and PHV licensing regime with streamlined enforcement and information-sharing ability (Option A), or whether the existing framework should be retained and improvements made to standardisation, enforcement and information-sharing (Option B).

Proposed legislative change

- We are proposing to redirect all of the existing taxi and PHV licensing functions which exist in law (including licencing, fee- and fare-setting, enforcement, hearing appeals arising from licensing decisions, prosecutions and deciding matters such as whether to apply quantity controls to taxis) away from local authorities and into a national licensing authority, a JTA (Option A). This will be done via the Transport (Wales) Act 2006.
- The alternative to Option A is Option B; allowing local authorities to continue to have responsibility for taxi and PHV licensing. This would be done by amending the existing legislation, and would not involve using the Transport (Wales) Act 2006.

Q33. Do you agree with our proposal to redirect all of the existing taxi and PHV licensing functions away from local authorities and into a national licensing authority (Option A)? Yes/No? Please explain your answer.

Q34. Do you think that local authorities should continue to have responsibility for taxi and PHV licensing (Option B)? Yes/No? Please explain your answer.

Q35. Please provide any other comments or proposals around responsibility for taxi/PHV licensing that were not covered in the above questions.

Q36. We would like to know your views on the effects that the legislative proposals set out in this paper would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Q37. Please also explain how you believe the proposals could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Q38. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

Please enter here:

Responses to consultations are likely to be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please tick here:

Mae'r dudalen hon yn wag yn fwriadol