

Epsom & Ewell Borough Council

Hackney Carriage and Private Hire Licensing Policy

01 January 2012

Private hire definition

A private hire vehicle, is a vehicle which is capable of carrying less than nine passengers which can be hired by prior arrangement through an Epsom & Ewell Borough Council licensed operator. This can be either by telephone or in person at the operator's premises. Only licensed hackney carriages may stand at a rank or ply for hire on the street.

A private hire vehicle is not licensed to collect and accept passengers for hire and reward from ranks or to be hailed in the street. Private hire vehicles may not be flagged down in the street at any time.

If it is operating without a licence it is in breach of the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 and is breaking the law.

The legal definition of private hire

A private hire vehicle is a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage, public service vehicle or a London cab, which is provided for hire with the services of a driver for the purpose of carrying passengers." *Local Government (Miscellaneous Provisions) Act 1976.*

Hackney carriage definition

Licences for hackney carriage vehicles and drivers are granted under the provisions of the Town Police Clauses Act 1847 and Town Police Clauses Act 1889, as applied by the Public Health Act 1875 and the Local Government (Miscellaneous Provisions) Act 1976.

A hackney carriage is a taxi with a meter which is licensed to collect passengers from a taxi rank and is available to be hailed in the street. Hackney carriage vehicles may ply for hire and pick up fares.

Taxi dual licensing

Epsom & Ewell Borough Council permit that the driver of a taxi already licensed for use in London may apply for an additional licence to ply for hire within the Epsom & Ewell Borough. This is a unique arrangement with the London Taxi and Private Hire. Once the vehicle has passed the London Taxi and Private Hire licensing inspection, a paper London Taxi licence is issued.

1. Application for private hire and hackney carriage drivers licences

a. Age/driving experience

An applicant must be at least 21 years of age, and have held a full UK/EU Driving Licence for at least 24 months prior to application. An exception may be made where an applicant has held a UK/EU Driving Licence for 12 months but has passed the Driving Standards Agency Taxi/Private Hire Assessment. There is no maximum age limits for drivers, but drivers will be required to meet medical standards and considered fit to drive by their GP.

The driving licences regulations 1996(Si 1996 no 1974) has amended sections 51 and 59 of the 1976 Act to allow full driving licences that are issued by EEA states to count towards the requirement for the grant of taxi and private hire driver licences.

In case of applicants for a hackney carriage driver Licence, the applicant must be able to evidence at least 12 months experience prior to application, either as a private hire driver within Epsom & Ewell Borough Council (hereinafter called “The Authority”), or as a hackney carriage driver licensed by the Public Carriage Office.

b. Knowledge Test

All applicants for the grant of a driver’s Licence will be required to undergo a Knowledge Test to show an understanding of the area, licence conditions, and basic verbal understanding. An exception to this will be for drivers who will be working on home to school run services under a contract with Surrey County Council, who will be required to undertake a basic verbal understanding assessment only.

Existing drivers will not be required to undertake a Knowledge Test, except where complaints regarding the standard of local knowledge and/or ability to communicate effectively are brought to the attention of the Authority. In such cases, the driver will be required to pass the Knowledge Test before they may continue driving.

c. Criminal Record Bureau (CRB) checks and address history

An applicant must be a “fit and proper person” to hold a licence.

- i. Applicants for the grant and renewal of a licence are subject to an enhanced CRB Check. If an enhanced CRB has been provided by another licensing authority, then this will be accepted provided it is no more than one month old from the date of application in the case of new applications, and for up to three months in the case of renewal applications.
- ii. Where an applicant for the grant of a licence originates from outside the United Kingdom, and is not able to provide a five year traceable history in the United Kingdom, then it will be necessary for the applicant to provide the equivalent of a CRB check from their appropriate Embassy or High Commission. This information must be provided before an application will be accepted.

d. Right to remain and work in the United Kingdom

Applicants for the grant of a licence will be required to produce documentary evidence of a right to remain and work in the UK

e. Immigration checks

Any applicants will be required to produce evidence that they have a right to work in the United Kingdom. The Authority may obtain specific checks with the Border and Immigration Agency.

f. Suitability of applicant

i. New applicants

Where an applicant has been convicted of an offence of driving whilst under the influence of alcohol or drugs and driving in excess of the prescribed limit of alcohol; driving without insurance, reckless or dangerous driving, or have been disqualified from driving for a period of six months or longer, then three years must lapse from the date of offence or one year from restoration of licence which ever is later, before the application will be considered. Where the applicant has committed a violent offence, sexual offence, act of dishonesty or other offences then a period of between three and five years must lapse before an application will be considered. The rehabilitation period will be dependant upon the circumstances and sentence received.

The Sub-Committee accepts the decision of the court as final and will not take extenuating circumstances into account when looking at the conviction. Any person aggrieved by such decision has the right of appeal to the Magistrates Court.

ii. Existing licence holders/renewal applicants

Where a conviction for an offence as detailed above has been imposed during the licence period, then the licence holder will be referred to the Authority's Licensing Hearings Sub-Committee which will determine if the licence should be allowed to continue, be suspended for a determined period, or be revoked. Any person aggrieved by such decision has the right of appeal to the Magistrates Court.

g. Evidence of employment

Before a licence will be granted to a new driver, evidence must be provided by the prospective employer confirming that an offer of employment has been confirmed for the individual. This should be in the form of a letterhead etc and should be dated by the operator no more than 14 days before the licence is to be granted.

h. Medical

Applicants will be required to provide a satisfactory medical examination certificate which should be completed by their own GP. A medical will be valid for up to five years (unless the GP recommends a more regular medical) for applicants up to the age of 65 years old. Drivers aged between 65 and 70 will be required to provide a medical every two years and drivers over the age of 70 will be required to produce a medical annually.

i. Appearance

Drivers are required to be smart and presentable at all times whilst working under the terms of the licence issued by the Authority. Footwear appropriate for driving must be worn at all times.

j. Licence conditions

The licence holder will be required to sign their licence to confirm they accept and understand all the terms and conditions attached.

k. Penalty Points Scheme

All licence holders will be subject to the Penalty Point Scheme, and licences are issued on the basis that they fully accept the Scheme.

Where 12 points or more have been accrued and have been referred to the Licensing Hearings Sub-Committee, notwithstanding the decision of the Sub-Committee, the Sub-Committee will determine if the points shall remain on the licence or be removed.

All licence holders have a right to appeal any penalty points issued, by doing so in writing within seven days of receipt of the penalty points. **The appeal will be heard by the Licensing Hearings Sub-Committee and the decision of the Sub-Committee as far as points issued is final.**

2. Application for private hire vehicle licences

a. Age/standard of vehicles

i. New vehicles

All vehicles which are being presented for first licensing by the Authority may be no older than six years old from the date of application. An exception may be made if the vehicle is considered by an Authorised officer to be in a good as new condition.

ii. Existing licensed vehicles

Vehicles over four years of age at application/renewal will be required to undergo an inspection (and MOT test) every six months.

iii Allocation of passengers

Passengers must have unrestricted access/egress to a door. The number of passengers allocated to the vehicle will be at Officers discretion.

b. Low emission vehicles

Vehicles which are considered to be environmentally friendly, with lower emissions, and/or use alternatives to fuel, **may** be eligible for a reduction in the licence fee on production of documentary evidence (subject to annual fees and charges review)

c. Stretched limousines

Any stretched limousines that have been imported are required to have an IVA (Individual Vehicle Approval) test, This will need to be presented to the Licensing Authority to confirm it is built to certain safety standards. Applicants will also need to provide evidence that the vehicle has been tested by VOSA.

d. Imported vehicles

Any imported vehicles up to 10 years old at the time of first registration in the United Kingdom will be required to meet the technical standards of either :

- Europe Whole Vehicle Type approval
- British National Type approval
- Individual Vehicle approval

The Authority will require a registration certificate stating the approval status of the vehicle and that it meets the above requirements.

e. Tinted windows

Any vehicles which are brought in to be licensed must meet a minimum of 70% light transmission for front glass and to both sides of the driver.

f. Advertising on vehicles

Private hire vehicles may display either on the front or rear side doors of the vehicle a sign advertising the name and telephone numbers not more than 50mm high, the sign shall not include the words taxi or cab and shall not be illuminated. If the vehicle is licensed to carry more than six passengers the letters or figures shall not be more than 75mm high. In exceptional circumstances, this requirement may be waived if agreed in writing with the Authority.

g. Spare wheel / run flat tyres

Any space saver wheel will need to be maintained and safe to use. Spacesaver tyres should only be used in an emergency to complete the current journey, after which it will need to be replaced with a full size wheel. If the vehicle comes with run flat tyres there is no need to carry a spare wheel, but in the event of an emergency the run flat tyre should only be used to complete the current journey.

h. MOTs

For new vehicles which have travelled for no more than 2000 miles, an MOT Test Certificate is not required, but the Vehicle Inspection Checklist from the garage selling the vehicle must be provided. For all other vehicles, an MOT Test Certificate which is no more than eight weeks old from the date of application must be presented on application, annual and interim inspections.

i. Insurance certificate

An Insurance certificate or cover note covering the driver for private hire use must be provided on application, annual and interim inspections. If only a cover note is provided, the full Certificate of Insurance must be provided to the Council within one calendar month.

j. Licence conditions

The licence holder will be required to sign their licence to confirm they accept and understand all the terms and conditions attached.

k. Penalty Points Scheme

All licence holders will be subject to the Penalty Point Scheme, and accept the licence on the basis that they fully accept the Scheme.

Where 12 points or more have been accrued and have been referred to the Licensing Hearings Sub-Committee, notwithstanding the decision of the Sub-Committee, the Sub-Committee will determine if the points shall remain on the licence or be removed.

All Licence Holders have a right to appeal any Penalty Points issued, by doing so in writing within seven days of receipt of the Penalty Points. **The appeal will be heard by the Licensing Hearings Sub-Committee and the decision of the Sub-Committee as far as points issued is final.**

3. Application for hackney carriage vehicle licences

a. Age/standard of vehicles

i. New vehicles

All vehicles which are being presented for first licensing by the Authority should be in as good as new condition.

Vehicles being presented for first licensing by the Authority must meet the standards set by the Public Carriage Office with regards to CO₂ emissions. The vehicle must be fitted with emissions reduction equipment or converted to run on alternative fuels. The equipment or conversion must be London Taxi and Private Hire/Energy Saving Trust approved and bring the cab to Euro 3 standard or better for NOx and PM10. The Energy Savings Trust maintains a London taxi emissions abatement register of approved systems and suppliers. (www.energysavingtrust.org.uk/fleet/citychemes/taxiprogramme) **In addition, where a vehicle has a front passenger seat in a purpose built hackney carriage vehicle this seat may be used for the carriage of passengers but only after all other passenger seats are first occupied.**

ii. Existing licensed vehicles

As from 1 January 2009, no hackney carriage vehicle will be licensed or renewed which fails to meet the above standards.

iii. Exemptions

Vehicles which have already had an approved LPG conversion or been re-engined to Euro 3 standard or better do not need to get an emissions reduction system fitted.

iv. Subsequent standards set by the London Taxi and Private Hire

All vehicles may be required to meet any subsequent standards and/or requirements prescribed by the London Taxi and Private Hire within the timescales to be determined by the Authority.

b. MOTs

For new vehicles to be licensed solely for Epsom & Ewell, which have travelled for no more than 2000 miles, an MOT Test Certificate is not required, but the Vehicle Inspection Checklist from the garage selling the vehicle must be provided. For all other Vehicles, an MOT Test Certificate which is no more than eight weeks old from the date of application must be presented on application, annual and interim inspections. Dual Licensed Vehicles are required to undertake separate roadworthy and mechanical fitness tests by the London Taxi and Private Hire, and are therefore not required to produce a current MOT Test Certificate, but will be required to produce a copy of the London Taxi Vehicle Licence on application/renewal.

c. Insurance Certificate

An Insurance Certificate or Cover Note covering the Driver for Public Hire Use must be provided on application, annual and interim inspections. If only a Cover Note is provided, the full Certificate of Insurance must be provided to the Council within one calendar month.

d. Licence conditions

The licence holder will be required to sign their licence to confirm they accept and understand all the terms and conditions attached.

e. Penalty Points Scheme

All licence holders will be subject to the Penalty Points Scheme, and accept the licence on the basis that they fully accept the Scheme.

Where 12 points or more have been accrued and have been referred to the Licensing Hearings Sub-Committee, notwithstanding the decision of the Sub-Committee, the Sub-Committee will determine if the points shall remain on the licence or be removed.

All licence holders have a right to appeal any penalty points issued, by doing so in writing within seven days of receipt of the penalty points. **The appeal will be heard by the Licensing Hearings Sub-Committee and the decision of the Sub-Committee as far as points issued is final.**

4. Application for a Private Hire Operators Licence

a. Criminal Record Bureau Checks (CRB)

An applicant must be a “fit and proper person” to hold a licence.

Applicants for the grant of a licence are subject to an Enhanced CRB Check (unless the applicant is already licensed as a Private Hire or Hackney Carriage Driver with the Authority). A CRB check must be provided every three years. If an Enhanced CRB has been provided by another Licensing Authority, then this will be accepted provided it is no more than one month old from the date of application in the case of new applications, and for up to three months in the case of renewal applications.

b. Suitability of applicant

i New applicants

Where an applicant has been convicted of an offence of driving whilst under the influence of alcohol or drugs and driving in excess of the prescribed limit of alcohol; driving without insurance, reckless or dangerous driving, or have been disqualified from driving for a period of six months or longer, then three years must lapse from the date of offence or one year from restoration of licence whichever is later before the application will be considered. Where the applicant has committed a violent offence, act of dishonesty or other such offences then a period of between three and five years must lapse before an application will be considered. The rehabilitation period will be dependant upon the circumstances and sentence received.

ii Existing licence holders/renewal applicants

Where an offence as detailed above has been committed during the licence period, then the licence holder will be referred to the Licensing Hearing Sub-Committee which will determine if the Licence should be allowed to continue, be suspended for a determined period, or be revoked. Any person aggrieved by such decision has the right of appeal to the Magistrates Court

c. Knowledge Test

An applicant for a new Operator Licence (who has not been previously licensed by the Authority) will be required to undergo a Knowledge Test to show an understanding of the area and licence conditions, and basic verbal understanding. An exception to this will be for operators who will be working solely on Home to School Run services under a contract with Surrey County Council. The Authority may waive this requirement in any other exceptional case where this is considered appropriate.

d. Location of premises

An application for the grant of a new Operator Licence will only be considered if the base is located within the Borough of Epsom & Ewell. In addition, where it is proposed to run the business from a home address, then the applicant must have resided within Epsom & Ewell for at least five years prior to application.

e. Maximum number of vehicles

A maximum of two vehicles may be operated from non-commercial premises (existing Operator Licences may be continued to be renewed with a higher number of vehicles). However, should an existing Operator wish to relocate to another premises, then this must be a commercial premises, otherwise planning permission or consent must be provided before the licence may be transferred to another address.

f. Insurance Certificate

An Insurance Certificate or Cover Note covering the business for Public Liability and Employers Liability must be provided on application and renewal (as applicable).

g. Planning Permission

In the case of new applications, and business relocation, evidence of planning permission or confirmation from the Planning Department that consent is not required must be produced before a licence will be granted.

e. Sub Contracting

Operators may Sub-Contract work but only to licensed operators in the same area licensed by the same Local Authority. They will however remain responsible for that booking in spite of sub-contracting it. They must also keep a record of each sub-contracted booking.

Operators are only permitted to dispatch drivers and vehicles licensed by the same Local Authority as themselves. Any work that is passed to an unlicensed driver or the use of vehicles that do not hold an Epsom & Ewell Borough Licence will be classed as an offence.

A Private Hire Operator licensed by Epsom & Ewell can only operate a vehicle which is licensed by the same Authority. The vehicle must also be driven by a driver licensed through Epsom & Ewell.

Failure to adhere to this could mean prosecution under Section 46 of the Local Government Miscellaneous Provisions Act 1976.

h. Licence conditions

The licence holder will be required to sign their licence to confirm they accept and understand all the terms and conditions attached.

i. Penalty Points Scheme

From 1 September 2008, all licence holders will be subject to the Penalty Points Scheme, and accept the licence on the basis that they fully accept the Scheme.

Where 12 points or more have been accrued and have been referred to the Licensing Hearings Sub-Committee, notwithstanding the decision of the Sub-Committee, the Sub-Committee will determine if the points shall remain on the licence or be removed.

All Licence Holders have a right to appeal any Penalty Points issued, by doing so in writing within seven days of receipt of the Penalty Points. **The appeal will be heard by the Licensing Hearings Sub-Committee and the decision of the Sub-Committee as far as points issued is final.**

Enforcement

Where necessary, appropriate enforcement (including prosecution) will be carried out in a fair and consistent manner in accordance with

- The Enforcement Concordat
- Epsom & Ewell Borough Council's Environmental Health Service Enforcement Policy
- The Regulators Compliance Code (Statutory Code of Practice for Regulators) December 2007. The Regulators Compliance Code stresses the need for regulators to adopt a positive and proactive approach towards ensuring compliance by helping and encouraging regulated entities to understand and meet regulatory requirements more easily; and responding proportionately to regulatory breaches.

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible, and ensure that data is shared where possible and practicable.