

Application for a Hackney Carriage/Private Hire Vehicle Driver's Licence

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Application Process

To enable you to apply for a Hackney Carriage/Private Hire Vehicle Drivers Licence you must follow the procedure as set out below:

Make an appointment to apply:

- An appointment for a new applicant will take approximately ½ hour. You are advised to park your vehicle in the visitor's car park. Disabled bays are to be only used with the appropriate 'blue badge'.

Please note you will not be seen if you are late for your appointment and you will be required to make a new appointment.

You must bring the following with you to your appointment:

New Applicants

- Completed application form
- Completed DBS form
- Current DVLA Drivers licence
- 3 Forms of ID (as per the enclosed DBS Identification Documents)
- Form(s) of ID to show evidence of a right to work (as per the enclosed list of acceptable documents)
- Completed Group 2 Medical Form- **PLEASE DO NOT OBTAIN YOUR MEDICAL UNTIL YOU HAVE ARRANGED YOUR APPOINTMENT WITH THE LICENSING DEPARTMENT AS THE MEDICAL SHOULD NOT BE DATED MORE THAN 28 DAYS BEFORE YOUR APPLICATION IS SUBMITTED. NB - If you hold a valid HGV/PSV licence you are not required to provide a medical. This will be evidenced on your DVLA licence**
- 2 x passport size photographs (these photographs must show your current likeness)
- Certificate of Good Conduct (all applicants born outside the UK who moved to the UK after the age of 18)
- Knowledge Test Pass Certificate/Card
- Safeguarding Awareness Attendance Certificate
- Means of payment for Disclosure and Barring Service Fee (£44.00) - cash, cheque, debit or credit card (NB there is a 2% charge for credit card)
- During your appointment you will be required to complete a DVLA Mandate (D796) which has a £5.00 fee, please see below for further information.

NB If you do not produce ALL of the above or any of the information is incorrect your application will not be accepted and you will be required to make a new appointment. The licence fee will be required when licence has been issued.

DVLA Mandate

The DVLA mandate authorises Caerphilly County Borough Council to ask the DVLA for your driver record information and for DVLA to disclose it. This includes personal details, driving entitlements, endorsement details, disqualifications, convictions, photo images and CPC details (where appropriate). The mandate will expire when you cease to be licenced with CCBC or after 3 years.

Disclosure and Barring Service Checks

During your appointment a Licensing Officer will validate your DBS form and cross check with the identification documents you have provided.

If correct the form will be sent to the Disclosure and Barring Service for investigation.

You will be provided with the DBS form reference number, which you should use if you wish to track the progress of your application.

<https://www.gov.uk/disclosure-barring-service-check/tracking>

The Disclosure and Barring Service will send a certificate to the applicant. When you receive your certificate you should contact us to make an appointment.

If your DBS certificate is clear (no convictions) you will be issued your new Hackney Carriage/Private Hire Drivers Licence at this appointment.

Applicants for DBS checks may take advantage of joining the DBS update service for which there is an annual cost of £13.00. There are advantages in that having paid the initial £44.00 for the check the applicant may then subscribe to the DBS Update Service. An applicant can subscribe to this service within 28 days of creating the subscription using the form reference number within 28 days. Taxi driver applicants are advised to wait until the application reference form has been verified by the licensing authority, before applying for a subscription. Alternatively subscription can be made within 19 days of the date of issue displayed on the certificate. Further details regarding the Update Service is available on line at [https://www.gov.uk/government/organisations/disclosure-and-barring](https://www.gov.uk/government/organisations/disclosure-and-barring-service) –service or you can discuss with the Licensing Office.

The benefits for taxi drivers of subscribing to the Update Service are that it allows instant online checks of DBS certificates by employers and licensing officers, no more DBS forms to submit and you would not need to apply for another DBS check (provided no offences are committed after the issue of the original check), there will be a cost saving after the first three year period plus any potential savings from not being required for repeat attendance at the licensing office thereby saving you time and potentially money.



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

Application for the GRANT/RENEWAL of a Hackney Carriage/Private Hire Vehicle Driver Licence.

Please complete all sections. Please use additional information boxes at end of form where necessary.

1. Family/Surname				
2. First Names				
3. Have you ever been known by any other names?(include details of any previous names changed by Deed Poll)	Yes		No	
	If you have answered YES Please give full details of the name(s) used including the dates they were used from and to.			
4. Do you have the right to reside and work in the UK? If you are unsure please contact the Licensing Office	Yes		No	
5. Do you operate under a trading name?	If Yes please provide the trading name:			
6. Are you registered with Companies House?	If Yes please provide your company registration number and company name.			
7. Date of Birth				
8. Place Of Birth	Town		Country	
9. If born outside of UK please provide date of becoming resident in UK.				
10. Contact Tel. Nos.				
11. Email Address				
12. National Insurance number				
13. Current Residential Address				
	Postcode:			
14. How long have you lived at this address	Years		Months	
15. If you have lived at this address for less than 5 years please give previous address				
16. Have you been convicted or received a caution, reprimand or warning for any Offence or have any such matters pending determination? By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended, any spent convictions or cautions must be disclosed.	Yes		No	
	If you have answered YES Please give full details of the offence including detail of any conviction, caution, reprimand or warning. Provide details of all motoring and criminal convictions:			

17. Are you currently being investigated for any offence by any agency such as the Police, Benefits, Customs, Immigration, etc	Yes		No	
If Yes please give details of the investigation and the stage that the investigation(s) has reached, such as awaiting Court date, Investigating Authority etc.				
18. Do you have a medical condition that may affect your ability to act as a hackney carriage / private hire vehicle driver.	Yes		No	
If Yes please provide details:				
19. Have you ever had an application for a Hackney Carriage / Private Hire Vehicle driver licence refused by Caerphilly County Borough Council or any other Authority	Yes		No	
If Yes please provide details:				
20. Have you ever had a Hackney Carriage or Private Hire Vehicle driver licence refused, suspended or revoked by Caerphilly County Borough Council or any other Authority	Yes		No	
If Yes please provide details:				

Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976 states: If any person knowingly or recklessly makes a false statement or omits any material particularly in giving information he or she shall be guilty of an offence.

Declaration:

- (i) I hereby make an application for the grant of a hackney carriage/private hire vehicle driver licence.
- (ii) I also hereby certify that all statements made in this application are true and correct and that I have not withheld any information.
- (iii) I confirm that I have received and read the Council document relating to the relevance of criminal convictions.
- (iv) I confirm that I have produced the most current DVLA licence. I understand that failing to produce the most current DVLA licence may result in my application being rejected.
- (v) I confirm that if granted a Hackney Carriage/Private Hire Vehicle driver' licence by Caerphilly County Borough Council I intend to operate entirely or predominantly within the Caerphilly County Borough Council area.
- (vi) I confirm that my right to work in the UK will be checked as part of my application, which could include the Council checking my immigration status and sharing information with the Home Office. I understand that I must provide original document(s) that is stipulated as being suitable for this check, so that the check can take place. The document(s) will be copied and the copy/copies returned by the Licensing Authority. I understand that if there are restrictions on the length of time I may work in the UK, the licence will not be issued for any longer than this period. In such circumstances, the check will be repeated each time I apply to renew my licence. If during this period, I am disqualified from holding a licence because I have not complied with the UK's immigration laws, my licence will lapse and I must return it to the Council. Failure to do so is a criminal offence.

Signed.

Print Name.....

Date.

Data Protection Act 1998 - personal data supplied in connection with this application will be processed in accordance with the Data Protection Act 1998 by Caerphilly County Borough Council for the purposes of administration of licensing and maintenance of official registers, some of which are required to be made publicly available by law

National Fraud Initiative (NFI) - This authority is under a duty to protect the public funds it administers and ensure applicants are legally entitled to work in the UK. We may therefore use the information you have provided on this form for the prevention and detection of fraud and to check entitlement to work. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information on NFI, see the Council's website <http://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information> , or contact the Corporate Information Governance Unit at foi@caerphilly.gov.uk For more information on licensing and entitlement to work, contact Licensing on 01443 866750.

Additional Information

Please indicate which question number you are referring to:

Additional Information (contd)

Driver Specification

1. Before a driver's licence can be granted, the Council must be satisfied that the applicant is:-
 - (i) a person who has, for at least 12 months, been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1988 authorising him/her to drive a motor car;
 - (ii) not disqualified by reason of the applicant's immigration status from driving a hackney carriage or private hire vehicle;
 - (iii) a person who has not been disqualified from holding a licence as a result of their immigration status and has the right to remain and work in the United Kingdom;
 - (iv) a fit and proper person to hold a driver's licence.

2. Before a driver's licence is granted, the applicant must:
 - (i) have attained the age of 18 years of age;
 - (ii) complete and submit to the Council an application form prescribed by the Council and, in the case of applications for a first licence, submit two identical recent passport style photographs of himself/herself;
 - (iii) complete and submit the appropriate form to enable a Disclosure and Barring Service check to be made;
 - (iv) produce for examination a current driving licence issued to him/her under the Road Traffic Act 1988;
 - (v) produce for examination a form of photographic identification, such as DVLA Drivers Licence or passport;
 - (vi) produce for examination relevant document(s) to show evidence of a right to work in the UK;
 - (vi) pay to the Council, such fee as may be demanded for the issue of the licence;
 - (vii) on first application, produce a Group 2 medical. NB - If you hold a valid HGV/PSV licence you are not required to provide a medical. This will be evidenced on your DVLA licence.
 - (viii) in addition to condition (vii) the Council may require the Applicant to produce additional information certifying that he/she is physically fit to be the driver of a hackney carriage/private hire vehicle;
 - (ix) be aware that persons granted a licence to drive hackney carriages and private hire vehicles must carry passengers accompanied by guide, hearing and certain prescribed assistance dogs, unless medical evidence is supplied by his/her own general practitioner or specialist in support of an application for exemption from that requirement.
 - (x) provide such other information as may be required by the Council and comply with such other conditions as the Council may consider reasonably necessary.

1. You are advised that the Council has the power to suspend, revoke or refuse to renew a licence where a licence has been obtained by giving false or incomplete information, as well as prosecution for the offence committed.

2. The renewal of a licence should be made in advance to ensure continuity. **UNLICENSED DRIVING OF HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES IS AN OFFENCE.** Therefore, any person found driving without a hackney carriage/private hire vehicle driver's licence may be prosecuted.

3. Where the licence fee is made by cheque, which is subsequently dishonoured, any licence will be null and void.

APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

Disclosure and Barring Service – Enhanced Disclosure Check Acceptable Identity Documents*

You will need to provide three documents in total, one document from Group 1, and 2 further documents from Group 1, 2a or 2b (one of which must verify your current address). Please be advised, that it is a condition of your hackney carriage/private hire vehicle driver's licence application that you produce your current full driving licence.

NB – All documentation must be originals, not photocopies, and in your current name. You must declare all previous names used and provide documentary proof to support your change of name. You must also provide a full and continuous address history covering the last 5 years.

*Correct as at 11th May 2016.

Group 1: Primary Identity Documents

Document	Notes
Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photocard	UK, Isle of Man, Channel Islands and EU (full or provisional)
Birth certificate – issued within 12 months of birth	UK, Isle of Man and Channel Islands – including those issued by UK authorities overseas, e.g. embassies, High commissions and HM Forces
Adoption certificate	UK and Channel Islands

Group 2a: Trusted Government Documents

Document	Notes
Current driving licence photocard (full or provisional)	All Countries outside the EU (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) – paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EU
Birth certificate – issued after time of birth	UK, Isle of Man and Channel Islands
Marriage/civil partnership certificate	UK and Channel Islands
HM Forces ID card	UK
Firearms licence	UK, Channel Islands and Isle of Man

All driving licences must be valid.

Group 2b: Financial and social history documents

Document	Notes	Issue date and validity
Mortgage statement	UK or EEA	Issued in last 12 months
Bank or building society statement	UK and Channel Islands or EEA	Issued in the last 3 months
Bank or building society account opening confirmation letter	UK	Issued in last 3 months
Credit card statement	UK or EEA	Issued in last 3 months
Financial statement, eg pension or endowment	UK	Issued in the last 12 months
P45 or P60	UK and Channel Islands	Issued in last 12 months

Council Tax statement	UK and Channel Islands	Issued in last 12 months
Work permit or visa	UK	Valid up to expiry date
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application	Must still be valid
Utility bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit statement, eg Child Benefit, Pension	UK	Issued in last 3 months
Central or local government, government agency, or local council document giving entitlement, eg from the Department for Work and Pensions, the Employment Service, HMRC	UK and Channel Islands	Issued in last 3 months
EU National ID Card	-	Must still be valid
Cards carrying the PASS accreditation logo	UK, Isle of Man and Channel Islands	Must still be valid
Letter from head teacher or college principal	UK – for 16 to 19 year olds in full-time education – only used in exceptional circumstances if other documents cannot be provided	Must still be valid

Once you have received your Disclosure and Barring Service check you should contact the Licensing Section to arrange to produce it for inspection. If you have no criminal convictions or current motoring convictions, including a group 2 medical, your licence will be issued for a period of up to 3 years. If you have any convictions, however, your application will be referred to a meeting of the Licensing Sub-Committee (Taxi & General) for determination, for which you will be required to attend.

List of Acceptable Documents for Right to a Licence

The list of documents are based on those prescribed to show evidence of a right to work

List A: No immigration restrictions on right to a licence in the UK. Once the council has undertaken the necessary check in respect of an application made on or after 1 December 2016. You will not have to repeat the check when you subsequently apply to renew your licence

1.	A passport showing the holder; or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7.	A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8.	A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9.	A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10.	A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

List B: Immigration restrictions on the right to a licence in the UK. The council may issue the licence (subject to statutory limitations) up to the expiry date of the permission to work in the UK. You will need to produce documents each time you make an application to renew your licence.

1.	A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4.	A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
1.	A Certificate of Application issued by the Home Office under Regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for 6 months from the date of the Certificate of Application.
2.	A Verification issued by the Home Office Evidence and Enquiry Unit which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for 6 months from the date of the licence decision.

CANLLAWIAU AR BENDERFYNU AR ADDASRWYDD YMGEISWYR A THRWYDDEDEION MEWN GALWEDIGAETHAU HACNI A HURIO PREIFAT

1.0 Cyflwyniad

1.1 Diben y ddogfen hon yw darparu canllawiau ar y meini prawf a ystyrir gan y cyngor wrth benderfynu a yw ymgeisydd neu ddeiliad trwydded presennol yn berson addas a phriodol neu ddiogel ac addas i feddu ar drwydded.

1.2 Diben trwyddedu cerbydau hacni a hurio preifat yw diogelu a sicrhau diogelwch y cyhoedd sy'n teithio; mae llawer o achosion lle caiff cais ei wrthod, neu drwydded ei dirymu neu ei hatal os bydd y person yn methu'r prawf addas a phriodol. Mae cyfraith achosion yn ei gwneud hi'n glir nad yw effaith colli (neu beidio â chael) trwydded gyrrwr ar yr ymgeisydd a'i deulu yn rhywbeth y dylid ystyried.

1.3 Mae'r Awdurdod Trwyddedu yn gwneud penderfyniadau drwy bwysu a mesur tebygolrwydd yn hytrach na defnyddio'r cysyniad y tu hwnt i bob amheuaeth resymol.

1.4 Cydnabyddir nad yw'r canllawiau hyn yn ddeddfwriaeth. Fodd bynnag, dyma yw sylfaen yr Awdurdod ar gyfer derbynioldeb. Fel y cyfryw, dim ond mewn amgylchiadau eithriadol ac am resymau cyfiawnadwy yn unig y ceir gwyro oddi wrth y canllawiau, a dylid cofnodi'r rhesymau hyn.

1.5 Lle mae gan swyddogion trwyddedu bwerau dirprwyedig i ganiatáu trwyddedau, byddant yn defnyddio'r canllawiau hyn wrth benderfynu rhoi trwydded. Ym mhob achos arall caiff ceisiadau am drwyddedau eu cyfeirio at y pwyllgor/panel trwyddedu (neu gorff gwneud penderfyniadau perthnasol arall).

2.0 Pwerau

2.1 Nodir y pwerau i ganiatáu trwyddedau gyrrwr/gweithredwr yn Adran 51, Adran 55 ac Adran 59 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 (y Ddeddf).

2.2 Nodir y pwerau i atal, dirymu neu wrthod cais i adnewyddu trwydded gyrrwr yn Adran 61 o'r Ddeddf, lle bydd yr ymgeisydd/deiliad trwydded wedi'i euogfarnu am drosedd sy'n ymwneud ag anonestrwydd, anwedduster neu drais; wedi methu â chydymffurfio â darpariaethau Deddf Cyfrifoldebau Heddluoedd Trefol 1847; wedi methu â chydymffurfio â darpariaethau Rhan II o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976; neu unrhyw achos rhesymol arall.

2.3 Mae Adran 61 (2B) yn caniatáu i'r Awdurdod Trwyddedu atal neu ddirymu trwydded gyrrwr ar unwaith, os yw'n ymddangos ei fod er budd diogelwch y cyhoedd. Caiff Hysbysiad o Benderfyniad yn esbonio pam y gwnaed y penderfyniad hwn ei gyflwyno i'r gyrrwr a bydd yn weithredol pan roddir yr hysbysiad i'r gyrrwr. Gall y gyrrwr apelio yn erbyn y penderfyniad hwn ond ni chaiff yrru yn ystod y cyfnod apelio.

2.4 Mae Adran 62 o'r Ddeddf yn caniatáu i'r Awdurdod Trwyddedu atal, dirymu neu wrthod cais i adnewyddu trwydded gweithredwr os yw'r ymgeisydd/deiliad trwydded wedi'i euogfarnu am drosedd o dan Ran II o'r Ddeddf neu ddiffyg cydymffurfiaeth â'i darpariaethau; neu ar sail unrhyw ymddygiad ar ran y gweithredwr sy'n gwneud iddo ymddangos yn anaddas i'r Cyngor, neu oherwydd unrhyw newid sylweddol ers i'r drwydded gael ei chaniatáu i unrhyw

un o amgylchiadau'r gweithredwr a oedd yn sail ar gyfer rhoi'r drwydded neu unrhyw achos rhesymol arall.

2.5 Mae Gorchymyn Deddf Adsefydlu Troseddwr 1974 (Eithriadau)(Diwygio) 2002 yn caniatáu i'r Awdurdod Trwyddedu ystyried yr holl euogfarnau a gofnodwyd yn erbyn ymgeisydd neu ddeiliad trwydded gyrrwr cerbyd hurio preifat neu gerbyd hacni, p'un a ydynt wedi'u disbyddu. Felly bydd yr Awdurdod Trwyddedu yn ystyried yr holl euogfarnau perthnasol, yn enwedig pan fydd hanes hir o droseddau neu batrwm diweddar o aildroseddau.

3.0 Apeliadau

3.1 Mae gan unrhyw ymgeisydd y gwrthodwyd rhoi trwydded gyrrwr/gweithredwr iddo, neu yrrwr/gweithredwr trwyddedig y mae ei drwydded wedi'i hatal neu ei dirymu, yr hawl i apelio i'r Llys Ynadon o fewn 21 diwrnod i dderbyn yr hysbysiad.

4.0 Ystyriaethau

4.1 Un gamddealltwriaeth gyffredin yw os na chyflawnwyd y drosedd pan oedd y gyrrwr yn gyrru tacsî, yna mae'n llawer llai difrifol, neu hyd yn oed os oedd mewn tacsî ond nid pan oedd teithwyr ynddo. Nid yw hyn yn berthnasol: mae goryrru'n beryglus, beth bynnag fo'r sefyllfa; mae yfed a gyrru'n beryglus, beth bynnag fo'r sefyllfa; mae teiars llyfn yn beryglus, beth bynnag fo'r sefyllfa. Mae'r ymddygiadau hyn i gyd yn rhoi'r cyhoedd mewn perygl. Mae trais bob amser yn ddifrifol. Mae'r ddadl mai anghydfod domestig ydoedd neu ei fod i ffwrdd o'r tacsî, yn amherthnasol. Mae gan unigolyn sydd â thuedd i ymddwyn yn dreisgar y potensial i wneud hynny ym mhob sefyllfa. Mae troseddau rhywiol bob amser yn ddifrifol. Mae unigolyn sydd wedi camddefnyddio ei swydd yn y gorffennol (beth bynnag oedd honno) er mwyn ymosod ar rywun arall yn rhywiol wedi dangos safonau ymddygiad cwbl annerbyniol.

4.2 Gall ymgeiswyr honni eu bod wedi ceisio cyflogaeth mewn meysydd eraill a'u bod wedi cael eu hatal o ganlyniad i'w hanes blaenorol yn enwedig os yw hynny'n cynnwys euogfarnau. Maent felly'n ceisio dod yn yrwyr trwyddedig fel dewis olaf o ran swydd. Mae hyn yn annerbyniol gan y byddai caniatáu trwydded yn rhoi unigolyn o'r fath mewn sefyllfa unigryw o ymddiriedaeth. Prif gyfrifoldeb awdurdod trwyddedu yw diogelu'r cyhoedd, nid darparu cyfleoedd cyflogaeth.

4.3 Disgwylir i drwyddedeion ddangos ymddygiad proffesiynol priodol bob amser, boed yng nghyd-destun eu gwaith neu fel arall. Dylai trwyddedeion fod yn gwrtais, dylent osgoi gwrthdaro, ni ddylent fod yn ymosodol na dangos rhagfarn mewn unrhyw ffordd. Ni ddylai trwyddedeion gymryd y gyfraith yn eu dwylo eu hunain o dan unrhyw amgylchiadau. Disgwylir i drwyddedeion weithredu ag uniondeb a dangos ymddygiad sy'n addas i'r ymddiriedaeth a roddir ynddynt.

5.0 Canllawiau ar Benderfynu

5.1 Mae pum math o drwydded: cerbyd hacni; cerbyd hurio preifat; gyrrwr cerbyd hacni, gyrrwr hurio preifat (mae'r awdurdod hwn yn mabwysiadu bathodyn dwbl ar gyfer gyrrwyr sy'n eu caniatáu i yrru cerbyd hurio preifat a cherbyd hacni) a gweithredwr hurio preifat. Mewn perthynas â'r holl drwyddedau hyn, mae gan yr awdurdod y disgrisiwn i roi, dirymu ac atral trwydded.

5.2 Ni ellir rhoi trwydded i yrwyr a gweithredwyr oni bai bod yr awdurdod yn fodlon eu bod yn "berson addas a phriodol" i feddu ar y drwydded honno (gweler Adran 51 a 59 o Ddeddf Llywodraeth Leol (Darpariaethau Amrywiol) 1976 mewn perthynas â gyrrwyr; Adran 55 mewn perthynas â gweithredwyr).

5.3 Nid oes meini prawf statudol ar gyfer trwyddedau cerbyd, felly mae gan yr awdurdod ddisgresiwn llwyr dros p'un a ddylid rhoi trwydded cerbyd hacni neu drwydded perchennog hurio preifat.

5.4 Mae bod yn "addas a phriodol" yn golygu bod yr unigolyn (neu, yn achos trwydded gweithredwr hurio preifat, y cwmni cyfyngedig ynghyd â'i gyfarwyddwyr a'i ysgrifennydd, neu bob aelod o bartneriaeth) yn "ddiogel ac addas" i feddu ar y drwydded.

5.5 Wrth benderfynu ar ddiogelwch ac addasrwydd, mae gan yr awdurdod trwyddedu hawl i ystyried yr holl faterion sy'n ymwneud â'r ymgeisydd neu'r trwyddedai hwnnw. Nid ydynt yn ymwneud ag ymddygiad y person hwnnw wrth iddo weithio ym musnes cerbydau hacni neu gerbydau hurio preifat yn unig. Mae'r ystyriaeth hon yn llawer ehangach nag euogfarnau troseddol neu dystiolaeth arall o ymddygiad annerbyniol yn unig, a chaiff cymeriad cyfan yr unigolyn ei ystyried. Gall hyn gynnwys agwedd ac anian yr unigolyn ond nid yw'n gyfyngedig i hynny.

5.6 Bydd euogfarnau am geisio neu gynllwynio i gyflawni trosedd yn cael eu hystyried yn euogfarnau am y drosedd annibynnol. Ystyrir rhybudd yn union yr un ffordd ag euogfarn. Caiff cosbau penodedig a datrysiadau cymunedol eu hystyried yn yr un ffordd ag euogfarn hefyd.

5.7 Mae'n bwysig deall y gall materion nad ydynt wedi arwain at euogfarn droseddol (boed hynny o ganlyniad i ryddfarn, euogfarn yn cael ei dileu, penderfyniad i beidio ag erlyn neu ymchwiliad sy'n parhau lle cafodd yr unigolyn ei ryddhau ar fechnïaeth) gael eu hystyried gan yr awdurdod trwyddedu ac y bydd yn gwneud hynny. Yn ogystal, caiff cwynion lle na chymerodd yr heddlu ran eu hystyried hefyd. Yn y ddogfen hon, bydd unrhyw gyfeiriad at "euogfarn" hefyd yn cynnwys materion sy'n gyfystyr ag ymddygiad troseddol, ond nad ydynt wedi arwain at euogfarn.

5.8 Yn achos unrhyw ymgeisydd newydd sydd wedi cael ei gyhuddo o unrhyw drosedd ac sy'n aros am achos llys, caiff y penderfyniad ei ohirio nes i'r achos llys gael ei gwblhau neu i'r cyhuddiadau gael eu tynnu'n ôl. Lle caiff trwyddedai presennol ei gyhuddo, penderfyniad yr awdurdod trwyddedu fydd dewis pa gam gweithredu y dylid ei gymryd o ystyried y canllawiau hyn.

5.9 Ym mhob achos, bydd yr awdurdod trwyddedu yn ystyried yr euogfarn neu'r ymddygiad dan sylw a faint o ystyriaeth y dylid ei rhoi iddi/iddo, a gwneir penderfyniad ar bob un achos yn ôl ei deilyngdod ei hun, ac o ystyried y canllawiau hyn.

5.10 Caiff unrhyw drosedd a gyflawnwyd, neu ymddygiad annerbyniol y rhoddwyd gwybod amdano tra'n gyrru cerbyd hacni neu gerbyd hurio preifat, yn ymwneud â defnyddio cerbyd hacni neu gerbyd hurio preifat, neu mewn perthynas â gweithredwr cerbyd hurio preifat, eu hystyried yn nodweddion gwaethybol, ac ni chaiff y ffaith nad oedd unrhyw drosedd arall yn gysylltiedig â'r busnes cerbyd hacni a hurio preifat ei hystyried yn ffactor lliniarol.

5.11 Gan y bydd yr awdurdod trwyddedu yn ystyried yr unigolyn cyfan, mewn llawer o achosion ni phenderfynir ar ddiogelwch ac addasrwydd gan ddibynnu ar p'una oes cyfnod penodol o amser wedi mynd heibio ar ôl euogfarn neu ar ôl i ddedfryd gael ei chwblhau. Mae cyfnodau amser yn berthnasol ac yn cael eu hystyried yn ddwys, ond nid dyma'r unig ffactor pwysig wrth benderfynu.

5.12 Yn ogystal â natur y drosedd neu ymddygiad arall, caiff nifer y materion a'r cyfnod y cawsant eu cyflawni ynddo eu hystyried hefyd. Mae patrymau o ymddygiad annerbyniol neu droseddol ailadroddus yn debygol o beri mwy o bryder nag achosion unigol gan y gall patrymau o'r fath ddangos tuedd i ymddwyn yn y fath ffordd neu i droseddu.

5.13 Ni fydd gan y rhan fwyaf o ymgeiswyr neu drwyddedeion unrhyw euogfarnau a dyna yw'r sefyllfa ddelfrydol yn amlwg. Mewn perthynas â phobl eraill, derbynnir bod bodau dynol yn gwneud camgymeriadau ac yn esgeulus o ran eu hymddygiad am amrywiaeth o resymau, a derbynnir ymhellach fod llawer yn dysgu o brofiad ac nad ydynt yn mynd ymlaen i gyflawni rhagor o droseddau. Yn unol â hynny, mewn llawer o achosion mae'n bosibl na fydd euogfarn unigol, yn enwedig os cafodd ei chyflawni beth amser yn ôl, yn atal trwydded rhag cael ei rhoi neu ei hadnewyddu.

5.14 Mae hefyd yn bwysig cydnabod unwaith y rhoddir trwydded fod gofyniad parhau ar ran y trwyddedai i gynnal ei ddiogelwch a'i addasrwydd. Mae gan yr awdurdod trwyddedu bwerau i gymryd camau gweithredu yn erbyn deiliad pob math o drwyddedau (gyrrwr, cerbyd neu weithredwr) ac mae'n rhaid deall y bydd unrhyw euogfarnau neu gamau gweithredu eraill ar ran y trwyddedai a fyddai wedi'i atal rhag cael trwydded yn ei gais cychwynnol yn arwain at ddirymu'r drwydded honno.

5.16 Bydd unrhyw anonestrwydd gan unrhyw ymgeisydd neu berson arall ar ran yr ymgeisydd y canfyddir ei fod wedi digwydd yn ystod unrhyw ran o unrhyw broses gwneud cais (e.e. methu â datgan euogfarnau, enwau neu gyfeiriadau ffug, geirdaon a ffugiwyd) yn arwain at wrthod rhoi trwydded, neu os yw wedi'i rhoi yn barod, caiff ei dirymu a gall arwain at erlyniad.

5.17 Gan fod yr effaith uniongyrchol ar y cyhoedd yn amrywio, gan ddibynnu ar y math o drwydded y gwnaed cais amdani neu y meddir arni, mae angen ystyried effaith troseddau penodol ar y trwyddedau hynny ar wahân. Fodd bynnag, mae rhai prif ystyriaethau a fydd yn gymwys ym mhob sefyllfa.

5.18 Ar y cyfan, lle mae gan berson fwy nag un euogfarn, bydd hyn yn codi cwestiynau difrifol ynghylch ei ddiogelwch a'i addasrwydd. Mae'r awdurdod troseddu yn chwilio am unigolion diogel ac addas, ac unwaith mae patrwm neu duedd o aildroseddu

yn dod i'r amlwg, ni chaiff trwydded ei rhoi na'i hadnewyddu.

5.19 Lle caiff ymgeisydd/trwyddedai ei gyhuddo o drosedd nas nodir yn y canllawiau hyn, bydd yr awdurdod trwyddedu yn ystyried yr euogfarn honno ac yn defnyddio'r canllawiau hyn fel arwydd o'r dull gweithredu y dylid ei ddefnyddio.

5.20 Nid yw'r canllawiau hyn yn disodli dyletswydd yr awdurdod trwyddedu i wrthod rhoi trwydded lle nad yw'n fodlon bod yr ymgeisydd neu'r trwyddedai yn berson addas a phriodol. Lle na chaiff sefyllfa ei chwmpasu gan y canllawiau hyn, mae'n rhaid i'r awdurdod ystyried y mater o safbwynt yr egwyddorion cyntaf a phenderfynu ar addasrwydd a phriodoldeb yr unigolyn.

5.21 Penderfynir ar geisiadau newydd ynghyd ag adolygiadau o drwyddedau yn unol â'r egwyddorion a nodir isod. Caiff ceisiadau newydd eu caniatáu neu eu gwrthod. Gall adolygiadau o drwyddedau arwain at gyflwyno rhybudd, dim camau pellach neu atal/dirymu'r drwydded.

Gyrwyr

5.22 Gan fod y meini prawf ar gyfer penderfynu a ddylid rhoi trwydded gyrrwr cerbyd hacni i unigolyn neu ei chadw yn union yr un peth â'r meini prawf ar gyfer trwydded gyrrwr cerbyd hurio preifat, caiff y ddwy eu hystyried gyda'i gilydd.

5.23 Mae gan yrrwr gyfrifoldeb uniongyrchol am ddiogelwch ei deithwyr, cyfrifoldeb uniongyrchol am ddiogelwch defnyddwyr eraill y ffordd a rheolaeth sylweddol dros deithwyr sydd yn y cerbyd. Gan y gall y teithwyr hynny fod ar eu pen eu hunain, a gallant hefyd fod yn agored i niwed, bydd euogfarnau neu ymddygiad annerbyniol blaenorol yn pwysu'n drwm yn erbyn rhoi neu gadw trwydded.

5.24 Fel y nodir uchod, pan fydd gan ymgeisydd fwy nag un euogfarn gan ddangos patrwm neu duedd, ni waeth faint o amser sydd wedi mynd heibio ers yr euogfarn, bydd angen ystyried yn ofalus a yw'n berson addas a phriodol.

5.25 Mewn perthynas ag euogfarnau unigol, dylai'r cyfnodau amser canlynol fynd heibio ar ôl i'r ddedfryd gael ei chwblhau (neu ddyddiad yr euogfarn os rhoddwyd dirwy) cyn y rhoddir trwydded.

5.26 *Troseddau sy'n arwain at farwolaeth*

Os bydd ymgeisydd neu drwyddedai wedi'i euogfarnu am drosedd a arweiniodd at farwolaeth person arall neu a oedd yn bwriadu achosi marwolaeth person arall neu achosi anaf difrifol iddo, ni chaiff ei drwyddedu.

5.27 *Camfanteisio*

Os bydd ymgeisydd neu drwyddedai wedi'i euogfarnu am drosedd sy'n cynnwys cam-drin, camfanteisio, defnyddio neu drin unigolyn arall beth bynnag yw oedran y dioddefwr neu'r dioddefwyr, boed yn oedolion neu'n blant, trosedd sy'n

ymwneud â hyn, neu sy'n gysylltiedig â hyn mewn unrhyw ffordd, ni chaiff ei drwyddedu. Mae hyn yn cynnwys caethwasiaeth, camfanteisio'n rhywiol ar blant, paratoi i bwrpas rhyw, cam-drin seicolegol, emosiynol neu ariannol, ond nid yw hon yn rhestr gynhwysfawr.

5.28 **Troseddau sy'n ymwneud â thrais**

Os bydd gan ymgeisydd euogfarn am drosedd sy'n ymwneud â thrais, neu os bydd yn gysylltiedig ag unrhyw drosedd sy'n ymwneud â thrais, ni roddir trwydded nes bod o leiaf 10 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

5.29 **Meddu ar arf**

Os bydd gan ymgeisydd euogfarn am feddu ar arf neu unrhyw drosedd arall sy'n gysylltiedig ag arfau, ni roddir trwydded nes bod o leiaf 7 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

5.30 **Troseddau rhywiol ac anweddu**

Os bydd gan ymgeisydd euogfarn am unrhyw drosedd sy'n cynnwys neu'n gysylltiedig â gweithgarwch rhywiol anghyfreithlon neu unrhyw fath o anweddustra, ni roddir trwydded.

Yn ogystal â'r uchod, ni fydd yr awdurdod trwyddedu'n rhoi trwydded i unrhyw ymgeisydd sydd ar y Gofrestr Troseddwyr Rhyw neu ar unrhyw restr 'waharddedig'.

5.31 **Anonstrwydd**

Os bydd gan ymgeisydd euogfarn am unrhyw drosedd sy'n ymwneud ag anonstrwydd, neu unrhyw drosedd lle mae anonstrwydd yn elfen o'r drosedd, ni roddir trwydded nes bod o leiaf 7 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

5.32 **Cyffuriau**

Os bydd gan ymgeisydd unrhyw euogfarn am gyflenwi cyffuriau, neu euogfarn am feddu ar gyffuriau gyda'r bwriad o'u cyflenwi, neu os yw'n gysylltiedig â'r euogfarnau hyn, neu wedi'i gysylltu ag euogfarn am feddu ar gyffuriau gyda'r bwriad o'u cyflenwi, ni roddir trwydded nes bod o leiaf 10 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

Os bydd gan ymgeisydd euogfarn am feddu ar gyffuriau, neu os bydd yn gysylltiedig ag achos o feddu ar gyffuriau, ni roddir trwydded nes bod o leiaf 5 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd. O dan yr amgylchiadau hyn, bydd yn rhaid i unrhyw ymgeisydd gwblhau profion cyffuriau ar ei draul ei hun hefyd er mwyn dangos nad yw'n defnyddio cyffuriau a reoleiddir.

5.33 **Gwahaniaethu**

Os bydd gan ymgeisydd euogfarn sy'n cynnwys gwahaniaethu ar unrhyw ffurf, neu sy'n gysylltiedig â hyn, ni roddir trwydded nes bod o leiaf 7 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

5.34 ***Euogfarnau moduro***

Mae gyrwyr cerbydau hacni a hurio preifat yn yrwyr proffesiynol sy'n gyfrifol am gludo'r cyhoedd. Mae unrhyw euogfarn moduro yn dangos diffyg proffesiynoldeb a chaiff ei hystyried yn ofalus. Derbynnir y gall troseddau gael eu cyflawni'n anfwriadol, ac ni fyddai un mân drosedd traffig yn atal trwydded rhag cael ei rhoi neu ni fyddai'n arwain at gamau gweithredu yn erbyn trwydded bresennol. Bydd euogfarnau dilynol yn ategu'r ffaith nad yw'r trwyddedai'n cymryd ei gyfrifoldebau proffesiynol o ddifrif ac felly nad yw'n berson diogel ac addas i gael na chadw trwydded.

5.35 ***Yfed a gyrru/gyrru o dan ddylanwad cyffuriau/defnyddio ffôn a ddelir â llaw neu ddyfais a ddelir â llaw tra'n gyrru***

Os bydd gan ymgeisydd euogfarn am yfed a gyrru neu yrru o dan ddylanwad cyffuriau, ni roddir trwydded nes bod o leiaf 7 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd neu waharddiad rhag gyrru a roddwyd. O dan yr amgylchiadau hyn, bydd yn rhaid i unrhyw ymgeisydd gwblhau profion cyffuriau ar ei draul ei hun hefyd er mwyn dangos nad yw'n defnyddio cyffuriau a reoleiddir. Os bydd gan ymgeisydd euogfarn am ddefnyddio ffôn symudol a ddelir â llaw neu ddyfais a ddelir â llaw tra'n gyrru, ni roddir trwydded nes bod o leiaf 5 mlynedd wedi mynd heibio ers yr euogfarn neu ers cwblhau unrhyw ddedfryd neu waharddiad rhag gyrru a roddwyd, pa un bynnag sydd fwyaf diweddar.

5.36 ***Troseddau moduro eraill***

Mân drosedd sy'n ymwneud â cherbyd neu draffig yw un nad yw'n cynnwys colli bywyd, gyrru o dan ddylanwad diod neu gyffuriau, gyrru tra'n defnyddio ffôn symudol, ac nad yw wedi arwain at anaf i unrhyw berson na difrod i unrhyw eiddo (gan gynnwys cerbydau). Os bydd gan ymgeisydd 7 pwynt neu fwy ar ei drwydded DVLA ar gyfer mân droseddau traffig neu droseddau tebyg, ni roddir trwydded nes bod o leiaf 7 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

Trosedd sylweddol sy'n ymwneud â cherbyd neu draffig yw un nas cwmpesir uchod a hefyd unrhyw drosedd a arweiniodd at anaf i unrhyw berson neu ddifrod i unrhyw eiddo (gan gynnwys cerbydau). Mae hefyd yn cynnwys gyrru heb yswiriant neu unrhyw drosedd sy'n gysylltiedig ag yswiriant modur. Os bydd gan ymgeisydd euogfarn am drosedd traffig sylweddol neu drosedd debyg, ni roddir trwydded nes bod o leiaf 7 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

5.37 ***Troseddau cerbyd hacni a hurio preifat***

Os bydd gan ymgeisydd euogfarn am drosedd sy'n ymwneud neu sy'n gysylltiedig â gweithgarwch cerbyd hacni neu hurio preifat (heb gynnwys defnyddio cerbyd), ni roddir trwydded nes bod o leiaf 7 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

5.38 ***Troseddau defnyddio cerbyd***

Os bydd gan ymgeisydd euogfarn am unrhyw drosedd a oedd yn cynnwys defnyddio cerbyd (gan gynnwys cerbydau hacni a cherbydau hurio preifat), ni roddir trwydded nes bod o leiaf 7 mlynedd wedi mynd heibio ers cwblhau unrhyw ddedfryd a roddwyd.

5.39 **Gweithredwyr Hurio Preifat**

Nid oes gan weithredwr hurio preifat ("gweithredwr") gyfrifoldeb uniongyrchol am ddiogelwch teithwyr, defnyddwyr eraill y ffordd na chyswllt uniongyrchol â theithwyr sydd yn y cerbyd hurio preifat (ac eithrio pan fydd wedi'i drwyddedu'n yrrwr hurio preifat hefyd). Fodd bynnag, wrth gyflawni ei ddyletswyddau mae'n cael ac yn cadw swm sylweddol o wybodaeth bersonol a phreifat am ei deithwyr y mae'n rhaid ei thrin yn gyfrinachol a pheidio â'i datgelu i eraill, na'i defnyddio gan y gweithredwr na'i staff at ddibenion troseddol na dibenion annerbyniol eraill.

Fel y nodwyd uchod, os bydd gan ymgeisydd fwy nag un euogfarn, bydd angen ystyried yn ofalus a yw'n berson addas a phriodol.

Mae'n rhaid i weithredwyr sicrhau bod unrhyw staff a ddefnyddir yn y busnes (boed yn gyflogeion neu'n gontractwyr annibynnol) yn gallu cael gafael ar unrhyw wybodaeth fel y disgrifir uchod a'u bod yn destun yr un safonau â'r gweithredwyr eu hunain. Gellir gwneud hyn drwy gais gan y gweithredwr i aelod unigol o'r staff gael tystysgrif sylfaenol gan y Gwasanaeth Datgelu a Gwahardd. Os canfyddir nad yw gweithredwr yn cymhwys o'r safonau gofynnol a'i fod yn defnyddio staff nad ydynt yn bodloni meini prawf cyffredinol yr awdurdod trwyddedu, bydd hynny'n arwain at ddirymu trwydded y gweithredwr.

Gan fod ymddiriedaeth a hyder y cyhoedd yn niogelwch ac uniondeb cyffredinol system hurio preifat yn hanfodol, bydd yr un safonau'n gymwys i'r gweithredwyr â'r rhai hynny sy'n gymwys i yrwyr, sydd wedi'u hamlinellu uchod.

5.40 **Perchenogion Cerbydau**

Mae gan berchenogion cerbydau (cerbydau hacni a hurio preifat) ddau brif gyfrifoldeb.

Yn gyntaf, mae'n rhaid iddynt sicrhau bod y cerbyd yn cael ei gynnal i safon dderbyniol drwy'r adeg. Yn ail, mae'n rhaid iddynt sicrhau na ddefnyddir y cerbyd at ddibenion anghyfreithlon.

Fel y nodir uchod, os bydd gan ymgeisydd fwy nag un euogfarn, bydd angen ystyried yn ofalus a yw'n berson addas a phriodol i gael neu gadw trwydded cerbyd.

Gan fod ymddiriedaeth a hyder y cyhoedd yn niogelwch ac uniondeb cyffredinol system hurio preifat yn hanfodol, bydd yr un safonau'n gymwys i'r perchenogion â'r rhai hynny sy'n gymwys i yrwyr, sydd wedi'u hamlinellu uchod.



CAERPHELLY COUNTY BOROUGH COUNCIL

INTENDED USE POLICY FOR THE LICENSING OF HACKNEY CARRIAGES

1. INTRODUCTION

- 1.1 The purpose of this policy is to set out how the Council will deal with the licensing, renewal and transfer of hackney carriage vehicles following the High Court Judgement – Newcastle City Council v Berwick upon Tweed [2008] EWHC 2369 (Admin). The Council, when considering new applications for hackney carriage proprietors licences will determine those applications in accordance with the principles contained within the judgement of the above case as set out below in the reasons for the policy. The policy was approved at a meeting of Caerphilly County Borough Council's Licensing Committee on 11th December 2014.
- 1.2 The Council will determine each application on its merits, but will place public safety above all other considerations.

2. APPLICATIONS FOR THE NEW GRANT OF A HACKNEY CARRIAGE LICENCE

- 2.1 Applicants for new licences will be expected to demonstrate a bona fide intention to operate predominantly within the administrative area of Caerphilly County Borough Council under the terms of the licence for which application is being made.
- 2.2 There will be a presumption that applicants who do not intend to predominantly operate within the administrative area of Caerphilly County Borough Council will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its merits.
- 2.3 Even where the applicant intends to operate predominantly in the area of Caerphilly County Borough Council, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular application, there will be a presumption that the application will be refused.

3. APPLICATIONS FOR THE RENEWAL OF A HACKNEY CARRIAGE LICENCE

- 3.1 Applicants for renewals of licences will be required to inform the Council whether they have a bona fide intention to operate predominantly within the administrative area of Caerphilly County Borough Council under the terms of the licence for which application is being made.
- 3.2 There will be a presumption that applicants who do not intend to predominantly operate within the administrative area of Caerphilly County Borough Council will not be granted a hackney carriage licence authorising them to do so. Section 60 of Local Government
- 3.3 Miscellaneous Provisions Act 1976 [LG(MP)A 1976] gives the Council a broad discretion to refuse to renew a licence for any reasonable cause. Each application will be decided on its merits.
- 3.4 Even where the applicant intends to operate predominantly within the Caerphilly area, if the intention is to trade in another authority's area also for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) then, subject to the merits of the particular application, there will be a presumption that the

application will be refused.

4. APPLICATION FOR THE TRANSFER OF A HACKNEY CARRIAGE LICENCE

- 4.1 Section 49 of the Local Government (Miscellaneous Provisions) Act 1976 requires that the proprietor of a licensed vehicle who transfers his interest to another person must, within 14 days of the transfer, give written notice to the Council of the name and address of the new proprietor of the hackney carriage.
- 4.2 The Council has no power to refuse to register the new proprietor provided requisite notice has been given in accordance with section 49 of the LG(MP)A 1976, the Council will register the new proprietor of a licensed hackney carriage. This is a legal requirement.
- 4.3 New proprietors should note the obligation under section 73 of the LG(MP)A 1976 to give an authorised officer information which may reasonably be required by him for the purpose of carrying out his functions under the legislation. Where there is a failure to provide the requested information, the Council will give serious consideration to exercising its powers of suspension of the licence under section 60 of the LG(MP)A 1976.
- 4.4 New proprietors of existing licences will be expected to have a bona fide intention to predominantly operate within the administrative area of Caerphilly County Borough Council under the terms of the licence in respect of the vehicle being transferred.
- 4.5 Where the new proprietor of a licensed hackney carriage is found to have no intention to operate predominantly within the administrative area of Caerphilly County Borough Council and/or intends to trade in another authority's area also for a substantial amount of time and it appears that the purpose of the legislation and public safety will be compromised then, subject to the merits of the particular case, consideration will be given (either at renewal or earlier) to the suspension or revocation of the licence under section 60 of the 1976 Act. Where the transferee proposes to operate remotely from the administrative area of Caerphilly County Borough Council there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

5. REPLACEMENT VEHICLES

- 5.1 In respect of proprietors who wish to replace existing licensed vehicles unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of Caerphilly Council there should be no reason why they should not be granted a licence for a replacement vehicle. However, an applicant who obtained the first licence on the expressed intention of plying for hire entirely or predominantly within the administrative area of Caerphilly Council, and who on application to replace that vehicle with another discloses they no longer so intend, will effectively engage the presumption against grant of a licence.

6. REVOCATION OF LICENCE

- 6.1 Where a licence has been granted under the terms that the applicant intends to operate predominantly within the administrative area of Caerphilly County Borough Council but is subsequently found not to be operating predominantly within the Caerphilly area and to be trading in another authority's area for a substantial amount of time (and it appears that the purpose of the legislation and public safety will be compromised) there will be a presumption that the licence will be revoked.

7. EXCEPTIONAL CIRCUMSTANCES

- 7.1 Each application will be decided on its merits. However the presumptions that intended use is to operate predominantly within the administrative area of Caerphilly County Borough Council will be rebuttable in exceptional circumstances. Whilst it is neither possible nor prudent to draw up a list of what might amount to exceptional circumstances, an applicant who claims that exceptional circumstances exist will be expected to be able to satisfy the Council that it would not compromise the purposes of the legislation or public safety if the licence were granted, renewed or if it were not suspended or revoked as the case may be.

8. REASONS FOR POLICY

8.1 The Council wishes to ensure that applications for the grant of hackney carriage licences are determined in accordance with the guidance given by the High Court in its judgement in the case of Newcastle City Council v Berwick upon Tweed Council [2008]. The following statements were made in this judgement -

- a) *“It was the intention behind the licensing system that it should operate in such a way that the authority licensing hackney carriages is the authority for the area in which those vehicles are generally used”*
- b) *“A licensing authority, properly directing itself, is entitled and indeed obliged to have regard to whether in fact the applicant intends to use that hackney carriage predominantly, or entirely, remotely from the authority’s area”*
- c) *“It must be desirable for an authority issuing licences to hackney carriages to be able to restrict the issuing of those licence to proprietors and drivers which are intending to ply for hire in that authority’s area”*
- d) *“While I cannot at the moment conceive of it being rational to grant a licence to those who intend to operate their hackney carriages remotely from [the local authority’s area] I am not prepared to say that it is bound to be unlawful”*
- e) *“There will be proprietors who wish to use their vehicles in a number of different authorities’ areas and in that case no doubt there will be flexibility in the exercising of the discretion. Matters such as where the proprietor is based and where most of the business comes from will be material matters to consider”*

8.2 The Council is required to register the name of a new proprietor of a vehicle when a licence holder properly notifies it of the transfer of his interest in a vehicle to a new proprietor. This appears to open up an obvious route to circumvent the decision of the High Court, unless precautionary steps are taken. The paragraph relating to ‘Application for the transfer of a hackney carriage licence’ is intended to put the Council in a position to respond responsibly to the transfer of a Caerphilly hackney carriage into the name of someone who operates outside of Caerphilly County Borough Council area or remotely from it.

CONDITIONS ATTACHED TO HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS (DUAL) LICENCES

The maximum period of a driver's licences has been extended from two years to three. The result has been that licensing requirements may be required to be verified during the course of the licence. Conditions 1,2 and 3 ensures that the Licensing Authority can be confident that the licence holder remains a fit and proper person to hold a driver's licence.

1. A Disclosure and Barring Service check is required on the ...Date.... , the check shall be submitted to the Licensing Office no later than 4 weeks after this date.
(Advisory - Failure to submit the DBS check will result in the matter being placed before the next available Licensing Committee for consideration of the licensee's fitness to hold a dual licence)

2. A Group 2 DVLA standard medical certificate is required on the ...Date...., the certificate shall be submitted to the Licensing Office no later than 4 weeks after this date.
(Advisory - Failure to submit a medical certificate of fitness to drive a licensed vehicle will result in the matter being placed before the next available Licensing Committee for consideration of the licensee's fitness to hold a dual licence) .

3. A signed DVLA mandate is required on the ...Date...., the mandate shall be submitted to the Licensing Office no later than 4 weeks after this date.
(Advisory - Failure to submit a signed DVLA mandate will result in the matter being placed before the next available Licensing Committee for consideration of the licensee's fitness to hold a dual licence).

4. The Licensee shall not assign or any way part with the benefit of the licence, which is personal to the Licensee, other than the licence must be delivered to the private hire vehicle operator employing the driver and to be retained by him whilst such driver remains in his employ.

5. The Licensee is advised that any private hire vehicle he may drive must be operated through a private hire vehicle operator licensed with this Council.

6. The Licensee shall, when driving a Hackney Carriage or Private Hire Vehicle, wear such badge issued to the Licensee by the Council, in such a position and manner as to be plainly and distinctly visible, bearing the number corresponding with the number assigned to the Licensee in the register kept by the Council for that purpose.

7. The Licence may be suspended, revoked or not renewed by the Council:
(i) if the driver commits an offence or otherwise fails to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976;
(ii) if the driver has been convicted of an offence involving dishonesty, indecency or violence;
(iii) if the driver becomes disqualified from driving under any of the Road Traffic Acts, in which case the licence shall be automatically revoked;
(iv) on any other reasonable grounds.

8. The driver's badge shall remain the property of the Council and if the driver's licence is suspended or revoked or the Council refuse to renew a driver's licence such badge shall be returned by the Licensee to the Council within seven days of a notice by the Head of Public Protection, requesting the Licensee to do so.

9. Application for renewal of a licence must be made before the expiry date, to ensure continuity. There is no automatic period of grace and unlicensed driving is an offence.

10. The licensee must throughout the period of his licence hold a valid driver's licence under the Road Traffic Act 1988. If he/she is disqualified from holding a driving licence for whatever reason, he/she must notify the Council immediately and return the badge and licence.

11. The Licensee shall notify the Council forthwith of any change or deterioration to his/her health during the period of his/her licence. The Council reserves the right to require an existing licensee to produce medical evidence of continuing fitness to drive during the period of the licence. Such

medical evidence shall be produced by the licensee to the Council within seven days of a notice by the Head of Public Protection requesting the licensee to do so.

12. The Licence holder shall at the request of any Authorised Officer of the Council or any Constable, produce for inspection his driver's licence and/or badge, either forthwith or before the expiration of five days beginning with the day following the date of request:-

(i) in the case of a request of an Authorised Officer to the Head of Public Protection at Penallta House, Tredomen, Ystrad Mynach, CF82 7PG

(ii) in the case of a request of a Police Constable at any Police Station within the Council's area and which is nominated by the Constable when the request is made.

13. The licence holder shall not cause or suffer or permit to be conveyed in a hackney carriage or private hire vehicle a greater number of persons exclusive of the driver than the number of persons specified in the licence issued and displayed on the hackney carriage or private hire vehicle licence plate issued by the Council in respect of that vehicle.

14. The Licence Holder shall not:

(i) Behave in an uncivil or disorderly manner, and shall not use abusive language or gestures to the general public, pedestrians, other road users or any other person.

(ii) Conduct themselves in a manner that causes offence, nuisance, or actions that may present a hazard to members of the public or passengers.

(iii) Drink or eat whilst carrying fare paying passengers in the vehicle

(iv) Without the consent of passengers, shall not use any radio, CD or MP3 or other sound reproducing instrument or equipment in the vehicle

(v) Consume alcohol at any time whilst driving or being in charge of a hackney carriage or private hire vehicle. (Advisory: Consumption of alcohol during or prior to driving a taxi may result in loss of the licence.)

(vi) Drive a vehicle unless he/she understands how to safely operate/install any equipment to make the vehicle accessible by disabled persons.

(vi) Use a hand held microphone or telephone handset whilst the vehicle is moving. Drivers shall only speak into a fixed neck sling or clipped on microphone or other suitable hands-free or Bluetooth type system, so as not to distract their attention from the road. Drivers must not stop on the hard shoulder of a motorway to answer or make a call (unless it is to dial 999), however urgent. It is a criminal offence to use a hand held mobile phone whilst driving and any such offence might impact upon the driver's fitness to hold a driver's licence.

(vii) Without consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

15. The driver shall notify the LA in writing within 7 days of any change of his/her address or telephone number whether of a temporary or permanent nature.

16. The licence holder shall be clean and respectable in his/her dress and person.

Vehicle

17. The licence holder shall:

(i) at all times maintain his/her vehicle in a roadworthy and clean condition both internally and externally. The driver must carry out a spot check on the vehicle lights and condition of tyres in particular, before using the vehicle.

(ii) ensure that the appropriate insurance cover is in force covering him/her to drive such vehicle. Where an insurance cover note has effect the driver shall, on expiry of that cover note, provide evidence to the LA of the new period of cover. It is the responsibility of the driver to provide the LA with a current and valid copy of their insurance policy and/or cover note and to ensure they have the appropriate insurance cover in place. In accordance with Section 60 of the LG(MP)A failure to provide this insurance cover to the LA will result in a suspension notice being served. The suspension shall remain in place until such time as the LA receives documentary evidence of valid and adequate insurance.

(iii) That the licence plate affixed to the front and rear of the vehicle does not become concealed from public view or be so damaged or defaced as to render it illegible.

(iv) The driver shall ensure that the licence plate is not removed from the vehicle at any time unless an authorisation of exemption has been granted.

Equality Act 2010

18. All drivers will be required to make themselves fully aware of their responsibilities and duties required of them under the Equalities Act to promote equality and opportunity for disabled people.

Obligations in respect of passengers / customers

19. If he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at that time and place, unless delayed or prevented by sufficient cause. If the vehicle is to be delayed every effort should be made to contact the passenger and inform them of the reason for the delay. In addition, if the passenger is not immediately available the driver shall make all reasonable efforts to contact that passenger.

20. The driver when hired to drive to any particular destination shall, subject to any directions or request made by the hirer, proceed to that destination by the shortest direct route.

21. The driver shall drop off passengers in a safe zone and shall not permit passengers to alight onto a road where it can be avoided.

22. The driver shall not make any advances to passengers that could be construed as an attempt to procure any special relationship or sexual activity.

23. The driver shall:

(i) at all times comply with all reasonable requirements of any person hiring or being conveyed in the vehicle.

(ii) when requested by the hirer convey a reasonable quantity of luggage;

(iii) The driver shall afford reasonable assistance in loading and unloading any luggage or passenger belongings, including assistance in removing it to and from the entrance of any house or other place where he collects or sets down his passenger;

(iv) if requested by the hirer of a vehicle, provide him/her with a written receipt for the fare paid.

24. The driver shall immediately after the termination of any hiring, carefully search the vehicle for any property that may have been accidentally left therein, and if such property is found, take the same within 48 hours, if not sooner claimed by, or on behalf of its owner, to the Head of Public Protection, Penallta House, Tredomen Park, Ystrad Mynach, Hengoed, CF82 7PG whereupon the Licensee will be given a receipt for the property.

Taxi meters

25. Where a vehicle is fitted with a taximeter, the driver shall not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare (unless credit is to be given).

Convictions

26. The driver shall notify the LA as soon as is reasonably practicable, and in any event within 72 hours, of full details of any convictions, sentencing, fixed penalty fines, driving penalty points, cautions, warnings, binding over or reprimands imposed on him/her during the period of licence. In addition, the driver shall notify the LA of any sentences imposed on him.

The Carriage of Animals

27. A driver must not carry in a hackney carriage or private hire vehicle any animal, which belongs to, or is being looked after by, himself or herself, the owner or operator of the vehicle whilst it is being used as a hackney carriage or private hire vehicle. Animals in the custody of passengers may be carried, at the driver's discretion, provided they are restrained in a safe manner and do not cause an obstruction to the driver.

28. A driver must, however carry assistance dogs as defined in the Disability Discrimination Act 1995 regulations without any additional payment unless they are in possession of an exemption from this condition issued by the LA. (A certificate of exemption will be granted upon the production of suitable medical evidence. If the exemption is being applied for on the grounds of a chronic phobia of dogs, a psychiatrist or clinical psychologist must provide the report.)

29. The driver of a hackney carriage or private hire vehicle who has been issued with an exemption certificate must exhibit the notice of exemption in a vehicle by either, fixing it to the windscreen, facing outwards, or fixing it in a prominent position on the dashboard. [If the driver of a hackney carriage forges or makes a false statement in respect of an exemption certificate, he/she will be guilty of an offence. If the driver of a private hire vehicle forges or makes a false statement in respect of an exemption certificate, he/she will be in breach of his/her licence conditions and may render his/her licence liable to suspension or revocation.]

Accidents

30. The driver shall report all accidents to the LA as soon as is reasonably practicable but in any event within 72 hours of the occurrence of any such accident that may have caused damage materially affecting the safety, performance or appearance of the vehicle or comfort or convenience of persons carried therein. Any driver reporting an accident will normally be required to present the vehicle for inspection at the Licensing Office upon request.

Private Hire Vehicles

31. Private Hire Vehicle drivers are only permitted to take passengers who have pre-booked their journey via a licensed operator.

32. The driver of a private hire vehicle shall not park on, drop off or pick up at any taxi rank for any reason during the operation times of such rank.

33. The driver of a private hire vehicle shall not ply for hire on any public or private road, or tout or solicit any person to hire or to be carried in his/her private hire vehicle. The driver shall not accept any offer of immediate hire whilst the driver or vehicle is on the road or in any other public place.

34. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator.

Hackney Carriages

35. The driver shall not demand from any hirer of a vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taxi meter and there has been no previous agreement as to charging a lesser fare, the fare shown on the taxi meter.

HACKNEY CARRIAGE BYE LAWS

Made under Section 68 of the Town Police Clauses Act 1847 and Section 171 of the Public Health Act 1875 by the Council of the County Borough of Caerphilly with respect to hackney carriages in Caerphilly County Borough.

INTERPRETATION

1. Throughout these byelaws:-

“THE COUNCIL” means the Council of the County Borough of Caerphilly

“TABLE OF FARES” means the table of fares fixed by the Council under Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

“THE COUNTY BOROUGH” means the County Borough of Caerphilly.

PROVISIONS REGULATING THE MANNER IN WHICH THE NUMBER OF EACH HACKNEY CARRIAGE CORRESPONDING WITH THE NUMBER OF ITS LICENCE, SHALL BE DISPLAYED

2. The proprietor of a hackney carriage shall:-

(a) cause to be affixed on the outside and inside of the carriage the plates and disc provided by the Council on which shall be marked the number of the licence granted in respect of such carriage in a manner as follows, namely:-

i. The exterior plate shall be fixed and displayed outside and on the rear of the vehicle and be at all times clearly visible from the rear and be maintained in a clean condition:

ii. The interior plate shall be fixed on the inside of the carriage in such a position as to be easily observed by the passengers:

iii. The licence disc to be fixed and displayed inside the vehicle on the lower left hand corner of the windscreen in order to be clearly visible from the front of the carriage by persons outside the vehicle.

(b) the proprietor or driver of a hackney carriage shall:-

- i. not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
- ii. not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

PROVISIONS REGULATING HOW HACKNEY CARRIAGES ARE TO BE FURNISHED OR PROVIDED

3. The proprietor of a hackney carriage shall:-

- (a) Provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) Cause the roof or covering to be kept water-tight;
- (c) Provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) Cause the seats to be properly cushioned or covered;
- (e) Cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) Cause the fittings and furniture generally to be kept in a clean condition, well maintained, and in every way, fit for public service;
- (g) Provide means for securing luggage if the carriage is so constructed as to carry luggage;
- (h) Provide an efficient fire extinguisher and first aid kit which shall be carried in such a position as to be readily available for use;
- (i) Provide and maintain an electric light in the interior of such carriage;
- (j) Carry a spare wheel and tyre and suitable tools for the replacement of damaged or punctured tyres;
- (k) Provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

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

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

5. Every proprietor of a hackney carriage shall cause the same to be provided with a roof sign so constructed as to comply with the following requirements, that is to say:-

- (a) The sign shall bear the words "FOR HIRE" in plain letters at least two inches in height;
- (b) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.

PROVISIONS REGULATING THE CONDUCT OF THE PROPRIETORS AND DRIVERS OF HACKNEY CARRIAGES PLYING WITHIN THE COUNTY BOROUGH IN THEIR SEVERAL EMPLOYMENTS, AND DETERMINING WHETHER SUCH DRIVERS SHALL WEAR ANY, AND WHAT BADGES

6. The driver of a hackney carriage provided with a taximeter shall:-

- (a) When standing or plying for hire, keep the key, flag or other device fitted in pursuance of the Byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
- (b) As soon as the carriage is hired by distance, and before beginning the journey, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring;
- (c) Cause the dial of the taximeter to be kept properly illuminated throughout any part of the hiring which is during the hours of darkness, this being the time between half an hour after sunset to half an hour before sunrise, and also at any other time at the request of the hirer.

7. A proprietor or driver of a hackney carriage shall not tamper with, or permit any person to tamper with, any taximeter with which the carriage is provided, with the fitting thereof, or with the seals affixed thereto.

8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.

11. The driver of a hackney carriage shall, when standing or plying for hire, when hired, display on his person in such a manner as to be plainly visible, the hackney carriage driver's badge issued to him by the Council.

12. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:-

- (a) Convey a reasonable quantity of luggage;
- (b) Afford reasonable assistance in loading and unloading;
- (c) Afford reasonable assistance in removing it to or from the entrance of any building, station or place at which he may take up or set down such person.

PROVISIONS FIXING THE RATES OR FARES TO BE PAID FOR HACKNEY CARRIAGES WITHIN THE COUNTY BOROUGH; AND SECURING THE DUE PUBLICATION OF SUCH FARES

13. The proprietor or driver of a hackney carriage shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council's table of fares, for the time being in force, which it may not be possible to record on the face of the taximeter.

14. The proprietor of a hackney carriage shall cause the table of fares for the time being in force, to be exhibited inside the carriage, in clearly distinguishable letters and figures.

15. The proprietor or driver of a hackney carriage bearing the table of fares in accordance with the preceding byelaw, shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

PROVISIONS SECURING THE SAFE CUSTODY AND RE-DELIVERY OF ANY PROPERTY ACCIDENTALLY LEFT IN HACKNEY CARRIAGES AND FIXING THE CHARGES TO BE MADE IN RESPECT THEREOF

16. The proprietor or driver of a hackney carriage shall immediately after the termination of any hiring, or as soon as practicable thereafter, carefully search the carriage for any property which may have been accidentally left therein.

17. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found by or handed to him:-

- (a) carry it, as soon as possible, and in any event within 48 hours, if not sooner claimed by, or on behalf of its owner, to the Council Offices, Ty Penallta, Tredomen Park, Ystrad Mynach, Hengoed and leave it in the custody of the officer in charge of the office on his giving receipt for it;
- (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

PENALTIES

Every person who shall offend against any of these byelaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale and in the case of a continuing offence to a further fine not exceeding two pounds for each day during which the offence continues after conviction therefore.