
Taxi and private hire licensing policy 2020-2025



Elmbridge
Borough Council

... bridging the communities ...



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Version control

Version No	Initial	Date	Changes Made
V1.0	DC	01/09/2020	Policy adopted 22 July 2020 and in force from 1 September 2020.

You should read this Policy in conjunction with Elmbridge Borough Council's:

- Taxi and Private Hire Convictions Policy and
- Penalty Points Notices Policy.
- Guidance for applicants

Accessibility

We have actively considered the needs of blind and partially sighted people in accessing this document. We will make this document available in full on our website and you may download and translate into other accessible formats. If you have other needs in this regard, please contact the licensing team.

Contact us

You should send all correspondence to licensing@elmbridge.gov.uk or the Licensing Team, Environmental Services, Elmbridge Borough Council, Civic Centre, High Street, Esher, Surrey, KT10 9SD.

Chapter 1: About our policy

- 1.1 Elbridge Borough Council ('the Council') is the licensing authority with responsibility for regulating the hackney carriage and private hire trades under the Town and Police Clauses Act 1847 and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws.
- 1.2 The Council adopted Part II of the Local Government (Miscellaneous Provisions) Act 1976 on 6 March 1979.
- 1.3 Hackney carriages are commonly called 'taxis', 'black cabs' and 'cabs' and may be hired immediately in the street or from a taxi rank. In this policy we refer to them as 'taxis'. Private hire vehicles are commonly called 'minicabs' and must always be booked in advance of the journey via a private hire operator. In this policy we refer to them as private hire vehicles.
- 1.4 Taxi and private hire services are an essential aspect of the transport network in the borough. They are essential for many passengers with disabilities and residents of rural communities and play an important social role in enhancing the public transport system and facilitating social inclusion. However, there is evidence to support the view that taxi and private hire services present a high-risk environment to drivers, passengers, and the public. Any taxi or private hire driver may carry a child or vulnerable person in their vehicle at some time; drivers may be at risk of abuse or assault from customers; private hire operators and their call handlers may have contact with a child or vulnerable person or may receive other information that could be exploited for criminal purposes and in some circumstances, taxis and private hire vehicles may present a danger to other road users.
- 1.5 The primary aim of this policy is to uphold public safety by as far as practical, mitigating the above risks. We aim to achieve this through robust strategies that aim to:
 - a) protect children and vulnerable adults from harm when using taxi and private hire services
 - b) reduce the risk of crime arising from the provision of taxi and private hire services
 - c) reduce the risk to passengers, drivers, and other road users
 - d) ensure vehicles are safe, roadworthy, and comfortable

- e) promote professionalism within the taxi and private hire trade
 - f) maintain and improve public confidence in licensed taxi and private hire services
- 1.6 The Council recognises the need to ensure the health and wellbeing of our residents and through this policy aims to improve our environment and air quality by encouraging the use of low and ultra-low emission taxi and private hire vehicles, such as electric, hybrid or liquified petroleum gas (LPG). By 1 January 2026, we will phase out the use of all diesel-fuelled vehicles, and petrol-fuelled vehicles that do not meet the latest Euro emissions standard. From 1 September 2020, we will not issue new licences for diesel-fuelled vehicles and all new petrol-fuelled vehicles must meet the latest Euro emissions standard if the vehicle is to be licensed for the first time.
- 1.7 We aim through this policy to improve access to wheelchair accessible vehicles by keeping a designated list of wheelchair accessible taxis and private hire vehicles in accordance with the Equalities Act 2010. We consider this will have a positive impact for passengers in wheelchairs, ensuring we better inform you about the accessibility of designated taxis and private hire vehicles in Elmbridge, and providing confidence that they will receive the help they need to travel safely.
- 1.8 We also aim to improve access to taxis and private hire vehicles for customers who are unable to travel using existing transport services due to personal mobility problems or rural isolation. Where available, we encourage licence holders to take part in the Council's Taxi Voucher Scheme.
- 1.9 We have linked this policy to the relevant taxi and private hire guidance for applicants, our taxi and private hire 'Convictions Policy', our 'taxi and private hire Penalty Points Policy', and the Council's Environmental Health and Licensing Enforcement Policy. You should read all the above documents before you apply for a licence and to understand the Council's approach to taxi and private hire licensing.
- 1.10 The Council adopted this policy on 22 July 2020 and it came into force on 1 September 2020. It replaces our earlier Hackney Carriage and Private Hire Licensing Policy 2013, which we adopted on 1 May 2013 and amended on 20 October 2016.
- 1.11 We will review this policy every five years and from time to time to ensure it still is current. However, when, and where necessary we may make minor amendments to this Policy, with the agreement of the Chair of the Licensing Committee and the Environmental Health and Licensing Manager, as set out

in the Council's Constitution: elmbridge.gov.uk/councillors-and-committees/constitution/

Using our Policy

- 1.12 We aim through this policy, to set out our approach and to provide transparency and consistency for all parties with an interest in taxi and private hire licensing.
- 1.13 When we carry out our taxi and private hire licensing functions, the Council and its officers will have regard to this policy and will apply the principles set out within it.
- 1.14 We acknowledge that this policy cannot predict every scenario or set of circumstances that may arise and sometimes, the individual circumstances of a case may lead us to make exceptions to this policy. If we do make an exception, we will give full reasons for doing so. In deciding whether we should make an exception to this policy, we will consider our reasons for the specific principle before deciding whether we would undermine the aims of this policy by making an exception to it.
- 1.15 Our policy does not look to undermine the right of any individual to make an application and to have that application considered on its individual merits.

Chapter 2: Taxi and private hire vehicle emissions

- 2.1 Air pollution remains the most common environmental cause of preventable illness and premature deaths across the UK. In urban areas, pollutant emissions from diesel vehicles, particularly those manufactured before 2016, frequently cause most of the local air pollution.
- 2.2 In 2019, the Government passed a law requiring the UK to achieve 'net zero' greenhouse gas (GHG) emissions by 2050. This will require significant emissions reduction across all modes of transport including taxi and private hire vehicles.
- 2.3 The Government has also set out its policies and plans to tackle transport emissions and currently aims to end the sale of new petrol and diesel vehicles by 2040 and is consulting on bringing this date forward to 2035.
- 2.4 Surrey County Council's Climate Change Strategy sets out priorities for transport and air quality and aims to reduce emissions in Surrey by a minimum of 60% against BAU¹ by 2035, whilst providing a better and more comprehensive transport system. This involves a move to zero emission vehicles for journeys that cannot be made on foot, by bicycle or public transport and includes journeys made by taxi and private hire vehicles.
- 2.5 On 17 July 2019, we declared a climate emergency and pledged to take local action to contribute to national carbon neutral targets through the development of practice and policies. The target of making the Council as an organisation net carbon neutral by 2030, covers emission sources that are under the Council's direct control.
- 2.6 We acknowledge that taxi and private hire vehicles account for a relatively small proportion of the total number of cars in the UK and Surrey, however we recognise that they have a disproportionate impact on air quality impacting human health. This is due to the relatively high mileage they cover and their concentration in urban areas such as railway stations, airports, supermarkets, and shopping centres where large numbers of pedestrians are present. Taxi and private hire vehicles tend to be diesel-fuelled and these types of vehicle have the highest impact on poor air quality.

¹ BAU is 'business as usual' and is the level of emissions that we would expect without any interventions.

- 2.7 Emissions produced by these vehicles not only have an impact on the health of the local population but also on taxi and private hire drivers who may be exposed to poor air quality for 8-12 hours a day.
- 2.8 We currently license around 377 taxi and private hire vehicles in Elmbridge². 289 (76%) of those vehicles are fuelled by diesel and 211 of those were manufactured before 2016. Of the 289 diesel vehicles, only 78 (21%) meet the current Euro 6 Emission Standard and of the remaining 211:
- a) 135 are Euro 5 Emission Standard
 - b) 67 are Euro 4 Emission Standard
 - c) 8 are Euro 3 Emission Standard
- 2.9 The Council already encourages the use of vehicles powered by alternative low emission fuels such as electric, hybrid or liquified petroleum gas (LPG) and offers a discount on the licence fee for such vehicles. However, these fuel types currently account for 17% of all licensed taxi and private hire vehicles in Elmbridge.
- 2.10 We recognise that further measures will be required to reduce air pollution from taxi and private hire vehicles to meet the Government's target to tackle transport emissions. It also recognises that the required technology and infrastructure does not currently exist to enable a drastic intervention requiring all licensed vehicles to meet an immediate zero-emission standard.
- 2.11 We also recognise that such intervention could also have socio-economic impacts on the licensed trade and the community and could affect access to taxi and private hire services in the Borough.
- 2.12 The Council therefore aims to reduce the levels of harmful emissions produced by taxi and private hire vehicles licensed by Elmbridge whilst limiting the socio-economic impacts of this decision on the existing licensed trade and travelling public, through a phased approach as follows:

² 6 May 2020

Our emissions policy

Vehicles which are to be licensed for the first time as a taxi or private hire vehicle in Elmbridge

- 2.13 From 1 September 2020, the Council will not issue any new licences for diesel-fuelled vehicles.
- 2.14 From 1 September 2020, the Council will only issue a licence for a petrol-fuelled vehicle, if the vehicle meets the latest Euro emissions standard for petrol-fuelled vehicles.

Existing taxi and private hire vehicles

- 2.15 After 31 December 2025, the Council will not renew any existing licences for diesel-fuelled vehicles that do not meet the latest Euro emissions standard.
- 2.16 After 31 December 2025, the Council will not renew any existing licences for petrol-fuelled vehicles that do not meet the latest Euro emissions standard.

Replacement vehicles

- 2.17 If a licence holder wishes to replace an existing diesel or petrol-fuelled vehicle between the date this policy takes effect and 31 December 2021, the replacement vehicle must meet a higher Euro Emission standard than the existing vehicle.
- 2.18 After 31 December 2021, if a licence holder wishes to change an existing licensed taxi or private hire vehicle, the replacement vehicle must be either
- a) a low or ultra-low emission vehicle such as hybrid or electric or
 - b) the latest Euro emissions standard for diesel-fuelled vehicles or
 - c) the latest Euro emissions standard for petrol-fuelled vehicles.

Retaining existing vehicles

- 2.19 If existing licence holders do not change their existing diesel-fuelled, licensed taxi or private hire vehicle, they may continue to renew the vehicle licence until 31 December 2025 before the above requirements take effect.

2.20 If existing licence holders do not change their existing petrol-fuelled, licensed taxi or private hire vehicle, they may continue to renew the vehicle licence until 31 December 2025 before the above requirements take effect.

Temporary replacement vehicles

2.21 Sometimes a licence holder may wish to use a replacement vehicle temporarily whilst an existing licensed taxi or private hire vehicle is being repaired. In such circumstances, we may allow the temporary vehicle to be licensed without requiring the vehicle to meet the latest Euro emissions standard for diesel and petrol vehicles. We shall consider each application on a case-by-case basis.

2.22 The Council will keep this emissions policy under review as technology, infrastructure, and availability of suitable vehicles develops, to ensure it remains current.

Chapter 3: A 'fit and proper' person

- 3.1 Public safety is paramount, and it is the basis of our decisions as to whether a person is 'fit and proper' to hold a licence and that a vehicle is safe and suitable for use as a taxi or private hire vehicle.
- 3.2 Taxi and private hire licence holders are in positions of significant responsibility and we expect them to keep the trust that the Council and public places in them.

Taxi and private hire drivers

- 3.3 Taxi and private hire drivers have responsibility for the safety of their passengers, the control of their vehicles and safety of other road users. Licensed drivers must ensure that the service they supply enables them to transport their passengers comfortably, safely, and conveniently. As professional drivers, the Council and passengers expect their driving and general behaviour to be of the highest possible standard and that they are honest and trustworthy.
- 3.4 The Council expects drivers to treat their customers and members of the public with courtesy and respect and they should never expose their customers or other members of the public, especially the more vulnerable and those requiring assistance, to any form of abuse or other behaviour that may cause distress or discomfort.
- 3.5 Drivers are responsible not only to their passengers and other road users but also for upholding the reputation of the taxi and private hire trade. They must never use their position of power and trust for any illegal or unacceptable purposes.

Private hire operators

- 3.6 Private hire operators are responsible for ensuring that a licensed private hire vehicle and licensed driver properly discharge bookings and journeys. The operator is also responsible for the vehicle and driver during the hiring itself.
- 3.7 Private hire operators and their staff receive and process personal data relating to their customers. They must never misuse this information or pass it to others who may misuse it.
- 3.8 As with drivers, private hire operators must ensure that the service they provide is always professional and that they always treat their customers and

others especially the more vulnerable and those requiring assistance, with respect and courtesy.

Taxi and private hire vehicle proprietors

- 3.9 Because they are transporting members of the public on a commercial basis, taxi, and private hire proprietors (vehicle licence holders) must as a minimum, always ensure that their vehicles are suitable, safe, comfortable, and maintained to comply with licence conditions. They must also ensure that they and/or their drivers do not use vehicles for any criminal or other unacceptable purposes.

Who is a 'fit and proper' person?

- 3.10 There are several requirements to be satisfied before we decide whether to grant a licence to a taxi or private hire driver, private hire operator or vehicle proprietor, and we will not grant a licence unless we are satisfied that the applicant is a "fit and proper" person to hold that licence.
- 3.11 When we grant a licence, we expect licence holders to then remain, a "fit and proper" person and we will carry out compliance checks to ensure this is the case.
- 3.12 There is no statutory definition of "fit and proper" but the Council considers it to mean that the person is safe and suitable to be granted a licence which gives them the responsibilities outlined above. The Council will apply the following High Court explanation³:

' . . . the objectives of this licensing regime which is plainly intended, among other things, to ensure so far as possible that those licensed to drive [hackney carriages or] private hire vehicles are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest, and not persons who would take advantage of their employment to abuse or assault passengers.'

- 3.13 When deciding whether an applicant or licence holder is 'fit and proper'; we will always consider the following question:

³ McCool v Rushcliffe Borough Council [1998] 3 All ER 889

“Would you (as a member of the licensing committee or other person charged with the ability to grant a taxi or private hire driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?”

- 3.14 Although the above paragraphs refer specifically to drivers, we will apply the same overall approach to private hire operators and to taxi and private hire vehicle proprietors.
- 3.15 The Council expects applicants to comply with the requirements of this policy, and licence holders to always comply, with the requirements of all relevant legislation, the conditions of their licence, the requirements of this policy, the relevant taxi and private hire guidance, and the driver’s code of conduct at Appendix 2 of this policy. Any failure to do so may lead to refusal of an application, prosecution, enforcement action against the licence (suspension, revocation, or refusal to renew) or the imposition of penalty points under the Council’s Penalty Points Scheme.
- 3.16 Any existing licence holder may apply to renew their licence and to have that application considered on its individual merits, however the Council has discretion over renewal. Although we will consider the fact that the person has previously held the licence, it is not an overriding factor when we decide whether to renew the licence. A licence holder may have an expectation that we will renew their licence, but this is not a legitimate expectation as their circumstances and/or the law may have changed since the grant of the licence. They must remain a fit and proper person, and their conduct must always remain at the highest level.

Before you submit your application

- 3.17 Before you submit your application for a taxi or private hire licence, you must complete or satisfy several pre-application requirements. We will require you to provide evidence that you have completed each of the requirements when you submit your application. The information you provide will help us to decide whether you are a fit and proper person to hold that licence.
- 3.18 You must comply with the requirements set out in the relevant guidance for applicants which are available on our website.
- 3.19 You are responsible for any financial costs associated with demonstrating each requirement and the Council will not refund or reimburse these costs in any circumstances.

Pre-application requirements

3.20 The following paragraphs set out the Council's pre-application requirements and our reasoning for each requirement.

Requirement 1: Driving licence

- 3.21 You must hold a full, current, valid driving licence issued by the DVLA, a member state of the European Union, European Economic Area, or a country recognised as issuing exchangeable licences.
- 3.22 Your licence must show your current residential address.
- 3.23 You must have held your driving licence for at least three continuous years excluding any period when your licence was suspended or revoked.
- 3.24 If you hold an exchangeable driving licence (one that has been issued in Andorra, Australia, Barbados, British Virgin Islands, Republic of Cyprus, The Falkland Islands, The Faroe Islands, Guernsey, Gibraltar, Hong Kong, Isle of Man, Japan, Jersey, Malta, Monaco, New Zealand, Republic of Korea, Singapore, Switzerland, Zimbabwe) you will be allowed to drive on that licence for 1 year, but after that you must exchange it for a UK licence.
- 3.25 If your driving licence was issued in England, Wales, or Scotland, we will require you to provide a DVLA check code and to share your driving licence information with the Council. This will enable us to view your driving record and check your penalty points or disqualifications.

Reason for requirement

- 3.26 The Council recognises that newly qualified and inexperienced drivers, particularly young drivers aged 17 to 24 years, are more likely to be at higher risk of being involved in motoring incidents, as they have less practical driving experience. For these reasons, we expect drivers to have developed their driving experience over at least three years and to have continuously held their driving licence for at least three years prior to the date of application (excluding any periods of suspension or revocation).

Requirement 2: Practical driving assessment for taxi and private hire drivers

- 3.27 You must submit evidence to show that you have passed a practical taxi or private hire driving assessment that is at least equivalent to the requirements

of the DVSA Taxi Test⁴ and approved by the Council. We have included details of approved driving assessments in the taxi and private hire guidance for applicants which are available on our website.

- 3.28 The driving assessment certificate must have a pass date within six months of the date you submit your application for a taxi or private hire driver's licence.

Reason for requirement

- 3.29 Taxi and private hire drivers are responsible for transporting their passengers safely and the Council expects them to show a level of driving skill and ability associated with that of an experienced and safe driver. The assessment will consider issues specifically related to taxi and private hire driving and the focus will be on road safety and the safe conveyance of passengers.

Requirement 3: Disclosure and Barring Service (DBS) Disclosure with check of the barred list.

- 3.30 You must obtain a DBS disclosure before making your application.
- 3.31 The DBS disclosure must have an issue date within three months of the date you submit your application unless you have subscribed to the DBS Update Service.
- 3.32 You must submit your DBS application through the Council's Licensing Team, a body or DBS disclosure providers that we nominate.
- 3.33 The Council will not accept DBS disclosures where disclosures have been obtained for reasons other than for taxi or private hire driver's licences.
- 3.34 All applicants must register to use the DBS Update Service within 30 days of the DBS certificate being issued and provide evidence of your registration. This will enable the Council to check DBS certificates routinely during the life of the licence.
- 3.35 If you are making your application as a company or partnership, all directors, the company secretary, and partners must submit a relevant DBS disclosure.

Reason for requirement

- 3.36 The Disclosure and Barring Service (DBS) provides access to criminal record
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⁴ [gov.uk/guidance/guidance-for-driving-examiners-carrying-out-driving-tests-dt1/04-the-taxi-test](https://www.gov.uk/guidance/guidance-for-driving-examiners-carrying-out-driving-tests-dt1/04-the-taxi-test)

information and provides details of individuals barred from working in regulated activity with children or vulnerable adults. The Council will always have regard to our Policy Regarding the Relevance of Convictions and Other Related Information when considering your DBS disclosure and when assessing your suitability to hold a licence.

Requirement for Drivers

- 3.37 All applicants for a taxi or private hire driver's licence must submit an enhanced DBS disclosure with check of the barred lists.
- 3.38 You must register to use the DBS Update Service within 30 days of the DBS certificate being issued and provide the Council with evidence of your registration. This will enable the Council to check DBS certificates routinely during the life of the licence.

Requirement for Vehicles and private hire operators

- 3.39 All applicants for a taxi or private hire vehicle licence or a private hire operator's licence must submit a basic DBS disclosure.
- 3.40 You must register to use the DBS Update Service within 30 days of the DBS certificate being issued and provide evidence of your registration. This will enable the Council to check DBS certificates routinely during the term of the licence.

Requirement 4: Overseas criminal history checks (where applicable)

- 3.41 If you have spent more than three continuous months outside the United Kingdom when over the age of 18, you must obtain an overseas criminal record check or 'Certificate of Good Character'.
- 3.42 If you are making your application as a company or partnership, all directors, the company secretary, and partners must obtain an overseas criminal record check or 'Certificate of Good Character'.

Reason for requirement

- 3.43 The overseas criminal history check provides access to criminal record information. The Council will always have regard to our Policy Regarding the Relevance of Convictions and Other Related Information when considering your overseas criminal history and when assessing your suitability to hold a licence.

3.44 You should also see Paragraphs 18.1 and 18.2 of our taxi and private hire convictions policy.

Requirement 5: Child sexual exploitation (CSE) and safeguarding vulnerable persons awareness training

3.45 We require you to successfully complete an approved safeguarding vulnerable persons awareness training course and to submit your CSE pass certificate with your application for a taxi or private hire driver's licence.

Reason for requirement

3.46 Due to their unique position, taxi and private hire drivers can play a vital role in safeguarding children or vulnerable people at risk of abuse. We require all drivers to undergo training in safeguarding to assist them with spotting the signs that an individual may be at risk. The training is a requirement set by all Surrey Councils and currently the children's charity Barnardo's provide the training as an external supplier. All applicants must successfully complete the Council's training in relation to the safeguarding of children and other vulnerable persons.

Requirement 6: Medical assessment for taxi and private hire drivers

3.47 The Council requires you to meet DVLA Group 2 standards.

3.48 You must complete an assessment of all factors listed on the Council's medical assessment form. The Council's medical assessment form must be completed by your doctor (GP) with whom you have been registered for at least 12 months and/or by a doctor who has access to your full medical records at the time of your assessment.

3.49 Each page of the completed medical assessment form must be stamped on both sides of each page with your doctor's official stamp.

3.50 This medical assessment must have been completed within three calendar months preceding the date on which you submit your application for a taxi or private hire driver's licence.

3.51 If the Council has reason to believe that your medical condition may impair your ability to drive, we may require you to provide additional information about you and your condition. We may require you to provide this information at any time in the 12 months following the date you submit your medical assessment form.

3.52 We may refer your medical information to any persons or bodies specified by

the Council to determine your medical fitness to drive a taxi or private hire vehicle.

- 3.53 You must pay all costs incurred in obtaining any additional information. You must also pay the cost of referring your medical information to any persons or bodies specified by the Council for determining your medical fitness to drive a taxi or private hire vehicle. You must pay the relevant cost in advance of the referral.

Reason for requirement

- 3.54 Taxi and private hire drivers are responsible for the safety of their passengers, the control of their vehicles and safety of other road users. The Council must be satisfied with your medical fitness to drive a taxi or private hire vehicle.

Requirement 7: Medical and physical exemption assessment (if applicable)

- 3.55 You must complete an assessment of all factors listed on the Council's medical exemption form. The Council's medical exemption form must be completed by your doctor (GP) with whom you are registered. The GP completing your assessment must have had access to your full medical records at the time of your assessment.
- 3.56 In relation to an exemption from the requirement to carry 'assistance dogs', this is only available on medical grounds and your doctor must certify those grounds during your medical assessment.
- 3.57 In relation to an exemption from the responsibility to provide mobility assistance for wheelchair-bound passengers, exemptions are available on medical or physical grounds and your doctor must certify those grounds during your medical assessment.
- 3.58 The Council may require you to provide additional information relating to the grounds for the exemption and require you to attend a separate assessment with any persons or bodies specified by the Council. You are required to pay any costs incurred by you in respect of the further assessment or by obtaining and providing any additional information. You must pay the relevant cost in advance of the referral.

Reason for requirement

- 3.59 The Equality Act 2010 places duties on taxi and private hire drivers to carry assistance dogs and when they are driving a listed wheelchair accessible

vehicle, to provide mobility assistance to wheelchair-bound passengers. Exemption from these requirements is only possible on limited grounds.

- 3.60 If you wish to apply for an exemption from the requirements of section 165 of the Equality Act 2010, you must satisfy the Council that you are unable to assist passengers in wheelchairs on medical grounds or because your physical condition makes it impossible or unreasonable difficult for you to comply with the requirements. If you wish to apply for an exemption from the requirements of section 166 of the Equality Act 2010, you must satisfy the Council that on medical grounds, you are unable to carry assistance dogs in your vehicle. In both cases, we will rely on your doctor's assessment of your medical condition to assist us in deciding whether to issue an exemption certificate.

Requirement 8: Knowledge test pass certificate

- 3.61 If you are applying for a taxi or private hire driver's licence you must complete and pass the Council's relevant taxi or private hire driver knowledge test within 12 calendar months preceding the date of your application.
- 3.62 We have included details about knowledge tests in the 'taxi and private hire guidance' which are available on our website.

Taxi driver's licence

- 3.63 The Council expects all taxi drivers to have a detailed topographical knowledge of the Borough (including detailed routes and road names), the Highway Code, awareness of relevant legislation, this policy, the private hire and taxi driver's Code of Conduct and money handling.

Private hire driver's licence

- 3.64 The Council expects all private hire drivers to have an appropriate knowledge of local topography, and a detailed knowledge of the Highway Code, awareness of relevant legislation, this policy, the private hire and taxi driver's Code of Conduct and money handling.

Reason for requirement

- 3.65 Taxi and private hire drivers are responsible for the safety of their passengers, the control of their vehicles and safety of other road users. An understanding of the rules governing these factors is essential to public safety.

Requirement 9: English language requirement

- 3.66 You must demonstrate that you have adequate English language skills in reading, writing, speaking, and listening. We have included details about the English language requirement in the 'taxi and private hire guidance' documents which are available on our website.
- 3.67 If you completed your secondary school education in the UK or have any UK secondary school level qualification which was taught and examined in English, your level of English will be enough. This includes and UK:
- a) GCSE grade G or above
 - b) GCE 'O' level grade E or above
 - c) Certificate of Secondary Education grade 5 or above
 - d) A level or AS level
 - e) NVQ level 1 or above including BTEC and City & Guilds
 - f) Higher National Certificate/Diploma
 - g) Degree or higher
- 3.68 If you did not complete your secondary school education in the UK, but you were educated to the same level shown above, you can supply evidence of your qualifications if the qualification was taught and examined in English.

Secure English Language Test (SELT)

- 3.69 We will accept a Home Office approved SELT certificate as proof that your level of English is sufficient only if the SELT has assessed your reading, writing, speaking, and listening ability.

English as a second language or foreign language qualification (ESOL)

- 3.70 We may accept some ESOL certificates if the examining board has assessed reading, writing, speaking, and listening in English.

Reason for requirement

- 3.71 Taxi and private hire drivers and private hire operators need to be able to communicate with customers to discuss a route or fare, as well as to read and understand important regulatory and safety information. It is also important that all licence holders can read and understand information provided to you

by the Council. It is therefore essential for public safety that all taxi and private hire licence holders can communicate in English at an appropriate level.

Requirement 10: Photographs

3.72 You must submit 2 photographs of yourself that conform to UK passport photograph standards.

Reason for requirement

3.73 The Council must be able to identify all licence holders to ensure it can uphold its public safety measures and that they are robust. In addition, taxi and private hire drivers must display their drivers which contains the driver's photograph and identifies them.

Requirement 11: Immigration status check

3.74 You must submit a document or combination of documents to demonstrate your entitlement to live and work in the United Kingdom or an online Home Office right to work share code. We will only accept documents listed in the Home Office; Right to Work Lists A or B.

Reason for requirement

3.75 It is a legal requirement that all taxi and private hire licence holders are entitled to live and work in the United Kingdom.

Requirement 12: Location of private hire operator's premises

3.76 The Council requires you to provide evidence that the premises from which you intend to operate has the necessary planning permission, where applicable, for the provision of private hire operator services.

3.77 In all cases where the premises include a waiting area for public use, the premises, must be located within the area of the Council's boundary.

Reason for requirement

3.78 This enables the Council to evaluate the private hire services operated at the premises as to whether they may cause nuisance to adjoining properties. It also enables proper regulation of the operator at those premises. To facilitate proper regulation, the Council may require reasonable access to premises to inspect operating records, carry out other relevant enquiries or undertake enforcement action. For this reason, the Council will usually require the

premises where the operator accepts and records bookings to be located within the boundary of Elmbridge Borough Council.

Requirement 13: Vehicle fitness

- 3.79 The proposed vehicle must satisfy the requirements of vehicle fitness as set out in Appendix 5.
- 3.80 We have included details about vehicle inspections in the 'taxi and private hire vehicle guidance' which are available on our website.

Reason for requirement

- 3.81 The Council expects all vehicle owners to properly maintain their vehicles, so they are roadworthy, comfortable, and safe. This ensures that the vehicle achieves the required standard to ensure public safety.

Requirement 14: Certificate of vehicle insurance

- 3.82 The proposed vehicle must be insured under a valid certificate of insurance for use as a taxi or private hire vehicle which must always be in place whilst the vehicle is a licensed taxi or private hire vehicle.
- 3.83 We will not issue a licence until we have received a valid certificate of insurance.
- 3.84 If the policy holder or insurance company cancels the insurance policy or it lapses whilst the vehicle is licensed as a taxi or private hire vehicle, we will always suspend the vehicle licence until a valid insurance policy is in place for the vehicle.

Reason for requirement

- 3.85 It is a legal requirement that all taxi and private hire vehicles are insured for use on a road. The Council requires the insurance policy to cover the vehicle for use as a taxi or private hire vehicle. This aims to protect the public by providing insurance cover for injuries to other road users, pedestrians, and passengers in your car and for other damage to property.

Requirement 15: Vehicle Registration Document

- 3.86 You must produce the vehicle registration document (V5) (log book) for the vehicle you intend to license.

Reason for requirement

3.87 The vehicle registration document provides details about the vehicle that we check during the vehicle inspection process. It also provides details of the person that is responsible for registering, insuring, and taxing the vehicle, and for informing the DVLA of any changes. This enables the Council to carry out proper regulation of the vehicle requirements.

Requirement 16: Letter of consent

3.88 If you are not the registered keeper of the vehicle, you must supply the Council with a letter from the registered keeper of the vehicle, consenting to you licensing the vehicle as a taxi or private hire vehicle.

Reason for requirement

3.89 The Council must be satisfied that you can use the vehicle as a licensed taxi or private hire vehicle. This ensures public safety and proper regulation of the licence.

Requirement 17: MOT certificate

3.90 You must produce a valid 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 greater than one year. The certificate must have been issued within the six calendar months prior to the date of your application.

Reason for requirement

3.91 It is vital that taxi and private hire vehicles are always safe and roadworthy. The Council's nominated testing stations inspect vehicles for additional items that are specific to our requirements of a taxi or private hire vehicle. An MOT certificate is issued at the end of a VIT and ensures that vehicles meet the Council's safety and other standards.

Requirement 18: Other documents

3.92 If your vehicle has been altered or converted since original manufacture, you must supply the Council with one of the following documents:

- a) Wheelchair Accessible Vehicles – DVSA Certificate M1
- b) Stretch Limousines – DVSA Individual Vehicle Approval (IVA) Certificate

c) Any other relevant conversion document.

Reason for requirement

3.93 It is vital that modified or converted vehicles have been safely adapted for use as a taxi or private hire vehicle. The documents above, in addition to the MOT certificate issued by one of the Council's nominated testing stations, ensure that vehicles meet the Council's safety standards.

Chapter 4: Applying for your new licence

Introduction

- 4.1 The Council aims to make your application process as quick and as simple as possible. Where available, you must make your application online at: elbridge.gov.uk/licensing
- 4.2 We will only accept your application if you:
- a) complete the prescribed application form and
 - b) correctly complete the application form and
 - c) complete the relevant requirements and
 - d) supply valid documents and
 - e) pay the relevant fee.
- 4.3 We have produced separate guidance for applicants to apply for a taxi and private hire driver's licence, a private hire operator's licence and taxi or private hire vehicle licences. Once you are ready to make your application, you must follow the process set out in the relevant taxi and private hire guidance for applicants which are available on our website.
- 4.4 In this Policy we refer to a 'combined taxi and private driver's licence' as a 'taxi driver's licence'. You may apply for a:
- a) taxi driver's licence which allows you to drive a taxi and a private hire vehicle or
 - b) private hire driver's licence which only allows you to drive a private hire vehicle or
 - c) private hire operator's licence or
 - d) taxi or private hire vehicle licence.
- 4.5 When we receive your application, the relevant fee, and the required documents, we will consider your application in line with our processing timescales before deciding whether to grant the licence. Please see Chapter 10 below regarding our decision-making process.

Chapter 5: Applying for a new taxi or private hire driver's licence

Application process

- 5.1 You must follow the process and requirements contained in taxi and private hire driver's guidance for applicants which are available on our website.

Chapter 6: Applying for a new private hire operator's licence

General requirements

- 6.1 The private hire operator's proposed business name must not be the same or like the name of an existing private hire operator licensed by the Council or any other neighbouring council.
- 6.2 The proposed business name must not be the same or like that of a private hire operator whose licence the Council has been in the preceding 18 months.

Application process

- 6.3 You must follow the process and requirements contained in the private hire operator's guidance for applicants which are available on our website.

Chapter 7: Applying for your new taxi or private hire vehicle licence

Vehicle numbers

- 7.1 The Council has no ability to limit the number of private hire vehicles that it will licence. Although it is possible for a local authority to limit taxi numbers the Council does not regard this as being necessary to protect public safety (which is the over-riding purpose of taxi and private hire licensing).

Dual licensing of vehicles

- 7.2 The Council does not allow 'dual licensing' of taxi or private hire vehicles and will not grant a licence to any vehicle also licensed by another licensing authority as a taxi or private hire vehicle. This requirement enables the Council to properly regulate the vehicle under our standards of taxi or private hire vehicle fitness and licence conditions.
- 7.3 If we discover that any vehicle licensed by us as a taxi or private hire vehicle, is also licensed by any other licensing authority, we will revoke the Elmbridge vehicle licence.
- 7.4 Appendix 5 of this Policy sets out the Council's requirements in respect of the suitability of a vehicle as a licensed taxi or private hire vehicle.

Submitting your application for a taxi or private hire vehicle licence

- 7.5 You must follow the process and requirements contained in the 'taxi and private hire vehicle guidance' which is available on our website.

Chapter 8: Changes to your licence

General

8.1 You must follow the process and requirements contained in the taxi and private hire guidance which is available on our website.

Changing your taxi or private hire vehicle

8.1 A taxi or private hire vehicle licence cannot be transferred to another vehicle.

8.2 If a licence holder wishes to replace an existing licensed vehicle with another, the licence holder must surrender the existing licence and apply for a new licence for the replacement vehicle.

Applying to change your existing vehicle

8.3 The Council will only issue a new licence for a replacement vehicle on the following terms:

- a) Cancellation of the original taxi or private hire vehicle licence
- b) Surrender of the original taxi or private hire vehicle licence and identification plates to the Council
- c) The new vehicle must comply with all relevant requirements of this Policy and the
- d) The new taxi or private hire licence will expire on the same date as the cancelled vehicle licence.

Changing your vehicle registration number

8.4 If you intend to change the registration number of your vehicle, you must notify the Council in writing at least 5 working days before the intended date of change.

Transferring ownership of your vehicle

8.5 A taxi or private hire vehicle proprietor may wish to sell (or otherwise transfer) their vehicle and the licence to someone else.

8.6 In such circumstances, the original licensee must give the Council written notification of that transfer within 5 working days of the date of that transfer.

- 8.7 The new licensee must also confirm that they are now the licensee by giving written notice to the Council within 5 working days of the date of that transfer.

Changing your name or address (all licence types)

- 8.8 If you change your name or address, you must notify the Council in writing within 5 days of the change.

Applying for advertising on your taxi or private hire vehicle

- 8.9 If you wish to have advertising on your licensed taxi or private vehicle you must apply to the Council before you make any changes to your vehicle. Appendix 6 sets out the Council's policy in respect of advertising.

Applying for private hire executive vehicle status

- 8.10 The Council may issue a notice that exempts the proprietor of a licensed private hire vehicle from displaying the Council's standard plate in circumstances specified in the notice. We refer to a vehicle with this exemption as having 'executive vehicle status'
- 8.11 The holder of a private hire vehicle licence must apply for 'executive vehicle status' by using the prescribed application form and relevant fee.

Definition of executive vehicle

- 8.12 There is no statutory definition of an executive vehicle. For the purposes of this policy, the Council considers it to mean that at least 90% of the total number of journeys undertaken will be like a private chauffeur driven vehicle. Passengers will normally be corporate or business clients, or the type of clients who for security or personal safety reasons would not want the vehicle to be identifiable. In addition, the operator will usually supply the journeys under a written contract and payment will usually be on account.
- 8.13 The Council does not stipulate the make or model of vehicles that may be suitable for executive status, however we expect vehicles to be of a standard of comfort and equipped to a level equal to or above recognised luxury vehicles. In addition, the vehicle must be in pristine condition with no visible defects, dents or blemishes to the external bodywork or internal trim and seating.

Expectations of licence holders (executive vehicle status)

- 8.14 We expect all private hire operators, private hire vehicle licence holders and drivers who will be involved in the service offered by a vehicle with executive

status, to have excellent records of compliance with all private hire legal and Council requirements. We may refuse to grant executive status for a vehicle if any person or the vehicle involved in the proposed 'executive' service does not meet the requirements of this section

8.15 When considering your application, we will take the following matters into account:

- a) any penalty points that have been issued to the licence holders
- b) any complaints against the licence holders
- c) the licence holder's history of compliance with legislative requirements, licence conditions and the code of conduct.

8.16 If any of the licence holders are currently under investigation for any matter, we may decide to wait until conclusion of the investigation before deciding on the application for executive status.

8.17 We will consider all applications on a case-by-case basis.

Additional conditions (executive vehicle status)

8.18 All executive status vehicles will be subject to the following conditions:

- a) the proprietor of the vehicle shall ensure that the Council's internal executive licence plate is displayed on the front windscreen of the vehicle and both sides of the plate must be unobstructed and clearly visible to customers.
- b) the proprietor of the vehicle shall not display any other signage on the vehicle.
- c) the vehicle shall only supply executive services under the control of the private hire operator named on the notice.

Applying for a medical exemption certificate

8.19 To qualify for a medical exemption from transporting assistance dogs or assisting a person in a wheelchair to travel in your vehicle, you must satisfy the Council that you have a medical condition that prevents you from following the requirements of sections 165 or 168 of the Equality Act 2010.

Chapter 9: Renewing your existing licence

General

- 9.1 The Council needs enough time to process your application before it expires therefore, you must submit your fully completed application to renew your driver, vehicle, or operator's licence at least 10 working days before the licence expiry date. We will not accept your application if you submit it more than 6 weeks before the expiry date.
- 9.2 If you apply to renew your licence after the expiry date, we will treat this as a new application and we will require you to comply with all relevant requirements for a new application. If the Council is or becomes aware that you have been driving your licensed vehicle after the expiry date, we may refuse to renew your licence and may take enforcement action against you.
- 9.3 In exceptional circumstances, the Council may waive or defer any application requirement when renewing unexpired driver or operator licences, but we are not obliged to do so. We will make any such a decision on a case-by-case basis.
- 9.4 You must follow the process and requirements contained in the taxi and private hire guidance for applicants which are available on our website.

Chapter 10: Our decision about your application

- 10.1 The Council's Licensing Committee comprises of up to 15 elected Councillors and is responsible for considering taxi and private hire licensing matters that are not delegated to officers.
- 10.2 Under the Council's Constitution, the Council has delegated all functions not reserved to the Licensing Committee, to the Strategic Director for Services who has delegated those functions to licensing officers.
- 10.3 Councillors, licensing officers and other staff will make their decisions having regard to this policy, our 'Policy regarding the relevance of convictions and other related information' and any other relevant information. We will make our decision in line with our processing timescales which are available on our website.
- 10.4 The options available are:
- a) Grant the application
 - b) Refuse the application
- 10.5 If we grant an application, we will issue your licence subject to standard licence conditions as follows:
- a) Driver's licence code of conduct (see Appendix 2)
 - b) Private hire operator's licence (see Appendix 3)
 - c) Taxi and private hire vehicle licence (see Appendix 4)
- 10.6 The relevant standard conditions shall apply to all licences we issue, unless we specifically exclude them or substitute them with different conditions. We may change these conditions from time to time and if we do, we will inform all licence holders of the changes in writing.
- 10.7 Where it is reasonable and necessary to do so, we may impose additional conditions on a licence, or amend or remove some of the standard conditions from the licence depending on the circumstances of the individual case. In such cases, we will always provide our reasons for doing so.
- 10.8 We will always send you a written decision notice and if we refuse to grant your application, we will provide further information about the appeal process (please see Chapter 11).

Chapter 11: Appeal against our decisions

- 11.1 The law allows you to appeal to a magistrate's court if you do not agree with the Council's decision:
- a) to refuse to grant your application or to refuse to renew your licence
 - b) to attach a condition to the grant of your licence
 - c) to suspend or revoke your licence
 - d) not to grant an exemption certificate under section 166, 169 or 171 of the Equalities Act 2010

Appealing against a refusal to allow advertising on a vehicle

- 11.2 If you do not agree with our decision not to allow advertising on your taxi or private hire vehicle, you may write to the council's Environmental Health and Licensing Manager within 21 days from the receipt of the Council's decision notice.
- 11.3 You should state in your letter, why you believe the Council should allow your advertisement.
- 11.4 The Council's Environmental Health and Licensing Manager will consider your appeal in consultation with the Chair of the Licensing Committee.

Judicial review

- 11.5 If you do not agree with a decision made by us that has no legal right of appeal, you may be able to seek a judicial review of our decision in the High Court.
- 11.6 Any review would have to be on the basis that when making our decision, we made an error of law, acted perversely, did not consider a material consideration, or considered immaterial considerations. Strict time limits apply, and we recommend you seek independent legal advice as soon as possible.

Chapter 12: Period of licences and fees

12.1 The maximum period for which we can issue a licence is set by law as follows (unless an applicant is subject to immigration control):

- | | | |
|-----------------|----------|---------|
| a) Taxi | Vehicle | 1 year |
| b) Taxi | Driver | 3 years |
| c) Private hire | Vehicle | 1 year |
| d) Private hire | Driver | 3 years |
| e) Private hire | Operator | 5 years |

12.2 We will normally grant licences for the maximum period as set out in the table above. In certain circumstances, where we deem it appropriate on the grounds of public safety, we may issue a licence for a shorter period. We shall consider all applications for a shorter period on a case-by-case basis.

12.3 Where we issue a licence for a shorter period this may not necessarily result in a reduction in licence fee.

12.4 If an applicant for a taxi or private hire driver's licence or a private hire operator's licence is subject to immigration control, the Council must issue a licence in accordance with the following:

- a) Where a right to live or work in the UK expires during the period in which a taxi or private hire licence would ordinarily have been granted, the Council must reduce the licence period in line with that expiry
- b) Where the Home Office is currently determining a right to live or work in the UK, and a right to live or work in the UK exists pending final determination a taxi or private hire licence will be issued for a maximum period of six months

Fees and charges

12.5 We will determine and charge fees from applicants for taxi and private hire licences and for other taxi and private hire related functions. The fees aim to meet our costs of carrying out our taxi and private hire licensing functions.

12.6 We will review our fees and charges annually and may increase or decrease them to cover the cost of providing our taxi and private hire licensing service.

- 12.7 If we refuse your application, we will retain an administration fee as set out in our published fees and charges which are available on our website.
-

Chapter 13: Existing licence holders

Taxi and private hire drivers

Medical assessments

- 13.1 Licensed taxi and private hire drivers must complete the Council's medical assessment at least every five years until they are aged 65.
- 13.2 When licence holders reach the age of 65, they must complete the Council's medical assessment at least every 12 months thereafter.
- 13.3 If you are aged 64 years, you must complete the Council's medical assessment and submit your medical assessment form to the Council within six weeks of your 65th birthday.
- 13.4 The Council may require you to submit a new medical assessment at any time if we have reason to believe that your medical status may have changed.
- 13.5 When you complete your medical assessment, you must satisfy the requirement 6 set out in Chapter 2 of this Policy.

Disclosure and Barring Service

- 13.6 Existing licence holders must satisfy the requirement set out in paragraphs 3.30 to 3.40 above, within 30 days of the licence holder obtaining their next DBS certificate or within one year from the date this policy takes effect, whichever is sooner.
- 13.7 You must provide the Council with evidence of your registration with the DBS Update Service within 5 working days of registering.
- 13.8 You must retain your registration for the duration of your licence. If you do not retain your registration with the DBS update service, the Council will require you to provide a new DBS certificate and may suspend your licence until you submit a valid DBS certificate to the Council.

Practical driving assessment

- 13.9 Existing licence holders must satisfy the practical driving assessment requirement as set out in Chapter 3 of this policy no later than 12 months after this Policy takes effect.
- 13.10 Licence holders who can demonstrate that they have passed the DVSA taxi driving test will be exempt from this requirement.

DVLA endorsements and driving standards

- 13.11 Licence holders who accumulate 6 or more points on their DVLA driving licence must notify the Council immediately.
- 13.12 We will usually require a licensed taxi or private hire driver who accumulates 6 or more penalty points to retake the practical driving assessment.

English language requirement

- 13.13 Existing licence holders do not need to provide evidence to satisfy the English language requirement. However, where we have concerns that an existing licence holder does not meet the required level, we will require them to satisfy the requirement within a reasonable period.

Code of conduct and licence conditions

- 13.14 Holders of a combined taxi and private hire driver's licence must always comply with:
- a) the Council's Hackney Carriage Byelaws (see Appendix 1) and
 - b) the taxi and private hire drivers' code of conduct (see Appendix 2)
- 13.15 Private hire drivers must always comply with
- a) the taxi and private hire drivers' code of conduct (see Appendix 2).

Private hire operators

Location of operating premises

- 13.16 Existing licensed private hire operators whose premises are outside the boundary of Elmbridge Borough Council, can remain licensed until the licence is surrendered, suspended, revoked, or the licence lapses or expires. **Staff**
- 13.17 Private hire operators must ensure that any staff they engage to work for them (in any capacity apart from drivers) are safe and suitable. The operator must

use the criteria set out in our taxi and private hire convictions policy convictions when making checks on staff. These include requiring such staff to produce a Basic DBS Certificate which is not more than three months old and ensuring that the person has the right to remain and work in the UK. The operator must not engage anyone who has convictions outside the guidelines or is not allowed to live and work in the UK.

13.18 The operator must keep a written record of all staff whom they engage to work for them. The operator must retain the records and make them available for inspection by an authorised officer for a minimum period of 12 months.

13.19 The operator shall be responsible for:

- a) all persons that they employ, contract, or use during their business and
- b) the vehicle and driver throughout the hiring.

13.20 The operator must ensure that the vehicle arrives on time and the driver complies with the code of conduct and all other requirements for the duration of the hiring.

13.21 Private hire operators will hold personal information relating to their customers as well as drivers and staff and must ensure that they register with the Information Commissioner and comply with all the requirements of the Data Protection Act 1998 and the General Data Protection Regulations.

13.22 Existing licensed private hire operators will be required to comply with the requirement of paragraphs 3.76 to 3.77 above no later than three months after this policy takes effect.

Taxi and private hire vehicles

Dual licences

13.23 The Council does not allow 'dual licensing' of taxi or private hire vehicles. Existing licence holders must demonstrate that another authority does not license their vehicle as a taxi or private hire vehicle. This requirement enables the Council to facilitate the proper regulation of the vehicle under this Council's standards of taxi or private hire vehicle fitness and licence conditions.

13.24 If the Council discovers that any vehicle licensed as a taxi or private hire vehicle by Elmbridge Borough Council is licensed by any other licensing authority, the Council will revoke the Elmbridge vehicle licence.

This section applies to all licence holders

DBS update service

- 13.25 All existing licence holders must register for the DBS Update Service within 30 days of the licence holder obtaining their next DBS certificate or within one year from the date this policy takes effect, whichever is sooner.
- 13.26 Existing licence holders must register to use the DBS Update Service within 30 days of their DBS certificate being issued or within one year from the date this policy takes effect, whichever is sooner.
- 13.27 You must provide the Council with evidence of your registration with the DBS Update Service within 5 working days of registering.
- 13.28 You must retain your registration for the term of your licence. If you do not retain your registration with the DBS update service, the Council will require you to provide a new DBS certificate and may suspend your licence until you submit your satisfactory certificate to the Council.

Licence holders and travel abroad

- 13.29 Within 30 days of this policy taking effect, existing licence holders must inform the Council in writing whether they have spent more than three continuous months outside the United Kingdom when over the age of 18.
- 13.30 Existing licence holders who have spent more than three continuous months outside the United Kingdom when over the age of 18 must obtain an overseas criminal record check or 'Certificate of Good Character' within three months of this Policy taking effect.
- 13.31 Existing licence holders must inform the Council in writing before travelling, if they intend to spend more than three continuous months outside the United Kingdom. In such circumstances:
- a) driver's must return their driver's badge to the Council before leaving the United Kingdom,
 - b) private hire operators must inform the Council in writing and provide the name of the person who will be responsible for the providing operator services in the licence holder's absence.
- 13.32 If the Council discovers that any licence holder has spent more than three continuous months outside the United Kingdom and did not comply with paragraph 13.31 above, the licence holder:

- a) will be required to obtain an overseas criminal record check or 'Certificate of Good Character' and
- b) enforcement action will be taken against the licence holder

Bespoke licence conditions

13.33 In addition to the driver's code of conduct and standard licence conditions, we may impose further conditions on any driver or operator licence where the Council considers it to be appropriate and necessary. Before doing so, we will consider each case on its individual merits.

Record keeping

13.34 If the Council requires you to keep and maintain records as a condition of your licence, you may keep those records as part of a computerised record keeping system. The system must have the capability for any records to be immediately available for inspection by an authorised officer or a police officer.

Chapter 14: Compliance, and enforcement

Introduction

- 14.1 This chapter outlines in general terms, our approach to monitoring the operation of taxi and private hire licences, checking compliance with licence conditions and the law, and our approach to enforcement for non-compliance.
- 14.2 The primary aim of enforcement is to achieve compliance. Enforcement means the formal approach, but also includes advice and support to business to achieve compliance.
- 14.3 We will have regard to our Environmental Health and Licensing Enforcement Policy currently in force under which all our monitoring and enforcement practices operate.
- 14.4 We will also have regard to the Regulator's Code⁵ under which we should:
- a) carry out our activities in a way that supports those we regulate to comply and grow
 - b) provide simple and straightforward ways to engage with those we regulate and hear their views
 - c) base our regulatory activities on risk
 - d) share information about compliance and risk
 - e) ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities to comply
 - f) ensure that our approach to their regulatory activities is transparent
- 14.5 Failure to comply with legislative requirements is a criminal offence. When we decide on the enforcement action we may take in respect of offences, we will always have regard to the individual circumstances of the case, the Council's policies about enforcement and other national guidance, such as the Code of Practice for Crown Prosecutor's.

⁵ [gov.uk/government/publications/regulators-code](https://www.gov.uk/government/publications/regulators-code)

14.6 Enforcement may include prosecution of offenders where appropriate and/ or imposition of penalty points under the Council's Penalty Points Scheme.

Inspections and compliance

14.7 We may carry out the following visits and inspections with or without warning to ensure compliance with licence conditions and relevant legislation (including Byelaws).

- a) Private hire operators: records and premises (if open to the public)
- b) Taxi drivers: code of conduct and vehicles
- c) Private Hire Drivers: code of conduct and vehicles
- d) Taxi ranks: vehicles and drivers

14.8 We will carry out routine inspections on a risk-based system and wherever possible, vehicles and documentation will be inspected at the same time.

Enforcement

14.9 As part of our enforcement responsibility under the legislation, licence conditions and code of conduct, we will, when appropriate, carry out test purchasing of journeys. We may also make use of public CCTV monitoring to detect offences under the legislation.

14.10 When we take any enforcement action we will always have regard to our Enforcement policy and penalty points policy which are available on our website.

Chapter 15: Suspension or revocation of licences

Taxi and private hire driver's licence

Persons who are not 'fit and proper' to hold a licence (including medical grounds)

- 15.1 Where we have a reasonable belief that any taxi or private hire driver or private hire operator is not a "fit and proper" person to hold a licence and/or in the interests of public safety, we may suspend or revoke that licence.
- 15.2 Before deciding whether to suspend or revoke a licence, we will write to the licence holder setting out the basis for the Council's belief and we will invite them to attend an interview with licensing officers.
- 15.3 We will give the licence holder an opportunity to respond to questions and we will make a record of that interview. We will take the licence holders comments into account when making our decision however, we will not consider any comments about the potential effect on the licence holder's personal circumstances should we suspend or revoke the licence. This includes but not limited to, unemployment, loss of income, hardship etc.
- 15.4 We may determine cases in the absence of licence holders who are uncontactable or who do not attend their interview.
- 15.5 When the interview is complete, officers will review the evidence and determine the appropriate sanction. We will then notify the licence holder in writing and give reasons for our decision.
- 15.6 The Council can suspend or revoke a licence with immediate effect and in such cases the driver must immediately return the driver's badge issued by the Council (and that person cannot drive any licensed taxi or private hire vehicle).
- 15.7 If we suspend the licence, we will do so for a specified fixed period of up to three months, or where we suspend a licence for medical reasons, until we are satisfied that the licence holder is medically fit to resume driving.

Resulting from an accumulation of penalty points

- 15.8 Please see our penalty points policy which is available on our website.

Taxi and private hire vehicle licence

15.9 We may suspend or revoke a vehicle licence for the following reasons:

- a) If a licensing officer or police constable is satisfied that any taxi or private hire vehicle is unfit for use as such – this includes any non-compliance with the conditions attached to the licence, as well as mechanical and safety compliance;
- b) where the licence holder has committed an offence under Part II of the Local Government (Miscellaneous Provisions) Act 1976 or has not complied with the Act;
- c) any other reasonable cause.

Private hire operator's licence

15.10 We may suspend or revoke a private hire operator's licence for any of the following reasons:

- a) where the licence holder has committed an offence under Part II of the Local Government (Miscellaneous Provisions) Act 1976 or has not complied with the Act;
- b) any conduct on the part of the operator appears in the Council's view, to render the operator unfit to hold the licence
- c) any material changes since the Council granted the licence or any change in the operator's circumstances on which the Council granted the licence
- d) any other reasonable cause.

Surrendering a licence whilst under investigation

15.11 If a taxi or private hire licence holder seeks to surrender their licence whilst they are under investigation for a criminal offence or other conduct that could result in the suspension or revocation of their licence, we will usually refuse to accept the surrender; continue with the investigation and determine the outcome.

15.12 If on the balance of probabilities, our decision would be to suspend or revoke the licence, issue penalty points, or take other enforcement action, we will give the licence holder a written notice of our decision.

15.13 If our decision would be to take no further action, we will inform the licence holder in writing.

National register (NR3)

15.14 We will always record details of persons whose licence we have refused, suspended, or revoked on the national register (NR3). The register allows local authorities to share information and disclose relevant information regarding applicants for and holders of taxi and private hire licences.

15.15 This section applies even if the person has tried to surrender their licence whilst under investigation as set out in paragraphs 15.11 to 15.13 above.

Chapter 16: Re-applying for a licence after suspension or revocation

Suspended licences

- 16.1 At the end of the suspension period, the licence holder can apply to the Council in writing for the return of their licence.
- 16.2 Any period of suspension will not extend the duration of the licence, which will expire on the date specified when the Council originally granted the licence.

Revoked licences

- 16.3 We will treat any application from a person whose licence we have revoked, as an application for a new licence. Please see
- a) Drivers: Chapter 5
 - b) Operators: Chapter 6
 - c) Vehicles: Chapter 7
- 16.4 The decision as to whether we will grant a new licence following revocation, will depend on the reasons for revoking the licence and the period that has elapsed since revocation. In all cases we will consider the facts on a case-by-case basis.
- 16.5 We will also have regard to this policy, our policy regarding the relevance of convictions and other related information and any other relevant information when making our decision. This will always include details of the circumstances leading to revocation. The Council will not usually grant a new licence until at least 12 months has elapsed, or at least 5 years has elapsed
- 16.6 from the date of any subsequent revocation.

Chapter 17: Access to licensed vehicles

Assistance dogs

- 17.1 Sections 160 to 173 of the Equality Act 2010 place certain duties on taxi and private hire drivers and private hire operators. These relate to carrying assistance dogs and assisting wheelchair users.
- 17.2 Unless the Council has granted a certificate of exemption to the driver and the vehicle is displaying a yellow 'exemption notice', all drivers must carry assistance dogs in the passenger compartment of the vehicle.
- 17.3 Assistance dogs must not be carried in the boot or luggage compartment of any vehicle.
- 17.4 Private hire operators must not refuse to take a booking for a journey with an assistance dog, nor make an additional charge.
- 17.5 The Council will usually seek to act against a licence holder where it is evident that such discrimination has occurred. This may include prosecution of offenders where appropriate and/or imposition of penalty points under the Council's Penalty Points Scheme.

Passengers in wheelchairs

- 17.6 Drivers of designated wheelchair accessible vehicles listed by the Council must comply with the duties set out in Section 165 of the Equality Act 2010. The duties are:
- a) to carry the passenger while in the wheelchair;
 - b) not to make any additional charge for doing so;
 - c) if the passenger chooses to sit in a passenger seat to carry the wheelchair;
 - d) to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - e) to give the passenger such mobility assistance as is reasonably required.
- 17.7 Drivers of designated wheelchair accessible vehicles must provide mobility assistance to wheelchair users, unless the Council has issued the driver with

a certificate of exemption, and the yellow 'exemption notice' is displayed in the vehicle.

17.8 Mobility assistance is assistance:

- a) to enable the passenger to get into or out of the vehicle;
- b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- c) to load the passenger's luggage into or out of the vehicle;
- d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

17.9 Failure to comply with these requirements is an offence which could result in prosecution and/or the Council acting against the drivers' licence such as imposing penalty points, suspension, or revocation.

Designated wheelchair accessible vehicles list

17.10 The Council will maintain a designated list of wheelchair accessible taxis and private hire vehicles that allow wheelchair users to:

- a) to get into and out of the passenger compartment of the vehicle in safety and
- b) travel in vehicles in safety and reasonable comfort whilst seated in their wheelchair.

17.11 The Council will publish and maintain the list of designated vehicles with effect from 1 September 2020.

Taxi Voucher Scheme

17.12 The taxi voucher scheme supports residents in Elmbridge who are unable to travel using existing transport services due to personal mobility problems or rural isolation. The scheme supports people to remain independent in their own homes and enables individuals to exchange vouchers with taxi or private hire drivers participating in the scheme, towards full payment or part payment of a journey.

17.13 The Council will publish and maintain a list of operators and drivers who participate in the scheme with effect from 1 September 2020.

Chapter 18: Your personal information

- 18.1 We collect, process, and store personal information about you to carry out our statutory licensing functions such as processing your application for a licence. We will retain your personal data in line with our retention policy which is available on our website. We also use the data in our licensing database for other purposes, including the performance of our enforcement duties and to monitor compliance with the terms and conditions of licences we grant.
- 18.2 We may share your information with other council departments and connected agencies to the extent permitted by law. This will include the processing of your personal data if that is necessary for the performance of a task carried out in the public interest. We will comply with the statutory Data Protection Principles and we may share your information for the following purposes:
- a) The administration of justice (including the prevention or detection of crime, such as fraud)
 - b) The exercise of statutory enforcement functions (such as the investigation of criminal offences or breaches of licence conditions)
 - c) Where the law requires us to (such as where lawfully required to by the police or Her Majesty's Revenues and Customs)
 - d) Improving efficiency and the standard of services we offer
- 18.3 We may also share data with companies who undertake data matching exercises to prevent and detect fraud, for example to check licence holder records against benefit claimants. We participate in the cabinet office's National Fraud Initiative.
- 18.4 The Council sometimes works with third-parties to deliver certain services or carry out statutory functions on our behalf. Where this is the case, we may share your personal information with these third-parties for these purposes. We will always ensure that your information is kept secure, only used for these purposes, and not disclosed further unless required by law.
- 18.5 On occasions, internal and external Information Technology (IT) support organisations may access your information in the delivery of IT support for both the IT infrastructure and associated systems. Access by IT support will only be for such reasons as support and fixing any technical issues with software, and any viewing of data will only be incidental to these purposes.

Appendix 1: Hackney Carriage Byelaws

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.

Appendix 2: Taxi and private hire driver's code of conduct

1. This code of conduct applies to both taxi and private hire drivers. Any reference to 'driver' within this code should be interpreted as generic to both.
2. The Council operates a separate taxi and private hire licensing penalty points policy (available online at elmsbridge.gov.uk/licensing), which may be applied to ensure compliance with this code.

Your taxi driver licence and identification badge

3. You have been issued with 2 copies of your driver's identification badge and a coloured armband.
 - a) when you are driving or working with a taxi or private hire vehicle, you must always wear one copy of your drivers badge in the armband on your right upper arm so that any passenger looking through the window can see that you are a licensed driver. Failure to do so is a criminal offence (byelaw No 13 when using a hackney carriage and s54 of the 1976 Act when using a private hire vehicle).
 - b) You must always display the second copy of your badge in a position, which is plainly and clearly visible to your passengers whilst you are working as a taxi driver.
4. You must return your licence document and identification badge to the Council's licensing team immediately if:
 - a) the licence expires, is suspended, or revoked
 - b) you wish to surrender your taxi driver licence
 - c) you are required to do so by an "authorised officer" of the Council.
5. If you change your address, you must inform the Council's licensing team in writing, within 5 working days and return your driver's licence to the Council at the same time for alteration and re-issue.
6. If you lose your licence or badge you must report the loss to the Council's licensing team immediately.

Production of documents

7. If an authorised officer asks you produce any of the following documents, you must do so within 5 working days:
 - a) your driving licence and an access code for DVLA to enable the Council to check your licence
 - b) your taxi or private hire driver's licence
 - c) the vehicle registration document
 - d) a valid certificate of insurance.

Medical condition

8. You must notify the Council's licensing team, in writing within 5 working days of any change in your medical condition that may adversely affect your ability to drive a taxi or private hire vehicle. This includes temporary medical conditions as well as long term or permanent medical conditions.

Declaration of conviction/caution/penalty

9. You must declare all criminal convictions, cautions, fixed penalty notices, driving licence endorsements, warnings, reprimands, ASBOs (Anti-Social Behaviour Orders), DBOs (Drink Banning Orders), civil injunctions, CPNs (Community Protection Notices), restraining orders or injunctions to Elmbridge Borough Council on your initial application form.
10. If you are convicted of any offence, or accept a formal caution for any offence, or receive a fixed penalty notice for any offence or receive and accept an endorsable fixed penalty notice, or, are made the subject of an ASBO or DBO, you receive a CPN, are made the subject of any form of injunction or restraining order you must notify the Council's licensing team in writing, within 5 working days of the event.
11. If you are arrested for any matter, you must inform the Council's licensing team within 3 working days of the arrest (whether you are subsequently charged or not).
12. If you are the subject of criminal proceedings, (including where you are acquitted as part of a criminal case) you must notify the Council's licensing team in writing within 5 working days of being charged or summonsed for an offence.

13. You must register to use the DBS Update Service within 30 days of your DBS certificate being issued.
14. You must retain your DBS Update Service registration for the duration of your licence.

General Conduct

15. **Receipts for journeys:** If the hirer requests, you must provide a written receipt for the fare paid for the hiring, including the amount of VAT (if applicable) shown separately if so requested. You must also provide details of the journey including the date, fare, vehicle, operator, and driver. You must then sign the receipt.
16. **Music in Vehicles:** You must not cause or allow noise emitted by any radio or sound equipment in the vehicle which you are driving to be a source of nuisance or annoyance to any person or persons, whether inside or outside the vehicle.
17. If a passenger objects, you must not play any radio or sound reproducing instrument or equipment in the vehicle.
18. **Sounding of vehicle horn:** You must not sound your vehicle horn:
 - a) unnecessarily, i.e. unless in an emergency or to let other road users or pedestrians know you are there
 - b) when your vehicle is stationary on a road, at any time, other than at times of danger due to another moving vehicle on or near the road
 - c) on any road in a built-up area between 11.30 p.m. and 7.00 am.
19. **Standards of dress:** You must always be clean and respectable in your dress. As a minimum, long-legged trousers, or knee length styled shorts or skirt or dress and tee shirts which have a full body and short sleeves.
 - a) The following are not acceptable:
 - b) clothes with holes or rips.
 - c) sportswear (e.g. football/rugby kits, tracksuits, beach wear etc.
 - d) words or graphics on any clothing that is of an offensive or suggestive nature
 - e) exposed upper body

- f) The wearing of hoods or other clothing that obscures the drivers' vision or identity.
20. **Treatment of passengers and other road users:** You must always treat passengers or any potential passenger and other road users with courtesy and respect. You must always behave in a civil and reasonable manner and comply with any reasonable request made by the hirer.
 21. **Passenger assistance:** You must assist your passengers with their luggage. This includes picking it up from the point of booking, removing it from your vehicle at the end of the journey and setting it down at the passenger's request.
 22. **Prompt service:** You must always pick up your passengers on time unless unavoidably delayed.
 23. **Charges:** You must not demand a fare greater than previously agreed between your passenger and operator or shown on the meter for a taxi journey within the Borough.
 24. **Smoking:** You or your passengers may not smoke, use any electronic cigarette, cigar, or pipe in your licensed vehicle at any time.
 25. **Eating and drinking:** You must not eat in the vehicle at any time or allow passengers to eat in the vehicle at any time.
 26. **Carrying animals:** Animals must not be carried in taxi or private hire vehicles other than those belonging to or in the care of passengers. You may refuse to carry a hirer's animal at your discretion. However, you must not refuse to carry an assistance dog, unless you have a valid Exemption Certificate issued by the Council. Any animal must be kept under the hirer's control and must be carried in the rear of the vehicle (not in the boot unless there are windows through which the animal can be seen).
 27. **Additional passengers:** You must not carry any additional passengers not already accompanying the hirer in the vehicle without the hirer's permission.
 28. **Children:** You must not carry any child below the age of ten years in the front of the vehicle.
 29. When carrying any child passenger who is over 135 cm in height (approximately 4ft 5 inches or 12 years old) you must inform them that they must wear a seat belt.

30. For children under 135 cm in height (approximately 4ft 5 inches or 12 years old), if the correct child restraints (i.e. child seats or harnesses) are not available you must inform their parent or guardian or some other adult responsible for their care and welfare that they can travel without wearing an adult seatbelt, but this will be at the discretion of the adult mentioned.
31. **Front seats:** You must not carry more than one person in the front seat unless the vehicle is furnished with manufacturer fitted seats for more than one passenger in the front of the vehicle and provided with seat belts for all front seat passengers. In this case no more than 2 passengers may be carried.
32. **Engine idling:** You must always stop the engine of the vehicle when the vehicle is stationary otherwise than through the necessities of traffic.
33. **Mobile telephones:** Whilst you are driving, and the vehicle is in motion, you must only use a mobile telephone in accordance with current legislation.
34. **Licence plate and roof signs:** Every time and before you start driving the vehicle you must ensure that the rear identification plate, supplied by the Council, is securely fixed to the outermost rear of the vehicle, so that pedestrians and other road users can clearly read it. (You must also ensure that all internal licence plates supplied by the Council and the roof sign (if applicable) are correctly and securely attached to the vehicle).
35. **Lost property:** After each hiring, you must ensure the vehicle is checked for any misplaced or lost property.
36. If any property is found or handed to you, you must, unless it is claimed, take it to a Police Station within 48 hours. Following agreement with the owner of any lost property (and you must take reasonable steps to ensure the person concerned is the rightful owner) you may agree to return the property personally to the owner and charge the metered fare to an agreed meeting point, or £10.00, whichever is greater.

Taximeters in private hire vehicles

(taximeter use in taxis is governed by separate byelaws see Appendix 1)

37. You may use a meter in the private hire vehicle only if it is constructed, attached, and maintained in compliance with the private hire vehicle licence conditions.

38. Unless the fare is agreed in advance, you must switch the meter on at the point the hirer's journey commences and keep the meter working until the termination of the hiring.
39. You must not cancel or conceal the fare recorded until the hirer has had a reasonable opportunity of examining it and has paid the fare (unless a lesser fare has been agreed).
40. You must ensure that the fare charged does not exceed the fare displayed on the meter at the end of the journey.
41. You must ensure that when the vehicle is not hired the key is to be locked and the machinery kept inactive and the meter must show no fare at any time.
42. You must ensure that the meter is sufficiently illuminated when in use and is visible to passengers.
43. You must not (and you must not allow anyone else) to tamper with the meter or any seal on the meter without lawful excuse or alter any meter with the intent to mislead.

Private hire drivers plying for hire (does not apply to taxis)

44. You must not pick up passengers who have not pre-booked with your operator.
45. You must not offer or accept an offer for the immediate hire of a vehicle while it is being used in a public place.
46. You must not park or wait on or near any taxi rank or drop passengers off on a taxi rank.

Taxi drivers conduct - additional legal requirements

47. You must take a hiring from a taxi rank for a journey within the Borough of Elmbridge unless you have a "reasonable excuse" to refuse (s53 1847 Act).
48. You must not charge more than the fare shown on the meter of a taxi for a journey wholly within the Borough, regardless of how the journey was arranged (s55 1847 Act).
49. You must not charge more than the fare shown on the meter of a taxi for a journey that ends outside the Borough, unless a different fare was agreed in advance (s66 1976 Act).

50. You must not carry any additional passengers in a taxi not already accompanying the hirer in the vehicle without the hirer's permission (s59 1847 Act).
51. You must use the shortest and/or quickest available reasonable route for all journeys by taxi i.e. the route that will lead to the cheapest fare for the passenger, subject to any directions given by the hirer. (Section 69 1976 Act).
52. You must produce your dual taxi and private hire drivers licence if requested to do so by an authorised officer of the Council or a police constable (s53(3) 1976 Act).

Bespoke Conditions

In addition to the driver's code of conduct, the Council may impose further conditions on any driver licence where appropriate and necessary.

Appendix 3: Private hire operator's standard licence conditions

General

1. The private hire operator shall take all reasonable steps to fulfil every booking that has been accepted.
2. The private hire operator shall take all reasonable steps to inform a customer of any delay in the vehicle arriving.
3. The private hire operator shall provide the customer with details of the vehicle and driver who will discharge the booking. This must be at the time the booking is made, or if not, at least 5 minutes before the hiring is due to commence.
4. The details provided to the customer under condition 5 must be sent by text, email or provided verbally if the booking has been made by landline or in person and shall include the:
 - a) vehicle' make, model, colour, registration number and
 - b) name of the driver or their badge number
5. The private hire operator shall be responsible for the vehicle and driver throughout the hiring.
6. For each hiring, the private hire operator shall ensure that the vehicle is provided on time and the driver complies with the driver's code of conduct, and all other requirements for the duration of the hiring.

Providing information to the Council

7. The private hire operator shall notify the Council in writing as soon as possible and in any event within 10 working days, of any material change in their operational circumstances, including:
 - a) change of business name and/or business address
 - b) change of the nature of the business carried on by the operator
 - c) change of the composition of the firm, if a partnership
 - d) change or addition of any directors or secretary, if a limited company

- e) any convictions, fixed penalty notices or formal cautions imposed against the private hire operator, any business partner or company director or secretary
- f) the address of any secondary office(s) opened by the private hire operator (which cannot be used until the Council issue a revised licence covering the new address)
- g) any other change in the information given by the operator to the Council at the time of granting the current licence

Stationery and advertisements

8. The licence holder must not 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 private hire business.

Record keeping

Bookings

9. The private hire operator must at the time the booking for each journey is made, make, and keep for at least 12 months (in permanent and easily legible form) a record of the following, regardless of whether it was made with the hirer or undertaken at the request of another operator, including:
- a) date and time the booking
 - b) date and time the vehicle and driver are required to attend
 - c) name of the hirer
 - d) place(s) at which the passenger(s) are to be collected
 - e) place(s) at which the passenger(s) are to be set down
 - f) private hire vehicle licence number and plate number
 - g) name and licence number of the private hire driver
 - h) fare quoted and whether it is to be calculated by a meter. If not by meter, the alternative means must be recorded.
 - i) Condition 9 shall apply regardless of whether the booking was made with the hirer or undertaken at the request of another operator.

Details of any vehicle operated by the licensee

10. The private hire operator must and keep for at least 12 months (in permanent and easily legible form) a record of the following details of any vehicle operated by the licensee:
- a) make and model
 - b) registration mark
 - c) private hire vehicle licence number
 - d) private hire 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.

Lost and found property

11. The private hire operator must make and keep for at least 12 months (in permanent and easily legible form) a record of the following:
- a) details of any property that is found in a vehicle controlled by that operator
 - b) the date and time the property was found
 - c) the vehicle in which the property was found
 - d) the name of the hirer for the journey immediately prior to the property being found
 - e) the steps taken by the operator to return the property.

Register of staff

12. The private hire operator must maintain a register of all persons engaged by the operator, in any capacity as part of the private hire operator's business. The details must include:
- a) the full name of the person engaged by the operator
 - b) that person's address
 - c) that person's national insurance number

- d) details and confirmation that checks have been made to ensure that person has the right to remain and work in the United Kingdom
- e) details and confirmation that checks have been made to ensure that person has provided a DBS certificate and meets the Council's conviction guidelines
- f) Dates of commencement (and where applicable) ending of engagement with the operator

Operator premises

13. The private hire operator shall ensure that any part of the premises provided for the use of the public to make bookings or wait for vehicles 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.
14. The private hire operator shall ensure that a copy of their private hire operator's licence is prominently displayed on the premises where members of the public can read it.
15. At all times, comply with the requirements of the Council's taxi and private hire licensing policy.

Appendix 4: Taxi and private hire vehicle standard licence conditions

The Council operates a separate taxi and private hire licensing penalty points policy (available online at elmbridge.gov.uk/licensing) which may be applied to ensure compliance with these standard licence conditions.

Taxis

Taxis must also comply with the Council's Hackney Carriage Byelaws (see Appendix 2).

The following conditions will normally apply to all licensed vehicles:

1. The vehicle must always be maintained in sound, roadworthy, mechanical condition and be serviced according to the manufacturer's recommendations. Evidence of routine maintenance, servicing and other repairs must be retained by the proprietor and made available to the Council on request. Such documentation must be retained for as long as the vehicle remains licensed by the Council.
2. No alteration to the manufacturer's specification for the vehicle shall be carried out except with the prior written approval of the Council.
3. Any signs or advertisements displayed in or on the vehicle must comply with the Council's policy on advertising on taxi and private hire vehicles (see Appendix 6)
4. Interior lighting must be provided and maintained in working order so that it illuminates the passenger area.
5. The exterior of the vehicle must always be kept clean. The interior of the vehicle (including luggage spaces) must always be kept clean and free from rubbish.
6. The vehicle must always comply with at least one of the following:
7. Carry a spare wheel, capable of immediate use, together with adequate tools to enable the driver to change a wheel; **or**
8. Carry a space saver spare wheel, capable of immediate use, together with adequate tools to enable the driver to change 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 replaced; **or**

9. 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 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, and the manufacturer's repair and inflation facility has been replaced; **or**
10. Have 'run flat' tyres fitted. Where a 'run flat' 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.
11. All vehicles must conform to the requirements of the Council's tinted windows policy (see Appendix 5) unless an exemption is applied (for example executive vehicle status). Vehicles licensed before 17 September 2012 are exempt from this condition for as long as they remain continuously licensed by the Council.
12. The licensed vehicle shall not be used for towing.
13. All fuel carried by the vehicle must be contained within permanently secured fuel tanks as originally fitted to the vehicle by the manufacturer. Any departure from such original equipment must be approved by the Council prior to any alteration being made. Spare fuel containers must not be carried at any time whether they are empty.
14. The driver of a licensed vehicle must notify the Council in writing as soon as possible, and in any event, within 14 days of any change of name or address.
15. Where CCTV is fitted to a licensed vehicle then the requirements set out in Appendix 5 shall apply.

Additional Standard Conditions: Taxis

- T16. The licence holder must ensure that any other person who is permitted to drive the licensed vehicle holds a combined taxi and private hire driver's licence issued by the Council.
- T17. The taximeter fitted to the vehicle must be adjusted to record fares in accordance with the Council's table of fares, or at a lower rate which never exceeds the table of fares. and must be tested at intervals not exceeding 12 months. Where a lower rate is set, in addition to the Councils Table of Fares, a second Table must also be displayed detailing the lower rates.

- T18. The vehicle must 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 must be kept illuminated when the vehicle is plying, standing or otherwise available for hire.
- T19. The vehicle must 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 must remain illuminated at all time whilst the vehicle is available for hire.
- T20. The roof sign must always remain on the vehicle when the vehicle is licensed as a taxi.

Taxi licence plates

- T21. The Council will supply two licence plates which must be securely fixed to the vehicle in the following locations:
- a) The large exterior plate must be fixed to the exterior of the vehicle where it is clearly visible. The plate must not obstruct the drivers view through the rear window or the vehicles registration plate
 - b) The small interior plate must be displayed in the inside of the vehicle where it is clearly visible so that passengers within the vehicle can easily read it.
- T22. Licence plates must always be kept clean and clearly displayed on the licensed vehicle, whether it is being used as such. Licence plates must not be removed from the vehicle at any time during the duration of the vehicle licence
- T23. 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.

Additional Standard Conditions: private hire vehicles

- P16. The licence holder must ensure that any person who is permitted to drive the licensed vehicle holds a private hire driver’s licence or combined taxi and private hire driver’s licence issued by the Council.
- P17. A fire extinguisher which is easily accessible within the vehicle and available for immediate use. The extinguisher must be in date for test and comply in all respects with the British Standards Institution specification for portable fire extinguishers

Private hire vehicle Licence Plates

P18. The Council will supply four licence plates which must be securely fixed to the vehicle in the following locations:

- a) The large exterior plate must be fixed to the exterior of the vehicle where it is clearly visible. The plate must not obstruct the drivers view through the rear window or the vehicles registration plate
- b) One small interior plate must be displayed in the inside of the vehicle where it is clearly visible so that passengers within the vehicle can easily read it.
- c) One small interior plate must be displayed on each rear side window (offside and nearside). The plates must be clearly visible so that they can be read by customers outside the vehicle.

P19. Licence plates must always be kept clean and clearly displayed on the licensed vehicle, whether it is being used as such. Licence plates must not be removed from the vehicle at any time during the duration of the vehicle licence

P20. 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.

Bespoke Conditions

The Council may impose further conditions on any vehicle licence where it deems it to be appropriate and necessary.

Appendix 5: Taxi and private hire vehicle standards of fitness

1. General construction

1.1 The vehicle must comply with:

- a) the requirements of the Motor Vehicle (Type Approval) Regulations 1980
- b) The Motor Vehicle (Type Approval) Regulations (Great Britain 1984)
- c) The Motor Vehicles (EC Type Approval) Regulations 1998 and with any further national or international legislation as may be applicable
- d) The Road Vehicles (Construction and Use) Regulations 1986 (C & U)
- e) All respects of British and European vehicle regulations and be 'type approved' to the requirements of the M1 category of European Whole Type Approval Directive 2007/46/EC as amended

Note: If a vehicle has not been 'type approved' to the M1 category (for example, conversions), approved certification must be provided confirming that the specific vehicle meets the requirements of that category.

2. Modifications and additional equipment

- 2.1 No equipment and/or fittings, other than those approved, may be attached to, or carried on the inside or outside of, the vehicle.
- 2.2 No modifications may be carried out to the vehicle without the Council's prior written approval. Written proposals for any vehicle modification should include appropriate information from the vehicle manufacturer that the modification can be accomplished without compromising the vehicle specification.
- 2.3 Approved modifications, alterations to or conversion of the vehicle must be carried out by an appropriately qualified installer or vehicle manufacturer (where applicable).

3. Exhaust emission standards

- 3.1 From 1 September 2020, the Council will not issue any new licences for diesel-fuelled vehicles.

- 3.2 From 1 September 2020, the Council will only issue a licence for a petrol-fuelled vehicle, if the vehicle meets the latest Euro emissions standard for petrol-fuelled vehicles.

Existing taxi and private hire vehicles

- 3.3 After 31 December 2025, the Council will not renew any existing licences for diesel-fuelled vehicles that do not meet the latest Euro emissions standard.
- 3.4 After 31 December 2025, the Council will not renew any existing licences for petrol-fuelled vehicles that do not meet the latest Euro emissions standard.

Replacement vehicles

- 3.5 If a licence holder wishes to replace an existing diesel or petrol-fuelled vehicle between 1 September 2020 and 31 December 2021, the replacement vehicle must meet a higher Euro Emission standard than the existing vehicle.
- 3.6 After 31 December 2021, if a licence holder wishes to change an existing licensed taxi or private hire vehicle, the replacement vehicle must be either
- a) a low or ultra-low emission vehicle such as hybrid or electric or
 - b) the latest Euro emissions standard for diesel-fuelled vehicles or
 - c) the latest Euro emissions standard for petrol-fuelled vehicles.

Retaining existing vehicles

- 3.7 If existing licence holders do not change their existing diesel-fuelled, licensed taxi or private hire vehicle, they may continue to renew the vehicle licence until 31 December 2025 before the above requirements take effect.
- 3.8 If existing licence holders do not change their existing petrol-fuelled, licensed taxi or private hire vehicle, they may continue to renew the vehicle licence until 31 December 2025 before the above requirements take effect.

4. Tinted windows

- 4.1 The windows should maximise passenger visibility into and out of the vehicle.
- 4.2 For vehicles first used before 01 April 1985, the light transmittance through windscreen and front side windows must not be less than 70%
- 4.3 For vehicles first used on or after 01 April 1985:
- a) the light transmittance through windscreen and front side windows must

not be less than 75%

- b) the light transmittance through the front side windows must not be less than 70%.

4.4 For vehicles not previously licensed by the Council:

- a) the light transmittance through all rear side windows must not be less than 22%
- b) the light transmittance through the rear windscreen must not be less than 22%.

5. Miscellaneous construction requirements

5.1 The vehicle must have

- a) at least four doors excluding any tailgate
- b) an external mirror on each side of the vehicle which can be used as a functional driving mirror by the driver

6. MOT and Vehicle Inspection Test (VIT)

6.1 Vehicles are required to pass a standard MOT test and the Council's Vehicle Inspection Test (VIT), at a testing station designated by the Council.

6.2 All vehicles over the age of one year since the date of first registration (as shown on the vehicle registration document) must pass a standard MOT test and the Council's Vehicle Inspection Test (VIT), at a testing station designated by the Council each year.

6.3 All vehicles over the age of five years since the date of first registration (as shown on the vehicle registration document) must pass a standard MOT test and the Council's Vehicle Inspection Test (VIT), at a testing station designated by the Council every six months. The due date for the 6-month MOT's and VIT's will be calculated from the original date of registration.

6.4 Designated testing stations may set their own fee, subject to a maximum agreed with the Council and may include cancellation charges for missed appointments.

6.5 Applicants must include the MOT certificate with their application form. However, the testing stations will notify the Council directly with of the VIT result.

7. Licence Plates and identification

7.1 The Council will determine the wording, size, and manner of display of licence

plates in accordance with the requirements of current legislation.

7.2 Private hire vehicles must display identification provided by the Council including the words "Pre-booked only", on the side windows of the vehicle.

7.3 All requirements for display of plates and other identification are contained in the Council's standard vehicle licence conditions.

8. Seating Capacity of Vehicles

8.1 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 will be licensed to carry 1 person for each separate seat provided;
- b) Where the vehicle is fitted with continuous seats, the vehicle will 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 will 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.

9. CCTV (where fitted)

9.1 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 always activated when in use
- c) be event activated (e.g. door or ignition) and must 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 always kept in good working order
- k) enable recordings to be made available to Licensing Officers or the Police on request
- l) not make voice recordings

10 Cycle carriers and roof racks (where fitted)

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

Appendix 6: Advertising on taxi and private hire vehicles

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 taxi) 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 must not cover any part of a vehicle window or vehicle light.
4. Advertising must be such that there is a clear space of 50 mm around the Elmbridge licence plates and around the vehicle registration plate.
5. Advertising will not be permitted on the roof of the vehicle except for the required licensed taxi roof signs.
6. Advertising must always be securely fixed to the vehicle.
7. Advertising must not incorporate fluorescent colours, three dimensional images, reflective material, or illuminations, which could distract other road users.
8. Advertisements must not protrude from the vehicle surface by more than 10 mm.
9. Advertisements must not interfere with the normal operation of the vehicle.
10. Advertisements on private hire vehicles must not give the impression that the vehicle is a hackney carriage or is available for hailing or immediate hire

Exempt advertising

11. The following is permitted and does not require the written consent of the Council:
 - a) **Private hire vehicles:** 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) **Taxis:** Signs not exceeding 400 mm high and 600 mm wide containing

only the taxi driver's name, trading name, address, and telephone number

- c) Index registration plate containing a dealer's details
 - d) Advertising agreed with the Council prior to the coming into force of this policy.
12. 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.

Applications

13. You must follow the process and requirements contained in taxi and private hire vehicle guidance for applicants which are available on our website

Additional licence conditions

14. If we approve your application, we will attach the following conditions to your existing licence:
- a) The approved advertisement(s) must be displayed on or in the vehicle under the exclusive control of the licence holder.
 - b) 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.

General

15. We reserve the right to withdraw our approval for an advertisement.
16. Where advertisements are displayed in advertising holders on or 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.