

Mae'r ddogfen hon hefyd ar gael yn Gymraeg.



Pembrokeshire County Council

Taxi and Private Hire Licensing Policy

Version & Date	Officer	Cabinet approval date
Version 1 – May 2026	Sue Jones, Licensing Lead	

Further information can be obtained from:
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Pembrokeshire

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Email: licensing@pembrokeshire.gov.uk

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This policy can also be made available in Welsh or large print on request to the Licensing Team.

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Web Links and References

Pembrokeshire County Council

- **Pembrokeshire County Council – Home Page**
<https://www.pembrokeshire.gov.uk/>
- **Taxi Licensing Fees and Charges**
<https://www.pembrokeshire.gov.uk/finance-and-business/fees-and-charges-taxis>
- **Hackney Carriage and Private Hire Driver Licensing**
<https://www.pembrokeshire.gov.uk/taxi-licensing/hackney-carriage-and-private-hire-driver>
- **Hackney Carriage and Private Hire Vehicle Licensing**
<https://www.pembrokeshire.gov.uk/taxi-licensing/hackney-carriage-and-private-hire-vehicle>
- **Private Hire Operator Licensing**
<https://www.pembrokeshire.gov.uk/taxi-licensing/private-hire-operator>
- **Report an Accident Involving a Licensed Taxi or Private Hire Vehicle**
<https://www.pembrokeshire.gov.uk/taxi-licensing/report-an-accident-involving-a-licensed-taxi-or-private-hire-vehicle>
- **Wheelchair Accessible Taxi and Private Hire Vehicles**
<https://www.pembrokeshire.gov.uk/taxi-licensing/wheelchair-accessible-vehicles>
- **Make a Complaint About a Taxi Service, Driver or Vehicle**
<https://www.pembrokeshire.gov.uk/taxi-licensing/complain-about-taxi-service-and-driver-operator-or-vehicle>

Welsh Government

- **Taxi and Private Hire Vehicles Licensing Guidance**
<https://www.gov.wales/taxi-and-private-hire-vehicles-licensing-guidance-html>
- **Taxi and Private Hire Drivers Code of Conduct**
<https://www.gov.wales/taxi-and-private-hire-drivers-code-conduct>
- **Equality Act Medical Exemption Policy**
<https://www.gov.wales/taxi-and-private-hire-vehicles-equality-act-medical-exemption-policy-html>
- **CCTV Policy Template for Local Authorities**
<https://www.gov.wales/taxi-and-private-hire-vehicles-cctv-policy-template-local-authorities>
- **Dash Cam Policy for Taxi and Private Hire Vehicles**
<https://www.gov.wales/taxi-and-private-hire-vehicles-dash-cam-policy>
- **Assistance Dogs Exemption Application Form**
<https://gov.wales/carriage-assistance-dogs-exemption-application-form>
- **Medical Report Form – Taxi and Private Hire Driver Licence Applications**
<https://www.gov.wales/medical-report-taxi-or-private-hire-vehicle-drivers-licence-application-form>

UK Government (GOV.UK)

- **Taxi and Private Hire Vehicle Licensing Best Practice Guidance**
<https://www.gov.uk/government/publications/taxi-and-private-hire-vehicle-licensing-best-practice->

[guidance/taxi-and-private-hire-vehicle-licensing-best-practice-guidance-for-licensing-authorities-in-england](#)

- **Criminal Records Checks for Overseas Applicants**
<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- **Exchange a Foreign Driving Licence**
<https://www.gov.uk/exchange-foreign-driving-licence>
- **Assessing Fitness to Drive – Guidance for Medical Professionals**
<https://www.gov.uk/government/publications/assessing-fitness-to-drive-a-guide-for-medical-professionals>
- **Right to Work Checklist**
<https://www.gov.uk/government/publications/right-to-work-checklist>
- **MOT Inspection Manual for Passenger and Light Commercial Vehicles**
<https://www.gov.uk/guidance/mot-inspection-manual-for-private-passenger-and-light-commercial-vehicles>
- **Code of Practice for Horse-Drawn Vehicles**
<https://www.gov.uk/government/publications/code-of-practice-for-horse-drawn-vehicles/code-of-practice-for-horse-drawn-vehicles>

Other Guidance and Training

- **Institute of Licensing – Professional Guidance**
<https://iol.instituteoflicensing.org/articles/673ef9973bb4ad0008d7882a>
- **Licensing and Safeguarding Training Guidance (PDF)**
<https://files.constantcontact.com/809c3e67001/2f21c49d-85de-4b61-9aab-ca69743f2ed7.pdf>
- **Vehicle Certification Agency – Vehicle Type Approval**
<https://www.vehicle-certification-agency.gov.uk/vehicletype/index.asp>
- **Taxi and Private Hire Licensing Training Video (Vimeo)**
<https://vimeo.com/369335248/be28cb645a>
- **Taxi Safeguarding Awareness Training Video**
<https://www.youtube.com/watch?v=uZZOKAjAKvQ>
- **Disability Awareness Training Video**
<https://www.youtube.com/watch?v=yn4ssPK9okM>
- **Wheelchair Accessible Vehicle Safety Video**
<https://youtu.be/mlVOOfBm8zhE>
- **Professional Driver Standards Training Video**
https://www.youtube.com/watch?v=mlj_OZ5Eg8
- **Passenger Safety and Conduct Training Video**
<https://www.youtube.com/watch?v=2cdImONKPxY>
- **British Driving Society – Road Safety Guidelines (PDF)**
<https://www.operationgallop.org.uk/wp-content/uploads/2024/09/BDS-Road-Safety-Guidelines.pdf>
- **Guidance for Operators of Stretch Limousines (PDF)**
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines__2_.pdf
- **Information Commissioner’s Office – Make a Complaint**
<https://ico.org.uk/make-a-complaint/>

- 1.1 Taxi and PHVs are a vital form of public transport. They deliver a practical direct transport solution and provide an essential service to people living in rural communities where other forms of public transport may be insufficient, the night-time economy, passengers with disabilities, and have an important role in facilitating social inclusion.
- 1.2 It is important that hackney carriage and private hire vehicles meet regulatory standards and can convey passengers safely and comfortably, ensuring that the customer experience is a positive one.
- 1.3 This policy and related procedures will advise applicants of the standards and requirements that must be met and guide the Council in the way it carries out its licensing functions. This policy will be reviewed every 5 years with interim reviews conducted if necessary
- 1.4 However where updates are required due to changes in national legislation, statutory guidance or contact details the council reserves the right to amend this policy without consultation where it is necessary to ensure the policy reflects national legislation or statutory guidance

2 Application of the Policy:

- 2.1 Pembrokeshire County Council is the Licensing Authority under the Local Government Miscellaneous Provisions Act 1976 (as amended) and the Town Police Clauses Act 1847. It has the duty to carry out its licensing functions in respect of:
 - Hackney Carriage Vehicle Licences
 - Hackney Carriage Drivers Licences
 - Private Hire Vehicle Licences
 - Private Hire Drivers Licences
 - Private Hire Operator Licences
- 2.2 This Policy will apply to the licence types listed above. Throughout this Policy any reference to the following general terms means:
 - ‘driver’ - refers to a hackney carriage or private hire driver
 - ‘vehicle’ –refers to a hackney carriage or private hire vehicle
 - ‘taxi’ -refers to a hackney carriage
 - ‘PHV’ refers to a private hire vehicle
 - ‘operator’ –refers to a private hire operator
 - ‘proprietor’ –refers to owner of a hackney carriage or private hire vehicle
 - ‘Licence holder’ refers to the holder of a hackney carriage/private hire drivers’ licence, a hackney carriage or private hire vehicle licence, or a private hire operator’s licence.
 - ‘The council’ means Pembrokeshire County Council

- ‘Authorised Council Officer’ means any officer of the Council authorised under the Council’s Scheme of Delegation as contained in the Constitution
- Licence plate’ or ‘the ‘plate’ means the vehicle licence plate issued to all vehicles and required to be displayed externally at the rear of all licensed vehicles, except if the vehicle is exempt
- The Committee’ means the Licensing Committee of the Council

2.3 In undertaking its licensing function, the Licensing Authority will have regard to the following legislation:

- Town and Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976,
- Transport Act 1985
- Environmental Protection Act 1990
- Health Act 2006
- The Smoke-free (Premises and Enforcement) Regulations
- The Smoke-free (Vehicle Operators and Penalty Notices) Regulations 2007
- The Equality Act 2010
- Crime and Disorder Act 1998
- Data Protection Act 2018
- Immigration Act 2016
- Human Rights Act 1998
- The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002
- Wellbeing of Future Generations (Wales) Act 2015

2.4 Consideration has been given to other relevant legislation and guidance, including:

- Guidance on the Rehabilitation of Offenders Act 1974 (March 2014)
- Disclosure and Barring Service (DBS)
- Guidance on Eligibility Regulators Code 2014
- [The Department for Transport “Taxi and Private Hire Vehicle Licensing Best Practice Guidance” England \(November 2023\)](#)
- The Department for Transport “Statutory Taxi and Private Hire Standards” July 2020
- Welsh Government – “Taxi and private hire vehicles: Licensing Guidance” March 2021

3 Policy Aims & Objectives

- 3.1 The overall aim of hackney carriage and private hire licensing is to protect the public and promote public safety.
- 3.2 Taxi and PHV licensing is a devolved function in Wales. In the Welsh Government : [“Taxi and private hire vehicles: Licensing Guidance”](#), Welsh Government has the following aim as part of their vision statement:

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

The Council agrees with this vision and will work towards the aim and the following four objectives:

- **Safety** – Operators, vehicles and drivers will be safe and suitable for licensing
- **Environment** – licensed vehicles should contribute to targets for a cleaner environment
- **Equality** – All passengers should have access to a suitable vehicle. Driver and operators should provide a service that fits customer needs
- **Customer Experience** – All customer should experience a good standard of taxi/PHV service.

3.3 In promoting these licensing aims and objectives, the Council will expect to see licence holders and applicants continuously demonstrate that they meet or exceed the standards set by the Council as set out in this policy.

4 Licensing process and delegation of functions

4.1 The Council’s Constitution details who is responsible for making decisions on matters relating to taxi licensing.

4.2 The Council operates a scheme of delegation where certain powers are delegated to Authorised Officers and Elected Members who sit on the Licensing Committee. A copy of the Constitution which contains the scheme of delegation is available on the Council’s website or upon request.

4.3 Most applications are dealt with administratively by the Licensing Team and can only be determined once the application process is complete. However, some applications are referred to a Licensing Sub- Committee, depending on the circumstances of the application. A Sub-Committee will make a decision based on all the relevant information supplied and applications may be refused as well as granted, existing licences may also be revoked or suspended at a Licensing Sub-Committee. Applicants / Licence holders are invited to present their case to the Licensing Sub-Committee.

4.4 In exercising its discretion in carrying out its functions, the Licensing Authority will have regard to this Policy and the objectives set out therein. Where it is necessary for the Licensing Authority to depart significantly from this Policy, clear and substantive reasons for doing so will be given.

4.5 In most cases, if an application is refused or issued subject to conditions, or if a licence is suspended, revoked or refused on renewal, the applicant has the right to

appeal to a Magistrates' Court, normally within 21 days from the date of notice of the decision

General

5 Licence Fees

- 5.1 Licence fees will be set for the Licensing Authority to recover the costs associated with the administration, issue and enforcement of each licensing regime, so far as is permissible by statute.

The fees will be reviewed periodically (usually annually).

The current licence fees can be viewed on the [Council's website](#)

- 5.2 Refunds on surrendered licences will be considered on written request and be processed via BACS payment to the same person who paid the licence fee. Requests will not be considered unless badges and plates have been returned to the licensing authority. The refund amount is pro rata on the number of whole months remaining on the licence after taking out the costs of processing the licence in the first instance. Any unused garage test fees collected with the licence will be refunded in full. An administrative charge for dealing with the refund application will be deducted.

6 Contacts

- 6.1 Any enquiries must be made to the Licensing Section, Public Protection Service, Pembrokeshire County Council. Licensing staff work hybrid, if you need to meet officers in person, this must be done by prior arrangement. Officers can usually arrange to meet you either at

**County Hall
Freemens Way
Haverfordwest
SA61 1TP**

Or at

**Unit 17
PCC
Thornton Industrial Estate
Milford Haven
SA73 2RR**

The best way to contact the team is by email: licensing@pembrokeshire.gov.uk

7 Licence Renewals

- 7.1 A courtesy email reminder will be sent to all licence holders before a licence expires. As the Council is not obliged to send reminders, it is the licensee's responsibility to ensure that applications are submitted and a licence issued before the expiry date, as there is no automatic period of grace. Once a licence has expired then any licensable activity is no longer permitted. Any application received after the expiry date will be treated as a new application any licensable activity is not permitted until a new licence has been issued.

7.2 For drivers and Operators where there has been a break in the licence, on re-application:

- Provided the licence break has been on longer than 1 year:
 - Any satisfactorily completed Knowledge Test will be carried forward
 - Any previously submitted Foreign Conviction certificates will be carried forward PROVIDED the applicant declares they have not lived out of the country for more than 6 months in the last year
 - Where the applicant has not yet subscribed to the DBS update service, the previous DBS certificate and the declaration in the application form will be relied on PROVIDED that a new DBS application has been submitted, including ID verification.
- Any previously submitted medical will be carried forward PROVIDED it is still valid and in line with policy timescales (see para). The authority reserves the right to require a new medical where there has been a change in the applicant's medical condition or circumstances.

7.3 Vehicle proprietors must be mindful that where a vehicle licence has expired, any further application for the same vehicle to be licensed will be treated as new and the vehicle must comply with the council's vehicle emissions standards (see para). There is no grace period.

7.4 If a vehicle is licensed as either a hackney carriage or private hire vehicle and the proprietor wishes to change the licence type; a new application will be required. The council's emission standards (see para) will not apply PROVIDED there is no break between the licences.

8 Changes in Circumstances and Reporting

8.1 All licence holders are required to notify the Council's Licensing Team immediately of any changes in circumstances during the period of licence, for example, change of address, medical condition, convictions etc.

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

9 Production of Licences

9.1 All licence holders shall produce their licence at the request of any authorised officer of the Council or any Police Officer.

10 Loss of Licences

10.1 Lost or stolen licences should be reported to the Licensing Section of the Council immediately. A [fee](#) may be payable for any replacement licence.

11 Suitability policy

11.1 In order to assess the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's [Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#).

12 Compliance

12.1 Licence holders are required to comply with the terms and conditions of the licences issued to them. In addition, licence holders must comply with relevant taxi legislation. A schedule summarising taxi and private hire offences is at Appendix A. See section on compliance and Enforcement for details about how the authority deals with non-compliance matters.

Hackney Carriage & Private Hire Driver Licences

13 Licence requirements

- 13.1 Any person who drives a hackney carriage or private hire vehicle must hold the appropriate licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
- 13.2 Pembrokeshire County Council issues dual licences to drive both Hackney carriages and Private Hire Vehicles and can drive both types of vehicles in their employment.
- 13.3 Any reference to 'driver's licence' in this section will refer to a hackney carriage/private hire driver's licence. The Licensing Authority will issue a driver's licence to applicants that are considered to be 'fit and proper' to hold a licence, and this will permit the driving of both hackney carriage and private hire vehicles.

14 Licence Duration

- 14.1 Driver licences will be granted for a period of 3 years; however, the Licensing Authority does have the discretion to issue a licence for a shorter duration when it is considered to be appropriate in the circumstances of the individual case, or at the request of the applicant.

15 Application Process

- 15.1 The application procedure and guidance for obtaining a hackney carriage/private hire driver's licence is detailed on our [website](#)

16 Fitness and Propriety

- 16.1 The purpose of the following pre-requisites of licensing is to assist the Licensing Authority in determining whether an applicant/driver is a 'fit and proper' person to hold a licence, or to continue to hold a licence. In the absence of a legal definition of 'fit and proper' the Licensing Authority will use the following test:

Without any prejudice, and based on the information before them, would the Officer charged with the ability to grant a licence allow their son or daughter, spouse or partner, mother or father, grandson or granddaughter, or any other person for whom they care, to get into a licensed vehicle with the applicant alone at any time of day or night.

- 16.2 In order to further assist in understanding the interpretation of this definition, the Licensing Authority will be considering issues that assist them in determining whether or not applicants are safe drivers with a good driving records, are mentally and physically fit, are honest, and that they are persons who would not take advantage of their position to abuse, assault or defraud members of the public.

- 16.3 When assessing the fitness of an applicant to hold a driver licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and commendations from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.
- 16.4 It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.
- 16.5 The Licensing Authority takes into account significantly that drivers may carry vulnerable members of the public such as elderly persons, unaccompanied children, disabled persons, lone women, foreign visitors and persons who are incapacitated from alcohol or other substances.

17 DBS check and Update Service

- 17.1 In order to satisfy the authority that they are a 'fit and proper' person, all applicants for the role of hackney carriage or private hire vehicle (PHV) driver will undergo an Enhanced Disclosure and Barring Service (DBS) check, which includes a check of the children and adult barred lists. For licensed drivers this check will be repeated every 6 months.
- 17.2 Driver applicants will be required to subscribe to the DBS update service at first licensing or for existing licence holders when their next disclosure check is submitted. Licence holders must maintain their subscription for the duration of their licence. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the Licensing authority to undertake checks of their DBS status.
- 17.3 Should the DBS advise that new information is available the original DBS certificate should no longer be relied upon a new DBS certificate will be requested.
- 17.4 Licence holders that have failed to maintain their subscription to the DBS update service may have their licence suspended until such time a new DBS certificate has been provided, and the licensing authority is satisfied that the licence holder continues to be 'fit and proper' to hold a licence.

17.5 Disclosure and Barring Service certificates will only be accepted if the disclosure is dated within one calendar month prior to the application and made under the “Other Workforce- Taxi Driver” category. To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing’s [‘Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades’](#) November 2024

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

18 Overseas criminal record check

18.1 All applicants for a hackney carriage or PHV drivers licence that have spent 6 months or more (whether continuously or in total), residing outside the United Kingdom while aged 18 or over will need to provide the licensing authority with a criminal record check from the country / countries visited covering the period that the applicant was overseas. The applicant will be required to cover any financial costs of such checks.

18.2 For those countries for which checks are not available, the authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available on [GOV.UK Criminal Records Checks for Overseas Applicants](#)

18.3 In the event that an applicant is not able to obtain a criminal record check or a certificate of good conduct, the application will be referred to a licensing sub-committee who will risk assess the applicant taking into consideration the reason/s for not producing either of those documents; the length of time overseas; the length of time residing in the United Kingdom; and any additional information such as employment references.

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

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

19 Driving experience & Standards

19.1 At the time of application, all applicants must have held a UK driving licence for Category B vehicles for 12 months. Details on ways to convert a foreign driving licence to a UK driving licence can be found at: <https://www.gov.uk/exchange-foreign-driving-licence>

- 19.2 To ensure that applicant's driving standard is suitable, the Licensing Authority will undertake a check of the status of the applicant's DVLA driver's licence to view the applicant's driving history. This check will take place prior to first licence, prior to renewal of a driver's licence and at any time considered necessary by the Licensing Authority.
- 19.3 Licence holders must notify the authority within 7 days of any new driving convictions. Failure to notify the authority is a breach of the licence conditions and could lead to the driver licence being considered at a licensing sub-committee to consider appropriate action

20 Medical Checks

- 20.1 The licensing authority recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. Therefore, all applicants for a hackney carriage/private hire driver's licence are required to meet the [DVLA Group 2 medical standards of fitness to drive](#). The medical must be carried out by the applicant's own general practitioner (GP) or a medical practitioner registered by the UK general medical council who has access to the applicant's NHS summary records and these records were consulted before/during examination.

The vision section may be completed by an optician/ optometrist registered by the general optical council.

Link for [Medical form](#)

20.2 Frequency of medical examination and certificate:

- On initial application for a hackney carriage/private hire vehicle driver's licence.
- Every 6 years – For any existing licensed hackney carriage/private hire vehicle driver over the age of 45 (not over 65) the driver is required to submit a medical with the application for a hackney carriage/private hire vehicle driver's licence to the licensing authority.
- Annually – For any existing licensed hackney carriage/private hire vehicle driver over the age of 65, the driver is required to submit a medical to the licensing authority.
- At any other time requested by the local authority on receipt of any information that may question the driver's medical fitness to drive, to be produced to the licensing authority.

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

- 20.4 All licence holders are required to inform the licensing authority of any illness or condition that affects their ability to drive.
- 20.5 All costs associated with obtaining the relevant medical certificate are to be met by the applicant/licence holder.

21 Equality Act Medical Exemption Policy

- 21.1 The Equality Act 2010 places a number of legal duties on licensed drivers when transporting passengers with disabilities. This includes the carriage of assistance dogs and the carriage of wheelchair users whilst seated in their wheelchair in purpose-built wheelchair accessible vehicles without additional charges.
- 21.2 Where drivers cannot themselves assist wheelchair users or have allergies relating to dogs, exemptions can be applied for from the Licensing Authority.
- 21.3 In addition to the Equality Act 2010, the Taxis and PHV (Disabled Persons) Act 2022 now allows all hackney carriage and private hire vehicles drivers to apply for an exemption, regardless of whether or not they are carrying wheelchair users in a wheelchair accessible vehicle.
- 21.4 In order to improve compliance with the requirements of the Equality Act 2010 and the Taxis and PHV (Disabled Persons) Act 2022, and to support drivers that have genuine medical conditions that prevent them from fully undertaking the duties under the Acts described above, the Council has adopted the Taxi and private hire vehicles: Equality Act medical exemption policy <https://www.gov.wales/taxi-and-private-hire-vehicles-equality-act-medical-exemption-policy-html>
- 21.5 To apply for an exemption for the carriage of assistance dogs, the [Carriage of assistance dogs exemption: application form](#) must be completed by a Specialist Medical Practitioner.

22 Right to work check

- 22.1 It is a requirement under the Immigration Act 2016 that prior to the grant of a licence, all applicants must demonstrate that they have the right to work in the UK.
- 22.2 Once this requirement has been satisfied, further proof will not be required unless the right to work is time restricted, in which case further proof will be required to demonstrate continued right to work.
- 22.3 Applicants that cannot successfully demonstrate the right to work in the UK will not be granted a licence.
- 22.4 Further information including a list of acceptable documents can be found on [GOV.UK](#)

23 Driver Training & Assessment

23.1 As a pre-requisite for a driver application applicants must first sit and pass a knowledge test. Drivers will be assessed to demonstrate that they understand the issues that they may face in role and to prove they have the necessary skills.

- Applicant must undertake a test written by the Licensing Authority and attain a pass score (minimum 80%).
- A non-refundable fee will be charged to cover the cost of officer time and administration of the test. The test must be successfully completed prior to the grant of a licence.
- Whilst undertaking the examination, the Applicant must switch off any electronic and / or GPS enabled devices.
- The cancellation of any test must be made twenty-four [24] hours in advance. If the applicant does not sit the test, the Licensing Authority will not proceed with the application. No refunds will be provided for cancelled tests.
- An applicant will be given a maximum of 3 attempts within a 12-month period from the date of the first test to pass.
- The onus lies on the Applicant to ensure they have sufficiently read and studied the policy and conditions and watched the training videos prior to the examination.
- Tests are carried out in person at Council offices on set dates, applicants will be shown the training videos before the start of the test.
- The test questions cover:
 - Understanding of the training videos
 - Knowledge of the area –
 - Understanding of the legislation and licence conditions
 - English - possess good means of verbal communication through the medium of English
 - Maths – be able to carry out simple calculations to give the correct change to a customer paying in cash

23.2 Training videos:

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

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

All new applicants for a hackney carriage/private hire driver's licence must undertake training in relation to safeguarding of children and vulnerable adults, transporting wheelchair users and visually impaired passengers.

The training is in the form of the following videos and a test based on the content of the videos must be passed prior to obtaining a licence.

- Safeguarding training for Hackney Carriage and Private Hire drivers and passenger assistants
<https://vimeo.com/369335248/be28cb645a>
- Driver training video: transporting wheelchair users
<https://www.youtube.com/watch?v=uZZOKAjAKvQ>
- Driver training video: transporting visually impaired passengers
<https://www.youtube.com/watch?v=yn4ssPK9okM>
- Driver training video: safeguarding children
<https://youtu.be/mlVOOfBm8zhE>
- Driver training video: safeguarding adults
https://www.youtube.com/watch?v=mllj_OZ5Eg8
- Driver training video: passenger experiences
<https://www.youtube.com/watch?v=2cdlmONKPxY>

23.3 Knowledge of the County

Applicants are expected to know the key routes within the County along with:

- Names of significant roads
- Locations of residential areas
- Locations of caravan sites, holiday parks, hotels and guest houses
- Locations of public houses, private and registered clubs
- Locations of churches, hospitals, public offices, schools, train and bus stations
- Routes to specific destinations.

This list is not exhaustive.

23.4 Knowledge of Law and Licence conditions

This will involve all applicants being tested on the basic requirements of hackney carriage and private hire licensing laws and the conditions laid down in this Policy.

24 Applicants who speak English as a second language

24.1 The Licensing Authority welcomes applicants from all ethnic backgrounds. However, it is important that drivers can communicate with passengers effectively in the English language and can read and understand the statutory requirements placed upon them.

24.2 Where it is apparent to Licensing Officers during the application process that an applicant is unable to understand or communicate effectively in English the applicant will be required to undertake a Skills for Life English for Speakers of Other Languages Course (ESOL), or equivalent qualification at entry level 3, at their own cost, prior to proceeding with the application process.

25 National register for hackney carriage and private hire licence revocations and refusals (NR3)

25.1 The Licensing Authority provides information to the National Register of Taxi Licence Refusals and Revocations (NR3), a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, suspended, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Licensing Authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

25.2 Where a hackney carriage/ PHV licence is revoked, suspended or an application for one refused, the authority will automatically record this decision on NR3.

The information recorded on NR3 itself will be limited to:

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

Information will be retained on NR3 for a period of 11 years.

25.3 All applications for a new licence or licence renewal will automatically be checked on NR3. If a search of NR3 indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received because of an NR3 search will only be used in respect of the specific license application and will not be retained beyond the determination of that application.

25.4 Information will be processed in accordance with the Data Protection Act (DPA) and General Data Protection Regulation (GDPR). Any searches, provision or receipt of information of or under NR3 are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3 data will be transferred out of the United Kingdom.

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

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

26 Driver conduct

The Licensing Authority expects that licensed drivers behave in a professional manner and always provide a high-quality service.

The driver's [code of conduct](https://www.gov.wales/taxi-and-private-hire-drivers-code-conduct) <https://www.gov.wales/taxi-and-private-hire-drivers-code-conduct> detailed has been developed by Welsh Government to outline the standards expected of licensed drivers and is an integral part of the 'fit and proper' assessment.

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

27 Dual Driver Conditions

Drivers must comply with the conditions detailed in **Appendix 2** consistent with standards developed by Welsh Government in collaboration with the All-Wales Licensing Expert Panel Taxi Licensing Group

Vehicles

28 Application process

28.1 All applications will be determined on their own merits. The application procedure for obtaining a vehicle licence is detailed on the [council's website](#)

28.2 Proprietor Fitness & Propriety

Although vehicle proprietors may not have direct contact with passengers, it is important to ensure that they are 'fit and proper' to hold a licence, in order to ensure that vehicles are appropriately licensed so maintain the safety benefits of the licensing regime.

28.3 When assessing the fitness of an applicant to hold a vehicle licence, the Licensing Authority will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Licensing Authority or any other authority. Attention will be given to patterns of behaviour, irrespective of the timescale over which they have occurred, both in terms of proven criminal offences and other behaviour/conduct that may indicate the safety and welfare of the public may be at risk from the applicant.

28.4 It must also be recognised that the Licensing Authority will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst applicants were directly engaged in hackney carriage or private hire licensed work at the time or whether they occurred during the applicants' own personal time. The Licensing Authority considers a person or individual who has a propensity to commit offences and/or demonstrate unacceptable conduct whilst not engaged in hackney carriage or private hire work to be equally as serious as offences and/or unacceptable conduct committed whilst engaged in hackney carriage or private hire work.

28.5 To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of Licensing's '[Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)' November 2024.

29 DBS Check

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

- 29.2 Applicants that already hold a hackney carriage or private hire driver licence with this authority are not required to provide the basic disclosure as part of their application for a hackney carriage/private hire vehicle licence.
- 29.3 To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the Institute of [Licensing's 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' November 2024.](#)

30 Overseas Criminal Record Check

- 30.1 All applicants for a hackney carriage or private hire vehicle proprietors licences that have spent 6 months or more (whether continuously or in total), residing outside the United Kingdom while aged 18 or over will need to provide the licensing authority with a criminal record check from the country / countries visited covering the period that the applicant was overseas. The applicant will be required to cover any financial costs of such checks.
- 30.2 For those countries for which checks are not available, the authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available on [GOV.UK Criminal Records checks for Overseas Applicants](#)
- 30.3 In the event that an applicant is not able to obtain a criminal record check or a certificate of good conduct, the application will be referred to a licensing sub-committee who will risk assess the applicant taking into consideration the reason/s for not producing either of those documents; the length of time overseas; the length of time residing in the United Kingdom; and any additional information such as employment references.
- 30.4 Certificates of Good Conduct which are in a language other than English will be translated into English at the applicant's expense by an independent translation service
- 30.5 Overseas criminal history checks must have been obtained within the 6-month period preceding the application

31 General Construction and Vehicle Specification

- 31.1 All vehicles to be considered for licensing must comply with:
- i. All aspects of the requirements of the Motor Vehicle (type Approval) Regulations 1980
 - ii. The Motor Vehicle (Type Approval) Regulations (Great Britain 1984).
 - iii. The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable.

- iv. The Road Vehicles (Construction and Use) Regulations 1986 (C & U).
- v. All respects of British and European vehicle regulations and be 'type approved' to the requirements of the M1 category of European Community Whole Type Approval Directive 2007/46/EC as amended. <https://www.vehicle-certification-agency.gov.uk/vehicletype/index.asp>
- vi. In the absence of European Community Whole Type Approval, or if a vehicle has been modified in any way since manufacture, vehicles may be considered for licensing that have National Small Series Type Approval <http://www.dft.gov.uk/vca/vehicletype/index.asp> or Individual Vehicle Approval <http://www.dft.gov.uk/vca/vehicletype/index.asp>

31.2 No modifications to the vehicle or the fitting of additional equipment may take place without prior written consent from the Licensing Authority. A written application explaining the full nature of the modification or equipment must be accompanied by appropriate information and a confirmation from the vehicle's manufacturer that the modification/equipment will not compromise the vehicle's safety and specification. A satisfactory engineers report may be required.

31.3 In order to ensure the safety and comfort of the travelling public, the Licensing Authority has set out a minimum specification for licensed vehicles that must be met before a vehicle can be licensed.

- licence conditions in relation to hackney carriage vehicles are **detailed Appendix 3**
- private hire vehicle licence conditions are **detailed in Appendix 4**

31.4 The government is phasing out the sale of new petrol and diesel cars and vans; from 2035 all new cars and vans must be zero emissions at the tailpipe. It is important to highlight this to the taxi and PHV trade so they can prepare long term business plans which also coincide with "greener" taxis one of the themes of Welsh Government's vision for an improved taxi and Private hire licensing regime.

31.5 In a proposed staged approach to reduce an older polluting fleet, vehicles new for licensing must meet or exceed Euro 6 emissions standards. This will apply from 1st January 2027 to new vehicle licences. It will not apply to existing licenses being renewed, PROVIDED there is no break in the licence.

31.6 Vehicles fitted with a hydraulic lift will require a valid Lifting Operations and Lifting Equipment Regulations (LOLER) certificate.

32 Vehicle Testing

32.1 All licensed vehicles must be inspected at the Licensing Authority's MOT testing garage in accordance with both the "*Car and Light Commercial Vehicle Testing Manual*" <https://www.gov.uk/guidance/mot-inspection-manual-for-private->

[passenger-and-light-commercial-vehicles](#) and in accordance with Welsh Government standards for licensed vehicle testing **Appendix**

- The garage test will include a licence compliance check and MOT certificates will be issued at every test.
- Licensing Inspectors will also carry out a licence compliance check for all vehicles new for licensing before issuing the licence plate
- The authority reserves the right to use a different MOT testing garage where the Council's own testing facilities are not available.

32.2 Due to the potential high use of licensed vehicles, and in order to ensure that they remain safe to transport the public, all licensed vehicles will be subject to the testing frequency outlined below:

- For vehicles less than 8-year-old (from the date of registration to the issue date of the licence) – every 6 months
- For vehicles more than 8 years old (from the date of registration to the issue date of the licence) – every 4 months

32.3 MOT failures will lead to the issuing of a vehicle suspension notice and will require a re-test at the authorities MOT testing garage, who can lift the suspension notice following a successful re-test

32.4 Serious non-compliance / bodywork matters will also result in suspension of the vehicle license

32.5 Less serious non-compliance / bodywork matters will result in a non-compliance / bodywork notice and proprietors will be required to bring the vehicle to required standard with a reasonable timescale to be set by the garage tester or licensing inspector.

See **Appendix 5** for compliance / bodywork checklist

32.6 if there are extenuating circumstances the timescales to achieve compliance may be extended, where appropriate. Any time extension will be agreed with the vehicle examiner or licensing inspector.

32.7 Vehicle proprietors are required to contact licensing@pembrokeshire.gov.uk to confirm that the works have been completed in order that the vehicle can be re-inspected either as part of a MOT re-test or by a licensing inspector
Failure to meet the deadline on the notice will lead to a suspension notice.

Vehicles that are suspended must not be used as a Hackney carriage or Private hire until the notice has been lifted. To do so would be an offence

32.8 The cost of all tests must be met by the vehicle proprietor they are currently collected upfront with the licence application fee and garage tests are allocated a test around the due date. Developments are underway to change this process so that the garage

fees and tests are in future booked and paid for directly with the garage via an on-line booking process.

32.9 The Council's testing garage has a limited number of appointment times. If you are unable to present the vehicle on the allocated day and time the proprietor must cancel the appointment and rearrange a new test time.

32.10 Failure to attend the garage at the given at allocated time could lead to the vehicle being suspended for non-compliance with testing requirements and a further test fee will need to be payable direct to the garage.

33 Licence Duration

33.1 Vehicle licences are issued for a maximum of 12 months.

34 Insurance

34.1 Certificates of insurance are required in accordance with the following requirements:

- The vehicle must have a valid certificate of insurance for public hire and reward in respect of taxis, and private hire and reward in respect of private hire vehicles.
- Certificates of insurance or cover notes issued to cover "any vehicle" or "any driver" must be accompanied by a schedule showing all the vehicles and drivers covered by the insurance as detailed in the certificate of insurance.
- Where an insurance cover note is provided a full certificate of insurance must be produced to the licensing authority at the earliest opportunity.
- With respect to a licensed vehicle, in the event that a proprietor fails to present to the Council a valid certificate of insurance as required (unless delayed or prevented by sufficient cause accepted and agreed by the licensing authority), the licensing authority may suspend the licence and require the proprietor of that hackney carriage to return all the plates to the licensing authority subject to any appeal period.

35 V5 Registration Certificate

35.1 The Licensing Authority accepts that a full V5 registration certificate in the new owner's name is not always available upon first licence; however, the V5/2 green section of the V5 form and proof of purchase must be produced. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5/2 green section.

35.2 A full V5 registration certificate and proof of purchase must be produced upon transfer of a vehicle licence. Where possible a full copy of the previous owners V5 registration certificate should be obtained and submitted alongside the V5 green section.

35.3 Where the green section has been produced on first licensing the vehicle, a full V5 registration certificate in the new owner's name must be produced to the Council

within

7 calendar days of the form being received by the owner of the vehicle.

36 Accident Reporting

36.1 In accordance with Section 50(3) of the Local Government (Miscellaneous Provisions) Act 1976, any accident to a hackney carriage or private hire vehicle causing damage materially affecting:

- i. the safety, performance or appearance of the vehicle, or
- ii. the comfort or convenience of the passengers,

must be reported to the Licensing Authority as soon as reasonably practicable, and in any case within seventy-two (72) hours of the occurrence thereof. [Accident report form](#)

Following an accident or damage to a licensed vehicle any of the following may apply:

- **Vehicle still road worthy and suffered no damage**
No further action needed other than to report accident
- **Vehicle still road worthy – cosmetic damage only.**
Timescale for any cosmetic repairs must be agreed with a Licensing Inspector who will issue a non-compliance / bodywork notice
- **Vehicle is off the road for mechanical and or bodywork repairs**
Licence will be suspended until repairs carried out and vehicle has passed garage test
- **Vehicle is written off or no longer intended to be used as a licensed vehicle**
Licence needs to be surrendered and plate returned

37 Vehicle Transfers

37.1 Section 49 of the 1976 Act permits vehicle licenses (of the same type) to be transferred between different owners. The proprietor who transfers the vehicle must give notice to the local authority. Failure to do so would be an offence.

37.2 The new proprietor is required to notify the authority of their interest in the vehicle by completing a transfer form accompanied by proof of ownership / V5 and current satisfactory hire and reward insurance

37.3 Failure by the new proprietor to notify us of the transfer to update the licence means the licence will no longer be valid and the vehicle will be prohibited from use as a hackney carriage / private hire vehicle until the licence has been updated.

38 Taximeters

38.1 'Taximeter' has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, being:

‘...any device for calculating the fare to be charged in respect of any journey in a hackney carriage or private hire vehicle by reference to the distance travelled or time elapsed since the start of the journey, or a combination of both;’

38.2 Taximeters **must** be fitted to all hackney carriages and **may** be fitted to private hire vehicles.

Where a taximeter is fitted, it must be:

- Fully compliant with the Measuring Instruments (Taximeters) Regulations 2006, and be certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
- In the case of hackney carriages, fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
- In the case of hackney carriages, calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the Licensing Authority;
- Calendar controlled;
- Fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
- Have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon; and
- Supported by a certificate/report of compliance issued by a taximeter installed approved by the local authority (the Licensing Authority will only accept a certificate that has been issued within the previous 10 working days).
- With respect to a hackney carriage, in the event that a proprietor fails to present to the Licensing Authority a valid certificate/report of compliance (unless delayed or prevented by sufficient cause accepted and agreed by the Licensing Authority), the Licensing Authority may suspend the licence and require the proprietor of that hackney carriage to return all the plates to the Licensing Authority subject to any appeal period

39 GPS meters/management & dispatch systems

39.1 GPS 'meters' utilize global positioning systems (GPS) rather than 'pulse' method used by standard taximeters to calculate distance. GPS meters do not currently comply with Measuring Instruments Directive (MID) (2004/22/EC) on taximeters, as such they cannot be used as alternative to a traditional pulse taximeter in licensed hackney carriages.

39.2 The use of GPS meters, and dispatch/management systems is permitted in hackney carriages and private hire vehicles, however in hackney carriages it must not replace

the approved taximeter and must not obstruct or distract from the display of the taximeter. It must be clear to passengers that the fare they are paying is displayed on the approved taximeter. To avoid any confusion to passengers, any fare displayed on the GPS system must be hidden from the passenger's view.

- 39.3 Any GPS system must be installed in accordance with the manufacturer's instructions.

40 Vehicle Closed Circuit Television Cameras (CCTV)

- 40.1 Security for drivers and passengers is of paramount importance and internal vehicle CCTV cameras can be a valuable deterrent.
- 40.2 The use of an internal vehicle CCTV system should meet or exceed the specifications set out in [Taxi and private hire vehicles: Welsh Government CCTV policy](#).
- 40.3 The system should be capable of both visual and audio recordings (in emergency situations).
- 40.4 Conditions in relation to CCTV systems are included in the hackney carriage and private hire vehicle licence conditions.
- 40.5 It is the responsibility of the licensed driver to make certain that the CCTV system is fully operational at the start of each shift and before accepting a fare paying passengers.

41 Dash cams

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

42 Lost Property

- 42.1 Following the transportation of passengers (when safe and suitable) the driver shall check the passenger compartment of the vehicle as soon as reasonably possible.
- 42.2 If lost property is located the driver must make reasonable attempts to return the item(s). If the driver is unable to return lost property to the owner and the items are high in value, the lost property shall be taken to the Police Station, low value items may be disposed of after 14 days (sooner if items are perishable) It will be reasonable for PHV drivers to receive assistance from operators in contacting passengers of lost property.

43 Livery & Signage

43.1 It is essential that the public should be able to identify and understand the difference between a hackney carriage and private hire vehicle.

- Hackney carriage and private hire vehicles are required to display the external licence plate securely fixed to the rear of the vehicle.
- Hackney carriage and private hire vehicles are required to display the internal licence plates securely fixed in a prominent position inside the vehicle.
- In the case of private hire vehicles, a further vehicle plate shall be affixed to the front exterior of the vehicle.
- In the case of Hackney Carriages, Council issued Hackney Carriage door stickers must be fixed on the front driver and passenger doors
- Hackney carriage vehicles must be fitted with a roof sign bearing the word 'TAXI' in plain capital letters at least 5 centimetres in height, which must be illuminated at all times when the vehicle is available for hire. In exceptional circumstances, on agreement with the licensing authority an illuminated window sign will be permitted
- Private hire vehicles must not have a roof mounted signs in addition they cannot use the words "Taxi", "Taksi", "Cab", or "Hackney Carriage" anywhere on the vehicle

No temporary fixing is allowed.

43.2 No advertising or signage is permitted on any part of the glazing of the vehicle, other than notices approved by the Council.

43.3 No signage must hinder or obscure or otherwise prevent the vehicle registration number, vehicle lights or licence plate from being visible.

43.4 No signs or advertising may be displayed on licensed vehicles without prior written consent from the licensing authority.

43.5 All advertisements shall conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and shall not relate to matters concerning tobacco, gambling, alcohol, politics, religion, matters of a sexual nature, or any other content likely to cause offence.

44 Accessibility

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

*A reference wheelchair is defined in Schedule 1 of the Public Services Vehicles Accessibility Regulations 2000;

<http://www.legislation.gov.uk/ukxi/2000/1970/schedule/1/made>

- 44.2 Proprietors have a responsibility to ensure that any licensed driver who drives one of their wheelchair accessible vehicles is made aware of their duties in respect of carrying disabled persons in wheelchairs when driving a licensed wheelchair accessible vehicle.
- 44.3 Failure to comply with the duties listed under section 165 of the Equality Act 2010 is a criminal offence.
- 44.4 The proprietor of the vehicle must demonstrate to every driver of the vehicle how to assist a passenger in a wheelchair into and out of the vehicle and correctly secure the wheelchair in the vehicle. This will include showing the driver how to deploy the ramp(s) and how to use and adjust the restraints. The driver must keep a record of this demonstration and include the following:
- a. The date of the demonstration
 - b. The name and licence number of the driver
 - c. A signed and dated acknowledgment by the driver that the demonstrating has taken place and he/she clearly understands how to transport a passenger in a wheelchair into the vehicle
- 44.5 The proprietor must retain this record for as long as the driver is using the vehicle.
- 44.6 In the case that the proprietor is also the licensed driver of the vehicle, the proprietor should record a signed acknowledgement to certify that he/she can perform the vehicle manufacturer's instructions on how to safely transport a wheelchair passenger into and out of the vehicle and how to secure the wheelchair.
- 44.7 Section 167 of the Equality Act 2010 permits Local Authorities to maintain a designated list of wheelchair accessible vehicles. This licensing authority has taken the decision to maintain such a list. Which is published on the licensing authority's website <https://www.pembrokeshire.gov.uk/taxi-licensing/wheelchair-accessible-vehicles>

45 Electronic Payments

- 45.1 Vehicle proprietors should consider having available a device that permits contactless or card payments to be made that can produce a receipt (either printed or electronic)
- 45.2 Where a vehicle is fitted with a card payment device two, double-sided signs must be displayed, either specifying card company logos or a bilingual (English & Welsh) sign stating
'This licensed vehicle now accepts credit and debit card payments including contactless'
- 45.3 The sign must be positioned internally at the top of both passenger windows.
- 45.4 Should a problem occur with a card payment; the driver should follow this advice:
- Ask the passenger to try the payment card again

- If the issue persists, ask the passenger if they have an alternative card or cash
- Offer to take the passenger to the nearest ATM (cashpoint)
- If the passenger refuse to pay the fare, consider contacting the police.

45.5 Drivers should check that their card payment is working before they start work.

46 Intended Use

46.1 The Licensing Authority operates an 'Intended Use and Licensing of Hackney Carriages Policy'. The policy requires that hackney carriage vehicles should operate predominantly in the area in which are licensed.

46.2 There will be a presumption that applicants who do not intend to entirely or predominantly ply for hire within the Licensing Authority area will not be granted a hackney carriage licence authorising them to do so. Each application will be decided on its merits.

46.3 This intended use policy will also apply for renewals and current licences in the same way as for the grant of the licence. Vehicle proprietors may be required to provide evidence of their bookings to determine if they are operating in accordance with the policy.

46.4 All applicants are required to pay particular attention to this policy, in particular if your address falls outside the administrative area of this Licensing Authority; full details are set out in **Appendix 8**.

47 Executive Hire (Private Hire Only)

47.1 Vehicles used solely for executive hire may be exempt a number of standard conditions such as displaying livery and external licence plate.

47.2 A vehicle will only be considered for the exemption if solely undertaking executive service for corporate or business contracts. Services for proms/race days and corporate airport runs would not be deemed as an executive use and therefore subject to standard private hire vehicle conditions.

47.3 The type of work considered to be 'executive hire' includes, but is not restricted to:

- Exclusive business to business contracts, i.e. to transport employees and clients on business related journeys under a written contract to a company or person
- Bookings for certain clients (for example politicians and celebrities) who, for security or personal safety reasons, would not want the vehicle to be identifiable as a private hire vehicle.

47.4 The trim of vehicles to be considered 'executive' must be the highest specification of a particular type of vehicle. Relevant considerations as to whether a vehicle meets an executive standard include, but are not limited to, cost, reputation, specification,

appearance, perception, superior comfort levels and seating specification, e.g. whether the vehicle offers additional space per passenger compared to standard vehicles.

- 47.5 Any proprietor wishing to licence a vehicle for executive hire must apply to the Licensing Authority providing written confirmation from their private hire operator that the vehicle will only be used for executive hire, and detailing the type of contracted work to be undertaken.
- 47.6 All such applications are considered by a licensing sub-committee
- 47.7 A written notice from the Licensing Authority which states which vehicle licence conditions are exempt must be carried in the vehicle at all times.
- 47.8 Vehicles licensed for executive hire are required to be driven by a licensed private hire driver.

48 Novelty Private Hire Vehicles Including Limousines

- 48.1 Novelty private hire vehicles are licensed in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976. Novelty private hire vehicles must not have the appearance of a hackney carriage vehicle and must be designed to carry 8 passengers or less.
- 48.2 Proprietors wishing to licence limousines should have regard to VOSA's 'Guidance for Operators of Stretch Limousines' (2011)
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/147836/Guidance_for_Operators_of_Stretch_Limousines_2_.pdf
- 48.3 The specification and conditions relating to novelty vehicle and limousines is detailed in **Appendix 6**
- 48.4 Novelty vehicles such as vintage cars, decommissioned fire engines and motorised rickshaws may also be considered for private hire use at the discretion of the Licensing Authority.

49 Horse Drawn Carriages

- 49.1 Services that provide a horse drawn carriage for paying customers are licensable. A dual licence is required for the driver, and a Hackney Carriage licence is required for the horse and carriage. In addition:
- The driver will need to pass the British Driving Society [road driving assessment](#)
 - the carriage will need to be inspected by a qualified carriage builder and pass a [safety inspection](#)
 - each horse or pony you intend to use will have to be checked for fitness and suitability by a vet approved by the council. The cost of which will be borne by the applicant

- 49.2 Licences are granted in accordance with government's [code of practice](#) for horse drawn vehicles
- 49.3 Separate licence conditions for Horse Drawn Services will apply **Appendix 7**
- 49.4 Drivers should comply with British Driving Society Road Safety guidelines
<https://www.operationgallop.org.uk/wp-content/uploads/2024/09/BDS-Road-Safety-Guidelines.pdf>

50 Fares

- 50.1 The Licensing Authority sets the maximum rate of fares that can be charged by for hackney carriage journeys that take place within the local authority area. The current table of fares is detailed on the Council's website. A copy must be displayed in each vehicle.
- 50.2 It is an offence to charge more than the metered fare for journeys that start and end in the local authority area.
- 50.3 Drivers undertaking journeys that start or end outside the local authority boundary may agree a fare with the passenger prior to the commencement of the journey or may choose to use the taximeter.
- 50.4 The Licensing Authority will periodically review the table of fares. Any amendments will be subject to a public consultation process.
- 50.5 Representatives of the hackney carriage trade may make an application to the Licensing Authority for consideration of an amendment to the table of fares.
- 40.6 The local authority cannot set fares for private hire vehicles. However private hire vehicles that are fitted with a meter must display a table of fares in the vehicle so that a charging structure is clear to fare paying customers.
- 50.7 Any hackney carriage that is used for a private hire journey (booked via an operator) within the local authority area must not exceed the current table of fares.

Operator Standards

51 Application procedure

- 51.1 The application procedure for obtaining a private hire operator's licence is detailed on the [council's website](#)
- 51.2 In order to ensure the safety of the public, any person who operates a Private Hire service must apply to the Licensing Authority for a Private Hire Operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle. Operating licences will be granted for a period of 5 years, however the Licensing Authority does have the discretion to issue licences of a shorter duration, if it considers this to be appropriate in the circumstances of the case.
- 51.3 All applicants for a grant or renewal of a Private Hire Operator's licence must submit a basic disclosure (dated within one month of the application) which can be obtained from Disclosure & Barring Service to satisfy the authority that they are a 'fit and proper' person. In the case of applications from a company or organisation, all director of the company/organisation must provide a basic disclosure. The cost of these checks will be covered by the applicant.
- 51.4 Operators that already hold a hackney carriage or private hire driver licence with this authority do not require the basic disclosure.
- 51.5 To assist in assessing the suitability of applicants and licence holders the licensing authority will have regard to the [Institute of Licensing's Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades](#)
- 51.6 Driving offences will not normally be considered as part of the assessment for private hire operator licence holders. Information contained within an enhanced DBS check that would not be disclosed on a basic check will not be considered as part of the assessment for a private hire operator's licence.

52 Overseas Criminal Record Check

- 52.1 All applicants for a hackney carriage or private hire vehicle proprietors licences that have spent 6 months or more (whether continuously or in total), residing outside the United Kingdom while aged 18 or over will need to provide the licensing authority with a criminal record check from the country / countries visited covering the period that the applicant was overseas. The applicant will be required to cover any financial costs of such checks.
- 52.2 For those countries for which checks are not available, the authority will require a certificate of good conduct authenticated by the relevant embassy. The certificate

must be authenticated, translated and sealed by the Embassy or High Commission. Information regarding certificates of good conduct or similar documents from a number of countries is available on [GOV.UK Criminal Records Checks for Overseas Applicants](#)

- 52.3 In the event that an applicant is not able to obtain a criminal record check or a certificate of good conduct, the application will be referred to a licensing sub-committee who will risk assess the applicant taking into consideration the reason/s for not producing either of those documents; the length of time overseas; the length of time residing in the United Kingdom; and any additional information such as employment references.
- 52.4 Certificates of Good Conduct which are in a language other than English will be translated into English at the applicant's expense
- 52.5 Overseas criminal history checks must have been obtained within the 6-month period preceding the application.

53 Conditions

- 53.1 The Licensing Authority has the power to impose such conditions on a private hire operator licence as it considers reasonable, necessary and proportionate. The conditions of licence are detailed at **Appendix 9**

54 Responsibilities of the Operator

- 54.1 The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers, administrative staff and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.
- 54.2 The following are examples of circumstances that may affect the fitness and propriety of a Private Hire operator:
- Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator.
 - Vehicles being operated that are in an unsuitable condition.
 - Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding).

- 55.1 The principal purpose of Hackney Carriage and Private Hire licensing is to protect the public and promote public safety.
- 55.2 It is recognised that well-directed enforcement activity by the Licensing Authority benefits not only the public but also the responsible members of the hackney carriage and private hire vehicle trade. In pursuing its objective to encourage responsible hackney carriage and private hire businesses, the Licensing Authority will operate a proportionate disciplinary and enforcement regime. In order to balance the promotion of public safety with the need to prevent unnecessary interference in a licence holder's business, the Licensing Authority will only intervene where it is necessary and proportionate to do so. Where defects are such that use of a vehicle needs to be immediately prohibited, livelihood interference is inevitable.
- 55.3 Compliance assessments are to ensure that license holders remain 'fit and proper'. The Licensing Authority may use a variety of tools and powers to identify non-compliance, this may include, but is not limited, pro-active and reactive inspections, 'mystery shopper' exercises, programmed exercises with relevant partners, targeted enforcement operations, investigation of complaints/service requests.
- 55.4 Enforcement action will be proportionate, consistent and reasonable, whilst ensuring the public are protected. Determination of the method of enforcement may consider the following:
- The seriousness of the offence
 - The offender's previous compliance history
 - The consequence of the non-compliance
 - The risk to public
 - The likelihood of repeated non-compliance
 - The effectiveness of other compliance/enforcement methods

56 Disciplinary Procedure

- 56.1 Complaints made against licence holders from members of the public, police officers, council officers, or any other relevant person will be fully investigated by Licensing Authority.
- 56.2 Following investigation of a complaint concerning a licence holder's conduct or behaviour or the notification of an offence the Licensing Authority will consider the following disciplinary sanctions:
- a. **To take no action** –If relatively minor complaint with no history of poor behaviour or possible mitigating circumstances.

- b. **Warning letter** -for minor/moderate complaints/offences or if a pattern of poor behaviour/conduct is evident. A warning letter may be issued where the seriousness of the complaint/offence doesn't warrant suspension or revocation. A warning letter will stay on the licence holder's file for 2 years (or a period determined appropriate by the Licensing Authority). There is no limit to the number of warning letters a driver can receive however if a driver receives 2 or more warning letters within 2 years for similar complaints the Licensing Authority may wish to consider more serious action such as a final written warning or suspension.
- c. **Final written warning** – for minor/moderate complaints/offences whereby a licence holder has received a warning letter(s) regarding a similar matter.
- d. **Driver required to undertake further training.** The Licensing Authority may conclude that the complaint or report against a licence holder may be due to lack of knowledge and may recommend that a licence holder undergoes further training to correct behaviour and prevent further misconduct.
- e. **Prosecution** – where there is clear evidence and it is in the public interest; a licence holder may be prosecuted for offences under the relevant legislation.
- f. **Suspension** –for more serious complaints/offences or cases whereby a licence holder has previously received a warning for a similar complaint/offence in the past 2 years. The length of the suspension will be determined on a case-by-case basis. Suspension can be considered an option where no previous warning has been issued if the Licensing Authority feel that due to seriousness of the matter it is warranted.
- g. **Vehicle suspension (Stop Notice)** – a vehicle licence may be suspended when the vehicle is not meeting the licence conditions or is not roadworthy. The notice requires the vehicle to not be used as a licenced vehicle until the defect has been rectified and the notice has been lifted by the Licensing Authority
- h. **Revocation** – for repeat patterns of poor conduct or behaviour where warning(s) or suspension(s) have already been issued. For serious matters whereby the Licensing Authority consider the driver is no longer a fit and proper person to hold a licence.
- i. **Immediate suspension/revocation** – when it is the interest of public safety, the Licensing Authority may require the suspension/revocation to have immediate effect.
- j. **Refusal to renew a licence** – as for revocation above.

The General Enforcement Policy for the Licensing Authority embeds its principles of enforcement. The Policy is at **Appendix 10**

57 Appeals

- 57.1 Any individual that is aggrieved by the suspension/refusal/revocation of a licence may appeal against the decision of the Licensing Authority to the local Magistrate's Court within 21 days of the decision. This must be lodged with the Court in accordance with

the relevant statutory provisions. The Licensing Authority strongly advises parties to promptly seek appropriate independent legal advice in such circumstances.

- 57.2 A further right of appeal against the decision of the Magistrate's Court lies with the Crown Court.

58 Working in Partnership

- 58.1 In order to maximize effective enforcement and compliance, it is often necessary for the Licensing Authority to work in partnership with other agencies. Examples of partnerships may include, the Police, Driver and Vehicles Standards Agency (DVSA), Her Majesty's Revenue and Customs (HMRC), neighbouring local authorities, adult and children safeguarding teams, school transport.
- 58.2 The Licensing Authority also aims to work closely with the licensed trade to continue to professionalise the industry and improves standards of service. Engagement with the trade is important, the licensing team produce taxi newsletters for the trade circulated to licensed drivers by email to provide any reminders, updates or relevant news items to the trade and keep them informed of any proposed changes.

59 Service Requests & Complaints

- 59.1 The Licensing Authority will investigate all service requests and complaints made against licence holders, provided details are received that will allow for establishment of the identity of the licence holder. Details would include licence holder's name, licence number, or vehicle registration number.
- 59.2 It should be noted that the investigation of the complaint may result in the complainant being asked to provide a written witness statement. In addition, the complainant may be required to provide evidence in person at a disciplinary Committee or at Court.
- 59.3 Statements may also be taken from the licence holder and any other witnesses.
- 59.4 In coming to decision regarding what, if any, action should be taken, the Licensing Authority will consider all evidence and mitigating circumstances.
- 59.5 Details of how to make a complaint are found on the [Council's website](#).

60 Cross Border Enforcement

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

Appendices

Appendix 1

Summary of Offences Hackney Carriage and Private Hire Licensing

Town Police Clauses Act 1847

Section 40

Giving false information on application for HC licence

Section 44

A proprietor of a hackney carriage must notify the Council of a change of address in writing within seven days and produce the licence for amendment.

Section 45

A proprietor permitting plying for hire without licence of vehicle and driving, standing or plying for hire without licence or plate.

Section 47

Failure of driver to have licence (driver and proprietor may commit offence).

Section 48

Proprietor to retain driver's hackney carriage licence.

Section 49

Proprietor to return licence to driver on leaving employment unless guilty of misconduct.

Section 52

Neglecting or refusing to exhibit plate prescribed by Section 51.

Section 53

Driver refusing to take a fare.

Section 54

Charging more than fare agreed at time of hiring being less than prescribed fare.

Section 56

Not carrying passenger distance equivalent to fee charged.

Section 57

Failing to wait when deposit paid.

Section 58

Overcharging in accordance with table of fares.

Section 59

Driver or proprietor permitting person other than hirer to ride without hirer's consent.

Section 60

Acting as driver without licence.

Section 61

Drunken driving/furious driving.

Section 62

Driver leaving hackney carriage unattended in street or public place.

Section 64

Driver obstructing other road users in picking up or setting down passengers.

Local Government (Miscellaneous Provisions) Act 1976

Section 49

Failure to notify the District Council in writing, within 14 days, of the transfer of interest in a hackney carriage.

Section 50

- Failure to present hackney carriage for inspection when requested by District Council;
- Failure to state where hackney carriage is kept, and failure to afford facilities to inspect and test there;
- Failure to report accident to hackney carriage materially affecting safety, performance or appearance, or comfort or convenience of persons carried within seventy two hours;
- Failure to produce vehicle licence and/or certificate of insurance.

Section 53

Failure to produce hackney carriage driver's licence on request.

Section 57

Knowingly or recklessly making false statement, etc., in connection with licence application.

Section 58

Failure to return plate upon notice by District Council to do so.

Section 61

Failure to return driver's badge when required to do so.

Section 64

Causing or permitting vehicle other than licensed hackney carriage to wait on hackney carriage stand.

Section 69

Unnecessarily prolonging a journey

Section 71

Interfering with a taxi meter

Section 73

- Obstruction of an officer
- Failure to comply with a requirement of an authorised officer
- Failure to give information or assistance to an authorised officer
- Making a false statement when providing information



PEMBROKESHIRE COUNTY COUNCIL

COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS LICENCE - STANDARD CONDITIONS OF LICENCE

LEGAL STATUS

These Conditions were made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and all other enabling

Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 61 of the said Act.

INTERPRETATION

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

"the Act	- the Local Government Miscellaneous Provisions Act 1976.
"the Council"	- the Pembrokeshire County Council.
"the licence"	- a combined hackney carriage/private hire vehicle driver's licence granted pursuant to Section 51 of the Act.
"the driver"	- the holder of the licence.
"driver's identification badge"	- the badge issued by the Council to the driver.
"private hire vehicle"	- a vehicle which is currently licensed by the Council under Section 48 of the Act.
"driver's licence number"	- the number allocated by the Council, to a licence granted for a private hire vehicle licensed under Section 48 of the Act or for a hackney carriage under Section 37 of the Town Police Clauses Act 1847.
"hackney carriage"	- a vehicle which is currently licensed by the Council under Section 37 of the Town Police Clauses Act 1847.
"hackney carriage stand"	- a place designated by the Council as a hackney carriage stand.

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

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER PRE-LICENCE REQUIREMENTS

On initial application, before granting a taxi or private hire vehicle driver licence, the local authority should ensure the driver has provided or completed the following:

1. Application form.
2. Passport style photograph or equivalent digital photograph.
3. DVLA Driver licence or equivalent qualifying licence (held for 12 months or more) including a check/report to consider any driving endorsements/disqualification.
4. Enhanced DBS certificate (other workforce, taxi driver category).
5. Medical report and certificate completed by a medical practitioner –
6. A 'right to work in the UK' identification check (required Immigration Act 2016).
7. NAFN, NR3S register search.
8. (When applicable) Overseas criminal record check or certificate of good conduct
9. Pass Driver Test

Applicants should view the relevant training videos and are tested to ensure the person has understood the training and local authority expectations before being granted an initial licence. The applicant will be tested on their ability of oral and written English language proficiency and safeguarding as required in the Statutory Standards.

The Welsh Government recommend drivers do not receive repeat full training or testing when an existing licence is due to expire and the licence holder intends to re-apply. The authority will ensure drivers receive refresher safeguarding training when appropriate. If there are concerns over an existing driver, the authority may consider full re-training and/or testing as an alternative option to suspension/revocation of licence, only when appropriate.

HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCE CONDITIONS

1. The driver must notify the licensing authority within five working days of any change of:
 - name
 - address
 - contact number
 - email address
2. The driver must notify the licensing authority within two working days of any:
 - DVLA licence endorsements or driving disqualification
 - Change in medical condition that affects your ability to drive
 - Conviction
 - Caution (issued by the Police or any other agency)
 - Issue of any Magistrate's Court summons against you
 - Issue of any fixed penalty notice for any matter
 - Any harassment or other form of warning or order within the criminal law including anti-social behaviour orders or similar
 - Arrest for any offence (whether or not charged)
 - Any acquittal following a criminal case heard by a court
 - Any refusal, suspension or revocation of any other type of licence or permit issued by another regulatory authority
3. The driver must remain registered with the DBS Update Service allowing the local authority to conduct a DBS update check every 6 months or when required due to any relevant information received. If the certificate is removed from the update service or the update service registration is no longer valid, a replacement DBS certificate will be required.
4. The local authority approved medical report and certificate will be produced every 6 years for drivers between the age of 45 and 64. An annual medical report and certificate will be required annually for drivers 65 years of age or older. The local authority may request a licensed driver to complete a medical report at any other time during the licence period.
5. When a driver identifies a defect on the licensed vehicle, the driver shall notify the vehicle proprietor as soon as reasonably possible. If the driver identifies a defect that renders the vehicle not suitable for passenger use, the vehicle shall not be used to transport passengers until repaired.
6. Following an accident within a licensed vehicle, the driver must provide information to the licensing authority on request unless the driver is unable to provide information due to injuries.

7. Whilst transporting passengers, drivers shall not without the consent of the hirer of the vehicle, convey or permit to be conveyed any other person(s) in the vehicle. Unless part of an approved ride-share or carpooling scheme.
8. Drivers must not alter, conceal, or cover any licence plates or required vehicle signage whilst in control of a licensed vehicle.
9. Unless a relevant medical exemption certificate is obtained, the driver must offer reasonable assistance to passengers including the lifting of reasonable goods or luggage to be carried with the passenger from the collection point to the destination. Any bulky items should be transported in the luggage compartment whenever possible.
10. The driver shall be capable of providing a receipt to the passenger for the fare paid.
11. The driver, whilst on duty shall behave in a civil and orderly manner towards all passengers, members of the public, and authorised officers.
12. Following the transportation of passengers (when safe and suitable) the driver shall check the passenger compartment of the vehicle as soon as reasonably possible.
13. If lost property is located the driver must make reasonable attempts to return the item(s). If the driver is unable to return lost property to the owner and the items are high in value, the lost property shall be taken to the Police Station, low value items may be disposed of after 14 days (sooner if items are perishable) It will be reasonable for PHV drivers to receive assistance from operators in contacting passengers of lost property.
14. If the driver badge is lost a duplicate badge must be requested from the licensing authority as soon as reasonably possible. Following the issue of a duplicate licence, if the original badge is found, it must be returned to the licensing authority as soon as possible.
15. The driver shall not convey their own animals/pets in a licensed vehicle whilst passengers are onboard.
16. The driver shall not without the express consent of the hirer, drink or eat in the vehicle during a hired journey.
17. The driver shall at no time cause or permit music or other audio devices within the vehicle to be the source of nuisance or annoyance to any persons whether inside or outside the vehicle.
18. The driver shall keep the licensed vehicle reasonably clean for passenger and luggage use.

19. Drivers must handle passenger booking information with care, ensuring passenger personal data, such as name and address details are not announced within the vehicle when carrying other passengers.
20. A driver must receive permission from the vehicle proprietor who holds the hackney carriage or private hire vehicle licence, before installing a dashcam or CCTV device.
21. When a CCTV device is installed, the driver must ensure that the vehicle's CCTV system is operational before commencing taxi or private hire activity each day, the driver must check the monitor display to ensure the image displayed is clear and the CCTV device is not faulty.
22. When CCTV or a dashcam is installed, the driver must not tamper or otherwise interfere with the system or the footage that is contained within it, nor must the driver allow the system to be tampered or interfered with by any person that does not have the authority to do so, except as would be expected in order to operate the system or perform maintenance in accordance with the manufacturer or suppliers instructions.

PEMBROKESHIRE COUNTY COUNCIL



HACKNEY CARRIAGE - STANDARD CONDITIONS OF LICENCE

Appendix 3

LEGAL STATUS

These Conditions are made pursuant to Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976.

Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 60 of the said Act.

INTERPRETATION

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

"the Act of 1847"	-	The Town Police Clauses Act 1847.
"the Council"	-	the Pembrokeshire County Council.
"the licence"	-	a licence granted in respect of hackney carriage vehicle granted pursuant to Section 37 of the Act of 1847
"the licensee"	-	the holder of the licence.
"private hire vehicle"	-	a vehicle in respect of which there is a licence in force under Section 48 of the Act.
"hackney carriage"	-	a vehicle in respect of which there is a license in force under Section 37 of the Act 1847.
"vehicle licence number"	-	the number allocated by the Council to a licence granted for a private hire vehicle or a hackney carriage.
"licensed vehicle"	-	a private hire vehicle or a hackney carriage.
"vehicle plate"	-	the plate provided by the Council for affixing to a hackney carriage vehicle pursuant Section 38 of the of the Act 1847 and to a private hire vehicle pursuant to Section 48(5) of the Act.
"motor mechanic"	-	a person with a recognised trade qualification acceptable to Pembrokeshire County Council

Taxi (Hackney Carriage) application requirements

1. Application form
2. Basic DBS (not required if applicant is a licensed driver)
3. The vehicle registration document showing the vehicle is registered with the DVLA as category M1 (vehicle manufactured for nine or less persons). Vehicles not registered in the UK, M2 vehicles that are structurally altered to remove seats, or vehicles registered under other categories will require DVSA approval through Voluntary or Statutory, Individual Vehicle Approval (IVA) - [Vehicle approval: Individual vehicle approval - GOV.UK \(www.gov.uk\)](https://www.gov.uk/vehicle-approval)
4. The vehicle will pass a vehicle test at an approved or appointed vehicle testing station.
5. The vehicle will be presented to a Licensing Inspector for a plating inspection
6. The vehicle shall be fitted with a taximeter, a certificate must be provided to confirm the meter is calibrated to the licensing authority table of fares.
7. The vehicle shall be right hand drive and have a minimum of four doors unless the vehicle is manufactured with a sliding door fitted to the passenger side/nearside.
8. The vehicle bodywork shall be in good condition with all trims present, large areas of panel age deterioration, dents, scratches, stone chips, rust, or any other abrasions that detract from the overall appearance of the vehicle may not be accepted. No tape may be used to cover defects.
9. For practical passenger use and comfort;
 - a) measured at the narrowest point, seats shall have a minimum width of 400mm per passenger (bench seat for 3 passengers = 1200mm).
 - b) A minimum of 200mm legroom for all passenger seats measured from the front edge of the seat to any dashboard, internal panel, or other seat directly in front.
 - c) A minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.
10. If fitted with a hydraulic lift, a valid Lifting Operations and Lifting Equipment Regulations (LOLER) certificate is required.

Taxi (Hackney Carriage) licence conditions

1. From 1st January 2027 all vehicles presented new for licensing must meet or exceed Euro 6 emissions standards. (will not apply to existing vehicles provided no break in the licence)
2. The vehicle shall display licence plates and/or door signs, and any other required signage in the location and manner prescribed below:
 - a. An external licence plate securely fixed to the rear of the vehicle.
 - b. An internal licence plate securely fixed in a prominent position inside the vehicle.
 - c. Council issued Hackney Carriage door stickers must be fixed on the front driver and passenger doors
 - d. A roof sign bearing the word 'TAXI' in plain capital letters at least 5 centimetres in height, which must be illuminated at all times when the vehicle is available for hire. In exceptional circumstances, on agreement with the licensing authority an illuminated window sign will be permitted
 - e. The vehicle must display no smoking signage, visible at each passenger compartment of the vehicle.
 - f. Inside the vehicle on display must be a table of fares issued by the licensing authority.
3. The licensee of the said licensed vehicle shall:
 - a. 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.
 - b. Not cause, or permit, the carriage to stand or ply for hire with any such sticker display so defaced that any figure or material particular is illegible.
 - c. On expiry, suspension or revocation of the licence, the licensee shall forthwith return the plate to the Council
4. No advertising or signage is permitted on any part of the glazing of the vehicle, other than notices approved by the Council.
 - a. No signage must hinder or obscure or otherwise prevent the vehicle registration number, vehicle lights or licence plate from being visible.
 - b. No signs or advertising may be displayed on licensed vehicles without prior written consent from the licensing authority.
 - c. All advertisements shall conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and shall not relate to matters concerning tobacco, gambling, alcohol, politics, religion, matters of a sexual nature, or any other content likely to cause offence.
5. The vehicle must have a spare tyre and tools; or a puncture repair inflation kit; or be fitted with run flat tyres.

6. The vehicle must contain a first aid kit with the content matching Schedule 7 of the Road Vehicles (Construction and Use) Regulations 1986, the vehicle licence number must be displayed on the first aid kit in legible text.
7. The vehicle will be tested at an approved or appointed vehicle testing station in accordance with the following intervals:
 - a. For vehicles less than 8 year-old (from the date of registration to the issue date of the licence) – every 6 months
 - b. For vehicles more than 8 years old (from the date of registration to the issue date of the licence) – every 4 months
 - c. and/or when requested by an authorised officer.
8. No material alteration to the specification, design, condition, or appearance of the licensed vehicle shall be made without the prior written approval of the local authority.
9. A hackney carriage shall always be fitted with a taximeter and every taximeter, shall comply with the following requirements :
 - a. Be fully compliant with the Measuring Instruments (Taximeters) Regulations 2006, and be certified by a notified body in accordance with the Measuring Instruments Directive (MID) (2004/22/EC), in particular Annex 007;
 - b. Fitted with a device, the use/action of which will bring the taximeter into action and cause the word 'HIRED' to appear on the face of the taximeter and such a device must be capable of being locked in a position such that the machinery of the taximeter is not in action and that no fare is recorded on the face of the taximeter;
 - c. Calibrated against an appropriate standard to ensure the tariff charged does not exceed the maximum fares determined by the Licensing Authority;
 - d. Calendar controlled;
 - e. Fixed to the vehicle with appropriate seals/appliances to prevent any person from tampering with the meter except by breaking, damaging, or permanently displacing the seals/appliances;
 - f. Have the word 'FARE' printed on the face of the meter in plain letters so as clearly to apply to the fare recorded thereon
10. Any internal vehicle screens/ partitions must comply with manufacturer requirements. If the screen has been fitted following vehicle manufacturing the screen must comply with the following guidance [Safety screens for taxis and PHVs - GOV.UK](#) (this includes informing the insurance provider).
11. Additional conditions provided in the CCTV policy - [Taxi and private hire vehicles: CCTV policy template for local authorities | GOV.WALES](#)
12. Additional conditions provided in the Dashcam policy - [Taxi and private hire vehicles: dash cam policy | GOV.WALES](#)

PEMBROKESHIRE COUNTY COUNCIL



PRIVATE HIRE VEHICLE - STANDARD CONDITIONS OF LICENCE

Appendix 4

LEGAL STATUS

These Conditions are made pursuant to Sections 47 and 48 of the Local Government (Miscellaneous Provisions) Act 1976

Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 60 of the said Act.

INTERPRETATION

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

"the Act"	-	the Local Government (Miscellaneous Provisions) Act 1976.
"the Council"	-	the Pembrokeshire County Council.
"the licence"	-	a licence granted in respect of a private hire vehicle pursuant to Section 48 of the Act.
"the licensee"	-	the holder of the licence.
"private hire vehicle"	-	a vehicle in respect of which there is a licence in force under Section 48 of the Act.
"vehicle licence number"	-	the number allocated by the Council to a licence granted for a private hire vehicle or a hackney carriage.
"licensed vehicle"	-	a private hire vehicle
"speciality vehicle"	-	a stretched limousine, which is capable of carrying up to, but not exceeding, eight passengers.
"vehicle plate"	-	the plate provided by the Council for affixing to a hackney carriage vehicle pursuant Section 38 of the of the Act 1847 and to a private hire vehicle pursuant to Section 48(5) of the Act.
"motor mechanic"	-	a person with a recognised trade qualification acceptable to Pembrokeshire County Council

Private Hire Vehicle (PHV) application requirements

1. Application form
2. Basic DBS (not required if applicant is a licensed driver)
3. *The vehicle registration document showing the vehicle is registered with the DVLA as category M1 (vehicle manufactured for nine or less persons). Vehicles not registered in the UK, M2 vehicles that are structurally altered to remove seats, or vehicles registered under other categories will require DVSA approval through Voluntary or Statutory, Individual Vehicle Approval (IVA) - [Vehicle approval: Individual vehicle approval - GOV.UK \(www.gov.uk\)](https://www.gov.uk/vehicle-approval-individual-vehicle-approval)
4. The vehicle will pass a vehicle test at an approved or appointed vehicle testing station.
5. The vehicle will be presented to a Licensing Inspector for a plating inspection
6. *The vehicle shall be right hand drive and have a minimum of four doors unless the vehicle is manufactured with a sliding door fitted to the passenger side/nearside.
7. The vehicle bodywork shall be in good condition with all trims present, large areas of panel age deterioration, dents, scratches, stone chips, rust, or any other abrasions that detract from the overall appearance of the vehicle may not be accepted. No tape may be used to cover defects.
8. If fitted with a hydraulic lift, a valid Lifting Operations and Lifting Equipment Regulations (LOLER) certificate is required.
9. For passenger comfort;
 - measured at the narrowest point, seats shall have a minimum width of 400mm per passenger (bench seat for 3 passengers = 1200mm).
 - A minimum of 200mm legroom for all passenger seats measured from the front edge of the seat to any dashboard, internal panel, or other seat directly in front.
 - A minimum of 860mm headroom for all passenger seats measured from the rear of the seat cushion to the roof lining.

Private Hire Vehicle (PHV) licence conditions

1. From 1st January 2027 all vehicles presented new for licensing must meet or exceed Euro 6 emissions standards. (will not apply to existing vehicles provided no break in the licence)
2. *The vehicle shall display licence plates and/or door signs, and any other required signage in the location and manner prescribed below:
 - a. An external licence plate securely fixed to the rear of the vehicle.
 - b. An external licence plate securely fixed to the front of the vehicle
 - c. An internal licence plate securely fixed in a prominent position inside the vehicle.
 - d. The vehicle must display no smoking signage, visible at each passenger compartment of the vehicle.
3. The vehicle must not have a roof mounted sign, in addition cannot use the words "Taxi", "Taksi", "Cab", or "Hackney Carriage" anywhere on the vehicle
3. The licensee of the said licensed vehicle shall:
 - a. not wilfully or negligently cause or suffer any licence number to be concealed from public view
 - b. On expiry, suspension or revocation of the licence, the licensee shall forthwith return the plates to the Council
4. No advertising or signage is permitted on any part of the glazing of the vehicle, other than notices approved by the Council.
5. No signage must hinder or obscure or otherwise prevent the vehicle registration number, vehicle lights or licence plate from being visible.
6. No signs or advertising may be displayed on licensed vehicles without prior written consent from the licensing authority.
7. All advertisements shall conform with the requirements of the Advertising Standards Council in all matters relating to good taste, both in content and appearance and shall not relate to matters concerning tobacco, gambling, alcohol, politics, religion, matters of a sexual nature, or any other content likely to cause offence.
8. The vehicle must have a spare tyre and tools; or a puncture repair inflation kit; or be fitted with run flat tyres.
9. The vehicle must contain a first aid kit with the content matching Schedule 7 of the Road Vehicles (Construction and Use) Regulations 1986, the vehicle registration number must be displayed on the first aid kit in legible text.
10. The vehicle will be tested at an approved or appointed vehicle testing station in accordance with the following intervals:

- For vehicles less than 8 year-old (from the date of registration to the issue date of the licence) – every 6 months
 - For vehicles more than 8 years old (from the date of registration to the issue date of the licence) – every 4 months
 - and/or when requested by an authorised officer.
11. No material alteration to the specification, design, condition, or appearance of the licensed vehicle shall be made without the prior written approval of the local authority.
12. *Any internal vehicle screens/ partitions must comply with manufacturer requirements. If the screen has been fitted following vehicle manufacturing the screen must comply with the following guidance [Safety screens for taxis and PHVs - GOV.UK](#) (this includes informing the insurance provider).
13. Additional conditions provided in the CCTV policy - [Taxi and private hire vehicles: CCTV policy template for local authorities | GOV.WALES](#)
14. Additional conditions provided in the Dashcam policy - [Taxi and private hire vehicles: dash cam policy | GOV.WALES](#)

Please note all recommended requirements and conditions marked with a * above may differ on specialist vehicles such as executive hire vehicles and limousines.

Compliance & Bodywork Checklist

- **TAXI METER** (HC ONLY) *maintained in a satisfactory working condition placed so that all letters and figures displayed on it are always plainly visible to any person being conveyed in the licensed vehicle*
- **TABLE OF FARES** (HC ONLY) *always displayed prominently in the vehicle to be easily read by any person entering the vehicle.*
- **ILLUMINATED ‘TAXI’ ROOF LIGHT OR ‘FOR HIRE’ ILLUMINATED SIGN ON WINDSCREEN** (HC ONLY)
- **DOOR STICKERS*** (HC ONLY) *should be intact and legible*
- **FIRST AID KIT**
- **SPARE WHEEL & WHEEL CHANGE EQUIPMENT OR TYRE WELD**
- **EXTERIOR PLATE*** *The vehicle plate shall be affixed to the rear bumper clean, visible and legible*
- **INTERIOR PLATE*** *the interior vehicle plate issued by the Council is displayed in a prominent position within the vehicle to be visible to passengers and is maintained in a clean and legible condition.*
- **NO ADVERTISING ON GLAZING OF VEHICLE**
- **FOR PHV’s – NO ROOF SIGN / NO WORDING “TAXI”, “TACSI”, “CAB”, OR “HACKNEY CARRIAGE” ANYWHERE ON THE VEHICLE**
- **BODYWORK / CLEANLINESS**

Keep the licensed vehicle and all its fittings in a safe, efficient, clean and tidy condition including:

All the exterior panels to be of matching colour consistent to its original specification.

1. The vehicle to have no dents or scratches that detracts from its overall appearance.
2. All exterior body trims including wheel trims to be present and in clean and tidy condition.
3. All interior trims including door and head linings to be fastened correctly and in a clean presentable condition.
4. All seats and coverings to be clean and free of rips, tears and obvious stains.
5. All wheels to be matching unless covered by matching wheel trims.
6. All signage and plates to be clean and legible.

• NO SMOKING SIGNAGE

* New vehicles won’t have been issued plates / stickers

CONDITIONS APPLIED TO STRETCHED LIMOUSINES

These conditions made under the Local Government (Miscellaneous Provisions) Act 1976 are specific to a vehicle adapted by lengthening the wheelbase of a standard, factory built vehicle. The purpose of these conditions is to protect public safety. They apply in addition to the Authority's standard conditions and take account of the fact that stretched limousines will:

- i) travel generally at slower speeds than normal taxis
- ii) not normally overtake other vehicles
- iii) be easily recognisable by the hirer
- iv) be heavier and considerably longer than standard cars
- v) usually be adapted or converted by someone other than the original manufacturer.

1. GENERAL

- 1.1 These conditions apply to stretched limousines as defined in paragraphs 1.2 and 1.3 below, where the vehicle is constructed or adapted to seat up to 8 passengers.
- 1.2 A "stretched limousine", is a saloon type vehicle that has undergone an increase in length by extending the wheelbase after manufacture.
- 1.3 An "American stretched limousine" is a stretched limousine imported from the USA and typically will have been manufactured originally by Lincoln (Ford) or Cadillac.
- 1.4 For the purposes of calculating the seating capacity of a vehicle the minimum width of a passenger seat is 400mm. In the case of an 'L' shaped seat, sufficient space must be made available in the corner to prevent the passenger on one side of the corner encroaching on the passenger on the other side.

2. CONDITIONS

- 2.1 In the case of a stretched limousine, or American stretched limousine, originals of the following documentation will be required by the Council before an application can be properly considered:
 - (a) Completed importation documentation where applicable and single vehicle approval (SVA) certificate or a letter of conformity issued by VOSA. (Note a Minister's Approval Certificate is not acceptable).
 - (b) DVLA Registration Document (V5).
 - (c) Valid Certificate of Insurance, with cover for hire and reward.
 - (d) Current MOT certificate issued by an approved Testing Station for this type of vehicle.

- (e) Where applicable, an installation certificate from a Liquefied Petroleum Gas Association (LPGA) Approved UK Vehicle Conversion Company, in the case of vehicles converted to run on LPG.
- (f) Valid Road Vehicle Excise licence disc.

2.2 The Vehicle shall comply with the following:

- (a) Be equipped with a minimum of four road wheels and a full sized spare wheel.
- (b) Be equipped with tyres designed and manufactured to support the maximum permitted axle weight for the axle when the vehicle is driven at the maximum speed. Applicant to provide evidence of tyre suitability if requested.
- (c) Seat belts, where fitted, must be fitted in accordance with the current Road Vehicle (Construction and Use) Regulations.
- (d) The maximum length of the stretch conversion (measured between the rear edge of the front door and the front edge of the rear door) shall not exceed 3048mm.

2.3 Where alcoholic drink is supplied in the vehicle, the proprietor shall deposit a copy of his or her liquor licence with the Local Authority. No person, under the age of 18 years, being conveyed in a stretched limousine shall be allowed to consume alcohol.

2.4 Tinted glass shall conform to the legal requirements of the current Road Vehicle (Construction and Use) Regulations.

2.5 Children under the age of 14 years shall not be carried in a stretched limousine unless accompanied by the parent or guardian of at least one of the children.

2.6 It is the driver's responsibility to ensure that passengers use seat belts provided, when the vehicle is in motion.

2.7 Licensed Private hire and Hackney carriage drivers must carry a guide dog or assistance dog belonging to a passenger free of charge unless the driver has a proven medical condition that would preclude such action. Drivers have a responsibility to ensure that their company is aware of such condition when they are first employed

CONDITIONS FOR FIRE ENGINE SPECIALITY VEHICLES

The vehicle is licensed in accordance with the Standard Terms and Conditions as laid down for Hackney Carriage/Private Hire Vehicles. The following additional Conditions also apply for this type of vehicle:

1. The vehicle shall be examined and issued with a certificate of fitness (MOT or HGV equivalent) prior to initial licensing and then a further test will be required during the 12-month period of validity of the certificate at the discretion of the licensing Authority.
2. The driver shall hold a full driving licence suitable for this type of vehicle.
3. Whenever passengers are entering or leaving the vehicle, physical assistance shall be provided by the operator/crew to ensure their safety.
4. Additional foot-steps shall be carried and used on the vehicle to facilitate access and egress from the passenger compartment of the vehicle.
5. All passengers shall be required to enter/leave the vehicle via the passenger doorway adjacent to the pavement.
6. Passengers shall be advised at the time of booking and again on the day of hire that they must not embark or disembark from the vehicle without assistance from the operator/crew.
7. Where the seating arrangements have been changed from the original specification then those seats shall be securely anchored to the floor of the vehicle.
8. Seatbelts shall be provided for all passengers which conform to current British Standards.
9. Suitable signage shall be prominently displayed in the passenger compartment advising all passengers to wear seatbelts.
10. It is the driver's responsibility to ensure that all children under the age of 14 years are wearing seatbelts at all times when the vehicle is in motion.
11. All external "lockers" of the vehicle shall be secured to prevent access by passengers or members of the public.
12. The floor area of the vehicle shall be kept clear and unobstructed at all times.
13. All "blue" lights, siren, flashing lights, reflective tape, ladders and any lettering which may give the public the impression that the vehicle is a fire engine are to be permanently removed.
14. No person involved in the operation of the vehicle may wear a uniform or helmet that may lead a member of the public to believe that that person is a member of the Mid and West Wales Fire and Rescue Services.
15. The restrictions on access to certain groups of disabled persons shall be advertised to passengers at the time of booking and in any promotional literature and advertisements.
16. An audible alarm system shall be fitted to the rear passenger compartment doors and shall be in a working condition whenever the vehicle is carrying passengers

PEMBROKESHIRE COUNTY COUNCIL

HORSE-DRAWN HACKNEY CARRIAGE AND DRIVER

CONDITIONS OF LICENCE

A – LEGAL STATUS

These Conditions were made pursuant to Sections 47 and 51 of the Local Government (Miscellaneous Provisions) Act 1976 and

Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Sections 60 and 61 of the said Act.

B – INTERPRETATION

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

“the Act of 1847”	- The Town Police Clauses Act 1847
“the Act”	- The Local Government (Miscellaneous Provisions) Act 1976
“the Council”	- Pembrokeshire County Council
“the Licence”	- a licence granted in respect of a Horse- Drawn Hackney Carriage granted pursuant to Section 37 of the Act of 1847
“hackney carriage”	- a vehicle in respect of which there is a licence in force under Section 37 of the Act of 1847
“hackney carriage driver”	- a driver licensed by the Local Authority to be in charge of a horse-drawn hackney carriage
“vehicle licence number”	- the number allocated by the Council to a licence granted for a hackney carriage
“licensed vehicle”	- a hackney carriage

“vehicle plate”

- the plate provided by the Council for affixing to a hackney carriage pursuant to Section 38 of the Act of 1847

C – THE CONDITIONS

1. All carriages and all harnesses must be presented for inspection to the Council when and where required and no carriage or harness will be certified fit for public use unless it is properly finished and **complies with the Department of Transport (UK) Code of Practice for Horse Drawn Vehicles**. The Licensee shall not prevent any authorised officer of the Council, **Veterinarian** or Constable inspecting the harnessing, horses or any accommodation used for stabling horses at any time to ascertain their fitness.
2. At the time of the inspection for Licensing, a certificate of ownership and a **current** policy of insurance which covers use for **Hire and Reward** and passenger risks shall be produced to the satisfaction of the Council.
3. The licensed vehicle shall, so far as appropriate, comply with the requirements of the Road Traffic Acts and any other Acts relating to vehicles using a public highway.
4. The licensed vehicle and all its fittings shall be kept in a safe, efficient, clean and tidy condition and any authorised officer of the Council or Constable shall be permitted to inspect it on request and in that event the Licensee shall:
 - (a) comply with any notice served on him under Section 68 of the Act by such officer or Constable suspending the licence and requiring him to present the vehicle for inspection and testing at such reasonable time and place as may be specified for the purpose of ascertaining its fitness.
 - (b) Ensure that the licensed vehicle is not used to carry passengers for Hire and Reward until its fitness has been ascertained.
 - (c) Return the vehicle plate to the Council forthwith on being served with a suspension notice under Section 68 of the Act.
5. Prior to any alteration in the design or construction of the licensed vehicle being made, the Council must be notified in writing and full particulars of the alteration must be supplied, and the licensed vehicle shall require further inspection.
6. The Licensee shall notify the Council in writing within five days of:
 - (a) any accident involving the licensed vehicle
 - (b) any changes of address of the licensee

7. The seating provided in the licensed vehicle shall be measured in a straight line at the front of each seat and the length of 40 centimetres shall be deemed to provide sufficient space for one person. **Each seat shall be deemed to provide seating for one person irrespective of age.**
8. The licensed vehicle shall be fitted with rubber rimmed wheels.
9. The number of passengers to be carried shall not exceed the number for which it is licensed as specified on the licence and the vehicle plate, and no person shall be permitted to travel on the top seat adjacent to the driver.
10. The vehicle plate shall be affixed to **the external rear panel of the vehicle.**
11. No horse shall be used for the pulling a horse-drawn Hackney Carriage unless a veterinary certificate as to its fitness and suitability has been provided to the Council which shall be renewable annually.
12. No horse shall be worked for more than 8 hours during a period of 24 hours and there shall be at least one hour's break within that 8 hour period.
13. At the time of the veterinary inspection, photographs (from each side and head on) shall be provided together with a declaration (by a veterinarian) on the reverse of the photograph verifying that the photographs relate to the horse inspected. Such photographs shall be carried in the licensed vehicle when the horse is in use.
14. Any device used to prevent horse faeces from being deposited on the highway must be of a design and so fitted as to not cause nuisance or interference to any person or horse, or cause distress to the horse.
15. Any horse faeces collected must be held and disposed of in a manner so as not to cause nuisance.
16. The licence is issued subject to the production of further veterinary certificates (or farrier reports) as may from time to time be required by an authorised officer of the Council.
17. The driver shall notify the Council in writing, within 5 days of being convicted, **cautioned, issued with a fixed penalty notice for:**
 - (a) any offence under Road Traffic Legislation or any offence of dishonesty, indecency or violence.
 - (b) Becoming aware of any illness or disability which could impair his ability to drive.
 - (c) Any offence including cruelty to animals.

18. The licensee shall produce **any documents** for inspection on request to an authorised officer of the Council or any Constable and shall otherwise give such assistance and information as may be reasonably required by such officer or Constable in relation to his statutory duties.
19. The veterinary report must state that the applicant has sufficient knowledge of horse care and are able to identify signs of ill health which could prove harmful to the horse should it be allowed to continue to work.
20. The driver shall at all times be clean and respectably dressed and behave in a civil and orderly manner.
21. The driver shall not without the express consent of the hirer or other passenger smoke, drink or eat in the licensed vehicle.
22. All reasonable steps shall be taken to ensure the safety of passengers entering, being conveyed in and alighting from the licensed vehicle.
23. The driver shall if required provide the hirer with a written receipt for the fare paid.
24. The driver shall at all times when driving wear the driver's identification badge in a clearly visible position and shall immediately report the loss of the badge to the Council and **Police** and obtain a replacement badge. The driver paying such fee as the Council may prescribe for the same.
25. The driver shall immediately upon termination of any hiring of a licensed vehicle or as soon as is practicable thereafter carefully search the licensed vehicle for any property which may have been left in it and unless claimed by or on behalf of the owner any property found by the driver or any other person shall be taken by the driver as soon as is practicable (and in any case within 48 hours) to a Police Station within the County and left in the custody of the officer in charge upon the issue of a receipt.
26. The driver shall not demand of the hirer a fee in excess of that agreed between the hirer and the licensee.
27. The driver shall not convey any animal unless it is in the custody of the hirer and in any case shall ensure that any such animal (with the exception of a blind person's guide dog or deaf person's hearing dog) is carried in the rear of the licensed vehicle.
28. The driver shall not without the consent of the hirer convey any other person in the licensed vehicle which is hired.
29. The driver shall not while driving or in charge of a licensed vehicle cause a nuisance to any occupiers of property or users of land.

PEMBROKESHIRE COUNTY COUNCIL

Appendix 8

INTENDED USE POLICY FOR THE LICENSING OF HACKNEY CARRIAGES

Licensing Section

Pembrokeshire County Council

County Hall

Haverfordwest

Pembrokeshire

Tel : 01437 764551

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Email: licensing@pembrokeshire.gov.uk

Further copies may be obtained from the above address or from the website

www.pembrokeshire.gov

This policy is also available in Welsh or large print on request to the Licensing Team.

Approved by Pembrokeshire County Council, Licensing Committee on 3rd November 2015

1. Introduction

- 1.1 The purpose of this Policy is to set out how Pembrokeshire County Council (the Council) will deal with the licensing, renewal and transfer of hackney carriage vehicles following the High Court Judgment in 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 judgment of the above case. The policy was approved at a meeting of Pembrokeshire County Council's Licensing Committee on 3rd November 2015.
- 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 County of Pembrokeshire 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 County of Pembrokeshire 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 applicants intend to operate predominantly in the County of Pembrokeshire, if the intention is to ply for 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 Section 60 of Local Government Miscellaneous Provisions Act 1976 (the Act) also gives the Council a broad discretion to refuse to renew a licence for any reasonable cause and this intended use policy will also apply for renewals in the same way as for the grant of the licence. Each application will be decided on its merits.

4. Applications for the transfer of a hackney carriage licence

- 4.1 Should the hackney carriage licence be transferred to another proprietor during the term of the licence, the new proprietor will be asked to inform the Council whether he has a bona fide intention to use the vehicle to ply for hire within the County of Pembrokeshire. New proprietors should note the obligation under section 73 of the Act to give to 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 Act until such information is forthcoming, in addition to its powers under section 73.

- 4.2 New proprietors of licensed hackney carriages will be expected to have a bona fide intention to ply for hire within the County of Pembrokeshire under the terms of the licence in respect of the vehicle being transferred.
- 4.3 If the new proprietor of a licensed hackney carriage is found to have a bona fide intention to ply for hire entirely or predominately within the County of Pembrokeshire 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 Act. Where the new proprietor proposes to operate remotely from the County of Pembrokeshire there will be a presumption that his licence will be revoked. Each case will be decided on its merits.

5. Applications for the replacement of a hackney carriage licence

- 5.1 When a proprietor replaces a licensed vehicle, applicants seeking the grant of a hackney carriage licence for a vehicle intended to replace another licensed vehicle will be asked to inform the Council of their intended use of the vehicle. There will be a presumption that applicants who no longer intend to ply for hire entirely or predominately within the County of Pembrokeshire will not have the new hackney carriage licence granted. Even where the applicant intends to ply for hire entirely or predominantly in the County of Pembrokeshire 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 case, there will be a presumption that the application will be refused.
- 5.2 Where a licence has been granted under the terms that the applicant intends to ply for hire entirely or predominantly within the County of Pembrokeshire but is subsequently found not to be plying for hire entirely or predominantly in the County of Pembrokeshire and/or 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.
- 5.3 Each application will be decided on its merits. However the presumption that intended use is to ply for hire entirely or predominantly within the County of Pembrokeshire 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 compromise public safety if the licence were granted, renewed, or if it were not suspended or revoked as the case may be.

6. Reasons for Intended Use Policy

- 6.1 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 judgment in the case of Newcastle City Council v Berwick upon Tweed Council [2008].
- 6.2 The Council is required to register the name of the new proprietor of a hackney carriage vehicle. It seems to the Council to open up an obvious route to circumvent the decision of the High Court if precautionary steps are not taken. It is intended to put the Council in a position to respond responsibly to the transfer of a Pembrokeshire County Council licensed hackney carriage into the name of someone who operates outside the County of Pembrokeshire or remotely from it.
- 6.3 Unless there has been a change in the proprietor's intentions with regard to plying for hire within the administrative area of Pembrokeshire County Council, there should be no reason why he/she should not be granted a licence for a replacement vehicle. On the other hand, an applicant who obtained the first licence on the expressed intention of plying for hire entirely or predominantly within the administrative area of Pembrokeshire County Council, and who on application to replace that vehicle with another discloses that he/she no longer so intends, effectively engages the presumption against grant that is mentioned earlier.



PEMBROKESHIRE COUNTY COUNCIL

PRIVATE HIRE OPERATOR LICENCE -STANDARD CONDITIONS OF LICENCE

LEGAL STATUS

These conditions were made pursuant to Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

Breach of one or more of these Conditions may lead to suspension, revocation or refusal to renew the licence pursuant to Section 62 of the said Act.

INTERPRETATION

In these conditions the following words shall bear the meanings ascribed to them below:-

"the Act"	- the Local Government (Miscellaneous Provisions) Act 1976.
"the Council"	- the Pembrokeshire County Council.
"the licence"	- a private hire vehicle operator's licence granted pursuant to Section 55 of the Act.
"the operator"	- the holder of the licence.
"operate"	- to operate a vehicle in the course of business pursuant to the licence.
"private hire vehicle"	- a vehicle which is currently licensed by the Council under Section 48 of the Act.
"vehicle licence number"	- the number allocated by the Council to a licence granted for a private hire vehicle licensed under Section 48 of the Act or a hackney carriage licensed under Section 37 of the Town Police Clauses Act 1847.
"driver licence number"	- the number allocated by the Council to a licence granted to the driver under Section 51 of the Act or, in the case of a hackney carriage, under Section 46 of the Town Police Clauses Act 1847.

"the district"

- the County of Pembrokeshire.

PRE-LICENCE REQUIREMENTS

1. The applicant/s must complete an application form (to include):
 - The applicant/s details, as an individual/partnership/limited company or other.
 - Declaration the applicant/s have the right to work in the UK.
 - Operator business trading as (T/A) name if a licence is granted.
 - How the operator intends to make provision for the invitation of bookings for private hire vehicles (app, phone, email, social media, booking office or a selection).
 - If used, the address of each booking office within the local authority area.
 - Any websites used for booking requests, company information, feedback, or complaints.
 - Any contact numbers used for the invitation of bookings, feedback, or complaints.
 - Declaration has any applicant previously held a Taxi or PHV driver/vehicle/operator licence that was revoked (in the UK).
 - Declaration has any applicant in the previous 5 years been named as a director or secretary of any other company.
 - Declaration the applicant/s are capable of oral and written communication with the local authority in English or Welsh.
 - Declaration to confirm the Operator/s will meet and assist authorised officers of the local authority when required, to inspect booking records, complaints, or other relevant information when reasonable.
 - Declaration if the applicant/s intend to employ person/s for the dispatch of drivers/vehicles the applicant/s will have a policy on the employment of suitable persons in those roles.
2. A 'right to work in the UK' identification check (required Immigration Act 2016).
3. Applicant/s shall produce a basic DBS certificate to the local authority. The DBS certificate/s shall be issued no more than 1 month prior to the application being submitted to the Local Authority (excludes persons who hold a valid hackney carriage or private hire vehicle driver's licence with the same local authority and registered with the DBS update service).
4. When applicable, the applicant/s will provide an overseas certificate of good conduct or equivalent of a criminal records check for any person who has spent 6 months or more (whether continuously or in total) while aged eighteen or over, residing outside the United Kingdom

PRIVATE HIRE VEHICLE OPERATOR LICENCE CONDITIONS

1. The operator must ensure only licensed drivers and vehicles are used to fulfil bookings. Prior to use, the operator must retain copies of each private hire vehicle driver licence, private hire vehicle licence; hackney carriage licence (if used), hackney carriage driver licence (if used) to fulfil bookings. The operator must monitor licence expiry dates.
2. The operator or appointed representative must notify the licensing authority in writing, within two working days of knowledge of or any direct complaints against a driver or operator and/or termination/dismissal/suspension of a driver or person named as an operator for the following reasons:
 - a) allegations of sexual misconduct (including use of sexualised language).
 - b) discrimination (including Equality Act 2010 offences).
 - c) violence (including verbal aggression).
 - d) dishonesty (including theft).
 - e) any other serious misconduct (including motoring related e.g. dangerous driving or drink driving).
3. The operator or appointed representative must notify the licensing authority in writing, within two working days, with full details of any arrest, conviction, caution, warning, fixed penalty, court summons, court orders, reprimand, motoring offence or any other serious misconduct (whether charged or not) involving one or more of the named operators.
4. The operator must notify the local authority in writing, within two working days when the operator receives a complaint regarding vehicle safety defects about a vehicle used to fulfil bookings, not applicable if the operator is aware or satisfied that any reported defects have already been repaired.
5. The operator must notify the licensing authority, in writing, within 5 working days of any changes of:
 - a) personal details (name, address).
 - b) business trading as (T/A) name.
 - c) ownership/management/partnership withdrawal (please note the existing legislation provides no route to transfer an operator licence, the local authority will consider any changes of operator on their own merit)
 - d) Change of location of existing booking office or the opening of an additional booking office within the local authority area.
 - e) New websites/apps used for company information, invitation of bookings, feedback, or complaints.
6. The Operator must record and be able to produce these records to authorised officers on request:
 - a) The name of the lead passenger to be transported (if known).
 - b) The requested time and location of collection.
 - c) The destination, where possible this should include the building number or name, street and town or city.

- d) The vehicle used for the transportation (vehicle licence number or registration number).
 - e) The journey price recorded by the operator.
 - f) The hackney carriage/private hire vehicle driver's licence number connected to the booking.
 - g) (When applicable) if sub-contracted the name of the other operator and local authority who licence the private hire vehicle operator. You must record if you sub-contract in/out the booking.
 - h) (When applicable) any changes requested by the passenger/s during the journey for example additional drop-offs and any additional charges for alterations made by the passenger/s (this may be recorded post journey if information is provided by the driver during/following the journey).
 - i) (When used) tracking or GPS information to assist with complaints or authorised officer enquiries.
7. Details of how feedback or complaints may be received, must be published on the company website, App or displayed at the booking office (when applicable). The operator must provide customers with clear information on how to provide feedback or complaints regarding transport, or a booking connected to the operator.
8. The operator or an appointed representative from within the business must initiate an investigation into any complaint received from the public within 48 hours from receipt of the complaint. When responding to complainants, the operator or appointed representative must inform the complainant of the licensing authority responsible for the operator, vehicle or driver.
9. All complaints received shall be recorded and retained for six months, available for inspection by authorised officers. The information to be recorded:
- a) Date complaint received
 - b) Reason/details of complaint including location, date and time of any incidents.
 - c) Vehicle/driver connected to the complaint (if applicable).
 - d) Any actions by the operator due to the complaint (including notifying the local authority).
10. The booking office (when applicable) must be accessible to the public, clean, adequately heated/ventilated and well-lit. Valid public liability insurance must be held.
11. All private hire bookings must be exclusive hire provided to a passenger or passenger group unless they knowingly consent to an approved ride sharing scheme.
12. Through the invitation of bookings (including websites and booking apps) the operator must allow the booking person to request additional assistance or provide additional information when booking. Passengers shall be able to, but are not limited to:
- a) Request wheelchair accessible vehicles and provide information regarding the wheelchair (e.g. weight/powered/non-powered).
 - b) Request assistance locating the vehicle or assistance from door to door.

c) Request support with the carriage of luggage or walking aids from door to door.

13. Any additional assistance or additional information received through the invitation of bookings, must be shared with drivers when the booking is allocated to/accepted by a licensed driver.

14. When an operator website and/or digital booking apps are used, they must comply with the Web Content Accessibility Guidelines (WCAG) 2.1 accessibility standard to Level AA and with the principles of the Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018 as a minimum for digital content.

15. When lost property is reported by a driver or passenger following a booking in connection to the operator business, the operator shall make reasonable attempts to contact the booking person or driver and reasonably assist in returning lost property.

16. When an operator employs persons for the invitation of bookings and dispatch of drivers and vehicles, the operator must have a policy on the employment of suitable persons in those roles. The operator is responsible for any person/s employed for the purpose of dispatching drivers/vehicles through the course of their business.

Pembrokeshire County Council

Public Protection Division

Enforcement Policy

July 2017

APPROVAL OF THIS POLICY

This policy has been adopted by Cabinet on the 28th November 2011. In July 2017 it was reviewed by the Head of Public Protection. References to outdated Pembrokeshire Council policies and plans were removed.

It has been developed in line with the Regulators Compliance Code that requires local authorities to publish a policy setting out their approach to compliance and enforcement.

Copies of this Enforcement Policy can be obtained from the Pembrokeshire County Council website, www.pembrokeshire.gov.uk

Further assistance can be obtained from:

Public Protection Division

County Hall

Haverfordwest

Pembrokeshire

SA61 1TP

Telephone:

01437 776197

Review

Version 1.0

Date

12/07/17

Who

Mark Elliott
Head of Public
Protection

Next review

July 2020

Changes

1. Removed references to PCC Corporate plans and policies that were out of date and were no longer available.
2. Updated legislative references.

2. WHAT IS THE POLICY FOR?

To clearly set out the Council's approach to enforcement. This ranges from providing support and advice to encouraging compliance; to securing prosecutions and prohibitions where appropriate and necessary; and to protect more vulnerable people from harm.

The Council and its authorised officers are committed to abide by this policy and to ensure that all enforcement activities are:

- Undertaken in accordance with the principles of good enforcement specified by the Enforcement Concordat.
- Compatible with the convention rights specified by the Human Rights Act 1998, to protect the rights of the individual.
- Managed in an efficient manner.
- Taken promptly and without unnecessary delay.
- Undertaken consistently by the Council.
- Undertaken in a fair, independent and transparent manner, with each case being considered on its own merits.
- Not influenced by colour, ethnic origin, race, gender, disability, sexuality, religion, marital status, gender, age or political beliefs or by improper or undue pressure from any source.

Aligned to Pembrokeshire County Council's current objectives and policies.

3. OUR APPROACH TO COMPLIANCE AND ENFORCEMENT

Pembrokeshire County Council has signed up to the UK and Local Government Concordat on Good Enforcement, which commits us to good enforcement policies and procedures. This Enforcement Policy builds upon the Concordat by setting out a statement of the Council's policy on enforcement. The Council believes that the following principles of the Concordat are important in our approach to compliance and enforcement:

3.1 Standards

Where appropriate, we will draw up clear standards, setting out the level of service and performance the public and businesses can expect to receive. These standards will be developed in consultation with other relevant interested parties, where appropriate. We will publish these standards and our annual performance against them. The standards will be made available to local businesses and others who are regulated.

3.2 Openness

We will provide information and advice in plain language on the rules that apply, and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives, where appropriate. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties in relation to legislation that the service enforces, by responding to enquiries and visiting individuals when requested as resources allow and within any agreed consultancy arrangements. In certain circumstances we will seek to raise awareness and increase compliance levels by publicising business practices or criminal activities where the law allows us to do so.

We will undertake our enforcement duties in accordance with the Council's Welsh Language Standards. We will provide interpreters in appropriate circumstances.

3.3 Helpfulness

We believe that "prevention is better than cure", and that our role involves actively working with business, especially small and medium sized businesses, to advise and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further contact and we will encourage businesses to seek advice/information from us. Applications for licensing and approval of establishments, registrations, planning consultations etc will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

3.4 Proportionality

We will minimise the costs of compliance for business, by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action.

We will take particular care to work with small businesses and voluntary and community organisations, so that, where practicable, they can meet their legal obligations. When dealing with individual members of the public, the concept of proportionality will also apply, in so far as the relevant legislation permits. We will attempt to identify and contact all individuals concerned with each case, where possible, and take action that balances the benefit to the complainant or public against the cost or inconvenience to those concerned.

3.5 Consistency

We will carry out our duties in a fair, equitable and consistent manner. While Officers are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies. This will be achieved through staff development and training, and the use of appropriate, written protocols and procedures.

4. PROVIDING ADVICE AND GUIDANCE

4.1 Economic Well Being

We will consider the regulatory impact that our actions may have on economic well being and we will only adopt a particular approach if the benefits justify the costs and it entails the minimum burden compatible with achieving the objectives. For smaller businesses we will use reasonable endeavours to ensure that any burdens from our interventions fall fairly and proportionately on such entities, by giving consideration to the size of the business and the nature of their activities.

4.2 Advice and Guidance

We will provide general information, advice and guidance to make it easier for businesses to understand and meet their legal obligations and we will provide it in clear, concise and accessible language. Where possible we will look to utilise any relevant national guidance. This advice will usually be provided without charge if at all possible, however, this cannot be guaranteed..

Businesses may seek advice from us without directly triggering enforcement action. We will stand by the advice that we provide and respect the advice that has been provided by other regulators and enforcement agencies. Where we differ in respect to advice that has been given by other agencies, we will aim to work with all parties to resolve any differences of opinion.

4.3 Primary Authority

The Primary Authority scheme allows businesses, charities or other organisations that operate across more than one local authority area to enter into a partnership agreement with a single authority for it to become that organisation's Primary Authority.

Where we are proposing to take enforcement action against a business registered within the Primary Authority scheme we will contact the Primary Authority first and inform them of our proposed action.

The Primary Authority can then challenge the proposed enforcement action if it believes it to be inconsistent with advice or guidance that it has previously provided. The Government's Primary Authority organisation will determine any disputes between a Primary Authority, or a business, and an enforcing authority. Central Government will consult the Food Standards Agency (FSA) when determining food or animal feed law disputes of a technical nature.

This requirement shall not preclude an officer from taking immediate action where necessary for the protection of public health and safety.

4.4 Home Authority

Where a business operates across more than one Council area we recognise that there maybe a "Home Authority" for that business. This will generally be the Council where the business mainly trades from or the site of its headquarters. The business may have formed a working relationship with that "Home Authority" and have received advice and guidance from that Council. We recognise this and aim to inform, consult and work in conjunction with the "Home Authority" when providing advice or undertaking any enforcement action that might impact on centrally agreed policies or procedures.

4.5 Accountability

We will ensure that our officers provide a courteous and efficient service to businesses and we will provide a procedure to deal with complaints, using the Council's complaints procedure.

5. CHECKING COMPLIANCE

5.1 Inspections and Other Visits

In order to check compliance, authorised officers will undertake inspections and other visits and obtain samples of goods and services and make test purchases.

We will ensure that these inspections and other visits will only occur in accordance with a risk assessment methodology, except where visits are requested by businesses, or where we act on relevant intelligence or complaints. We may use a small element of random inspection in our programme if we believe that it is appropriate to do so.

Where advice to rectify a non-compliance has been given we may make subsequent inspections or other visits to ensure that the non-compliant matter has been rectified.

5.2 Risk Assessment

We will focus our greatest inspection efforts on businesses where our risk assessment shows that a compliance breach would pose a serious risk to a regulatory outcome and there is a high likelihood of non-compliance by that business.

Such risk assessments will inform our approach to regulatory activity including data collection, inspection programmes, business advice and enforcement/sanctions.

As part of this risk assessment we will give consideration to the combined effect of the potential impact of non-compliance on regulatory outcomes and the likelihood of non-compliance. We will make use of any risk assessment methodology schemes that are devised and approved by relevant government departments for our specific service areas.

If the performance of a business is seen to represent a greater or lesser risk than other businesses of a similar type, we will make a change to their risk rating when this is allowed by the relevant risk assessment methodology.

5.3 Information Requirements

When determining what data we require from businesses we will endeavour to reduce business costs, where possible, by varying data requests according to risk, limiting collection to specific businesses or sectors, reducing the frequency of data collection, obtaining data from other sources, allowing electronic submission and requesting only data which is justified by risk assessment.

6. RESPONDING TO BREACHES OF THE RULES

When considering any breach of legislation the Council will take into consideration the seriousness of the breach. Our enforcement staff will interpret and apply legal requirements and enforcement policies consistently and fairly. To help to ensure consistency we will make use of any relevant national guidance provided in relation to legal requirements.

Our enforcement actions will:

- Aim to change the behaviour of the offender and deter future non-compliance;
- Aim to eliminate any financial gain or benefit from non-compliance;
- Consider what is appropriate for the particular offender;
- Be proportionate to the nature of the offence and the harm caused;
- Aim to restore the harm caused by regulatory non-compliance, where appropriate;

Our response to a breach of legislation will be in two stages:

- To advise that a breach has occurred and how this can be prevented in future
- To consider what action, if any, should follow from the breach.

All advice will be given clearly and in plain language and will be confirmed in writing on request. An explanation will be given as to why remedial work is required and over what time-scale. Legal or statutory requirements will be clearly distinguished from best practice, codes of practice, guidance and other advice.

Our officers will encourage compliance with legal requirements by raising awareness of relevant standards and legal requirements, and this may be by means of press-statements, distributing leaflets, face-to-face contact and through business and community partnerships.

In most cases where a breach has occurred there will be an opportunity to discuss the circumstances of the breach and to resolve points of difference and to agree what further work for resolution may be required.

However, this type of resolution may not be possible where:

- immediate action is required, for example, in the interests of disease outbreak, health and safety or environmental protection
- to prevent evidence being destroyed
- where there is a serious breach and it is likely to defeat the purpose of the proposed enforcement action

Officers have discretion to resolve minor breaches of legislation through advice and by oral and written warnings. In serious matters authorised officers will investigate and report alleged offences for a decision of what action may follow. These decisions will be taken by a senior officer of the Council. Only the appropriate authorised Director of the Council can authorise a simple caution or prosecution (see Section 8).

In instances where immediate action is considered necessary an explanation of why such action is required will be given at the time, and subsequently confirmed in writing within a reasonable timescale.

In cases where there are rights of appeal against formal action, for example, certain statutory notices and refusal of licensing; information on the appeal mechanism will be

clearly set out in writing and provided at the time the action is taken and, wherever possible, issued with the enforcement notice.

When circumstances indicate or dictate that enforcement will be undertaken under health and safety legislation, consideration will also be given to the Health and Safety Executive's Enforcement Policy Statement. Furthermore, any enforcement decision for health and safety will have been taken through the Enforcement Management Model.

7. CONDUCT OF INVESTIGATIONS

7.1 Legislation that controls how breaches are investigated

All investigations will be carried out under the following legislation and in accordance with any associated guidance and Codes of Practice in so far as they relate to this Council.

- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulation of Investigatory Powers Act 2000 and any current amendment legislation.
- Criminal Justice and Police Act 2001
- Human Rights Act 1998
- Proceeds of Crime Act 2002

The above Acts and associated guidance, control how evidence is collected and used and provides protection to citizens and potential defendants. Authorised officers will comply with the requirements of these Acts and associated guidance as well as the particular legislation under which they are acting.

7.2 Powers of officers

The Council have authorised certain officers to carry out inspections for compliance under a wide range of legislation.

Where these officers believe that an offence may have occurred they have additional powers to investigate a possible breach of legislation. These powers may include entry into a premises and the seizure of goods and documents. Authorised officers will exercise their powers at reasonable times, will identify themselves, and explain their powers and actions. If any item is seized a receipt will be given.

In some very limited circumstances officers will have to undertake covert operations to investigate matters. These operations will be approved by senior officers and will be proportionate to the alleged matters being investigated. They will also require confirmation from a Magistrate. In certain special circumstances officers will obtain warrants of entry into premises where they believe that entry may otherwise be refused.

The legislation requires authorised officers to be given reasonable assistance when they are undertaking inspections and assistance. Failure to provide this may result in a criminal offence of obstruction. In some circumstances, for example where very serious offences have occurred or where a warrant has been obtained, the obstruction of officers may lead to the possibility of arrest.

7.3 Seizure and Forfeiture Proceedings

Certain legislation enables authorised officers to seize goods, equipment or documents as they may be required as evidence for possible future court proceedings or to prevent

further offences from being committed. When items are seized an appropriate receipt will be given to the person from whom the items are taken. The decision to seize items will be at the discretion of the investigating officer, subject to the requirements of the legislation.

In certain circumstances officers will make an application to the Magistrates' Courts for forfeiture of the goods. Forfeiture may be used in conjunction with seizure and / or prosecution where there is a need to dispose of the goods or equipment to prevent them being used to cause a further problem, or to prevent them re-entering the market place.

7.4 Interview Procedures

When an authorised officer has reason to suspect that a person may have committed an offence for which legal proceedings may be contemplated, then that officer will caution that person.

After cautioning, the questioning of a person accused of an offence or a person representing a body corporate is considered to be a formal interview. The formal interview may be conducted at the time of cautioning, or that person may be asked to provide answers to questions put in writing to them, or be invited to a taped interview at a Council office. The accused person does not have to reply to these questions and will be advised to consider legal representation before answering any questions.

7.5 Statutory Time Limits

Legislation states that legal proceedings have to be instigated within certain time periods. After the defined date then no action can be taken by the enforcement authority.

7.6 Progress of an investigation

The Council is aware that parties involved in a criminal investigation will be anxious and concerned about its progress. We will endeavour, as far as possible, to keep parties informed of the progress of investigations.

8. DECISIONS ON ENFORCEMENT ACTION

8.1 Compliance Advice and Support

We aim to use compliance advice and support as a first response in the case of many breaches of legislation. Advice is provided to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action.

Sometimes advice will be sent out in the form of a warning letter. The warning letter will set out what should be done to rectify the breach and to prevent recurrence. If a similar breach is identified in the future, a previous warning letter may be taken into consideration in determining subsequent enforcement action. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

We recognise that where a business has entered into a Primary Authority Partnership, the Primary Authority may provide compliance advice and support, and we will take such advice into account when considering the most appropriate enforcement action.

Where more formal enforcement action such as a simple caution or prosecution is taken, we recognise that there is still likely to be an on going need for compliance advice and support to prevent further breaches and we will provide this advice.

8.2 Voluntary Undertakings

In certain circumstances we may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. We will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result from such a failure.

8.3 Statutory and Legal Notices

In respect of many breaches we have powers to issue statutory and other legal notices. These include: 'Stop Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', 'Abatement Notices' and 'Improvement Notices'. Such notices are usually legally binding. Failure to comply with a statutory notice in some circumstances can be a criminal offence and may lead to prosecution and / or, where appropriate, the carrying out of work in default.

A statutory or legal notice will clearly set out what actions must be taken and the timescale within which they must be taken, and the consequences of non-compliance and any appeals procedure. They are likely to require that any alleged breach is rectified and/or is prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

8.4 Financial penalties

The Council has powers to issue Fixed Penalty Notices in respect of some breaches. A Fixed Penalty Notice is not a criminal fine and does not appear on an individual's criminal record. If a fixed penalty is not paid we may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach we will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

The Council is only able to issue Fixed Penalty Notices where it has specific powers to do so. If Fixed Penalty Notices are available, their issue is at our discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate. Some senior Trading Standards officers are also authorised to issue Penalty Notices for Disorder that are provided for in s1-11 of the Criminal Justice and Police Act 2001. This authority is under the direction of the Dyfed Powys Police force.

These Penalty Notices for Disorder were introduced by the government to provide a quick and effective means of dealing with offences relating to the sale of alcohol to persons under the 18 years of age. These are summary offences where the most likely Court outcome would be a fine. The scheme enables certain officers to issue penalty notices on the spot or at a Council premises. The use of Penalty Notices for Disorder removes these minor cases from the Courts; this significantly reduces the paperwork, and provides an efficient means to tackle minor offences which may not previously have warranted the resources required for prosecution.

Under the scheme, the Council may issue a person who has committed a specified penalty offence with a Fixed Penalty Notice. The recipient then has 21 days in which to pay the penalty or request a Court hearing. If the penalty is paid all liability for the offence is discharged and there is no criminal record. If a Court hearing is requested the process defaults to a standard prosecution. If no action is taken within the 21 day period then a fine of one and a half times the penalty is automatically registered (without the need for a Court case) against the penalty notice recipient. The fine will be enforced in the same way as any other fine by the Courts.

8.5 Injunctive Actions, Enforcement Orders etc.

In some circumstances the Council may seek a direction from the Court (in the form of an Order or an Injunction) that a breach is rectified and/or prevented from recurring. The Court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Failure to comply with a Court Order constitutes contempt of Court, a serious offence which may lead to imprisonment.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the Court with an opportunity to confirm the restrictions imposed by the notice. We will usually only seek a Court Order if we have serious concerns about compliance with voluntary undertakings or a notice.

For consumer protection issues injunctions may be sought under the Enterprise Act 2002.

Where an investigation relates to anti-social behaviour(s), Officers may apply to the Magistrates' Court for the most relevant Anti-Social Behaviour legislative solution deemed most appropriate following reference to the most up to date Anti-Social Behaviour Legislation/guidance and following discussions with the Department/Partner Agency tasked with the coordination of the Anti-Social Behaviour agenda on behalf of all the relevant partner agencies and The Police and Crime Commissioner. Contravention of any Anti-Social Behaviour restriction imposed by the Court may result in proceedings for contempt of Court, which may be punishable by a fine or imprisonment.

8.6 Refusal / Suspension / Revocation of Licences

The Council issues a number of licences, approvals and permits. It also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence/approval which may result in its suspension, revocation or amendment. When considering future licence applications we may take previous breaches and enforcement action into account.

8.7 Prohibitions

Where very serious offences are committed or offences are repeated, the Council has powers (in some areas) to apply to the Courts to prohibit people from carrying out certain activities. In deciding to make this application senior officers of the Council will have regard to all the relevant factors.

8.8 Proceeds of Crime Act Confiscation Orders

Officers may make applications under the Proceeds of Crime Act for confiscation of assets of offenders in serious cases. The purpose is to recover the financial benefit that the offender has obtained from their crimes. Proceedings only take place after a criminal conviction has been obtained, but they are conducted according to the civil standard of proof.

8.9 Discretionary Requirements

The Council has powers under certain legislation to impose Variable Monetary Penalties and Non-Monetary Discretionary Requirements. Variable Monetary Penalties may be imposed up to a maximum level set out in the relevant legislation.

Non-Monetary Discretionary Requirements are requirements to take steps to ensure that a breach does not continue or recur. Where the Council chooses to impose Non-Monetary Discretionary Requirements it will clearly set out what those steps should be and the time period within which they must be completed. A failure to comply with the requirements is likely to result in a financial penalty.

The Council may use Variable Monetary Penalties and Non-Monetary Discretionary Requirements in combination.

8.10 Simple Cautions and Prosecutions

For serious breaches of legislation we will consider action that may recommend a simple caution being issued or that a prosecution may ensue.

8.10.1 Code for Crown Prosecutors

The Council uses two tests under the Code for Crown Prosecutors to determine whether a prosecution or simple caution is a viable and correct action and the case must pass both tests before commencing a prosecution or using a simple caution.

We must be satisfied under the evidential test that there is sufficient evidence to provide a “realistic prospect of conviction” against each defendant on each offence. This is an objective test that means that a Court is more likely than not to convict the defendant of the alleged offence. As part of this test we will assess whether the evidence can be used in Court and whether it is reliable. If the case passes the evidential test we then apply the public interest test to decide whether it is in the public interest to take the action. We will balance factors both for and against prosecution carefully and fairly. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

Some common public interest factors that we will consider in **favour of prosecution**, but the list is not exhaustive:

- A conviction is likely to result in a significant sentence or an order of the Court;
- The suspect was in a position of authority or trust and he or she took advantage of this;
- The suspect was a ringleader or organiser of the offence;
- The offence was premeditated;

- The victim of the offence was in a vulnerable situation and the suspect took advantage of this;
- There was a marked difference between the age of the suspect and the victim and the suspect took advantage of this;
- There was a marked difference in the levels of understanding of the suspect and the victim and the suspect took advantage of this;
- The offence was motivated by any form of discrimination;
- The suspect's previous convictions or the previous out-of-court disposals which he or she has received are relevant to the present offence;
- There are grounds for believing that the offence is likely to be continued or repeated;
- The suspect is alleged to have committed the offence in breach of an Order of the Court;
- A prosecution would have a significant positive impact on maintaining community confidence;
- The offence was committed in order to facilitate more serious offending;
- The amount of gain for the offender or the amount of loss to the victim;
- The suspect has attempted to conceal their identity, whether directly or indirectly, to make it more difficult to identify or trace the person;
- The suspect deliberately obstructs an officer;
- The suspect has acted fraudulently or is reckless or negligent in their activities, or there is significant risk to public health and safety, or to the environment;

Some common public interest factors that we will consider **against prosecution**, but the list is not exhaustive:

- The Court is likely to impose a nominal penalty;
- The seriousness and consequences of the offending can be appropriately dealt with by an out-of-court disposal which the suspect accepts and with which he or she complies;
- The offence was committed as a result of a genuine mistake or misunderstanding;
- The loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
- A prosecution is likely to have an adverse effect on the victim's physical or mental health;
- The suspect is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is a real possibility that it may be repeated;
- The suspect has put right the loss or harm that was caused, but must not avoid prosecution or an out-of-court disposal solely because he or she pays compensation or repays the sum of money he or she unlawfully obtained;
- The suspect played a minor role in the commission of the offence;
- The suspect was of previous good character;
- The suspect made a prompt acknowledgement of guilt;

When assessing the public interest we will not simply add up the number of factors on each side to find out which side has the greatest number. Each case will be considered on its own facts and its own merits. We will decide the importance of each public interest factor in the circumstances of each case and subsequently make an overall assessment. It is quite possible that one factor alone may outweigh a number of other factors that

tend in the opposite direction. We will not assume that the absence of a factor necessarily means that it should be taken as a factor tending in the opposite direction

8.10.2 Simple Caution

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, we are likely to consider prosecution.

A simple caution will appear on the offender's criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future, and may be cited in Court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual, rather than a business corporation, it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Home Office and other relevant guidance.

8.10.3 Prosecution

The Council may prosecute in respect of serious or recurrent breaches or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance.

When deciding whether to prosecute we will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

A prosecution will only be considered where we are satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s).

Before deciding that prosecution is appropriate we will consider all relevant circumstances carefully, and will have regard to the following public interest criteria:

- The gravity of the offence, together with the seriousness of any actual or potential harm
- Serious failures in management
- Whether it is appropriate in order to draw general attention to the need for compliance
- General record and approach of offender
- Reckless disregard of requirements
- Repeated breaches or persistent poor compliance
- Failure to comply with a written warning or notice served
- Willingness of offender to prevent a recurrence
- Likelihood of a successful due diligence or other defence
- Explanation offered by the offender
- Ability of witnesses to co-operate
- Would alternative action (e.g. caution, works in default, notice be preferable)

The decision to prosecute is taken by an appropriately authorised senior officer:

- In accordance with this Policy and any service specific enforcement and/or prosecution policies that have been developed;
- In accordance with the Code for Crown Prosecutors;
- In accordance with statutory requirements, taking into consideration all other codes of practice.

- In the areas of Food Safety and Standards and that of Trading Standards, the Home Authority principle set up by Government and Primary Authority principle shall be adhered to, and in the area of Health and Safety, the Lead Authority and Primary Authority principle shall be adhered to. Where applicable, the comments of the Home and/or originating Authorities, Lead Authorities and Primary Authorities shall be considered

Having decided to prosecute our policy is to select offences that reflect the seriousness of the case and permit the case to be presented in a clear and concise manner.

On some occasions prosecutions may be taken in the criminal courts at the same time as civil proceedings are also taking place in the civil courts.

A successful prosecution will result in a criminal record. The Court may impose a fine and, in respect of particularly serious breaches, a prison sentence. The Court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

9. WORKING IN PARTNERSHIP WITH OTHER ENFORCEMENT AGENCIES

For some areas of our services, the Council has a shared or complementary enforcement role with other agencies. On occasion it will be more appropriate for other enforcement agencies or other local authorities to deal with particular breaches of legislation, so officers may pass details of the offence to such other parties. In carrying out these shared duties we will still comply with our Enforcement Policy, but the other agencies will maintain the right to take any enforcement action that they consider to be necessary.

If an offender commits offences in a number of Local Authority areas it may be more appropriate for one Council to take a prosecution for all the offences, including ones that took place outside of its area. In such circumstances we may enter into legal agreements with other councils for one authority to take the lead role, making use of provisions under the Section 19 of the Local Government Act 2000, Section 222 of the Local Government Act 1972 or any other enabling powers.

We will work closely with our partners including the Police, Natural Resources Wales, the Health & Safety Executive, the Food Standards Agency, appropriate Welsh and Central Government Departments, other local authorities and other enforcement agencies.

We will exchange information on enforcement activities with our partner organisations and we will do so in accordance with any established methods of information sharing and legal requirements, including the provisions of the Data Protection Act 1998, General Data Protection Regulations and the Crime and Disorder Act 1998.

10. CONCLUSION

This Enforcement Policy supports the delivery of current Pembrokeshire County Council's plans and policies and relevant Service Plans. It sets out our approach to encourage compliance, as well as action that will be taken when necessary and appropriate, to protect vulnerable local people and the wider interests of our communities.

This policy will be reviewed and updated as required by changes in legislation. This will include, where appropriate, consultation with and consideration of the views of other interested parties, relevant bodies and stakeholders in the enforcement process.

Consultation may take place through the development of partnerships with other agencies or organisations.

This policy is designed to deliver the best possible enforcement service to the residents and business community of Pembrokeshire, in line with the Community Plan. It embraces the principles of good enforcement specified by the government's Enforcement Concordat, the Regulators' Compliance Code, and reflects the rights of the individual protected by the Human Rights Act 1998 and associated legislation. We aim to provide a service that is efficient, consistent, fair and transparent.

11. COMPLAINTS ABOUT SERVICE

The Council provides a corporate complaints procedure that is easily accessible to business, the public and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

All relevant complaints will be dealt with in accordance with the Council's corporate scheme that is available directly from any Council contact point or via the Pembrokeshire County Council website, www.pembrokeshire.gov.uk