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1. Introduction

This statement of licensing policy is written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976, as amended, which places on Conwy County Borough Council (the "Licensing Authority") the duty to carry out its licensing functions as to hackney carriage and private hire vehicles.

The policy also takes into consideration the Town Police Clauses Act 1847, The Transport Act 2000, The Equalities Act 2010, The General Data Protection Act 2018, The Well Being of Future Generation Act (Wales) 2015, Department for Transport Statutory Guidance and Welsh Government Taxi and Private Hire Licence Guidance.

In setting out its policy, the Licensing Authority shall promote the following objectives:

- The protection of public health and safety.
- The establishment of a professional and respected hackney carriage and private hire trade.
- Access to an efficient and effective public transport service.
- The protection of the environment:
- The safeguarding of children and vulnerable adults;

In promoting the above objectives, the Licensing Authority will embrace the principles of:

- Fairness and reasonableness to the users of taxis and the trade.
- Promotion of free trade.
- Open and where required consultative decision-making.

The Licensing Authority will also consider best practice guidance where applicable, e.g. from The Institute of Licensing, Welsh Local Government Association, The Department for Transport and Welsh Government

In exercising its discretion in carrying out its regulatory functions, the Licensing Authority shall have regard to this policy document and the objectives set out above.

Despite the existence of this policy, each application or enforcement measure shall be considered on its own merits. Where it is necessary for the Licensing Authority to depart substantially from its policy, clear and compelling reasons shall be given for doing so.

When carrying out its regulatory function the Licensing Authority will do so in accordance with the relevant legislation and The Public Protection Enforcement Policy and will do so in a transparent, accountable, proportionate and consistent way.

The aim of the licensing process in this context is to regulate the hackney carriage and private hire trade to promote the above objectives. It is the Licensing Authority's wish to facilitate well-run and responsible businesses that display a sensitivity to the needs of the public.

This policy shall take effect from ***** during which time it shall be kept under review and revised as appropriate. A full review will take place every three years.

Upon implementation of this policy, the Licensing Authority expects licence-holders to comply with its terms immediately, except concerning certain provisions for which a timescale for compliance has been stated within the relevant section of this policy.

In drawing up this policy, the Licensing Authority has consulted with the following:

- Representatives of established groups from the hackney carriage and private hire trade.
- North Wales Police
- British Transport Police
- Conwy County (School Contracts)
- Relevant Disabled Persons Transport Advisory Group
- Residents via their representatives (Town and Community Councils)
- Conwy County Social Services (Child and vulnerable person's protection team).
- Conwy County Diversity and Equalities Officers

2. Hackney Carriage Licensing - Proprietors

Licence Application (online only)

Those persons wishing to make application for the grant or renewal of a hackney carriage vehicle licence should apply online using the Licensing Authorities specified form.

Forms should be accompanied with the following documentation:

- Vehicle registration document (V5) or lease document.
- Certificate of insurance showing cover for hire and reward purposes.
- Current Certificate of Compliance (COC).
- Current licence fee.

Licences are granted for a period of one year. Failure to renew a licence before the expiry date will result in the applicant being required to make a new application for the grant of a vehicle licence.

This requirement to make a new application due to failure to renew may in 'exceptional' circumstances and in consultation with the Chair/Vice Chair of The General Licensing Committee be waived due to unforeseen circumstances, for example, where the applicant has been unable to apply due to a significant accident or emergency.

To qualify for a renewal, applications must be submitted 28 days prior to expiry

Environmental Considerations

The Council fully supports the use of vehicles that use cleaner environmentally friendly fuels or power units.

It is considered that efforts should be made, through the licensing policy, to improve, as far as possible, the efficiency of vehicles licensed in the County reducing the levels of CO₂ emitted. LPG, electric, hybrid, human and horse-powered vehicles are acceptable.

Conditions

The Licensing Authority is empowered to impose such conditions, as it considers reasonably necessary in relation to the grant or renewal of a hackney carriage licence. The following represent the minimum standards, which are expected. They should be read in conjunction with conditions for private hire vehicles set out in appendix A.

Limitation of Numbers

The Licensing Authority has no policy or desire to limit the number of hackney carriages, which may be licensed within Conwy County. This does not, however, imply that there is to be no regulation of hackney carriages, as the Licensing Authority intends that quality controls shall be rigorously maintained in relation to both the vehicle and the driver.

Vehicle Accessibility

The Licensing Authority is committed to providing access to all.

Officers have delegated powers to issue a licence when an application meets all policy and specification requirements. Officers are not empowered to refuse an application for a licence outside of policy. Accordingly, where an application for the grant of a hackney carriage licence is made when the vehicle in question does not meet any requirement, the application may be referred in consultation with the applicant to the Licensing Committee for consideration.

Hackney carriage vehicle specification policy appendix K
Private hire vehicle licence conditions appendix L

Maximum Age of Vehicles

All new vehicles to fleet must be under 5 years old (except for accessible vehicles). Any vehicles that are over this threshold can be referred to the Licensing Sub-Committee for consideration.

- Accessible vehicles older than five years of age on first registration must be presented to the delegated officer prior to COC the vehicle must be in exceptional condition (including any ramps straps, brackets, mountings etc).

Each vehicle application will be considered on its own merits. Factors such as the overall condition, maintenance records and mileage of the vehicle, will be relevant.

This provision shall not apply to non-motorised or novelty vehicles.

Vehicle Size

Vehicles may be licensed for up to eight passengers.

Advertising

Permitted adverts relating to the vehicle proprietor's business and certain additional or other third-party adverts are set out in appendix L and appendix J.

Vehicle Testing - Certificate of Compliance (COC).

A hackney carriage shall be tested twice per year.

The test must be carried out by an authorised M.O.T examiner at a testing station approved by the Ministry of Transport, and the Licensing Authority.

A list of authorised testing stations is available at appendix R.

The full inspection is listed at appendix B.

Livery

Other than vehicle licence plates there are no requirements to display the Council logo on vehicles.

3. Hackney Carriage Licensing - Drivers

Conditions/byelaws

Although the Licensing Authority is not permitted to attach conditions to a hackney carriage driver's licence, all hackney carriage drivers operating in Conwy must adhere to a series of Byelaws set out in appendix A.

In addition, Hackney drivers who are also licensed to drive private hire vehicles will be subject to the conditions relevant to a private hire driver in appendix A.

Code of Good Conduct

The Licensing Authority considers that a professional driver shall not charge above the maximum fare, shall adopt safe and passive driving techniques and set a good example to other road users. The standards expected are set out in the Code of Good Conduct, and dress code as set out in appendix D.

Age, Experience and Qualifications

Whilst there is no age restriction imposed, the Licensing Authority will not grant a licence to drive a Hackney Carriage to any person unless they have held a full driving licence for a period of one year and will consider the introduction of the qualifications listed below:

- The Driving Standards Agency Hackney Carriage and Private Hire Assessment Test,
- BTEC Level 2 Certificate in the Introduction to the Role of the Professional Taxi and Private Hire Driver (previously named the BTEC Intermediate Award in Transporting Passengers by Taxi and Private Hire).
- The Edexcel Level two NVQ in Road Passenger Vehicle Driving (Community, Hackney Carriage/Private Hire Vehicles and Chauffeurs).

- The Edexcel Level 2 NVQ in Passenger Carrying Vehicle Driving, or an equivalent or higher qualification as approved by the Authority.

Although existing drivers will not be required to undertake and pass the Driving Standards Agency Hackney Carriage and Private Hire Assessment test or the BTEC Intermediate Award in Transporting Passengers by Taxi and Private Hire, they are encouraged to undertake and pass such tests if introduced.

It should be noted that existing drivers who fail to make their renewal application on time would be treated as a grant (new) application. All drivers are advised to place their licence expiry in their diary and to apply for their driver's renewal at least 28 days before expiry.

This requirement to make a new application due to failure to renew may in 'exceptional' circumstances and in consultation with the Chair/Vice Chair of The General Licensing Committee be waived due to unforeseen circumstances, for example, where the applicant has been unable to apply due to a significant accident or emergency

Authorisation to Work in the UK

All applicants will need to demonstrate that they are authorised to work in the UK before an application for the grant of a driver's licence may be considered. The Licensing Authority will operate its application procedures in line with guidance issued by the Home Office.

Further information can be obtained from www.ukba.homeoffice.gov.uk. The Licensing Authority may scan and forward identification documents to the Home Office.

Non-UK Applicants

All non-UK applicants for Hackney Carriage and Private Hire licensing are required as part of the licensing process to provide to the Authority in written English a "Certificate of Good Conduct" or equivalent document from the appropriate Embassy or High Commission of the country/countries in which they have lived. In addition, an Enhanced CRB Disclosure shall be required in accordance with the conditions below.

Non-UK applicants as part of the licensing process must register their non-UK driving licences with the DVLA in order that a UK counterpart can be issued

Non-UK applicants must provide to the Authority as part of the licensing process evidence of the right to work in the UK.

Application Procedure

All applications for a hackney carriage driver's licence shall be made on the Council's specified online portal. The application procedure is set out in appendix E.

DVLA Driver Licence Check

As part of the Council's fit and proper (safe and suitable) test, all applicants must sign a DVLA disclosure mandate, which is valid for a period of three years. The DVLA mandate allows approved Council personnel to access a web-based DVLA system to check on driving licence entitlements and endorsements.

If on request drivers decide not to sign a disclosure mandate at any time during the period of their licence, the licence will be suspended until such time as the validity of their DVLA licence can be confirmed, showing that they are a fit and proper person.

Applications for the grant of a licence will not be approved until the Licensing Authority receives all driving licence entitlement and endorsement data, and it proves satisfactory in accordance with this policy.

Tax Check

All renewal applications need to be accompanied by a tax check. This also applies where a licence had lapsed within the past 12 months. [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK](#)

NAFN Check

The Licensing Authority will also conduct a check on the national anti-fraud network for drivers who have previously had a licence refused, revoked and/ or suspended.

Disclosure Barring Service (DBS) Check

All applicants and drivers must sign up to the DVLA (check service)

Before the Licensing Authority consider an application for the grant of a driver's licence, the Applicant must provide a relevant Enhanced DBS disclosure of criminal convictions.

Applicants wishing to renew their driver's licences are required to provide an Enhanced DBS Disclosures every three years or on any earlier occasion if requested by the Licensing Authority.

The Council is bound by rules of confidentiality, and will not divulge information obtained to any third parties, unless required to do so by legislation [Data Protection - Conwy County Borough Council](#)

Care should be taken to complete DBS application forms accurately, as failure to do so will delay the process of obtaining a DBS disclosure.

Relevance of Convictions and Cautions

In assessing whether the applicant is a fit and proper (safe and suitable) person to hold a licence, the

Licensing Authority will take account any cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence, relevant information is available at appendix F.

Medical Examination

A medical certificate is required before a licence may be granted, irrespective of the age of the applicant. A DVLA Group 2 standard of medical fitness for professional drivers is required.

Certificates must be completed by a (General Practitioner), who has access to the applicant's full medical records.

The Licensing Authority holds specified medical examination forms; these are available for applicants to present to their GP. The applicant will be responsible for paying the fee for any examination to the relevant surgery.

Existing drivers must produce to the licensing Authority a new medical certificate within seven days of the date of the expiry of a previous certificate.

Any applicant or licence holder must be medically examined every 6 years, whilst individuals of 65 years and over, must be examined annually.

Licence holders must immediately advise the Council of any deterioration of their health that may affect their driving capabilities, and which may negate their ability to pass a Group 2 medical standard examination. Examples include but are not limited to, high blood pressure, angina, diabetes, vision disorder, fainting, blackouts, drug taking or alcoholism. Where there is any doubt as to the medical fitness of the applicant, the Licensing Authority may require the applicant to undergo and pay for a further medical examination by a doctor appointed by the licensing authority. The Doctor's recommendation will be final.

Testing of Applicants

The Licensing Authority shall not grant a licence to drive a hackney carriage unless it is satisfied that the applicant is a fit and proper (safe and suitable) person. To determine such fitness, the applicant shall be required to undertake the following written tests as to the applicant's knowledge of:

- Local geography
- The Highway Code
- The Hackney Carriage and Private Hire Licensing Policy
- Numeracy and payments.

The procedures in relation to the above are set out appendix E.

Applicants with gold Conwy Ambassador Status will receive a 50% discount on testing fees on production of their certificate. [Conwy Tourism Ambassador Course – Ambassador Wales](#)

The Consideration of Applications

The Licensing Authority shall consider the application once the appropriate tests have been undertaken, and the application form and supporting documents are complete. The relevant elements of the procedure to consider the merits of the application are set out in appendix E.

Grant of Licences

A successful applicant will be granted a hackney carriage driver's licence, for a three-year period from the date of grant.

Renewals

Although there is no statutory duty placed on the Licensing Authority to issue reminders, holders of existing hackney carriage drivers' licences may receive a reminder, in the month preceding their expiry, when their licences are due to be renewed.

Application forms, appropriate fees, and supporting documentation, as set out in Appendix E, and must be submitted at least 7 days prior to the expiry of the previous licence. (There will be no grace period after the expiry date unless there are exceptional circumstances).

Drivers are recommended to place their licence expiry date in their diary and apply in good time. Applicants for renewal are required to provide an Enhanced DBS check every three years or on an earlier occasion if requested by the Licensing Authority.

4. Hackney Carriage Licensing – Fares

Prescribed rates

The driver of a hackney carriage vehicle, whether by agreement or otherwise, shall not charge any fare greater than the rate prescribed by the licensing authority in Conwy County Borough Councils published tariff.

Table of Fares (TARIFF)

The maximum fares prescribed by the Licensing Authority are set out in a separate document. An authorised tariff card will be provided to each hackney carriage licence holder and must be displayed in each vehicle so that it is easily visible to all hirers, Appendix H

Separate Fares

A licensed Hackney Carriage Vehicle or licensed hire car may be used for hire or reward at separate fares BUT ONLY WHERE:

- All the passengers carried on the occasion in question booked their journeys in advance.
- Each passenger has consented, when booking the journey, to sharing the use of the vehicle on that occasion with others on the basis that a separate fare would be payable by each passenger for their own journey on that occasion.
- The total fare for all passengers does not exceed the fare on the meter for the journey.

The driver/operator of a private hire vehicle shall make their own agreement with the hirer as to the fare for a particular journey.

Review

Hackney carriage tariffs will be reviewed upon written requests and will be referred to the General Licensing Committee for determination.

Fare/Tariff Criteria

In considering requests to vary a table of fares and in considering any representations received in response to the statutory consultation period of a fare/tariff review, the following criteria will be utilised:

- Proportionate with the locality.
- Benchmarked with other local authorities.
- Justified.
- Simple and easily calculated.
- Designed with a view to practicality.
- In line with published best practice guidance.
- Mathematically correct and capable of being entered onto a meter.
- Remain the same for all vehicles irrelevant of different seating capacity.

Charging under the maximum

There are no provisions in the relevant legislation or this policy, which prevent the driver of a hackney carriage vehicle from charging less than the fare shown on the meter

Receipts

A hackney carriage driver must, if requested by the passenger, provide him/her with a written receipt for the fare paid.

Hackney carriages proprietors must make available cash and digital (card) payments in all licensed hackney carriages.

5. Hackney Carriage Licensing - Taxi Stands

Appointed Stands

Although there is no requirement to appoint stands the Licensing Authority has appointed a number stands for hackney carriages within the County Borough area, both on public and private land.

The appointed stands are listed in appendix I

Hackney Carriages plying for hire on stands placed upon railway property must under the Public Health Act 1926 abide by the byelaws of the Licensing Authority appertaining to the use of hackney carriages.

Hackney stand etiquette is highlighted in the driver's code of conduct and byelaws.

6. Private Hire Licensing - Operators

Requirement for Operators licence.

All private hire operators must obtain a licence to operate from the Licensing Authority.

Conditions

The Licensing Authority has power to impose such conditions on an operator's licence, as it considers reasonably necessary.

The standard conditions usually considered reasonably necessary are set out in appendix L.

Application

Application for an operator's licence are made online via the prescribed form, together with an Enhanced DBS disclosure and the appropriate fee.

The Licensing Authority will decide whether the applicant is a fit and proper person to hold an operator's licence, and if so, grant a licence for a period of five years (in exceptional circumstances upon determination by the General Licensing and Regulation Committee a licence may be issued for a reduced period).

For partnerships, limited companies etc. all directors/ partners will be required to submit an enhanced DBS check.

Operators Test

All operators, directors or partners associated with an operator's business, must undergo an operator's test. This will test the operator's knowledge of the private hire conditions.

Address from which an operator may operate

Upon grant of an operator's licence, the Licensing Authority will specify the address (as submitted if appropriate permissions are in place) from which the operator may operate.

Operators who operate from premises which are open to the public and to which the public has access are required to provide proof of public liability insurance for the premises up to £4 Million

It should be noted that an Operator's Licence is non-transferable from premises to premises.

Records/Documentation

Documents and records of the licensed private hire operation must be made available to Authorised Officers of the Licensing Authority at any reasonable time or at any time when the private hire business is in operation as per appendix L.

Fares

The operator of a private hire vehicle shall make his/her own agreement with the hirer as to the fare for a particular journey as per appendix L

Parking at the Operator's Address

The Licensing Authority would expect that operators park all licensed vehicles lawfully and in such a place or position so that vehicles do not cause risk or nuisance to the public.

7. Private Hire licensing Vehicles

Maximum Age of Vehicles

All new vehicles to fleet need to be under 5 years old. Any vehicles that are over this threshold can be referred to the Licensing Committee for consideration

Private hire vehicle licence conditions appendix L

Each such application will be considered on its own merits. Factors such as the condition, maintenance record and mileage of the vehicle, will be relevant.

Vehicle Size

Vehicles may be licensed for up to eight passengers.

Advertising

Detailed provisions as to permit vehicle markings, which relate to the proprietor's business are set out in appendix J

Vehicle Testing (COC).

A private hire shall be tested twice per year.

An authorised M.O.T examiner at a testing station approved by the Ministry of Transport, and the Licensing Authority must carry out the test.

A list of authorised testing stations is available at appendix R.

The full inspection list is exhibited at appendix B.

Livery

Other than vehicle licence, plates there are no requirements to display the Council logo or notices on vehicles.

8. Private Hire Licensing - Stretched Limousines and Novelty Vehicles

All applications for the grant of a private hire vehicle licence for stretched limousines or novelty vehicles will be referred to the General Licensing and Regulation Committee for determination on individual merit.

Conditions are set out in appendix L.

9. Private Hire Licensing – Executive Hire, Chauffeur Services, Airport Travel, Exempted Vehicles etc.

Funeral Vehicles

There is no requirement for a vehicle to be licensed where it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying on the business of a Funeral Director for the purpose of funerals

Wedding Vehicles

A vehicle does not need to be licensed while it is being used in connection with a wedding.

Ambulances/Vehicles Operating as Formal Patient Transport Services

Drivers operating these types of vehicles are unlikely to need a licence provided they carry patients who have been assessed as having a medical need for transport, are subject to the laws of patient confidentiality and driver training and background checks have been carried out under the Patient Transport Service scheme.

10. Private Hire Licensing - Drivers

Conditions

The Licensing Authority is empowered to attach such conditions on a private hire driver's licence as are considered necessary.

As the statutory and practical criteria and qualifications for a private hire driver are similar to those for a hackney carriage driver, please refer to the relevant Hackney Carriage Headings:

- Code of Conduct
- Dress Code for Licensed Drivers
- Age and experience

- Application procedure
- DVLA Driver Licence Check
- Testing of Applicants
- Relevance of cautions and convictions
- Grant of licences
- Renewal of licences.

11. Non-Motorised (Human Powered) Hackney Carriages

Human Powered Hackney Carriages

Any driver of a non-motorised hackney carriage not be required to provide specific evidence of his/her competence to drive the licensed vehicle, the fact that the driver holds a DVLA driving licence is deemed to be sufficient. Appendix A

Horse Drawn Hackney Carriages

Application Procedure – Driver

Those persons wishing to apply for a licence to solely drive a non-motorised hackney carriage will on successful application be issued a hackney carriage driver's licence

An application for a non-motorised hackney carriage driver's licence shall be made in accordance with the same criteria as motorised hackney carriage driver as set out in appendix E.

A licence to drive a non-motorised hackney carriage will not be granted to a person who is under 18 years of age.

Where the application relates to a horse-drawn vehicle, drivers must produce evidence to the Authority that they are competent to drive horses in harness. Certification to British Driving Society (BDS) level 3, Road Driving Safety Qualification for Pairs and Singles is required.

Application Procedure – Proprietor

Non-motorised vehicles can only be issued with hackney carriage licences and cannot be licensed for private hire because a private hire vehicle is defined as a 'motor vehicle'.

Before a non-motorised hackney carriage licence is granted, the authority must be satisfied that the vehicle is fit for purpose. In ascertaining whether the vehicle is fit, the proprietor will need to produce evidence of the following:

- The roadworthiness of the carriage (via a certificate issued by an inspector approved by the Council);

- The serviceability of the ancillary equipment (via a certificate issued by an inspector approved by the Council);
- The fitness and appropriateness of the horses to be used (via a certificate issued by a Veterinary Surgeon approved by the Council);
- Horse passports for those horses to be used.
- An insurance policy appropriate for public hire and covering third party liability both in respect of physical injury or death and in respect of damage to personal belongings.

Proprietors – Conditions

The Licensing Authority is empowered to attach such conditions, as it considers reasonably necessary to the licensing of hackney carriages.

In relation to horse-drawn vehicles, the Licensing Authority will ordinarily consider that the conditions set out in appendix A are reasonably necessary.

12. Hackney Carriage and Private Hire Licensing - Disciplinary and Enforcement Measures

In pursuance of its objective to encourage responsible hackney carriage and private hire businesses, the Licensing Authority will operate a firm but fair disciplinary and enforcement regime. With a view to balancing the promotion of public safety with the need to permit individuals to safeguard their livelihood without undue interference.

The Licensing Authority will only intervene where it is necessary and proportionate to do so, having regard to the objectives outlined in the introduction statement

The Authority will regulate the licensed trade in accordance with the Regulator's Compliance Code and with the principles set out in its Public Protection Enforcement Policy.

The general principles of proportionality, consistency, transparency and targeting of regulatory activities only at cases where action is required.

Range of Powers

The Licensing Authority seeks to operate wherever possible a graduated enforcement approach with non-criminal sanctions being considered before criminal sanctions.

The Licensing Authority may take any of the steps below, upon receipt of evidence that an offence has been committed in relation to a hackney carriage licence or driver's licence. Any breach of a condition or of the Hackney Carriage and Private Hire Licensing Policy may be determined as an offence in this context.

- **Suspension of a Licence**
- **Revocation of a Licence**
- **Refusal to renew a Licence**
- **Issuing of warnings**
- **Imposition of further conditions**

▪ Prosecution

Disciplinary Process

Disciplinary matters, except in the case of breaches of vehicle requirements, will ordinarily be considered by the Principal Officer prior to being referred to the General Licensing Committee.

The Committee will determine all disciplinary matters on an individual basis and consider the impact of transgressions of the law on the fitness of an individual to hold a hackney carriage and private hire licence, and to take the action appropriate to the circumstances.

Suspension

Hackney carriage and private hire vehicles shall be always kept in an efficient and exceptional condition. Compliance with the vehicle conditions is essential, and will be enforced by periodic, random roadside vehicle inspections by the Licensing Authority.

Where it is found that any hackney carriage and private hire is not being properly maintained, a defect(s) notice will be served on the proprietor setting out the defect(s), and where public safety is imperilled, the further use of the vehicle is suspended until the defects have been remedied. The suspension will not be lifted until the vehicle has undergone a further test, at the proprietor's expense, and been passed as fit for use as a hackney carriage or private hire vehicle.

Vehicle Suspension for any Reasonable Cause

Where a bi-annual vehicle licensing inspection (COC) is not provided by a proprietor following requests by Licensing Officers, vehicles will be suspended until a COC certificate is provided.

Where there is considerable damage to a vehicle which despite not affecting public safety, seriously affects the appearance of a vehicle a suspension is likely until satisfactory repairs are completed.

Such suspensions where the inspector believes there is no significant risk to public safety or determinate such suspension maybe deferred by way of the notice.

Drivers

The Licensing Authority may exercise its discretion to revoke/suspend the operation of a driver's licence for a specified period. Such action may be taken immediately in consultation with the Head of Regulatory Services, the cabinet member and or the Chair of the General Licensing and Regulation Committee if an authorised officer deems such a course of action is necessary in the interests of public safety.

Where the matter is not one of immediate public risk, the decision to suspend may be taken only after a hearing before the appropriate Licensing Committee.

Revocation

Revocation of a licence may also be determined by the General Licensing and Regulation Committee and will usually be considered where a licence holder has been referred to the Committee because he/she has been convicted of a relevant or serious Criminal offence, threatened the safety of the public or did not act in a fit and proper manner.

In cases where there is a clear risk to public safety, revocation can be made immediately with the consent of the Head of Service, Cabinet Member and Principal Trading Standards and Licensing Officer. Chair of licensing must also be informed.

Prosecution/fixed penalty notices

The Licensing Authority will usually prosecute licence holders for relevant offences in the following circumstances:

- **where the allegation is of a serious or repeated nature/offence.**
- **where there has been a threat to public safety.**
- **where prosecution is in the public interest.**

13. Hackney Carriage and Private Hire Licensing - Delegated Powers

General Licensing Committee

The General Licensing Committee is responsible for the management of the hackney carriage and private hire licensing regime within the boundaries of the County Borough.

14.2 Delegated Functions

The Committee has delegated its functions in the following way:

- The Committee will deal with applications and disciplinary matters referred to it by Licensing Officers.
- The Head of Regulatory In consultation with the Cabinet Member and or The Chair of the General Licensing and Regulation Committee has delegated authority to suspend a hackney carriage or private hire driver licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 Sect 61 (2B).
- Procedures for hearings are set out in appendix S.
- Licensing Officers authorised by the Head Regulatory Services have power to grant, suspend in certain circumstances suspend certain Licences. Officers also have power to issue oral and written warnings and may instigate investigations and prosecutions wherever appropriate.
- Licensing Officers have the power at all reasonable times to inspect and test, for ascertaining its fitness, any hackney carriage or private hire vehicle.

14. Hackney Carriage and Private Hire Licensing - Offences

Offences (appendix G)

A list of possible offences (Appendix G) and consequences in relation to hackney carriage and private hire licensing are derived from the following sources:

- **The Town Police Clauses Act 1847**
- **The Local Government (Miscellaneous Provisions) 1976**
- **The Transport Act 1980**
- **The Public Health Act 1924**
- **Conwy County Borough Council Byelaws**
- **The Disability Discrimination Act 1995 (as amended)**
- **The Equality Act 2010/2018**
- **The Hackney Carriage and Private Hire Licensing Policy.**

15. Hackney Carriage and Private Hire Licensing – Fees

The fees payable for the grant and renewal, administration and enforcement of hackney carriage and private hire licences are set out within 'Conwy County Borough Council Regulatory Services Fees document under Hackney and Private Hire Fees'. A copy of the current scale of fees will be available via Conwy's web site and advised at the time of initial application.

Payments

Fees can be paid online; over the phone, (the Licensing Authority does not accept cash or cheque payments).

Refunds

The Licensing Authority will publish refund guidance. Appendix V.

All refunds must be authorised by the Head of Regulatory Services or by delegation to the Principal Licensing Officer.

Where a licence is granted, fees cannot be refunded.

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