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# Private hire operator's licence

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## Guidance for applicants



**Elmbridge**  
Borough Council

*... bridging the communities ...*

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## Version control

Version	Initials	Date	Changes Made
V1.0	DC	01/07/2020	New guidance created. In force from 1 September 2020
V1.1	DC	25/08/2020	Added information on exceptions to requirement 4, and updated information on applying for your licence.
V1.2	DC	09/09/2020	Amended information about the DBS Update Service
V1.3	DC	02/11/2020	Added information on applying for and renewing your licence
V1.4	DC	15/12/2020	Added information about planning permission and records to support executive status.
V1.5	DC	19/05/2021	Added information on overseas criminal record checks
V1.6	DC	20/04/2022	Added information in part 2 about HMRC tax checks
V1.7	AK	28/03/2025	Updated information about CSE training providers

You should read this guidance document together with Elmbridge Borough Council's Taxi and Private Hire:

- Licensing Policy
- Convictions Policy and
- Penalty Points Policy.

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 individuals or organisations may download and translate the text for conversion into other accessible formats. If you have other needs in this regard, please contact the [licensing@elmbridge.gov.uk](mailto:licensing@elmbridge.gov.uk) .

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## Introduction

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We have produced this guidance document to help applicants and existing private hire operators, to apply for a private hire operator's licence. We have also included information for existing licensed operators on how to let us know if your circumstances change, for example if you change your name or address or receive a conviction for a motoring or criminal offence.

The guidance and instructions within this document form part of our overall taxi and private hire licensing policy and it links with 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. Before you apply for a licence, you should read all the above documents to understand the Council's approach to taxi and private hire licensing.

Private hire operators have responsibility for the safety of their passengers and the control of their vehicles. Operator's should ensure their licensed drivers supply a service that is prompt, and enables them to transport their passengers comfortably, safely, and conveniently. As professional operators, the service they deliver and their general behaviour must be of the highest possible standard and they must be honest and trustworthy.

Public safety is paramount in our approach to taxi and private hire licensing, and it is the basis of our decision as to whether an applicant is a 'fit and proper' person to hold a private hire operator's licence.

We have set out several requirements in our taxi and private hire licensing policy, which you must complete before you apply to help us decide whether to grant your private hire operator's licence. We have explained our reason for each requirement in Chapter 3 of our policy and provide further guidance in this document.

You must supply evidence that you have completed each of the requirements before or at the time you give your application. The information you supply will help us to decide whether you are a fit and proper person to hold that licence.

You are responsible for completing each requirement and for any financial costs associated with demonstrating each requirement. The Council will not refund these costs in any circumstances.

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# Part 1: New operator's licence

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We will assess the suitability of the premises you wish to license, and we will determine whether you are a fit and proper person to hold a private hire operator's licence.

If want to apply for a new private hire operator's licence, you must complete all requirements as shown below.

Existing private hire operators should also read the requirements below to understand how they apply when you renew your licence.

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## Before you apply for a new operator's licence

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Before you apply for your private hire operator's licence, you must complete all the following requirements. Please read Chapter 3 of our taxi and private hire licensing policy for a full explanation of, and our reasons for each requirement. We have supplied more information about each requirement below.

- Requirement 3:      Basic DBS disclosure
- Requirement 4:      Overseas criminal record check (if applicable)
- Requirement 5:      Child sexual exploitation training pass certificate
- Requirement 9:      English language requirement
- Requirement 10:     Photographs
- Requirement 11:     Immigration status check
- Requirement 12:     Location of the operator's premises.

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## Requirement 3: Basic DBS disclosure

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### **Your basic DBS disclosure**

The Disclosure and Barring Service (DBS) supplies access to criminal record information. You must obtain a basic disclosure (criminal records check) before making your application for a private hire operator's licence.

**If you are also a licensed taxi or private hire driver and you have registered for the DBS Update Service, you do not have to complete a basic DBS disclosure (see DBS Update Service below).**

Before completing your DBS application, you should read our Convictions policy which is available at [elmbridge.gov.uk/licensing](http://elmbridge.gov.uk/licensing)

You must obtain your DBS application form from the Licensing Team.

Further information and step by step guides on how to complete your application form are available at this website: [gov.uk/government/publications/dbs-application-forms-guide-for-applicants](http://gov.uk/government/publications/dbs-application-forms-guide-for-applicants)

Once you have completed your DBS application form and you are ready to give it, please contact the Licensing Team to make an appointment. At the appointment, the Licensing Team will check your form and the relevant identification documents as set out in the DBS guidance above. You must pay the relevant fee at your appointment before we send your application to the DBS for processing.

It can take up to six weeks for the DBS to issue your disclosure information.

When you receive your certificate from the DBS, you must send the original document to the Licensing Team via the address at the end of this guidance. Please mark the envelope private and confidential. You may wish to take a copy of your DBS disclosure before you send it to the Council as we cannot return the original form.

Please return your DBS disclosure at least 10 working days before you give your taxi or private hire operator's application. This is so that we can assess the information and resolve any queries in advance of you make an application.

**The DBS disclosure must have been issued no earlier than three months before the date you give your application. If not, your application will be invalid, and we will reject it unless you have signed up to the DBS update service.**

If you are making your application as a company or partnership, all directors, the company secretary, and partners must send a relevant DBS disclosure.

## **DBS Update Service**

The DBS update service is an online subscription that lets you keep your DBS certificates up-to-date and allows the Council to check your certificate during the life of your licence.



You are unable to register for the DBS update service when you are issued a basic DBS certificate. Therefore, paragraph 3.40 of our taxi and private hire licensing policy does not apply to you. Information on registering for the DBS Update Service is available at [gov.uk/government/publications/dbs-update-service-applicant-guide](https://www.gov.uk/government/publications/dbs-update-service-applicant-guide).

If you are also a licensed taxi or private hire driver and you have registered for the DBS Update Service, you do not have to complete a basic DBS disclosure.

However, when you apply for your operator's licence, you must show that you have registered for the DBS update service and let us know your DBS certificate number, your name as it shows on the DBS certificate, and your date of birth. **If you do not give us this information your application will be invalid, and we will reject it.**

You must pay all costs incurred in obtaining your subscription to the DBS update service and you must keep your subscription up to date during the life of the licence.

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## Requirement 4: Overseas criminal record check

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### Your overseas criminal record check

When you submit your licence application, you must complete a declaration informing us whether you have spent more than three continuous months outside the United Kingdom when over the age of 18 and provide the dates you were outside the UK. **If you do not give us this information, your application will be invalid, and we will reject it.**

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'. The certificate must have been issued no earlier than three months before the date you give it to us or your application will be invalid, and we will reject it.

The application process for criminal records checks or 'Certificates of Good Character' varies from country to country. You may have to apply in the country or to the relevant embassy in the UK.

Information and guidance on the process to obtain an overseas criminal record check is available at: [gov.uk/government/publications/criminal-records-checks-for-overseas-applicants](https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants)

We recognise that it is not always possible to obtain a certificate from countries that do not have functioning criminal record regimes or refuse to provide these to anyone other than their own citizens.

If you are unable to obtain a certificate you must provide a written explanation with your taxi or private hire licence application, which details your attempts to obtain a certificate and confirms why this has not been possible.

We will consider your explanation against the situation in those countries and decide whether to waive the requirement.

If we decide that it is possible for you to obtain a certificate, but you have failed to do so, we are likely to refuse your application

We will consider each case on its own merits.

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## Requirement 5: Child sexual exploitation training

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### Child sexual exploitation training

Operators can play a significant role in safeguarding children and vulnerable people at risk of abuse. You must successfully complete an online classroom course on safeguarding and child sexual exploitation (CSE), which aims to help you with spotting signs that an individual may be at risk.

The Council does not deliver the safeguarding course. We will accept pass certificates from the following course providers:

- Blue Lamp Taxi Trust Taxi Safeguarding Classroom Course

<https://www.bluelamptrust.org.uk/safeguarding-classroom/>

- Taxi Plus Trust2Ride

<https://www.trybooking.com/uk/BAIK>

**When you apply for your licence, you must send us a copy of CSE certificate. If you do not give us this information, your application will be invalid, and we will reject it.**

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## Requirement 9: English language requirement

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### English language requirement

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 that the Council provides to you. It is therefore essential for public safety that all taxi and private hire operators can communicate in English at an 'appropriate' level.

You must show that you have adequate English language skills in reading, writing, speaking, and listening. You do not need to take a specific test, but you must provide us with information about your qualifications to show you have adequate English language skills.

**When you apply for your licence, you must send us a copy of your qualifications. If you do not, your application will be invalid, and we will reject it.**

### What qualifications do I need to prove?

If you completed your secondary school education in the UK or have any UK secondary school level qualification which has been taught and examined in English, your level of English will be enough. This includes and UK:

1. GCSE grade G or above
2. GCE 'O' level grade E or above
3. Certificate of Secondary Education grade 5 or above
4. A level or AS level
5. NVQ level 1 or above including BTEC and City & Guilds
6. Higher National Certificate/Diploma
7. Degree or higher

If you did not complete your secondary school education in the UK, but were educated to the same level shown above, you can supply evidence of your

qualifications if the qualification was taught and examined in English. You may need to obtain a letter from the examining body to confirm this.

## Secure English Language Test (SELT)

The Home Office requires certain applicants for a visa to show a certain level of English Language by passing a SELT.

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.

Information on approved SELT courses is available at [gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests](https://gov.uk/government/publications/guidance-on-applying-for-uk-visa-approved-english-language-tests)

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

We may accept some ESOL certificates if the examining board has assessed reading, writing, speaking, and listening in English. Please contact us before starting an ESOL course so that we can confirm whether the course satisfies our requirements.

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# Requirement 10: Photographs

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## Your photographs

The Council must be able to identify all licence holders to ensure it can uphold its public safety measures and that those measures are robust.

**When you apply for your licence, you must send us an electronic photograph of yourself, which conforms to UK passport photograph standards. If you do not, your application will be invalid, and we will reject it.**

Information on acceptable photos is available at:

[gov.uk/photos-for-passports](https://gov.uk/photos-for-passports)

## Digital photos

Your photo must be:

- a) clear and in focus

- b) in colour
- c) unaltered by computer software
- d) at least 600 pixels wide and 750 pixels tall
- e) at least 50KB and no more than 10MB

In your photo you must:

- a) be facing forwards and looking straight at the camera
- b) have a plain expression and your mouth closed
- c) have your eyes open and visible
- d) not have hair in front of your eyes
- e) not have a head covering (unless it is for religious or medical reasons)
- f) not have anything covering your face
- g) not have any shadows on your face or behind you

If you are using a photo taken during your application, include your head, shoulders, and upper body. Do not crop your photo – We will do it for you.

Do not wear sunglasses or tinted glasses. You can wear other glasses if you need to, but your eyes must be visible without any glare or reflection.

#### **Your photo must:**

1. contain no other objects or people
2. be taken against a plain light-coloured background
3. be in clear contrast to the background
4. not have 'red eye'

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## **Requirement 11: Immigration status**

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### **Your immigration status**

Because of changes made by the Immigration Act 2016, licensing authorities now carry out right to work checks when considering applications for licences in the taxi and private hire sector.

**When you apply for your licence, you must supply evidence of your right to work in the UK. If you do not, your application will be invalid, and we will reject it.**

There are two types of right to work checks; a manual check and an online check.

## **Online right to work check**

We will not be able to carry out an online right to work check in all circumstances, as you may not have an immigration status that we can check online. The online right to work checking service sets out what information you will need.

Currently, we can only use the online checking service if you hold:

1. a biometric residence permit;
2. a biometric residence card; or
3. status issued under the EU Settlement Scheme (alternatively, you may continue to be able to prove your right to work by presenting your EU passport or ID card until the end of the planned implementation period).

If you would like us to check your right to work online, you must provide us with your:

- a) date of birth and
- b) right to work share code

The service works on the basis that you first view your own Home Office right to work record. you may then share this information with the Council if you wish, by providing us with a 'share code', which, when entered along with your date of birth, enables us to access the information.

The share code will be valid for 30 days, after which we will need a new code to carry out an online check. You can obtain your right to work code at [gov.uk/prove-right-to-work](https://gov.uk/prove-right-to-work)

## **Manual right to work check**

If you are unable to provide us with a right to work share code or you choose not to, we will carry out a manual right to work check.

There are three basic steps to conducting a manual right to work check. We will:

1. obtain original documents from you
2. check the document's validity in your presence and
3. make and keep a copy of the documents and make a record of the date we checked your documents.

You must provide us with original documents (not copies). If you have a permanent right to remain in the UK, you must provide us with documents from List A below.

If you have a temporary right to remain in the UK, you must provide us with documents from List B below.

If there are restrictions on the length of time you may work in the UK, we will not issue a licence for any longer than this period. In such circumstances, we will repeat the check each time you apply to renew your licence. If, during this period, you are disqualified from holding a licence because you have not followed the UK's immigration laws, your licence will lapse.

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## List A - Permanent right to Remain in UK

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1. Current passport showing the holder, or a person as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. Current passport or national identity card showing the holder, or the child of the holder, is a national of a European Economic Area (EEA) country or Switzerland
3. Current passport endorsed to show that the holder is either;
  - a) exempt from immigration control, or
  - b) is allowed to stay indefinitely in the UK, or
  - c) has the right of abode in the UK, or
  - d) has no time limit on their stay in the UK
4. Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a (EEA) country or Switzerland.
5. Permanent Residence Card issued by the Home Office to the family member of a national a EEA country or Switzerland.
6. Current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or previous employer.

7. Current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.
  8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
  10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
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## List B - Temporary right to remain in UK

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### **Group 1 Documents where a time-limited statutory excuse lasts until the expiry date of leave**

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.



## **Group 2 Documents where a time-limited statutory excuse lasts for 6 months.**

1. A Certificate of Application issued by the Home Office under regulation 18(3) or 20 (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service.
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, together with a Positive Verification Notice from the Home Office Employer Checking Service.
3. A Positive Verification Notice issued by the Home Office Employer Checking Service issued to the employer or prospective employer, which indicates that named person may stay in the UK and is permitted to do the work in question.

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## **Requirement 12: Premises location**

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### **Location of premises**

You must supply 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.

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

This enables the Council to evaluate the private hire services you operate 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 help proper regulation, the Council may need reasonable access to premises to inspect operating records, carry out other relevant enquiries or undertake enforcement action. For this reason, the premises where the operator accepts, and records bookings usually needs to be within the boundary of Elmbridge Borough Council.

When you apply for your licence, you must supply evidence of your planning permission. Where planning permission is not required, you must provide written confirmation (email or letter) from the local authority in which the premises is situated. The document must clearly refer to the address you intend to license. **If**

**you do not provide this information, your application will be invalid, and we will reject it.**

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# Apply for your new operator's licence

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## Making your application

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Once you have completed all the above requirements, you will be ready to make your application for your new private hire operator's licence.

You must use our [online application form](#). You will be able to upload your supporting documents electronically and pay your application fee at the same time.

When you are ready to upload your documents, you should use PDF format where possible. However, you will have the option to take a 'live' photograph of the document, if it is only one page (for example your CSE test pass certificate).

We will accept electronic photographs of documents, but only if the document is in focus and the information contained in the document is readable.

Each document must be one separate file (for example, evidence of your right to work in the UK = one document, application form = one document etc.)

### **Your application will be invalid if:**

- **you do not complete your application form correctly, or**
- **you do not send the correct documents, or**
- **a document is missing or does not meet the standards set out above.**

**We will always reject an invalid application.** If we do, we will refer you back to this guidance, and you will have to re-send us the whole application. We will not make any exceptions to this.

### **More than one applicant**

If you are applying for your licence as a company, business, or partnership, more than one person will jointly hold the licence if we grant it. Each applicant must therefore sign the application form. You may do this electronically or by sending the applicant consent form(s) with your application.

### **Your application will be invalid if:**

- you do not send the correct documents for all applicants, or
- a document is missing or does not meet the standards set out above.

**We will always reject an invalid application.** If we do, we will refer you back to this guidance, and you will have to re-send us the whole application. We will not make any exceptions to this.

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## Document check list (new operator)

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<b>You must have copies of your:</b>
Basic DBS disclosure, <b>or</b> DBS Update Registration and DBS certificate number
Child sexual exploitation training pass certificate
English language qualification
Photograph
Evidence of your immigration status

<b>You might need copies of your:</b>
Overseas criminal record check
Evidence of planning permission for your premises
Letter of consent from all applicants (if more than applicant)

<b>You must send these original documents to us at least 10 working days before you make your application</b>
Basic DBS certificate (if you are not registered with the DBS Update Service)

## More than one applicant

If you are applying for your licence as a company, business, or partnership, more than one person will jointly hold the licence if we grant it. Each applicant must therefore sign the application form. You may do this electronically or by sending the applicant consent form(s) with your application.

When you apply for your licence, you must send us the consent form(s). **If you do not, your application will be invalid, and we will reject it.**

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## How to apply if our online application form is unavailable

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If the online application form is not available, you will be able to use our fillable PDF form which will be made available on our website. You must complete the form electronically (not handwritten) and email your completed form to [licensing@elmbridge.gov.uk](mailto:licensing@elmbridge.gov.uk).

- The document must be in PDF format or photos that meet the above standards.
- You should attach and send all supporting documents in one email.
- You should complete the subject line of the email and include the following the application type, and your name. Examples of the application type are 'New private hire operator' or 'Private hire operator renewal'.
- If you are unable to send the documents in one email because the files are too big, you may send more than one email but still follow the information above.
- **If you do not follow the information above your application will be invalid and we will reject it.**

## Paying your application fee if the online form is unavailable

When we are ready to process your application, we will contact you by telephone and take your card payment. Please **do not** contact us to make payment before we are ready, as this delays the process.

If you do not answer your phone, or we leave a message and you do not return our call the same day, we will send you an email to arrange a date and time to make payment. If we are unable to take payment within 5 working days of our initial call, we will reject your application.

When we receive your fully completed application form, supporting documents, and relevant fee, we will aim to process it in line with our current timescales. We have published our current fees and timescales on our [website](#).

## General requirements

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.

The proposed business name must not be the same or like that of a private hire operator whose licence the Council has issued in the past 18 months.

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## When we receive your application

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When we receive your application by email to [licensing@elmbridge.gov.uk](mailto:licensing@elmbridge.gov.uk), you will receive an automatic reply message from us.

If you do not receive this 'auto reply', it may mean that we did not receive your email or the 'auto reply' has stopped working. If so, please send us your application and supporting documents again. Please do not email or phone us to see if we have received it.

We will allocate your application to an officer who will contact you if they need to, or when they are ready to process your application. We will deal with your applications in the order we receive them so please do not:

- Email us or individual officers to chase your application
- Phone us or individual officers to chase your application

This will delay officers from processing your application and will not speed up the process.

We aim to process your application within our published application timescales which are available at [elmbridge.gov.uk/licensing/taxi-and-private-hire-guidance-for-applicants/](http://elmbridge.gov.uk/licensing/taxi-and-private-hire-guidance-for-applicants/)

Sometimes in exceptional circumstances, we may take longer to process your application.

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## Our decision about your application

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Please read Chapters 10 and 11 of our taxi and private hire licensing policy which explains our decision-making process and your rights if we do not grant your licence.

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## Issuing your licence

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Before we issue your licence, you will need to attend an appointment at the Civic Centre to discuss your understanding the requirements and responsibilities of being a private hire operator. We will also ask you to produce your original documents and we will then be able to verify your identity.

### Companies and partnerships

If you are applying as a company or partnership, all company directors, the company secretary, and partners should attend the meeting.

Once we are satisfied that you are a fit and proper person to hold the licence and you have completed all the above requirements, we will be in apposition to issue your licence.

We will usually issue your licence with the Council's standard conditions. We recommend that you read Appendix 3 of our Taxi and Private Hire Licensing Policy about your licence conditions.

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## Period of your licence

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We will usually issue a taxi or private hire operator's licence for a period of three years. Please read Chapter 12 of our taxi and private hire licensing policy about period of licences.

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## Part 2: Existing operators

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You should also read Chapter 9 of our taxi and private hire licensing policy about renewing your licence, and Chapter 13 about policy requirements for existing private hire operators. You should also read Part 1 of this document to understand and complete our requirements before you renew your licence.

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## Renewing your operator's licence

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It is your responsibility to renew your licence before it expires. We will not issue reminder letters, so it is important that you follow the guidance and instructions in this document and submit a valid application.

We also need enough time to process your application before it expires. You must send us your correctly completed application and supporting documents to renew your operator's licence **at least 30 working days (about 6 weeks) before the licence expiry date.**

We will not accept your application if you send it to us **more** than 40 working days (about 8 weeks) before the expiry date unless there are exceptional circumstances. We will make any such decision to accept an application on a case-by-case basis.

If you send your application late, or if your circumstances have changed and you have not previously updated us, we may not be able to issue your new licence before your existing licence expires. This means that you will be unable to work after your licence expires and until we issue your new licence.

We recommend that before you start completing your application form you have your documents ready and in the correct format, for all persons who will hold the licence if granted.

Your application will be invalid if:

- you do not complete your application form correctly, or
- you do not send the correct documents, or
- a document is missing or does not meet the standards set out above.

**We will always reject an invalid application.** If we do, we will refer you back to this guidance, and you will have to re-send us the whole application. We will not make any exceptions to this.

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## Before making your application

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Before you apply to renew your private hire operator's licence, you must complete all the following requirements. Please read Chapter 3 of our taxi and private hire licensing policy for a full explanation of, and our reasons for each requirement. We have supplied more information about each requirement in Part 1 of this document above.



- Requirement 3: Basic DBS disclosure (if applicable)
- Requirement 4: Overseas criminal record check (if applicable)
- Requirement 10: Photographs
- Requirement 11: Immigration status check (if applicable)
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## Tax checks (new requirement April 2022)

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From 4 April 2022, the Finance Act 2021 requires us to make a small addition to the checks we already have in place. From this date, you'll need to complete a tax check with HM Revenue and Customs (HMRC) when you:

- renew your operator's licence
- apply for the same type of licence you previously held, that ceased to be valid less than a year ago
- apply for the same type of licence you already hold with another licensing authority

We will ask for this information on your application form.

You will be able to complete this tax check on GOV.UK, through your Government Gateway account. You will only need to answer a few questions to tell HMRC how you pay any tax that may be due on income you earn from your licensed trade. If you do not already have a Government Gateway account, you can sign up on GOV.UK.

If you hold your licence as a partnership or a limited company, each partner or director of the company must provide their tax code.

Guidance is available at [gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence).

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## Your DBS Disclosure

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Please read Chapter 13 of our taxi and private hire licensing policy about Disclosure and Barring Service.

When you apply to renew your private hire operator's licence, you must always submit a basic DBS disclosure or show that you have signed up to the DBS update service.

If you submit a basic DBS disclosure, it must have been issued no earlier than three months before the date you give your application. **If not, your application will be invalid, and we will reject it**

If you are also a licensed taxi or private hire driver and you have registered for the DBS Update Service, you must show that you have registered for the DBS update service and let us know your DBS certificate number, your name as it shows on the DBS certificate, and your date of birth. **If you do not give us this information your application will be invalid, and we will reject it.**

## More than one applicant

If you are applying for your licence as a company, business, or partnership, more than one person will jointly hold the licence if we grant it. Each applicant must therefore submit a basic DBS certificate or show that they have signed up to the DBS update service. **If they do not, your application will be invalid, and we will reject it.**

## Other information

You must pay all costs incurred in obtaining your basic DBS certificate or subscription to the DBS update service and you must keep your subscription up to date during the life of the licence.

As a private hire operator's licence holder, you must inform the Council within 5 working days of any convictions, cautions or penalties recorded against you.

When you renew your licence, you must declare any convictions. If you have received a conviction, caution, or penalty since we last granted your licence and you have not let us know, we may refuse to renew your licence.

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## Overseas criminal record check

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When you apply to renew your taxi or private hire driver's licence, you must you must complete a declaration informing us whether you have spent more than three continuous months outside the United Kingdom since we last issued your licence. **If you do not give us this information, your application will be invalid, and we will reject it.**

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'. The certificate must have been issued no earlier than three months before the date you give it to us or your application will be invalid, and we will reject it.

## **UNLESS**

- a) You completed an overseas criminal record check when you applied for your new taxi or private hire driver's licence

## **AND**

- b) You have not spent more than three continuous months outside the United Kingdom since we granted your existing taxi or private hire driver's licence.

Please read Chapter 13 of our taxi and private hire licensing policy about travelling abroad.

**If this applies to you and you do not give us this information, your application will be invalid, and we will reject it.**

## **Companies and partnerships**

This requirement applies to all company directors, the company secretary, and partners.

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## **Photographs**

When you apply to renew your private hire operator's licence, you must **always** send us an electronic photograph which meets the [UK passport photograph standards](#).

**If you do not your application will be invalid, and we will reject it.**

## **Companies and partnerships**

This requirement applies to all company directors, the company secretary, and partners.

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## **Your immigration status**

When you apply to renew your private hire operator's licence, you must send us proof that you have the right to live and work in the United Kingdom.

## **UNLESS**

- you supplied your status when you applied for your new taxi or private hire operator's licence

## **AND**

- your right to live and work in the UK is permanent.

**If this applies to you and you do not give us this information, your application will be invalid, and we will reject it.**

## **Companies and partnerships**

This requirement applies to all company directors, the company secretary, and partners.

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# **Renew your existing licence**

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## **Making your renewal application**

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Once you have completed all the above requirements, you will be ready to make your application to renew your private hire operator's licence.

You must use our [online application form](#). You will be able to upload your supporting documents electronically and pay your application fee at the same time.

When you are ready to upload your documents, you should use PDF format where possible. However, you will have the option to take a 'live' photograph of the document, if it is only one page (for example your MOT certificate).

- We will accept electronic photographs of documents, but only if the document is in focus and the information contained in the document is readable.
- Each document must be one separate file (for example, evidence of your right to work in the UK = one document, application form = one document etc.)

Your application will be invalid if:

- you do not complete your application form correctly, or
- you do not send the correct documents, or
- a document is missing or does not meet the standards set out above.

**We will always reject an invalid application.** If we do, we will refer you back to this guidance, and you will have to re-send us the whole application. We will not make any exceptions to this.

### More than one applicant

If you are applying for your licence as a company, business, or partnership, more than one person will jointly hold the licence if we grant it. Each applicant must therefore sign the application form. You may do this electronically or by sending the applicant consent form(s) with your application.

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## Document check list (renewal)

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<b>You must have copies of your:</b>
Basic DBS disclosure, or DBS Update Registration and DBS certificate number
Photograph

<b>You might need copies of your:</b>
Overseas criminal record check
Letter of consent from all applicants (if more than applicant)
Evidence of your immigration status

<b>You must send these original documents to us at least 10 working days before you make your application</b>
Basic DBS certificate (if you are not registered with the DBS Update Service)

### More than one applicant

If you are applying for your licence as a company, business, or partnership, more than one person will jointly hold the licence if we grant it. Each applicant must

therefore sign the application form. You may do this electronically or by sending the applicant consent form(s) with your application.

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## How to apply if our online application form is unavailable

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If the online application form is not available, you will be able to use our fillable PDF form which will be made available on our website. You must complete the form electronically (not handwritten) and email your completed form to [licensing@elmbridge.gov.uk](mailto:licensing@elmbridge.gov.uk).

- **do not** send or copy your application to individual officers as they will not reply.
- the application form must be correctly completed.
- the supporting documents must meet the above standards.
- you should attach and send all supporting documents in one email.
- the subject line of the email should be one of the following:
  - 'new private hire operator'
  - 'private hire operator renewal',
- If you are unable to send the documents in one email because the files are too big, you may send more than one email but still follow the above information.

We **will** reject your application if your documents do not meet the standards we have set out above. If we reject your application, we will tell you what is wrong with your document, refer you back to this guidance, and you will have to re-send us the whole application and the new documents must meet the standards set out above. We will not make any exceptions to this.

### Paying your application fee if the online form is unavailable

When we are ready to process your application, we will contact you by telephone and take your card payment. Please **do not** contact us to make payment before we are ready, as this delays the process.

If you do not answer your phone, or we leave a message and you do not return our call the same day, we will send you an email to arrange a date and time to make

payment. If we are unable to take payment within 5 working days of our initial call, we will reject your application.

When we receive your fully completed application form, supporting documents, and relevant fee, we will aim to process it in line with our current timescales. We have published our current fees and timescales on our [website](#).

When we receive your fully completed application form, supporting documents, and relevant fee, we will aim to process it in line with our current timescales. We have published our current fees and timescales on our [website](#).

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## When we receive your application

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When we receive your application by email to [licensing@elmbridge.gov.uk](mailto:licensing@elmbridge.gov.uk), you will receive an automatic reply message from us.

If you do not receive this 'auto reply', it may mean that we did not receive your email or the 'auto reply' has stopped working. If so, please send us your application and supporting documents again. Please do not email or phone us to see if we have received it.

We will allocate your application to an officer who will contact you if they need to, or when they are ready to process your application. We will deal with your applications in the order we receive them so please do not:

- Email us or individual officers to chase your application
- Phone us or individual officers to chase your application

This will delay officers from processing your application and will not speed up the process.

We aim to process your application within our published application timescales which are available at [elmbridge.gov.uk/licensing/taxi-and-private-hire-guidance-for-applicants/](http://elmbridge.gov.uk/licensing/taxi-and-private-hire-guidance-for-applicants/)

Sometimes in exceptional circumstances, we may take longer to process your application.

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## Our decision about your application

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Please read Chapters 10 and 11 of our taxi and private hire licensing policy which explains our decision-making process and your rights if we do not grant your licence.

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## Issuing your licence

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Before we issue your licence, you may have to attend an appointment at the Civic Centre to produce your original documents. We will let you know during the application process, if we need you to attend an appointment.

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## Period of your licence

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We will usually issue a private hire operator's licence for a period of three years. Please read Chapter 12 of our taxi and private hire licensing policy about period of licences.

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## Maintaining your licence

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As a professional and licensed private hire operator, we expect your general behaviour to be of the highest possible standard and for you to always follow the law, the conditions of your licence and the requirements set out in our taxi and private hire licensing policies.

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## Reporting a driving or criminal conviction

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We recognise that sometimes things do go wrong. This does not necessarily mean that you will lose your private hire operator's licence but if things do go wrong you must let us know.

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.



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 later charged or not).

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.

You should be aware that depending on the type of conviction recorded, and because of the public safety implications, we may have to suspend your licence whilst the matter is under investigation and/or we may revoke your licence.

Please see our convictions policy for further information which is available at [elmbridge.gov.uk/licensing](http://elmbridge.gov.uk/licensing).

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## Your responsibilities for staff and controllers

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Private hire operators must ensure that any staff they engage to work for them (in any role apart from drivers) are safe and suitable.

You must use the criteria set out in the Council's Convictions Policy about the relevance of convictions and other related information when making checks on staff. These include staff producing a Basic DBS Certificate which is not more than three months old and showing that they have the right to remain and work in the UK. You must not engage anyone who has convictions outside the guidelines or anyone who is not allowed to live and work in the UK.

You must keep a written record of all staff whom you engage to work for you. You must keep those records and make them available for inspection by an authorised officer for at least 12 months.

You are responsible for:

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

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## Personal information

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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 follow all the requirements of the Data Protection Act 1998 and the General Data Protection Regulations.

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## Travelling abroad

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If you intend to spend more than three continuous months outside the United Kingdom. In such circumstances you must inform us in writing and supply the name of the person who will supply the operator services in your absence.

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## Record keeping

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You may keep any records that we need you to keep, as part of a computerised record keeping system. The system must have the capability for any records to be available for inspection by an authorised officer or a police officer at any time.

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## Making changes to your licence

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If you change your name or address, you must inform us in writing within 5 working days, using our online reporting form which is available at [elmbbridge.gov.uk/licensing](http://elmbbridge.gov.uk/licensing).

Please read Chapter 8 of our taxi and private hire licensing policy for information on making changes to your driving licence.

## Companies and partnerships

If you hold your private hire operator's licence as a company or partnership, you must inform us at once if there is a change of the composition of the company such as resignation of any director, the company secretary, or partners.

If you wish to change a company director or partner, you must inform us at once. The new director must attend an appointment at the Civic Centre to discuss their understanding of the requirements and responsibilities of being a private hire operator. We will also ask them to produce their original documents and we will verify their identity:

- Requirement 3:      Basic DBS disclosure
- Requirement 4:      Overseas criminal record check (if applicable)
- Requirement 5:      Child sexual exploitation training pass certificate
- Requirement 9:      English language requirement

Requirement 10: Photographs

Requirement 11: Immigration status check

Please see the notes in Part 1 of this guidance for details of each requirement.

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## Planning permission

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Existing licensed private hire operators must follow the requirement of paragraphs 3.74 & 3.75 of our Taxi and Private Hire Licensing Policy no later than three months after the policy takes effect.

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## Executive vehicle status

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The holder of a private hire vehicle licence must also apply for separate 'executive vehicle status' by using the prescribed application form online at [elmbridge.gov.uk/licensing](http://elmbridge.gov.uk/licensing) and paying the relevant fee.

As part of the application process, the operator providing the private hire work for the vehicle, will have to supply details of the executive work that the vehicle will carry out. This requires the operator to give a written statement supported by operator records, showing that there is enough 'executive' work for the vehicle and that it falls within the definition of an executive vehicle. Your records must contain the detail required by your licence condition:

- a) date and time of the booking;
- b) date and time of commencement of the journey;
- c) name of the hirer;
- d) place(s) at which the passenger(s) was/ were collected;
- e) place(s) at which the passenger(s) was/ were set down;
- f) PH vehicle licence number;
- g) name and licence number of the PH driver;
- h) fare charged and whether or not calculated by a meter.

The records must cover the period of three months immediately prior to the date of the application for executive status and must show details for all vehicles that you operate.

You can download a copy of the operator's statement form at [elmbridge.gov.uk/licensing](http://elmbridge.gov.uk/licensing).

Please read Chapter 8 of our taxi and private hire licensing policy about executive vehicle status.

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## Other information

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### Updating this guidance

We will review this guidance document from time to time to ensure it still is current. When, and where necessary we may make amendments. If we amend this document, we will republish it on our website.

### Contacting us

- Please do not visit the Civic Centre reception without an appointment.
- You should email us at [licensing@elmbridge.gov.uk](mailto:licensing@elmbridge.gov.uk) instead of phoning us
- When applying for a licence, you **must** use our online application which is available at [elmbridge.gov.uk/licensing/apply-for-a-licence-taxi-and-private-hire/](http://elmbridge.gov.uk/licensing/apply-for-a-licence-taxi-and-private-hire/).
- If you phone us, you may need to leave a message on our answer phone and it may take us much longer than usual to respond.
- Please **do not**
  - email or copy your email to individual officers
  - phone us or individual officers to chase your application
- You may also contact us by using our [online contact form](#)

### Address for correspondence

You should send all correspondence to [licensing@elmbridge.gov.uk](mailto:licensing@elmbridge.gov.uk).

If you need to send us your original documents, please address your correspondence to: Licensing Team, Environmental Services, Elmbridge Borough Council, Civic Centre, High Street, Esher, Surrey, KT10 9SD.