



Elmbridge
Borough Council

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Elmbridge Borough Council

Hackney Carriage and Private Hire Licensing Policy

2013

IMPORTANT NOTE: Paragraphs 4 and Appendix 1 to this document no longer in effect at 1/3/18. Please see separate document 'Elmbridge Borough Council Hackney Carriage & Private Hire Licensing Policy regarding the relevance of convictions and other related information'

Approved on 18 March 2013
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Contents

1	Introduction	3
2	Applying for a New Combined HC & PH Driver Licence, a PH Driver Licence, or a PH Operator Licence	3
2.1	Application form	3
2.2	Fee	3
2.3	Disclosure and Barring Service (DBS) Disclosure (Formerly Criminal Records Bureau (CRB) Disclosure)	3
2.4	Overseas Criminal History (OCH) Checks (where applicable).....	4
2.5	Photographs	4
2.6	Driving Licence	4
2.7	Knowledge Test.....	4
2.8	Medical Assessment Form	5
2.9	Driver & Vehicle Standards Agency (DVSA) Test.....	5
2.10	HC applications from existing PH licence holders	5
2.11	Applications for PH Operator Licences	5
3	Renewing your Combined HC & PH Driver Licence, PH Driver Licence or PH Operator Licence	5
4	Problems with your application?	6
5	Responsibilities of Combined HC & PH Drivers, PH Drivers and PH Operators	7
5.1	Equality Act 2010.....	7
5.2	Combined HC & PH Drivers	7
5.3	PH Driver – Standard Licensing Conditions.....	7
5.4	PH Operator – Standard Licensing Conditions	8
5.5	Bespoke Conditions.....	9
5.6	Appeals.....	9
6	Applications for HC Vehicle and PH Vehicle Licences	9
6.1	General.....	10
6.2	MOT and Vehicle Inspection Test (VIT).....	10
6.3	Licence Plates	10
6.4	Seating Capacity of Vehicles	10
6.5	Tinted Windows	11
6.6	CCTV (where fitted)	11
6.7	Cycle carriers and roof racks (where fitted)	11
6.8	PH Vehicles	11
6.9	Executive PH Vehicles.....	12
6.10	Stretch Limousines	12
6.11	Period of Licences	12
7	HC Vehicles and PH Vehicles – Standard Licence Conditions	12
8	Transfer of Entitlement to a Vehicle Licence	14
9	Enforcement	15
10	Appendix 1 – Guideline licensing exclusion periods following convictions etc	17
11	Appendix 2 – Byelaws made by Elmbridge Borough Council with respect to Hackney Carriages	20
12	Appendix 3 – Advertising on vehicles	24

1 Introduction

Elmbridge Borough Council ('the Council') is a Local Licensing Authority for Hackney Carriage (HC) drivers and vehicles (taxis), in accordance with the Town and Police Clauses Act 1847 and for Private Hire (PH) drivers, operators and vehicles (minicabs), in accordance with the Local Government (Miscellaneous Provisions) Act 1976 (Part II adopted 6 March 1979).

This policy was adopted on 18 March 2013 and came into force on 01 May 2013.

This policy aims to protect the safety of the public, whether they are fare paying passengers or other road users, by ensuring that only fit and proper persons hold licences to work as HC drivers and/ or PH drivers, or PH operators and that HC and PH vehicles are safe, roadworthy and comfortable, thereby upholding the high standards expected of the trade.

This policy will be reviewed at regular intervals to ensure that it remains current. However, when and where necessary, minor amendments may be made by agreement, by the Environmental Health & Licensing Manager and the Chairman of the Licensing Committee, as per the Council's Constitution.

<http://www.elmbridge.gov.uk/councillors-and-committees/constitution/>

This policy was amended, by the agreement of the Environmental Health & Licensing Manager and the Chairman of the Licensing Committee, on 20 October 2016.

1.1 Shared Information

The Council reserves the right to consider information from internal or external sources as part of its licensing activities and to share information supplied by applicants with other enforcement bodies, e.g. the Audit Commission, the Police etc, in accordance with the Data Protection Act 1998 and any statutory code or guidance made under that Act.

2 Applying for a New Combined HC & PH Driver Licence, a PH Driver Licence, or a PH Operator Licence

All applicants must submit the following documents when applying for a new licence:

2.1 Application form

Failure to complete the appropriate form could result in an application being delayed or declined.

Knowingly or recklessly making a false declaration or omitting any material particular in giving information required when applying for a licence is an offence. Where an applicant has made a false statement or declaration the application will normally be rejected or refused.

2.2 Fee

Failure to pay the full fee could result in an application being delayed or declined.

See "Private Hire and Hackney Carriage – Fees" available on the Council's website or in hard copy from Environmental Health and Licensing.

2.3 Disclosure and Barring Service (DBS) Disclosure & Criminal Record Checks

Applicants for driver licences must submit an Enhanced DBS disclosure, obtained through the Council or a body nominated by it, within the last 6 months.

Applicants for Private Hire Operator licences must submit either a Police National Computer (PNC) check or a Basic Disclosure made directly through Disclosure Scotland, obtained

within the last 6 months. In the case of companies this requirement extends to all directors and company secretary.

If an applicant for a PH Operator licence holds a current Combined HC & PH Driver licence, a PH Driver licence, or has submitted a DBS disclosure, obtained through a body nominated by the Council within the last 6 months, they need not submit a further check or disclosure.

The Council reserves the right to decline DBS disclosures that have not been obtained through a body nominated by the Council or; from Elmbridge Borough Council nominated DBS disclosure providers where disclosures have been obtained for reasons other than for HC or PH driver licences or; that reveal previous criminal convictions (see “Problems with my application” in Section 4).

All licensees are required to undergo a repeat check or disclosure, at the relevant level, at intervals of no more than 3 years as determined by the Council.

2.4 Overseas Criminal History (OCH) Checks (where applicable)

Applicants who have continuously lived outside the UK for at least 1 year in the last 10, must produce a Certificate of Good Conduct, issued in the 6 months prior to the date of application, by a competent judicial or administrative authority, for every country of prior domicile. The Certificate must comprise an extract from the judicial record (or equivalent) and either record all the applicant’s prior convictions, or confirm their “good conduct”. In exceptional circumstances, the Council may accept evidence of the applicant’s good character where applicants are unable to obtain a Certificate.

Applications for a Combined HC/ PH Driver Licence must also submit the following:

2.5 Photographs

Applicants must submit 2 photographs of themselves that conform to passport standards. Further information is available from the Post Office, the Council or via the following link:

<http://www.homeoffice.gov.uk/publications/agencies-public-bodies/ips/general-ips-publications/passports/passport-photographs>

Applicants must submit photographs in person to ensure a true likeness.

2.6 Driving Licence

Applicants must produce a full, current, valid driving licence issued by a member state of the European Union, European Economic Area, or Switzerland, that they have held for at least 3 years prior to the date of application (excluding any periods of suspension/ revocation) and showing the applicant’s current address.

2.7 Knowledge Test

Applicants must have passed either the Council’s Combined HC & PH Driver or the PH Driver knowledge test (as appropriate) in the 12 months preceding the date of application.

The PH Driver knowledge test includes knowledge of local topography, the Highway Code, awareness of relevant legislation, this policy, the PH Driver licence conditions and money handling.

The Combined HC & PH Driver knowledge test includes more detailed topographical knowledge (including detailed routes and road names), the Highway Code, awareness of relevant legislation, this policy, the Combined HC & PH Driver licence conditions and money handling.

Applicants who fail their knowledge test must wait for a minimum of a 1-month period before re-sitting the test and may only sit the test 3 times in any 12-month period. At the Council’s discretion, it may waive the requirement for an applicant to re-sit any section of the Combined HC & PH Driver knowledge test that they have recently passed.

2.8 Medical Assessment Form

Applicants must submit the Council's medical assessment form, completed by their own GP, who must have had full access to their full medical records.

Applicants must satisfy the Council that they are medically fit to drive and will be expected to meet DVLA Group 2 standards, except those with insulin treated diabetes, who must meet DVLA category C1 standards.

Where a Licensing Officer has reason to believe that an applicant's ability to drive may be impaired by a specific medical condition, the applicant may be required to provide further information pertaining to the applicant and their condition, from persons or bodies specified by the Council at any time in the 12 months following the date of submission of the medical assessment form.

The Council reserves the right to require the submission of a new medical assessment, at the licensee's expense if a Licensing Officer has reason to believe that a licensee's medical status may have changed.

Licensees must resubmit medical assessment forms every 5 years until they are aged 65. When a licensee reaches the age of 65, annual medical assessment forms must be submitted, the first of which must be received by the Council within the 6 week period prior to the licensee's 65th birthday.

2.9 Driver & Vehicle Standards Agency (DVSA) Test

Applicants are not required to show that they have passed a DVSA taxi driving test.

2.10 HC applications from existing PH licence holders

Applications for a Combined HC & PH Driver licence from existing PH drivers who have been continuously licensed by the Council for a minimum 2-year period immediately prior to the date of application will be exempted from the following requirements:

- Medical assessment form – for applicants up to the age of 65 who have submitted this within the last 5 years (or within the last year for drivers over 65) whose medical circumstances have not changed;
- DBS disclosure – provided that a satisfactory disclosure has been submitted within the last 3 years and the applicant's circumstances have not changed.

Points imposed under the Council's Penalty Points Policy will transfer to the new licence.

2.11 Applications for PH Operator Licences

To be eligible for a PH Operator licence, applicants must operate from premises located within the Borough or not more than 5 miles from the Borough boundary.

Applicants must attend an interview with a Licensing Officer to determine whether they are a fit and proper person to hold a PH Operator licence, before a licence is determined.

3 Renewing your Combined HC & PH Driver Licence, PH Driver Licence or PH Operator Licence

Licensees are solely responsible for the renewal of their licence(s).

Applications to renew licences should be lodged at least 10 working days before expiry to guarantee continuity of licensing but will not be accepted more than 6 weeks before expiry.

The Council may waive or defer any application requirement when renewing unexpired licences but reserves the right to require the submission of a full application where a licence has already expired.

All applicants must submit the following documents when applying to renew their licence:

1. Application form;
2. Fee;
3. 2 photographs (see above);
4. Driving licence (see above);
5. Standard DBS disclosure (or operator's PNC check) conducted within the last 6 months if none current; and,
6. Medical assessment completed within 6 months of the date of application if none current.

Applications not accompanied by the appropriate documentation will usually be deferred or declined.

4 Problems with your application? *PARA 4 NO LONGER IN EFFECT AT 01/3/18 SEE SEPARATE DOC*

4.1 Previous Convictions

When assessing the suitability of an applicant to hold a licence the Council will consider any previous conviction, caution, court order or similar, from any reliable source, regardless of whether this is 'spent' under the Rehabilitation of Offenders Act 1974. Prior conviction(s) etc do not necessarily permanently disbar an applicant. Each application is considered on its individual merits and such information is ascribed weight according to:

- type of offence/ relevance to the application
- severity of offence/ sentence imposed
- offences/ convictions forming a pattern of offending
- date of offence/ conviction
- applicant's age at the time of conviction
- applicant's attitude to the offence
- any other character check considered reasonable
- an existing licensee's previous compliance record
- any other relevant factor(s).

The following offences will be considered more serious, particularly for driver licence applications:

Driving under the influence of alcohol or drugs

Conviction(s) etc for driving or being in charge of a vehicle while under the influence of alcohol or drugs, as licensees are professional drivers. Applicants with 2+ convictions for driving under the influence of alcohol may be required to submit to a medical examination.

Drunkenness not involving a motor vehicle

Isolated convictions etc for drunkenness not in connection with a vehicle will not normally prevent the grant of a licence. Applicants with 2+ convictions for drunkenness may be required to submit to a medical examination.

Drugs

Conviction(s) etc that relate(s) to illegal drugs.

Sex and Indecency offences

Convictions etc for sex or indecency offences. Serious offences in this category involving a child or vulnerable adult will normally result in an application being refused, as licensees often carry unaccompanied passengers, children and vulnerable people.

Violence

Convictions etc for terrorism offences, offences resulting in loss of life e.g. murder, manslaughter, or culpable homicide while driving, or violence (including domestic) will normally result in applications being refused, as licensees maintain close contact with members of the public.

See Appendix 1 – Guideline licensing exclusion periods following convictions etc.

4.2 Appeals

Any person aggrieved by the refusal of the Council to grant (or renew) any licence under this policy may appeal to a magistrates' court.

5 Responsibilities of Combined HC & PH Drivers, PH Drivers and PH Operators

5.1 Equality Act 2010

Sections 160 to 173 of the Act places certain duties on Combined HC & PH Drivers and PH Drivers who provide wheelchair accessible vehicles, to assist passengers who use wheelchairs, to carry assistance dogs etc and create offences for failure to comply unless licensees have obtained an Exemption Certificate and yellow Exemption Notice to display on their vehicle from the Council.

5.2 Combined HC & PH Drivers

Combined HC & PH Driver licences issued by the Council automatically carry a dual entitlement, allowing licensees to work as HC and PH drivers.

Holders of Combined HC & PH Driver licences must comply with:

- The Council's Hackney Carriage Byelaws (see Appendix 2) and
- The PH Driver Licensing Conditions (see section 5.3).

5.3 PH Driver – Standard Licensing Conditions

PH drivers must not:

1. Display signs, solicit fares, stand with a vehicle at a HC rank or do anything that is likely to give the impression that a vehicle is available for hire as if it were a HC vehicle. Where the Council has reason to believe that a PH driver has either touted for or accepted a non pre-booked fare, its first consideration will be enforcement action.
2. Carry more passengers than the number specified on the vehicle licence.
3. Carry any person during a hiring without the express permission of the hirer.
4. Demand from the hirer a fare in excess of the fare agreed prior to the commencement of the journey (or as shown on the taximeter where fitted).

PH drivers must:

1. Notify the Council in writing as soon as possible and in any event within 14 days, of any of the following:
 - a) change of name and/ or address;
 - b) any illness or injury affecting fitness to drive;

- c) any conviction, caution, court order or fixed penalty notices received (including motoring offences).
2. Conduct themselves in a civil and orderly manner and comply with the reasonable requests of the passengers.
3. Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
4. Dress respectably and neatly.
5. Convey a reasonable quantity of luggage if so required by the person hiring the vehicle.
6. Give reasonable assistance in loading and unloading the luggage.
7. Give reasonable assistance in removing luggage to or from the entrance of any place at which he/ she may take up or set down a passenger.
8. Punctually attend with the vehicle at the time and place agreed with the hirer when the booking was made, unless delayed by some sufficient cause.
9. Provide to a customer on request a written receipt of the cost of the journey undertaken.
10. On termination of a hiring, or as soon as is practicable thereafter, search the vehicle for any lost property left therein and hand anything found to the Operator.
11. Allow disabled passengers to be accompanied by their registered assistance dogs at no extra charge.
12. Comply with the requirements of the Council's licensing policy at all times.

5.4 PH Operator – Standard Licensing Conditions

PH Operators must not:

1. Use the words 'Taxi' or 'Cab', whether in the singular or plural and whether they form part of another word or not, in connection with their PH business.

PH Operators must:

Keep (in permanent and easily legible form) a record of the following:

1. Particulars of every booking taken, regardless of whether it was made with the hirer or undertaken at the request of another operator, including:
 - a) date and time of the booking;
 - b) date and time of commencement of the journey;
 - c) name of the hirer;
 - d) place(s) at which the passenger(s) was/ were collected;
 - e) place(s) at which the passenger(s) was/ were set down;
 - f) PH vehicle licence number;
 - g) name and licence number of the PH driver;
 - h) fare charged and whether or not calculated by a meter.
2. Particulars of any vehicle operated by the licensee:
 - a) make and model;
 - b) registration mark;
 - c) PH vehicle licence number;
 - d) PH vehicle licence expiry date;
 - e) proprietor of the vehicle;
 - f) date and brief description of all works of modification and major works of maintenance or repair carried out to the vehicle.
3. Miscellaneous:

- a) lost property;
- b) date and time found;
- c) vehicle in which it was found;
- d) name of hirer.

Records may be kept as part of a computerised record keeping system and shall be retained and kept available for inspection by an authorised officer for a minimum period of 12 months.

PH Operators must also:

4. Notify the Council in writing as soon as possible and in any event within 14 days, of any material change in their operational circumstances, including:
 - a) change of name and/ or address;
 - b) change of the nature of the business carried on by him/ her;
 - c) change of the composition of the firm, if a partnership;
 - d) any convictions recorded against the PH Operator or their business partner;
 - e) the address of any secondary office(s) opened by the PH Operator;
 - f) any other change in the information given by the Operator to the Council at the time of granting the current licence.
5. Take all reasonable steps to fulfil each and every booking accepted.
6. Ensure that any part of the premises provided for the use of the public to make bookings is:
 - a) kept clean;
 - b) adequately heated and ventilated;
 - c) provided with adequate seating facilities;
 - d) provided with a notice indicating that the service provided is in respect of pre-booked journeys only.
7. Ensure that a copy of their licence is prominently displayed where members of the public can read it.
8. Notify the Council in writing within 7 days of details of any conviction or fixed penalty notice or formal caution imposed on him/ her.
9. At all times, comply with the requirements of the Council's policy on the licensing of PH Operators.

5.5 Bespoke Conditions

Notwithstanding the standard conditions above, the Council reserves the right to impose further conditions on any driver or operator licence where it considers this appropriate.

5.6 Appeals

Any person aggrieved by any conditions attached to the grant of a driver or operator licence may appeal to a magistrates' court.

6 Applications for HC Vehicle and PH Vehicle Licences

Applicants must submit the following documents when applying for a new vehicle licence:

1. Application form;
2. Fee;
3. Valid certificate of insurance for the vehicle, insuring it for use as a HC and/ or PH Vehicle on the day of application;

4. Vehicle Registration Document (log book);
5. MOT certificate issued by a Council nominated testing station as part of the Council's Vehicle Inspection Test (VIT) where the period since the date of first registration of a vehicle is 1+ year. The certificate must have been issued in the 6 months prior to the date of application where the period since the date of first registration of a vehicle is 5+ years;
6. Letter from the registered keeper of the vehicle consenting to the vehicle being licensed (if applicable);
7. The following documents, where vehicles have been altered or converted since original manufacture:
 - Wheelchair Accessible Vehicles – VOSA Certificate M1
 - Stretch Limousines – VOSA SVA Certificate
 - Any other relevant conversion document.

Applications not accompanied by the appropriate documentation will usually be declined.

Vehicles that are the subject of licensing applications must:

6.1 General

1. Have a minimum of 4 passenger doors excluding any tailgate;
2. Have a solid roof, which may include a solid sunroof if the openable area does not exceed 50% of the roof area. Convertibles or soft tops are not normally allowed;
3. Have an external mirror on each side of the vehicle which can be used as a functional driving mirror by the driver;
4. Be right hand drive only, except for stretch limousines;
5. Only be altered or converted by an appropriately qualified installer or vehicle manufacturer (where applicable).

6.2 MOT and Vehicle Inspection Test (VIT)

Vehicles are required to pass a standard MOT test and the Council's VIT, at a testing station designated by the Council. Testing must be done annually for vehicles over the age of 1 year and 6-monthly for vehicles over the age of 5 years.

Proprietors of vehicles should note that testing stations may set their own fee, subject to a maximum agreed with the Council and may include cancellation charges for missed appointments.

Applicants must include the MOT certificate with their application form. However, the testing stations will notify VIT results direct to the Council.

6.3 Licence Plates

The Council shall determine the wording, size and manner of display of licence plates in accordance with the requirements of current legislation.

6.4 Seating Capacity of Vehicles

The Council will determine the number of persons a vehicle is licensed to carry in the following way:

- a) Where a vehicle provides separate seats for each person, the vehicle shall be licensed to carry 1 person for each separate seat provided;
- b) Where the vehicle is fitted with continuous seats, the vehicle shall be licensed to carry 1 person for each complete length of 410 mm measured in a straight line lengthwise across the front of such a seat, to a maximum not exceeding the number of seatbelts fitted;

- c) Where the vehicle is fitted with continuous seats and with arms to separate the seating spaces, the arms shall be ignored in measuring the seat, if the arms can be folded back or otherwise put out of use, to a maximum not exceeding the number of seatbelts fitted.

6.5 Tinted Windows

All vehicles must comply with the Road Vehicles (Construction & Use) Regulations 1986 and in particular the requirements relating to tinted windows, which state that as a minimum:

- For vehicles first used before 01 April 1985 the windscreen and front side windows must allow at least 70% of light to be transmitted through them;
- For vehicles first used on or after 01 April 1985, the light transmitted through the windscreen must be at least 75% and the front side windows must allow at least 70% of light to be transmitted through them.

Newly licensed vehicles will only be considered suitable where all rear side windows allow at least 22% of light to be transmitted through them. There is no minimum transmission requirement for the rear windscreen.

6.6 CCTV (where fitted)

Where CCTV is fitted to a licensed vehicle, and in use, it must:

- a) comply with the Information Commissioner's data protection requirements and Codes of Practice;
- b) be capable of recording date, time and vehicle identification, such features to be activated at all times when in use;
- c) be event activated (e.g. door or ignition) and shall continue to record for at least 30 seconds after the ignition is switched off;
- d) be capable of storing recorded material for at least 30 days;
- e) incorporate a panic button which stores at least the previous 10 minutes of recording in a separate part of the recording media;
- f) be capable of having recorded material downloaded to another storage device for reviewing;
- g) have storage media which is not accessible to the driver or any other person travelling in the vehicle;
- h) have a data storage unit, securely fixed to the vehicle and stored separately from the recording unit, out of view of any passenger in the vehicle;
- i) be capable of recording images of all passengers travelling in the vehicle and the driver;
- j) be kept in good working order at all times;
- k) enable recordings to be made available to Licensing Officers or the Police on request.
- l) not make voice recordings

6.7 Cycle carriers and roof racks (where fitted)

Any cycle carriers or roof racks must be fitted and used in accordance with the manufacturer's instructions (including maximum load weight).

6.8 PH Vehicles

PH vehicles must display licence plates including the words "Pre-booked only", on the side windows on the externally visible side.

6.9 Executive PH Vehicles

Applications to register PH vehicles as Executive PH (EPH) vehicles will be considered if:

- A minimum of 90% of work is undertaken for businesses with an account with the operator, demonstrable by reference to a minimum of 3 month's work records;
- The vehicle should benefit executive status (larger limousine type vehicles);
- Only operators who have a good compliance record, including a good complaints record of their drivers, will be considered.

EPH vehicles will be subject to the following condition (this replaces the relevant PH Condition):

The vehicle shall display an internal executive licence plate on the front windscreen facing outwards and shall also display a second internal licence plate, facing inwards where customers can easily see it but shall not be required to display any other signage on the vehicle.

An EPH vehicle shall be exempt from the tinted window requirements of this policy.

Applications for Executive Status shall be determined at the Council's discretion.

6.10 Stretch Limousines

Vehicles which have been adapted to carry more passengers than originally intended are referred to as stretch limousines. Where there are 8 or fewer passenger seats, or their equivalent where bench seats are provided, then the vehicle must be licensed.

6.11 Period of Licences

Type of Licence		Period
Hackney Carriage	Vehicle	Not exceeding 1 year
	Driver	Not exceeding 3 years
Private Hire	Vehicle	Not exceeding 1 year
	Driver	Not exceeding 3 years
	Operator	Not exceeding 3 years

7 HC Vehicles and PH Vehicles – Standard Licence Conditions

HC Vehicles shall comply with the Council's Hackney Carriage Byelaws (see Appendix 2).

7.1 The following conditions will normally apply to all licensed vehicles:

1. The vehicle shall at all times be maintained in sound, roadworthy, mechanical condition and serviced according to the manufacturer's recommendations.
2. No alteration to the manufacturer's specification for the vehicle shall be carried out except with the written approval of the Council.
3. Any signs/ advertisements displayed in or on the vehicle must comply with the Council's policy – Advertising on Hackney Carriage and Private Hire Vehicles.
4. Interior lighting shall be provided and maintained in working order such that it illuminates the passenger area.
5. The exterior of the vehicle shall be kept clean at all times. The interior of the vehicle (including luggage spaces) shall be kept clean and free from rubbish at all times.
6. The vehicle must at all times comply with 1 of the following:

- a) Carry a spare wheel, capable of immediate use, together with adequate tools to effect changing a wheel; **or**
 - b) Carry a space saver spare wheel, capable of immediate use, together with adequate tools to effect changing a wheel. When space saver spare wheels are used, a licensee may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced; **or**
 - c) Carry and maintain in good working order, the manufacturer's standard issue repair and inflation equipment for that vehicle. Where a repair and inflation facility is used, a licensee may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced, and the manufacturer's repair and inflation facility has been replaced; **or**
 - d) Have runflat tyres fitted. Where a runflat tyre becomes punctured, as soon as this comes to the attention of the licensee, they may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced.
7. Newly licensed vehicles must conform to the requirements of section 6.5 – Tinted Windows. However, vehicles licensed before 17 September 2012 are exempt from this condition for as long as they remain continuously licensed by the Council.
 8. The licensed vehicle shall not be used for towing.
 9. All fuel carried by the vehicle shall be contained within permanently secured fuel tanks. Spare fuel containers must not be carried at any time whether or not they are empty.
 10. The driver of a licensed vehicle shall notify the Council in writing as soon as possible, and in any event, within 14 days of any change of name or address.
 11. Where CCTV is fitted to a licensed vehicle then the requirements set out at section 6.6 shall apply.

7.2 Additional Standard Conditions – Hackney Carriage Vehicles

12. A licensee shall ensure that before any other person is permitted to drive the licensed vehicle that that person holds a Combined HC & PH Driver licence issued by the Council.
13. The taximeter fitted to the vehicle shall be adjusted to record fares in accordance with the Council's tariff of fares and must be tested at intervals not exceeding 12 months.
14. The vehicle shall have an internally illuminated roof sign bearing the word "TAXI" on the front in letters which are not less than 50 mm height. This sign shall be kept illuminated when the vehicle is plying for hire.
15. The vehicle shall display an internally illuminated sign saying "For Hire" which shall be located at the front of the vehicle where it can be seen from the outside front of the vehicle. This sign shall remain illuminated at all time whilst the vehicle is available for hire.
16. Vehicle Licence Plates

Licence plates are supplied by the Council and must be securely fixed to the vehicle in the following locations:

HC Vehicles – 2 plates

- 1 large plate – rear exterior;
- 1 plate – internal, facing inwards displayed so that passengers can easily read it.

Licence plates must be kept clean and clearly displayed on the licensed vehicle at all times, whether or not it is being used as such.

Licence plates remain the property of the Council and must be returned when the vehicle is no longer licensed or when the vehicle licence has been suspended.

7.3 Additional Standard Conditions – Private Hire Vehicles

17. Licensees are responsible for ensuring that only holders of a Private Hire Driver licence issued by the Council are allowed to drive their licensed vehicle(s).

18. Vehicle Licence Plates

Licence plates are supplied by the Council and must be securely fixed to the vehicle in the following locations:

PH Vehicles – 4 plates

- 1 large plate – rear exterior;
- 1 plate – each rear, side window (offside and nearside) such that they can be read by customers outside the vehicle;
- 1 plate – internal, facing inwards displayed so that passengers can easily read it.

Licence plates must be kept clean and clearly displayed on the licensed vehicle at all times, whether or not it is being used as such.

Licence plates remain the property of the Council and must be returned when the vehicle is no longer licensed or when the vehicle licence has been suspended.

7.4 Bespoke Conditions

Notwithstanding the standard conditions above, the Council reserves the right to impose further conditions on any vehicle licence where it considers this appropriate.

7.5 Appeals

Any person aggrieved by any conditions attached to the grant of a vehicle licence may appeal to a magistrates' court.

8 Transfer of Entitlement to a Vehicle Licence

Licences issued in respect of a vehicle relate to that vehicle solely and cannot be transferred. However, this does not preclude the cancellation of one licence and the issue of another.

Where it is necessary for a HC/ PH vehicle licence holder to cease the use of one vehicle and commence the use of another in its place because the original vehicle cannot be used for reasons beyond the control of the licensee, the Council will issue a new vehicle licence to the licensee on the following terms:

1. Production of evidence to the Council that the original vehicle cannot be used due to mechanical failure, accidental damage or theft, preferably on application, but in any event no later than 6 weeks from the date of transfer of the vehicle licence;
2. Payment of the relevant fee;
3. Submission of a fully completed "Application to Transfer Entitlement to a HC/ PH Vehicle Licence" form;
4. Cancellation of the original HC/ PH vehicle licence;
5. Surrender of the original HC/ PH vehicle licence and identification plates to the Council;
6. The new vehicle must comply with all relevant requirements of this Policy;
7. The new HC/ PH licence will expire on the same date as the cancelled vehicle licence.

9 Enforcement

Failure to comply with legislative requirements is an offence. In determining what enforcement action to pursue in respect of offences, regard will be had to the individual circumstances, the Council's policies with regard to enforcement and other national guidance, such as the Crown Prosecutor's Code of Practice. Enforcement will include prosecution of offenders where appropriate and/ or imposition of penalty points under the Council's Penalty Points Scheme. As part of our enforcement of the legislation, the Council will, when appropriate, carry out test purchasing of journeys. We will also make use of public CCTV monitoring in order to detect offences under the legislation.

9.1 Inspections

The Council reserves the right to carry out the following inspections with or without warning to ensure compliance with licence conditions and relevant legislation (including Byelaws).

- Private Hire Operators – records/ premises;
- Hackney Carriage Drivers – HC vehicles;
- Private Hire Drivers – PH vehicles.

Routine inspections will be carried out primarily in accordance with a risk-based system and wherever possible, vehicles and documentation will be inspected at the same time.

9.2 DVLA Penalties and driving standards

Licensees who accumulate 6+ points on their driving licence must notify the Council immediately.

9.3 Suspension/ Revocation of Licences

9.3.1 Person not being fit and proper to hold a licence (including medical grounds)

Where a Licensing Officer has a reasonable belief that any HC or PH driver or PH operator is not a "fit and proper" person to hold a licence and/or in the interests of public safety, the Council may suspend or revoke that licence.

Before a decision to suspend or revoke a licence is taken, the Council will contact the licensee as soon as possible to invite them to attend a recorded interview with Licensing Officers at the earliest mutually convenient date. The Council will inform the licensee of the basis for the officer's belief, to give them full opportunity to respond at interview. However, representations concerning the effect of suspension/ revocation on a licensee's personal circumstances e.g. unemployment, loss of income, hardship etc will not be taken into account.

The Council reserves the right to determine cases in the absence of licensees who cannot be contacted or who do not attend their interview.

When the interview is complete, officers will review the evidence and determine the appropriate sanction. The licensee will then be notified in writing and full reasons given. Suspension/ revocation can be immediate and a licence must be surrendered on demand.

Suspension will be for a specified fixed period of up to 3 months, or where this is done for medical reasons, until the Council is in receipt of appropriate written confirmation as determined by the Council, whichever is the longer.

The Chair or the Licensing Committee will be notified of the decision thereafter.

9.3.2 Resulting from an accumulation of penalty points

See the Council's Penalty Points Policy.

9.3.3 Re-applying for a licence after suspension/ revocation

Licensees can apply for the return of their licence when the suspension period has elapsed. Expired time during the suspension period will not be re-credited.

This will depend on the reasons for revocation and the period which has elapsed since revocation. Usually the Council will not grant a new licence until at least 12 months has elapsed, or at least 5 years from the date any subsequent revocation. Where an existing licensee has their driving licence suspended or revoked, their Hackney Carriage or Private Hire Driver licence shall normally also be revoked with immediate effect. Where a licence is revoked there will be no refund of any fee.

Licensees whose licences are revoked in this manner will not normally be permitted to re-apply until 12 months has elapsed from the date of revocation.

9.4 Suspension or revocation of vehicle licences

The following may result in a licence suspension and/ or revocation:

- where a licensing officer is not satisfied that any HC or PH vehicle is fit for use as such;
- where the licensee or operator has committed an offence under Part II of the Local Government (Miscellaneous Provisions) Act 1976 or has not complied with the Act;
- any other reasonable cause as determined by the Council.

9.5 Appeals

Any licensee aggrieved by the suspension or revocation of their licence may appeal to the Magistrates' Court.

10 Appendix 1 – Guideline licensing exclusion periods following convictions etc - *NO LONGER IN EFFECT AT 01/3/18 SEE SEPARATE DOC*

11

The following table indicates the minimum period following a conviction, court order, or other event, that must elapse before a licence will normally be granted.

Offence (including attempts/ conspiracy to commit etc)	Exclusion period (Years)
General group	
Disqualification from driving for any period	1 year from end of disqualification period
Disqualification from driving involving drink or drugs	3 years from end of disqualification period
Criminal damage	1 – 3
Public order offences	1
Anti-social behaviour order	1
Any conviction under Part II of the Local Government (Miscellaneous Provisions) Act 1976 or associated legislation regulating HC and PH licensing	1 – 5
Vehicle offence group	
Driving without relevant insurance/ driving licence/ MOT	3
Driving while disqualified	3
Driving without due care and attention	1 – 3
Driving while under the influence of alcohol or drugs	1 – 3
Causing death by careless driving	3
Dangerous driving	3 – 5
Causing death by dangerous driving	7
2+ convictions in this group within 2 years of each other	5
Drunkenness not involving a motor vehicle group	
Single conviction	1
2+ convictions in this group within 2 years of each other	2
Detoxification of an alcoholic	5 years from end of detoxification treatment
Drug Usage group	
Single conviction (regardless of involvement of a motor vehicle)	3 – 5
Supply of drugs	5
2+ convictions in this group	5
Where there is evidence of addiction	5 years from end of detoxification treatment
Sexual offences group	
Soliciting (including kerb crawling)	3
Indecent exposure	3

Sexual/ indecent assault	10
Possession of indecent photographs or child pornography	10
Exploitation of prostitution	10
Trafficking for sexual exploitation	10
2+ convictions in this group	10
Violence group	
Common assault	3
Assault causing actual bodily harm	3
Affray	3
Harassment or causing alarm or distress	3
Obstruction	3
Criminal damage	3
Possession of a weapon	3
Racially aggravated offences	5
Arson	10
Malicious wounding	10
Actual bodily harm (racially aggravated)	10
Grievous bodily harm with intent	10
Robbery	10
Possession of a firearm	10
Riot	10
Racially aggravated common assault	10
Violent disorder	10
2+ convictions in this group	10
Dishonesty group	
Handling or receiving stolen goods	3
Theft	3
Taking a vehicle without consent	3
Burglary	3
Benefit fraud	3
Conspiracy to defraud	3
Obtaining money by deception	3
Fraud	3
Forgery	3
2+ convictions in this group	6

Notes

Where applicants have multiple convictions, the longest exclusion period will take precedence. Exclusion periods will not normally be multiplied for offences in the same group, nor added for offences in different groups. However, where there are several offences from different groups, the longest exclusion period may be extended, or an application refused. Licences will not normally be granted to applicants with convictions for serious offences (carrying custodial sentences of 5+ years regardless of actual time in custody).

Where a specific offence is not mentioned, a suitable period will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

Any applicant for a new licence whose previous licence was revoked will usually be interviewed to determine whether they are now a fit and proper person to be licensed.

12 Appendix 2 – Byelaws made by Elmbridge Borough Council with respect to Hackney Carriages

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

Interpretation

1. Throughout these byelaws “the Council” means Elmbridge Borough Council and “the district” means the Borough of Elmbridge.

Provisions regulating the manner in which the number of each hackney carriage corresponding with the number of its licence, shall be displayed.

2. (a) The proprietor of a hackney carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto.

(b) A proprietor or driver of a hackney carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how hackney carriages are to be furnished or provided.

3. The proprietor of a hackney carriage shall:
 - (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept water-tight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use; and
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.

4. The proprietor of a hackney carriage shall cause the same to be provided with a taximeter so constructed, attached, and maintained as to comply with the following requirements, that is to say:
 - (a) the taximeter shall be fitted with a key, flag or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;

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

Provisions regulating the conduct of the proprietors and drivers of hackney carriages plying within the district in their several employments, and determining whether such drivers shall wear any and what badges.

5. The driver of a hackney carriage provided with a taximeter shall:
 - (a) when standing or plying for hire, keep the key, flag, or other device fitted in pursuance of the byelaw in that behalf locked in the position in which no fare is recorded on the face of the taximeter;
 - (b) before beginning a journey for which a fare is charged for distance and time, bring the machinery of the taximeter into action by moving the said key, flag or other device, so that the word "HIRED" is legible on the face of the taximeter and keep the machinery of the taximeter in action until the termination of the hiring; and
 - (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is between half an hour after sunset and half an hour before sunrise and also at any other time at the request of the hirer.

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

7. The driver of a hackney carriage shall, when plying for hire in any street and not actually hired;
 - (a) proceed with reasonable speed to one of the stands appointed by the Council;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately behind the carriage or carriages on the stand and so as to face in the same direction; and
 - (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

8. The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
9. The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
10. A proprietor or driver of a hackney carriage shall not convey or permit to be conveyed in such carriage any greater number of persons than the number of persons specified on the plate affixed to the outside of the carriage.
11. If a badge has been provided by the Council and delivered to the driver of a hackney carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
12. The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:
 - (a) convey a reasonable quantity of luggage;
 - (b) afford reasonable assistance in loading and unloading; and
 - (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provisions fixing the rates or fares to be paid for hackney carriages within the district, and securing the due publication of such fares.

13. The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the Council, the rate or fare being calculated by distance and time unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a hackney carriage furnished with a taximeter shall be hired by distance and time the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the Council which it may not be possible to record on the face of the taximeter.

14.
 - (a) The proprietor of a hackney carriage shall cause a statement of the fares fixed by Council resolution to be exhibited inside the carriage, in clearly distinguishable letters or figures.
 - (b) The proprietor or driver of a hackney carriage bearing a statement of fares in accordance with this byelaw shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in hackney carriages, and fixing the charges to be made in respect thereof.

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

16. The proprietor or driver of a hackney carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage be found or handed to him:
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council and leave it in the custody of the officer in charge of the office on his giving a receipt for it; and
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

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

Repeal of Byelaws

18. The byelaws relating to hackney carriages which were made by the Council on the 11th day of April 1991 and which were confirmed by one of Her Majesty's Principal Secretaries of State on the 30th May 1991 are hereby repealed.

THE COMMON SEAL of
ELMBRIDGE BOROUGH COUNCIL
hereunto affixed on the 24th day of
March Two thousand in
the presence of

Borough Solicitor

The foregoing byelaws are hereby confirmed by the Secretary of State and shall come into force on the 5th day of June 2000

Signed by authority of the Secretary of State

5th May 2000
Department of the Environment
Transport and Regions
London SW1P 4DR

13 Appendix 3 – Advertising on vehicles

13.1 Exempt Advertising

The following is permitted and does not require the written consent of the Council:

- a) Signs not exceeding 400 mm high and 600 mm wide, which may carry the private hire operator's name/ trading name, address and telephone number **only**. Such signs must also include the words "Pre Booked Only" in letters of the same size as the maximum sized lettering used;
- b) Signs not exceeding 400 mm high and 600 mm wide containing a Hackney Carriage driver's name/ trading name, address and telephone number **only**;
- c) Index registration plate carrying a dealer's details;
- d) Advertising agreed with the Council prior to the coming into force of this policy.

All other advertisements may only be displayed with the prior written consent of the Council, which is subject to an application process, the payment of a fee and vehicle inspection.

13.2 Applications

Applications for consent to display advertisements on licensed vehicles must include the following:

1. Completed application form;
2. Fee;
3. A clear, full colour copy, A4 size or greater depicting the advertisement;
4. A picture of the vehicle with a scaled representation of the advertisement in place superimposed on it, showing its size and location on the vehicle;
5. Advertisements containing non-English words must be accompanied by a complete and accurate translation into English.

The maximum number of advertisements per application is 20.

Responses to applications for advertisements will be issued in writing.

The Council reserves the right to approve applications for more than 1 advertisement in part.

Advertising consent permits the display of an approved advertisement on/ in any vehicle(s) under the exclusive control of the applicant.

Once approved advertisement(s) are in place, the vehicle must be presented for inspection by a Licensing Officer at the Civic Centre. The Council reserves the right to require the removal of any advertisement that the Officer considers does not comply with the application.

Once advertising has been applied to the vehicle it shall not be altered or moved to a different position on the vehicle without the further written consent of the Council.

The Council reserves the right to withdraw their approval for an advertisement.

Applicants wishing to appeal against a decision to disallow any advertisement should write, to the Environmental Health & Licensing Manager within 21 days of notification of refusal, stating the reasons why the advertisement should be allowed, who will determine the appeal in consultation with the Chairman of the Licensing Committee.

Where advertisements are displayed in advertising holders on/ in a vehicle or on display equipment within a vehicle then no advertisement shall be so placed until that vehicle has been inspected for suitability by the Council. Such vehicles will then be subject to annual inspections. Subsequent advertisement placements after the initial inspection will not require additional inspections apart from the annual inspection.

13.3 Fees

Advertisements in the set format described in section 12.1 for advertising operator's name, address and number will not attract a fee. Any other request for advertising will be considered on an individual basis and will attract a fee for the consideration of the application and for issuing a written consent (see current fee information).

Any application which does not contain the necessary details will be deemed invalid and the application and fee will be returned.

Any application which contains the necessary detail, and is valid, but which is rejected because it is judged not to meet the technical requirements will be rejected but the fee will not be returned.

Where an application is valid but is refused completely or in part there shall be no return of the application fee.

13.4 Technical Requirements

1. Advertisements must comply with the British Code of Advertising, Sales Promotion and Direct Marketing (latest version) published by the Advertising Standards Authority. Advertisements that are discriminatory, offensive, or which encourage illegal or anti-social behaviour are not permitted.
2. Advertisements must not advertise vehicle hire services (private hire or hackney carriage) or include details of fares/ charges for vehicle hire services. However, the operator's/ proprietor's name, trading address and telephone number(s) are permitted.
3. Advertisements for alcoholic beverages, tobacco products, non-medicinal drugs gambling establishments/ services, establishments/ services of a sexual nature are not permitted. This shall not preclude advertisements for premises licensed to sell or supply alcohol.
4. Advertisements must not cover any part of a vehicle window or vehicle light.
5. Advertising shall be such that there is a clear space of 50 mm around the Elmbridge licence plates and around the vehicle registration plate.
6. Advertising shall not be permitted on the roof of the vehicle with the exception of licensed hackney carriage signs saying TAXI.
7. There shall be no maximum size to advertisements except as restricted by section 12.1.
8. Advertising shall be securely fixed to the vehicle at all times.
9. Advertising must not incorporate fluorescent colours, three dimensional images, reflective material or illuminations, which could distract other road users.
10. Advertisements must not protrude from the vehicle surface by more than 10 mm;
11. Advertisements must not interfere with the normal operation of the vehicle.
12. Advertisements must not give the impression that the vehicle is a hackney carriage or is available for hailing or immediate hire unless the vehicle is licensed as such.