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**HACKNEY CARRIAGE  
AND  
PRIVATE HIRE  
LICENSING POLICY  
2016**

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## 1 Introduction

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

This policy was adopted on \*\* \*\*\*\*\* 2016 and came into force on \*\* \*\*\*\*\* 2016.

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

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

<https://spelthorne.gov.uk/CHttpHandler.ashx?id=10765&p=0>

### 1.1 Shared Information

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

## 2 Applying for a New HC Driver Licence or a PH Driver Licence

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

### 2.1 Application form

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

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

### 2.2 Fee

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

A list of current fees and charges can be acquired from the Licensing department.

### **2.3 Disclosure and Barring Service (DBS) Disclosure (Formerly Criminal Records Bureau (CRB) Disclosure)**

Applicants must submit an enhanced DBS disclosure, obtained within the last 6 months. The disclosure should show that applicants have been checked against both adult and child workforce lists.

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

Applicants who have continuously lived outside the UK for at least 1 year during adulthood (aged 18 or over), must produce a Certificate of Good Conduct, issued in the 6 months prior to the date of application, by a competent judicial or administrative authority, for every country of prior domicile. The Certificate must comprise an extract from the judicial record (or equivalent) and either record all the applicant's prior convictions, or confirm their "good conduct". In exceptional circumstances, the Council may accept evidence of the applicant's good character where applicants are unable to obtain a Certificate.

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

### **2.5 Driving Licence**

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

In order to allow the Council to monitor what endorsements have been made on a licence, applicants must sign a data protection mandate, giving it permission to check the DVLA's records. This will need to be done every 3 years, in line with the Data Protection Act 1998.

### **2.6 DVSA Enhanced Driving Test For Taxi & Private Hire Drivers**

Applicants must produce a certificate confirming that they have passed the DVSA's Enhanced Driving Test For Taxi & Private Hire Drivers. At the discretion of the Licensing Manager, where an applicant is to be employed by a company exclusively using specially-adapted minibus vehicles for the sole purpose of blue badge school runs, a certificate for an alternative, equivalent test may be supplied.

### **2.7 Spelthorne Borough Council Knowledge Tests**

All applicants must pass the Council's: -

- English Speaking & Numeracy test
- Licence Conditions test
- Topographical test

There are two versions of both the Licence Conditions and Topographical tests. The HC Driver equivalents require more detailed topographical knowledge (including detailed routes and road names).

Applicants who fail their knowledge test must wait for a minimum of a two-week period before re-sitting the test and may only sit the test 3 times in any 12-month period.

## **2.8 Medical Assessment Form**

Applicants must submit a D4 Medical Examiner Report For A Lorry Or Bus Driving Licence, completed by their own GP, who must have had full access to their full medical records.

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

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

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

Licensees must resubmit medical assessment forms every 5 years until they are aged 60. When a licensee reaches the age of 60, annual medical assessment forms must be submitted.

## **2.9 HC applications from existing PH licence holders**

Existing PH drivers who wish to hold a HC Driver licence can apply to do so at any time during their tenure. Applicants must pay the relevant fee (a list of current fees and charges can be acquired from the Licensing department) and pass both the licence conditions and topographical tests.

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

## **2.10 Applications for PH Operator Licences**

To be eligible for a PH Operator licence, applicants must operate from premises located within the Borough.

Applicants may submit a standard DBS disclosure, or a Police National Computer (PNC) check obtained within the last 6 months.

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

Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Normally the guidance in

this policy will take precedence over the decision of another authority and each case will be decided on its own merits (especially where previous convictions are involved).

### **3 Renewing your HC Driver Licence, PH Driver Licence or PH Operator Licence**

Whilst the Council will endeavour to send reminder letters where possible, licensees remain solely responsible for the renewal of their licence(s).

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

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

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

- Application form
- Fee
- Driving licence (see above)
- DBS enhanced disclosure conducted within the last 6 months (if none current – required every three years)
- Medical assessment completed within 6 months of the date of application (if none current – required every five years up to the age of 60, and annually thereafter)
- Data protection mandate, permitting the Council to check the DVLA's records (if none current – required every three years)

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

### **4 Problems with your application?**

#### **4.1 Previous Convictions**

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

- how relevant the offence(s) are to the licence being applied for
- how serious the offence(s) were
- when the offence(s) were committed
- the date of conviction

- circumstances of the individual concerned
- sentence imposed by the court
- the applicant's age at the time of conviction
- whether they form part of a pattern of offending
- any other character check considered reasonable (e.g. personal references)
- any other factors that might be relevant

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

### **Dishonesty**

A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with the police within 24 hours. PHV drivers must pass lost property to the operator. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

**In general, a minimum period of 3 years free of conviction or at least 3 years from completion of sentence (whichever is longer) should be required before granting a licence.** Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

### **Driving under the influence of alcohol or drugs**



As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. **At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.**

Isolated convictions/cautions for drunkenness not in connection with a vehicle will not normally prevent the grant of a licence.

### **Driving offences involving the loss of life**

A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

**A licence will not normally be granted unless the applicant is free of conviction for 7 years or (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:**

- causing death by dangerous driving
- causing death by careless driving whilst under the influence of drink or drugs
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

**Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:**

- causing death by careless driving
- causing death by driving: unlicensed, disqualified or uninsured drivers

### **Drugs**

A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.

**A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.**

A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.

If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

### **Sex and Indecency offences**

As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those with convictions for the more serious sexual offences will generally be refused. **For other offences, applicants will be expected to show a substantial period (normally at least 5 years) free of conviction for such offences before a licence will be granted.**

Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:

- rape
- assault by penetration
- offences involving children or vulnerable adults
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

**Before an application is allowed, an applicant should be free of conviction for at least 10 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:**

- sexual assault
- indecent assault
- possession of indecent photographs, child pornography etc.
- exploitation of prostitution
- trafficking for sexual exploitation

- or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

Before a licence is granted, an applicant should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he/she has a conviction for an offence such as:

- indecent exposure
- soliciting (kerb crawling)
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above.

In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

A licence will not normally be granted if an applicant has more than one conviction for a sex or indecency offence.

### **Violence**

Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- murder
- manslaughter
- manslaughter or culpable homicide while driving
- terrorism offences
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- arson

- malicious wounding or grievous bodily harm which is racially aggravated

- actual bodily harm which is racially aggravated
- grievous bodily harm with intent
- robbery
- possession of firearm
- riot
- assault Police
- common assault with racially aggravated
- violent disorder
- resisting arrest
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

- racially-aggravated criminal damage
- racially-aggravated offence
- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:

- common assault
- assault occasioning actual bodily harm
- affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- obstruction
- criminal damage

- or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

### **Insurance**

A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided he/she has been free of conviction for 3 years, however strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting driving passengers for hire and reward without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

### **Possession of a weapon**

If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

### **Licensing offences**

Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry persons would normally prevent a licence being granted or renewed until a period of 3 years has passed.

To summarise, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.

The overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

In light of this, existing holders of drivers' licences are required to notify the licensing authority in writing within fourteen days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

## **4.2 Appeals**

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

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

### **5.1 Equality Act 2010**

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

### **5.2 Combined HC & PH Drivers**

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

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

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

### **5.3 PH Driver – Standard Licensing Conditions**

PH drivers must not:

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

5. Demand from the hirer a fare in excess of the fare agreed prior to the commencement of the journey (or as shown on the taximeter where fitted).
6. Eat or drink in the vehicle whilst undertaking a hiring.
7. Play any radio or other sound without the express permission of the hirer.
8. Refuse to carry an assistance dog, unless exempted under section 37 of the Disability Discrimination Act 1995 and the vehicle is clearly displaying the statutory exemption certificate (**disliking dogs is not cause for refusal**).

PH drivers must:

1. Notify the Council in writing as soon as possible and in any event within 14 days, of any of the following:
  - a) change of name and/ or address;
  - b) any illness or injury affecting fitness to drive;
  - c) any conviction, caution, court order or fixed penalty notices received (**including motoring offences**).
2. Conduct themselves in a civil and orderly manner and comply with the reasonable requests of the passengers.
3. Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
4. Dress respectably and neatly.
5. Convey a reasonable quantity of luggage if so required by the person hiring the vehicle.
6. Give reasonable assistance in loading and unloading the luggage.
7. Give reasonable assistance in removing luggage to or from the entrance of any place at which he/ she may take up or set down a passenger.
8. Punctually attend with the vehicle at the time and place agreed with the hirer when the booking was made, unless delayed by some sufficient cause.
9. Provide to a customer on request a written receipt of the cost of the journey undertaken.
10. On termination of a hiring, or as soon as is practicable thereafter, search the vehicle for any lost property left therein and hand anything found to the Operator.
11. Allow disabled passengers to be accompanied by their registered assistance dogs **at no extra charge**, in accordance with the Disability Discrimination Act 1995.

Assistance dogs are trained to sit in the front of a vehicle with their owner. Any other can be conveyed at the discretion of the driver, but must be carried in the rear of the vehicle.

12. Comply with the requirements of the Council's licensing policy at all times.
13. Supply customers with a receipt for a fare, if requested.
14. If requested to do so for any reason, return their driver badge issued by the Council forthwith.

The holder of a Spelthorne PH driver licence can only work in a PH vehicle licensed by Spelthorne Borough Council, for a person or company holding a Spelthorne PH operator's licence.

#### **5.4 PH Operator – Standard Licensing Conditions**

PH Operators must not:

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

PH Operators must:

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

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



- e) proprietor of the vehicle;
- f) date and brief description of all works of modification and major works of maintenance or repair carried out to the vehicle.

3. Miscellaneous:

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

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

PH Operators must also:

- 4. Notify the Council in writing as soon as possible and in any event within 14 days, of any material change in their operational circumstances, including:
  - a) change of name and/ or address;
  - b) change of the nature of the business carried on by him/ her;
  - c) change of the composition of the firm, if a partnership;
  - d) any convictions recorded against the PH Operator or their business partner;
  - e) the address of any secondary office(s) opened by the PH Operator;
  - f) details of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal relate to his/her unsatisfactory conduct;
  - f) any other change in the information given by the Operator to the Council at the time of granting the current licence.
- 5. Take all reasonable steps to fulfil each and every booking accepted, punctually at the agreed time.
- 6. Ensure that any part of the premises provided for the use of the public to make bookings is:
  - a) kept clean;
  - b) adequately heated and ventilated;
  - c) provided with adequate seating facilities;
  - d) provided with a notice indicating that the service provided is in respect of pre-booked journeys only.

7. Ensure that a copy of their licence is prominently displayed where members of the public can read it.
8. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition, and that any defects are repaired promptly.
9. Notify the Council in writing within 7 days of details of any conviction or fixed penalty notice or formal caution imposed on him/ her.
9. At all times, comply with the requirements of the Council's policy on the licensing of PH Operators.

The holder of a Spelthorne PH operator licence can only supply private hire work to an individual who holds a current Spelthorne PH driver licence and uses a PH vehicle licensed by Spelthorne Borough Council.

### **5.5 Bespoke Conditions**

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

### **5.6 Appeals**

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

## **6 Applications for HC Vehicle and PH Vehicle Licences**

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

1. Application form;
2. Fee;
3. Valid certificate of insurance for the vehicle, insuring it for use as a HC and/ or PH Vehicle on the day of application;
4. Vehicle Registration Document (log book);
5. MOT certificate, where the period since the date of first registration of a vehicle is 1+ year. The certificate must have been issued in the 6 months prior to the date of application where the period since the date of first registration of a vehicle is 5+ years;
6. Letter from the registered keeper of the vehicle consenting to the vehicle being licensed (if applicable);

7. The following documents, where vehicles have been altered or converted since original manufacture:

- Wheelchair Accessible Vehicles – VOSA Certificate M1
- Stretch Limousines – VOSA SVA Certificate
- Any other relevant conversion document.

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

## 6.1 General

Vehicles that are the subject of licensing applications must:

1. Not be a London LTI, “Fairway”, “Metrocab” or similar style of vehicle;
2. Not be over ten years old. The latest that a licence can be issued will be when it is nine years old.

Vehicles specially adapted to carry passengers who are wheel chair bound may continue to be licensed up to twelve years of age, subject to full compliance with licence conditions.

3. Have a minimum of 4 passenger doors, excluding any tailgate;
4. Have a minimum engine capacity of 1300cc;
5. Have a solid roof, which may include a solid sunroof if the openable area does not exceed 50% of the roof area. Convertibles or soft tops are not normally allowed;
6. Not have sideways facing seats and all will comply with the current seatbelt regulations;
7. Have three anchorage points for each seatbelt;
8. Have an interior release handle on all passenger exit doors;
9. Have an external mirror on each side of the vehicle which can be used as a functional driving mirror by the driver;
10. Have a suitable and accessible dry powder fire extinguisher of not less than 1kg in capacity;
11. Carry a first aid kit. The must be kept in such a position as to be readily available to passengers for immediate use in as required;
12. Not display or carry any signs (except optional ‘No smoking’ sign[s]), notices, advertisements, plates, numbers, letters, figures, symbols, emblems or devices whatsoever, on, in or from the vehicle, except for the name and telephone number of an operator – which may be displayed securely on the side doors or bonnet of the vehicle on a plate or sign written, the characters of which must not be more than 4 inches (10cm) in height and such lettering shall not be illuminated. Any signs must not obscure the driver’s vision in any direction.

13. Be right hand drive only, except for stretch limousines;
14. Only be altered or converted by an appropriately qualified installer or vehicle manufacturer (where applicable).

## **6.2 MOT and Vehicle Inspection Test (VIT)**

Vehicles are required to pass a standard MOT test and the Council's VIT.

MOT Testing must be done annually for vehicles over the age of 1 year and 6-monthly for vehicles over the age of 5 years.

Applicants must include the MOT certificate with their application form.

## **6.3 Licence Plates**

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

## **6.4 Seating Capacity of Vehicles**

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

- a) Where a vehicle provides separate seats for each person, the vehicle shall be licensed to carry 1 person for each separate seat provided – subject to them meeting the Council's minimum size requirements: -
  - i) 410 mm wide;
  - ii) The distance between the rear of the forward seat or dashboard and the front face of the passenger seat should measure a minimum of 660 mm per passenger.

Consideration will also be given to the amount of headroom available, as well as the materials from which the seat is made.

**Whether a seat will be consider licensable is down to the discretion of the Council Officer inspecting a vehicle;**

- b) Where the vehicle is fitted with continuous seats, the vehicle shall be licensed to carry 1 person for each complete length of 410 mm measured in a straight line lengthwise across the front of such a seat, to a maximum not exceeding the number of seatbelts fitted. The distance between the rear of the forward seat or dashboard and the front face of the passenger seat must measure a minimum of 660 mm per passenger;
- c) Where the vehicle is fitted with continuous seats and with arms to separate the seating spaces, the arms shall be ignored in measuring the seat, if the arms can be folded back or otherwise put out of use, to a maximum not exceeding the number of seatbelts fitted.

## **6.5 Tinted Windows**

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

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

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

### **6.6 CCTV (where fitted)**

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

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

### **6.7 Cycle carriers and roof racks (where fitted)**

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

### **6.8 Executive PH Vehicles**

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

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

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

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

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

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

### **6.9 Stretch Limousines**

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

### **6.10 Period of Licences**

HC and PH driver licences can be issued for 1 or 3 years.

PH operator licences can be issued for 1 or 5 years.

HC and PH vehicle licences can be issued for a maximum of 1 year.

## **7 HC Vehicles and PH Vehicles – Standard Licence Conditions**

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

1. The vehicle shall at all times be maintained in sound, roadworthy, mechanical condition and serviced according to the manufacturer's recommendations.
2. No alteration to the manufacturer's specification for the vehicle shall be carried out except with the written approval of the Council.
3. Interior lighting shall be provided and maintained in working order such that it illuminates the passenger area.
4. The exterior of the vehicle shall be kept clean at all times. The interior of the vehicle (including luggage spaces) shall be kept clean and free from rubbish at all times.

5. The vehicle must at all times comply with 1 of the following:

a) Carry a spare wheel, capable of immediate use, together with adequate tools to effect changing a wheel; or

b) Carry a space saver spare wheel, capable of immediate use, together with adequate tools to effect changing a wheel. When space saver spare wheels are used, a licensee may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced; or

c) Carry and maintain in good working order, the manufacturer's standard issue repair and inflation equipment for that vehicle. Where a repair and inflation facility is used, a licensee may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced, and the manufacturer's repair and inflation facility has been replaced; or

d) Have runflat tyres fitted. Where a runflat tyre becomes punctured, as soon as this comes to the attention of the licensee, they may complete their journey but must not undertake any further hiring until the punctured wheel has been repaired and refitted or else replaced.

6. Newly licensed vehicles must conform to the requirements of section 6.5 – Tinted Windows. However, vehicles licensed before > insert date policy becomes effective < are exempt from this condition for as long as they remain continuously licensed by the Council.

7. All fuel carried by the vehicle shall be contained within permanently secured fuel tanks. Spare fuel containers must not be carried at any time whether or not they are empty.

8. The driver of a licensed vehicle shall notify the Council in writing as soon as possible, and in any event, within 14 days of any change of name or address.

9. Where CCTV is fitted to a licensed vehicle then the requirements set out at section 6.6 shall apply.

## **7.2 Additional Standard Conditions – Hackney Carriage Vehicles**

1. A licensee shall ensure that before any other person is permitted to drive the licensed vehicle that that person holds a Combined HC & PH Driver licence issued by the Council.

2. The taximeter fitted to the vehicle shall be adjusted to record fares in accordance with the Council's tariff of fares and must be tested at intervals not exceeding 12 months.

3. The vehicle shall have an internally illuminated roof sign bearing the word "TAXI" on the front in letters which are not less than 50 mm height. This sign shall be kept illuminated when the vehicle is plying for hire.

4. The vehicle shall display an internally illuminated sign saying “For Hire” which shall be located at the front of the vehicle where it can be seen from the outside front of the vehicle. This sign shall remain illuminated at all time whilst the vehicle is available for hire.

#### 5. Vehicle Licence Plates

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

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

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

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

6. Licensees are responsible for ensuring that only holders of the appropriate private hire or hackney carriage driver licence issued by the Council are allowed to drive their licensed vehicle(s).

### **7.3 Bespoke Conditions**

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

### **7.4 Appeals**

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

## **8 Transfer of Entitlement to a Vehicle Licence**

A licence issued in respect of a vehicle can be temporarily or permanently transferred to another vehicle in the event of an accident, mechanical failure or theft.

The Council will issue a new vehicle licence to the licensee on the following terms:

1. Payment of the relevant fee;
2. Submission of a fully completed “Application to Transfer Entitlement to a HC / PH Vehicle Licence” form;
3. Surrender of the original HC / PH vehicle licence and identification plates to the Council;
4. The new vehicle must comply with all relevant requirements of this Policy;
5. The new HC / PH licence will expire on the same date as the cancelled vehicle licence.



## **9 Enforcement**

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

### **9.1 Inspections**

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

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

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

### **9.2 DVLA Penalties and driving standards**

Licensees who accumulate 6+ points on their driving licence must notify the Council immediately, after which they will be required to pass the Driving Standards Agency (DSA) test within 3 months of notification and report the result to the Council within 1 month of the test date. Failure to do so will result in consideration of further sanctions. Licensees will only be permitted to exercise this option twice; a third accumulation of 6+ points will result in consideration of further sanctions which will normally result in revocation.

### **9.3 Suspension/ Revocation of Licences**

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

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

Before a decision to suspend or revoke a licence is taken, the Council will contact the licensee as soon as possible to invite them to attend a recorded interview with Licensing Officers at the earliest mutually convenient date. The Council will inform the licensee of the basis for the officer's belief, to give them full opportunity to respond at interview. However, representations concerning the effect of suspension/

revocation on a licensee's personal circumstances e.g. unemployment, loss of income, hardship etc will not be taken into account.

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

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

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

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

### **9.3.2 Resulting from an accumulation of penalty points**

See the Council's Penalty Points Policy.

### **9.3.3 Re-applying for a licence after suspension/ revocation**

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

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

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

## **9.4 Suspension or revocation of vehicle licences**

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

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

## **9.5 Appeals**

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