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Date: 27 August 2019

Notice of meeting

Licensing Committee

Date: Wednesday, 4 September 2019

Time: 7.30 pm

Place: Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames TW18 1XB

To the members of the Licensing Committee

Councillors:

R.W. Sider BEM (Chairman)	A. Brar	K.M. Grant
A.J. Mitchell (Vice-Chairman)	S. Buttar	N. Islam
C.L. Barratt	S.M. Doran	J. McIlroy
R.O. Barratt	S.A. Dunn	D. Saliagopoulos
I.J. Beardsmore	N.J. Gething	B.B. Spoor

Councillors are reminded that the Gifts and Hospitality Declaration book will be available outside the meeting room for you to record any gifts or hospitality offered to you since the last Committee meeting.

Spelthorne Borough Council, Council Offices, Knowle Green

Staines-upon-Thames TW18 1XB

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AGENDA

Page nos.

- 1. Apologies**
To receive any apologies for non-attendance.
- 2. Minutes** **3 - 4**
To agree the minutes of the meeting held on 21 May 2019.
- 3. Disclosures of Interest**
To receive any disclosures of interest from Councillors in accordance with the Council's Code of Conduct for Members.
- 4. Revision of the Hackney Carriage and Private Hire Licensing Policy** **5 - 80**
To consider proposed changes to the current Hackney Carriage and Private Hire Licensing Policy and make a recommendation to Council.

**Minutes of the Licensing Committee
21 May 2019**

Present:

Councillor R.W. Sider BEM (Chairman)
Councillor A.J. Mitchell (Vice-Chairman)

Councillors:

C.L. Barratt	S. Buttar	N. Islam
R.O. Barratt	S.A. Dunn	J. McIlroy
I.J. Beardsmore	S.M. Doran	
A. Brar	K.M. Grant	

Apologies: Councillor N.J. Gething, Councillor D. Saliagopoulos and
Councillor B.B. Spoor

151/19 Appointment of Chairman

It was proposed by Councillor A.J. Mitchell and seconded by Councillor N. Islam and

Resolved that Councillor R.W. Sider BEM be appointed Chairman of the Licensing Committee for the forthcoming municipal year 2019/20.

152/19 Minutes

The minutes of the meeting held on 5 December 2018 were agreed as a correct record.

153/19 Appointment of Vice Chairman

It was proposed by Councillor R.W. Sider BEM and seconded by Councillor R.O. Barratt and

Resolved that Councillor A.J. Mitchell be appointed Vice Chairman of the Licensing Committee for the forthcoming municipal year 2019/20.

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Licensing Committee

04 September 2019



Title	Revision of Hackney Carriage & Private Hire Licensing Policy		
Purpose of the report	To make a decision		
Report Author	Rob Thomas, Principal Licensing Officer		
Cabinet Member	Councillor Richard Barratt	Confidential	No
Corporate Priority	Clean and Safe Environment		
Recommendations	<p>It is recommended that the Licensing Committee opts to approve this draft version to go out to the trade for a full four-week consultation, following an in-depth conversation concerning the suggestion for imposing restrictions of tinted windows in particular.</p> <p>With reference to the NAFN’s National Register of Refusal & Revocations (NR3), the Committee is asked to consider granting permission for steps to be taken towards implementing its use without delay. Letters could pre-emptively be sent to individuals involved (as per point 2.4) whilst the Policy in full is out for consultation – so that the Licensing department is in a position to submit data to the NR3 sooner than later.</p> <p>With reference to point 10 (the implementation of a joint warranting scheme in conjunction with other Surrey authorities), an additional recommendation is made that the Committee recommends Council to amend the scheme of delegations to allow for LEOs from other Surrey authorities to exercise enforcement duties against Hackney Carriage and Private Hire vehicles licensed by Spelthorne but working outside of its jurisdiction.</p>		
Reason for Recommendation	<p>Spelthorne Borough Council’s Hackney Carriage and Private Hire Licensing Policy (hereafter referred to as ‘the Policy’, attached as Appendix A) has been revised in light of recent discussions at the Surrey Licensing Managers Forum, to prevent prospective applicants from “shopping around” boroughs and thus promote the safety of the taxi using public.</p> <p>It is however accepted that some measures (such as imposing restrictions on window tinting in licensed vehicles) have the potential to be more contentious, and the Committee is therefore encouraged to discuss these matters in detail.</p>		

1. Summary of key matters for consideration

In summary, the key amendments to the Policy include: -

- the adoption of the National Anti-Fraud Network (NAFN)'s National Register of Refusal and Revocations (NR3);
- amendments to the criminal record checking process (via the Disclosure & Barring Service [DBS]);
- provisions of wording to give clear direction in respect of applications from app-based Private Hire Operations;
- requirement for all Private Hire Operators (PHOs) and their controllers to complete Barnardos' safeguarding vulnerable adults & CSE online training module;
- requirement for all controllers working under the employ of PHOs to submit basic DBS checks;
- wording to address the discretion for LEOs to require aesthetic vehicle faults to be rectified;
- consideration to imposing restrictions on window tinting in licensed vehicles; and
- the implementation of a joint warranting scheme in conjunction with other Surrey authorities.

There are additional minor adjustments, which provide clarity on certain matters. The Policy has been included with 'tracked changes' applied, for members' ease of reference.

2. The adoption of NAFN's National Register of Refusal and Revocations (NR3)

- 2.1 In the DFT's draft best practice guidance, it was recommended that all local authorities sign up to the above service. Aside from widely being considered a good idea, it is expected that it will be detailed within the next instalment of best practice guidance issued by central government.
- 2.2 There has long since been a gap in this area, with authorities unable to exchange detailed information about refusals and revocations of taxi and private hire applications / licences due to restrictive data sharing protocols. This has created the potential for a driver to be refused or revoked by one authority, and simply go to another elsewhere in the country with the potential for them to carry on unsavoury behaviour(s) which may have led to the refusal or revocation of their application or licence in the first instance.
- 2.3 Spelthorne's Licensing department has taken the liberty of pre-emptively creating a login to access the NAFN's NR3, with a view to submitting data in due course if agreed by the Licensing Committee. Our Business Support Officer (BSO) has been instrumental in trawling through historic records to create a detailed spreadsheet of all drivers who have been refused a licence or had one revoked over the years.
- 2.4 Prior to submission of said-records, it is necessary to consult with those individuals whose data will be submitted to the register – to give them the opportunity to object to their details being included (if they have good reason). In accordance with guidance given by the NAFN, it is our intention to write to

these individuals at the addresses we have on file offering them a 28-day period in which to submit appeals. After this time has passed, we will be in a position to upload the data to the register.

- 2.5 Moving forward, any drivers refused or revoked will have their details added to the register on the fly. The Principal Licensing Officer (PLO) has worked with the Data Protection Assistant to ensure an appropriate amendment has been made to the department's privacy notice (attached as **Appendix B**) accordingly, and application forms have been updated to reflect this change of process as well.

3. Amendments to the criminal record checking process (via the DBS)

- 3.1 At a recent forum attended by the Surrey Licensing Managers group, shortfalls were identified with utilising the DBS' application process for checking the criminal records of applicants and existing licences.
- 3.2 Unfortunately, due to amendments in the way DBS handles applications in recent years – enhanced certificates are no longer sent directly to the Council, and the Licensing department is therefore reliant on applicants to produce the certificates when received. This can take time and resources to chase, especially where an applicant has cause to be deliberately evasive – but more importantly, leaves us “in the dark” for an unspecified period of time.
- 3.3 It has been known for the DBS to take months to dispatch certificates on occasion, which means that – in the case of existing drivers submitting applications with their renewals – there is the potential for licensees to continue to work for extended periods with new conviction(s) that might call into question their suitability to continue working in this capacity.
- 3.4 In order to eliminate this issue altogether, it is proposed that the Council mandates subscription to the DBS' online update service – so that its Licensing department can access a driver's criminal record in an instant via the computer system. A screen grab can be performed and logged on a driver's record in place of the hard copy certificate, so we will still be able to clarify that the necessary checks have been done.
- 3.5 It is not proposed that we change the way we handle checks which show relevant convictions, nor is it anticipated that there will be a cost implication for drivers in using this service. In fact, it should work out slightly cheaper for them if they remain subscribed beyond three years. The only amendments necessary will be adjustments to the Council's retention policy in order to account for the change of process, and the implementation of a specific privacy notice accordingly, as well as an update to the Council's driver renewal application form.

4. Provisions to account for app-based Private Hire Operations

- 4.1 Given Spelthorne's close proximity to London and Heathrow, the Council's Licensing department has been anticipating the receipt of application(s) from app-based Private Hire Operators (PHOs). It has been in direct contact with Uber and Ola.
- 4.2 Ola has recently enquired about the potential to use a “virtual office” in the borough. A virtual office is one which need not be manned, from which a

landline is redirected to a head office based elsewhere (often outside of the borough).

- 4.3 Spelthorne's PLO liaised with other Licensing Managers in Surrey to enquire about their stance on virtual offices. With the exception of Epsom & Ewell, representatives from other authorities unanimously the others confirmed that, based on wording specified in James Button's 'Button On Taxis', they were happy to issue PHO licences in these circumstances on the understanding that digital records would be produced on-demand without delay at the request of LEOs.
- 4.4 It is expected that Spelthorne's Licensing department follow this same example and wording has been introduced into the Policy to address this. In many regards, app-based PHOs have superior systems in place to safeguard passengers. So as long as this is mirrored in their dealings with LEOs, it is not considered that their failure to have a traditional "walk-in" office in the borough should prevent them from obtaining a PHO licence.

5. Requirement for all Private Hire Operators and their controllers to complete Barnardos' safeguarding vulnerable adults & CSE online training module

- 5.1 A potential safeguarding issue has been identified in the absence of this requirement.
- 5.2 Whilst Spelthorne Borough Council's The Policy requires all licensed-**drivers** to complete Barnardos' online safeguarding module, Private Hire Operators and controllers working under their employ are not currently subject to any kind of awareness-raising training – in spite of the fact that they are equally as likely to be privy to information about who is traveling where, how often and in what circumstances.
- 5.3 Given current issues with "County Lines" offences and high profile cases such as the CSE problems identified in Rotherham, for example, it is more important than ever that those in charge of accepting bookings and relaying them to licensed drivers are familiar with the signals to look out for which might flag a potential issue – so that they are in a good position to relay this information to the authorities where necessary.
- 5.4 It is anticipated that this requirement is likely to become mandatory across the county of Surrey in due course. Some Licensing departments have expressed a concern for how this will be achieved, as they have larger Private Hire Operators which employ an elevated number of staff, whose jobs are often transient and as a result are difficult to keep tabs on. Spelthorne however is in a good position in the sense that the operations currently in place are relatively small in number and members of staff. It is not therefore anticipated that it would create the same administrative difficulties in order for this requirement to be monitored and enforced effectively by Spelthorne's Licensing department.
- 5.5 Spelthorne's Private Hire Operator Conditions (attached as **Appendix C**) and Penalty Points Scheme (attached as **Appendix D**) have been pre-emptively updated to take approval of this point into account. Should members be minded to agree to its implementation, LEOs will be granted the ability to issue penalty points to the Private Hire Operator licence of any individual

failing to comply – as is currently done for licence condition breaches with driver licences. Persistent breaches of such a condition or “totting up” of 12 penalty points would result in a referral to a Licensing Sub-Committee, in order for a panel of members to determine whether or not an individual can be considered “fit & proper” to continue to hold a PHO licence.

6. Requirement for all controllers working under the employ of PHOs to submit basic DBS checks

- 6.1 With similar reason to that described above, the Surrey Licensing Managers forum also believe it is important to require that all controllers working for Private Hire Operators are subject to criminal record checks.
- 6.2 Licensees are subject to checks by the Licensing authority, but controllers responsible for taking bookings are in a position where they are potentially dealing with vulnerable people and the authority must therefore be confident that they are fit & proper to do so.
- 6.3 Furthermore, they will be aware of which properties are empty and are therefore in a position where a less-trustworthy person may be tempted to act unscrupulously and take advantage accordingly.
- 6.4 Wording has therefore been added to specify requirements for PHOs to ensure their controllers are routinely checked, & that certificates are kept on-site and are available for inspection by LEOs on request.
- 6.5 Any failures to comply with these requirements would be dealt with in the same manner as described in point 5.5 above, but a more serious view would likely be taken of a PHO’s omission to check an employee’s criminal history when appropriate action was being considered.

7. Discretion for LEOs to require aesthetic vehicle faults to be rectified

- 7.1 Spelthorne’s Licensing department has been working to raise the standard of licensed vehicles operating in its jurisdiction. To date the Policy has included wording reference the need to rectify MoT advisories.
- 7.2 It is fair that the public expects a certain standard of vehicle when they are paying for a service. The most obvious indicator of this is the first impression a vehicle creates on its approach. It is therefore not expected that licensed drivers will use vehicles which have clearly been involved in road traffic accidents, or are visibly in need of repairs.
- 7.3 The Policy in its present state allows for LEOs to require issues to be rectified as they see fit. It is deliberately vague to allow scope for a wide range of issues to be considered.
- 7.4 Unfortunately, a number of drivers have been reluctant to take requests for the fixing of aesthetic faults on board and for this reason, wording has been added at the bottom of page 18 of the Policy clearly highlighting that licensees should expect these matters to be taken into consideration as part of the licensing process – whilst giving LEOs the discretion to allot suitable timeframes, so as to avoid the burden of cost being more troublesome than necessary for applicants.
- 7.5 A balance needs to be struck between the calibre of vehicle the taxi-using public expects and the ability of the driver to afford repairs accordingly, and it

is therefore anticipated that LEOs will continue to take each case by its merits and work with licensees to ensure their vehicle is compliant. In more serious instances this might mean requiring a fault be rectified before a licence is issued; in other circumstances applicants might be given a month or two to fix issues.

- 7.6 Failure to meet this deadline would result in the issue of penalty points in accordance with point #54 of Spelthorne's Penalty Points Scheme or, in more serious cases, the suspension of a licence until such a time as repairs have been carried out.

8. Window tinting

- 8.1 Window tinting in licensed vehicles is a contentious issue, especially in light of safeguarding vulnerable adults and child sexual exploitation – as well as in reference to the hot topic of “County Lines” crimes – where young teens (often females) are typically being used to transport illicit materials from one area to another.
- 8.2 Spelthorne's Licensing department is of the belief that it is not appropriate or necessary for traditional private hire vehicles or hackney carriages to have tinted windows.
- 8.3 The Committee is asked to consider amended wording in the Policy which restricts this. However, in doing so, consideration needs to be given to the potential cost implication for applicants – who may find themselves unable to invest in some of the cheaper MPVs such as the Ford S-Class, which comes fitted with tinted glass as standard (this is because the vehicle is intended for use by families, who may wish to shield their children from public view and / or require glass which reduces the impact of bright sunlight).
- 8.4 In terms of larger vehicles (which Spelthorne's Hackney Carriage drivers tend to favour because it means they are able to carry a larger number of passengers, particularly profitable for them when carrying out routine runs from Staines train station to Thorpe Park), high specification vehicles designed to be used for this purpose (for example the Peugeot E7) generally retail at a higher cost - but are better suited. They are more spacious with larger seats and more headroom, and allow for easier ingress / egress – which is vital for less able passengers. The cost implication of acquiring these vehicles however needs to be carefully balanced out with the interests of the taxi-using public, as well as those of the Police.
- 8.5 A colleague at Runnymede Borough Council correctly pointed out that imposing restrictions on tinted glass in MPVs considerably reduces the number of vehicles available for use to carry wheelchair users. However, of the three specially-adapted vehicles on our fleet, two are Peugeot E7s. The other (a Private Hire Vehicle used solely for the carriage of disabled passengers) is a converted Fiat Doblo. These vehicles were selected by the applicants due to their size, build quality, and because the options available to them in terms of adaptations was vast. Somewhat ironically, the absence of tinted glass did not factor into their decisions.
- 8.6 If the Committee is minded to agree with the Licensing department in its assertion that tinted glass is not appropriate, provisions will need to be agreed

granting “Grandfather rights” to the owners of already-licensed vehicles which feature tinted glass.

- 8.7 Prior to the referral of this report, the Licensing department conducted a “pre-consultation” with all licensees in Spelthorne, regarding an abridged version of the amendments detailed in this report – including window tinting.
- 8.8 Local Surrey “blue badge” PHO, Mums & Sons, who specialise in the transport of disabled children to and from school identified that they would like to be considered for exemption from any restrictions the Committee is minded to impose – as they currently have two vehicles fitted with tinted glass to protect children who are subject to light-triggered seizures. Please see an e-mail sent by Mums & Sons, **attached as Appendix E**.
- 8.9 For this reason, I have added wording as follows: - “unless there is a specific reason the applicant may need to use a vehicle with tinted windows (i.e. for medical reasons)” – to allow LEOs to consider applications on this basis accordingly in spite of any restriction(s) which may be imposed on the wider trade.
- 8.10 A further e-mail was received from a Spelthorne-licensed chauffeur who specialises in high-end contract work, flagging a number of reasons he believes Executive Private Hire vehicles should be exempt from restrictions on tinted glass – including the security of his passengers. His response was vast and too comprehensive to properly summarise here, but has been **attached as Appendix F** for ease of reference.
- 8.11 I had assumed that – if members were inclined to agree to the proposed restrictions – that there would be exemptions put in place for EPVs and already had some brief wording highlighting this midway down page 20 of the Policy.
- 8.12 Another Hackney Carriage driver expressed that he felt the measure was unfair, as it would limit his choice of vehicles: -
- I am not happy with removing the tinted windows option. I drive VW Sharans and have done for many years. I always buy the SE model or better as it has extra safety features like park sensors, park pilot, nicer seats, etc. These higher spec car all come with tinted glass. Only the base model has clear glass. You are forcing me to buy a basic spec car with less safety!!!! This cannot be right.*
- 8.13 Whilst we appreciate and understand this perspective, we do not consider the implementation of restrictions on tinted glass to be a move which forces applicants to buy vehicles with less safety features. Conversely, in taxi licensing terms at least - we would argue that it encourages drivers to give consideration to better suited vehicles which are equipped with safety features adequate for their intended use. A VW Sharan is not a vehicle built for use as a Hackney Carriage. A vehicle that is will have all of the above safety features plus more, and may be void of window tinting.
- 8.14 If appropriate, applicants will need to be encouraged to enter into conversations with car dealerships to enquire about glass replacements (if necessary) and / or – if bought second-hand – conversations with a company which specialises in glass replacements and / or removal of tinting.

- 8.15 A quick Google search suggests a cost between £100 and £250 for complete removal of adhesive tinting, although figures as high as £600 are also quoted. If the Committee was minded to agree to a restriction prohibiting screen tinting in licensed vehicles, it would be down to the licensee to research these options and source which tradesperson they entrusted jobs of this nature to.
- 8.16 It is probably safe to assume that licensees would be unhappy about this and I think realistically if the Committee is minded to agree to the implementation of restrictions it needs to be prepared to concede that there is likely to be an appeal against it at some point. The issue to weigh up is how serious an issue the Committee considers tinting to be and if imposing restrictions accordingly are worth the inevitable backlash.
- 8.17 An updated version of Spelthorne's Private Hire Licence Requirements (form K) has been prepared in order to take account of the above, in the event the Committee members approve its implementation. This is attached as **Appendix G**. Other minor amendments have been made and it is of course possible for these to be considered independently of concerns regarding window tinting.

9. Amendments to licence conditions forms and Spelthorne's Penalty Points Scheme

- 9.1 It has also been necessary to make adjustments to Spelthorne's Licence Conditions forms and Penalty Points Scheme (as mentioned at point 5.5) – in order to allow for punitive measurements to be taken accordingly.
- 9.2 A revised version of Spelthorne Private Hire Driver & Vehicle Licence Conditions form (form C) is attached as **Appendix H**.

10. Implementation of a joint warranting scheme, in association with other Surrey authorities

- 10.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 10.2 The legislation gives power for an officer authorised by a local authority to inspect vehicles and take enforcement action against drivers and vehicles licensed by that authority, including the immediate suspension of vehicles for reasons of public safety. However as there is no geographical restriction on where a licensed vehicle can travel, journeys can and often do start and/or finish outside their licensed area. This means that often authorised officers of one authority will regularly come across vehicles licenced by another authorities operating in their areas.
- 10.3 Officers only have the legal power to inspect and take action against vehicles if they have been authorised in writing by the authority which licensed that vehicle. As such, officers in one authority will not have the power to inspect or take action against vehicles operating in its area which are licensed by other authorities.
- 10.4 This can lead to situations where officers in one authority are unable to take action against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in the area. This could lead

to a situation where a defective vehicle continues to operate, potentially endangering public safety and undermining public confidence in the licensed taxi trade.

- 10.5 It is therefore considered necessary to enable a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.
- 10.6 Such joint working arrangements between Local Authorities is also regarded as 'Best Practice' in the draft Statutory Guidance currently in consultation.
- 10.7 Additionally, joint warranting would build on the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the County, by adopting a consistent previous convictions policy and mandatory CSE training for all drivers in Surrey.
- 10.8 In accordance with Spelthorne's scheme of delegations, individual officers are authorised in writing by the Senior Environmental Health Manager, using delegated powers.
- 10.9 As such, if members are minded to agree to Spelthorne taking part in the scheme, a list of officers to be joint warranted would need to be collated, with authorisations drawn up by a mail merge for Service Heads across Surrey to sign.
- 10.10 Under section 101 of the Local Government Act 1972 Local Authorities may make arrangements for other local authorities to discharge its functions. Having done so, the Council may however continue to discharge and control those functions. If the Council arranges for the other authorities within the flexible warranting scheme to carry out its Licensing functions, it may continue to exercise most of those functions itself.
- 10.11 In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised as and when required, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district.
- 10.12 We liaised with Spelthorne's Hackney Carriage and Private Hire trades, and received comments from one driver who felt it was unfair that he should be subject to enforcement action from LEOs working at authorities elsewhere in Surrey, when he wasn't conversely able to benefit from the scheme in any way. I explained that it was not anticipated that the scheme would place any burden on the drivers, nor would they be affected if they were compliant with licence conditions. Nonetheless, I would be remiss if I did not relay that one member of the trade was opposed to Spelthorne signing up to the scheme.
- 10.13 If Spelthorne is to participate in the scheme it is necessary to ensure that all officers are properly appointed to carry out the enforcement functions concerned so as to avoid potential legal challenge.

11. Update on Barnardos' Safeguarding Vulnerable Adults & CSE online training module

- 11.1 Spelthorne's Licensing department has now successfully ensured that all drivers currently licensed by the authority have completed the above awareness-raising training.
- 11.2 LEOs should be commended for their hard work in achieving this. Below are statistics which cover all authorities in the county of Surrey. Members will note that Spelthorne's pass rate is far above average: -

Surrey authorities' statistics for Barnardos' training module				
	Not Started	In Progress	Passed	Failed
Overall	1488	84	5385	43
EBC	55	6	431	4
E&EBC	163	13	479	6
GBC	76	6	467	7
MVDC	37	5	174	1
RBBC	573	21	882	16
RBC	39	1	195	1
SBC	1	0	172	0
SHBC	34	5	71	1
SCC	367	23	1503	3
TDC	27	1	176	0
Wav BC	44	1	316	4
WBC	65	5	685	0

- 11.3 It was only necessary to revoke the licence of one driver who failed to complete the training. Said-licensee had already ceased working in his capacity as a licensed driver and it turned out this was why he had not bothered to complete the training.
- 11.4 One other individual remains outstanding, but is currently suspended on medical grounds and is not expected to return to work. If and when he does, he will be advised he needs to complete the module beforehand.

12. Options analysis and proposal

- 12.1 With a couple of exceptions, most recommendations made within this report refer to changes to the Policy which would mean that Spelthorne's Licensing department was working in line with the rest of Surrey. This is important in order to promote consistency and avoid the potential for prospective applicants to "shop around" authorities in order to find one which best suits their needs.
- 12.2 Amendments which require PHOs to prove that their controllers are suitable for such a role (with DBS certificates and through mandatory completion of safeguarding training) are not considered overly-onerous and in time will likely become standard across Surrey, in any event. The Licensing department consider these necessary measures to tie up loose ends in terms of safeguarding the residents of Spelthorne who are utilising private hire operations.

13. Financial implications

- 13.1 There are financial implications for licensees and prospective applicants, which need to be taken into consideration: -
- PHOs will incur additional costs as a result of needing to provide criminal record checks for their controllers (a basic check is currently costed at £20), as well as Barnardos' safeguarding vulnerable adults and CSE online training module (charged at £19 per applicant).
 - Allowing PHOs to trade via "virtual offices" (as outlined on page 7 of the revised version of the Policy) is in-line with legal advice given by James Button in his book, 'Button On Taxis' but is also likely to lead to the receipt of applications from app-based PHOs, which in turn will significantly impact the private hire trade within Spelthorne. It is likely to be to the detriment of existing local *operators*, but conversely will afford local *drivers* more work. There isn't really an option on the table in regard to this consideration, however it's worth members being aware of the likely inevitable repercussions.
 - Proposed amendments to window tinting in licensed vehicles will certainly have a financial impact on those applicants using or looking to use a vehicle with tinted windows as a taxi or private hire vehicle. It is important to give this weight, whilst also bearing in mind that the overriding role of Spelthorne in its function as Licensing authority is to protect the taxi-using public.
- 13.2 There is no cost implication for the Council to consider in respect of the NR3 database, as the Council is already a member of the NAFN.

14. Other considerations

- 14.1 The amendments to the Policy outlined within the body of this report highlight that Spelthorne Borough Council is an in-touch organisation, keen to work in a manner consistent with nearby counterparts in order to promote equality for all involved with the Hackney Carriage and Private Hire licensing trades.
- 14.2 The changes to policy and procedure detailed in this report will help the Licensing department contribute towards intelligently making full use of information, to assist members in decision making, and to drive service improvement – delivering a higher standard for all involved and thus improving the quality of life for residents in the area.
- 14.3 Ultimately, above all else, the ethos of regulating the Hackney Carriage and Private Hire trade is to ensure safety and efficiency for the people using its services. One should be able to assume that any booking made will be recorded by a reliable and trustworthy individual, carried out by a fit and proper individual, in a car that is mechanically and aesthetically sound and suitable for this purpose. The measures outlined in this report should assist in ensuring this to be the case.

15. Timetable for implementation

- 15.1 If the Committee is minded to agree the recommendations made within this report, the Hackney Carriage and Private Hire Licensing Policy could be published at once. However, it would be advisable for a Committee-approved version of the Policy to be circulated to all licensees for a comprehensive consultation so that the Hackney Carriage and Private Hire trades have time to consider the full implications of the amendments outlined in the body of this report. The Committee can then reconvene to look at its comments.
- 15.2 At such a time as the Policy is published, certain elements will take time to implement and be subject to timescales, as outlined within the Policy itself: -
- Mandatory subscription to the DBS' online update service will need to be rolled out over a three year period, as new applications are submitted – because it is only possible to subscribe to the online update service at such a time as one has an application outstanding with them. On this basis, it is not anticipated that further paper copy applications will need to be submitted to the DBS beyond September 2022.
 - Safeguarding vulnerable adults & CSE training for all controllers working for PHOs in Spelthorne should be achievable within a relatively short time, and – in accordance with wording added to the Policy – within six months. It is expected that LEOs conducting spot-checks on PHOs should expect operators to be in a position to produce certificates for all staff on request by February 2020.
 - Restrictions on window tinting would need to be rolled out over time, to allow 'Grandfather rights' for licensees to continue using already licensed vehicles which are fitted with tinted glass. It is proposed that they would be allowed to do so for the duration of the licensable period on any vehicle currently licensed, however this could potentially mean that a driver with a brand new vehicle only licensed this year would be in a position to keep their vehicle until its 10th birthday. If the Committee is minded to impose restrictions on window tinting, it might therefore be advisable for a discussion to take place on whether they consider this acceptable or if they propose to suggest a timescale by which all tinted glass must be replaced or de-tinted.

Background papers:

Appendices:

Appendix A – Spelthorne The Policy 2019

Appendix B – Taxi Licensing Privacy Notice

Appendix C – Private Hire Operator Conditions 2019 (form A)

Appendix D – Spelthorne's Penalty Points Scheme 2019

Appendix E – e-mail from Mums & Sons Ltd. regarding window tinting in disabled-access home-school-run vehicles

Appendix F – e-mail from Roderick Williams regarding window tinting in EPVs

Appendix G – Private Hire vehicle Licence Requirements 2019 (form K)

Appendix H – Private Hire Driver & Vehicle Licence Conditions 2019 (form C)



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**HACKNEY CARRIAGE
AND
PRIVATE HIRE
LICENSING POLICY
20172019**

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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 23 May 2017 and came into force on 14 July 2017.

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 fit for purpose, 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 Deputy Chief Executive and the Chairman of the Licensing Committee, in accordance with 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 and 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.

In particular, applicants for HC or PH driver licences should be aware that - in the event that the Council opts to refuse an application for or revokes an existing HC or PHD driver licence for any reason - information will be submitted for inclusion on the National Anti-Fraud Network (NAFN)'s National Register of Refusals and Revocations (NR3). Further information about how this information is stored can be found on the relevant privacy notice, available from the NAFN.

Commented [TR1]: Added in accordance with the DFT's best guidance consultation from earlier in the year. Please see subsequent section about this & relevant Privacy Notice drawn up in anticipation of its adoption.

1.2 Decision making

Day to day decisions on the grant or renewal of licences are delegated to the Senior Environmental Health Manager (SEHM). In cases of doubt, such as where an individual's criminal or medical history casts doubt on their suitability to be licensed, a report will be presented to a licensing sub-committee who will take the decision as to whether a person is "fit and proper" to be licensed.

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 information required when applying for a licence is an offence. Where an applicant has knowingly 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 is published on the Council's website www.spelthorne.gov.uk or can be requested 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 six months. The disclosure must show that applicants have been checked against ~~both adult and child~~ the "other" workforce lists.

Subsequent to submitting an application for an enhanced DBS disclosure, applicants will need to subscribe to the DBS' online update service so that snapshots of their criminal history (or lack thereof) can be provided in real-time to the Council's Licensing department.

Any Taxi and Private Hire drivers already licensed by Spelthorne Borough Council will also need to sign up to the DBS' online update service at the time their next DBS application is submitted. It is not anticipated that further paper applications will be submitted on their behalf beyond September 2022, instead applicants will be required to provide a check code which enables LEOs to view their criminal record in real-time via an online system.

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

Applicants who have continuously lived outside the UK for at least one year as an adult (aged 18 or over), must produce a "Certificate of Good Conduct" 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".

Applicants for a 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 three 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 provide a licence "check code" obtained via the DVLA's

Commented [TR2]: Guidance indicates applicants should only be checked against adult & child workforce lists for roles specifically involving working with these groups (i.e. in care roles). The DBS expects that HC/PH drivers are checked against their "other" workforce list.

Commented [TR3]: Beyond this date, it is not the my intention for its LEOs to submit applications for these checks – as the administrative burden is too great and the potential for delays in receiving a response from the DBS causes a significant safeguarding issue.

Shared Driving Licence Service (c/o gov.uk) - which will allow ~~the~~ Licensing Enforcement Officers (LEOs) to obtain a printout of ~~their~~ the applicant's DVLA record.

2.6 Enhanced Driving Tests for Taxi and Private Hire Drivers

Applicants must produce a certificate confirming that they have passed a Blue Lamp Trust Enhanced Driving Test for Taxi and Private Hire Drivers, or equivalent. At the discretion of the ~~Licensing Manager~~ Principal Licensing Officer (PLO), 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 for competence to drive minibuses may be supplied.

2.7 Spelthorne Borough Council Knowledge Tests

All applicants must pass the Council's: -

- English ~~Speaking~~ & Numeracy test
- Licence Conditions test
- Geographical test

There are two versions of both the Licence Conditions and Geographical tests. The HC Driver tests require more detailed topographical knowledge, as applicants are required to describe specific routes between specified places.

Applicants who fail a test must wait for a minimum of a two week period before re-sitting the test and may only sit the test three times in any 12 month period. There is a charge for re-sitting tests which is reviewed annually.

2.8 Medical Assessment Form

Applicants must submit a "Group 2" Medical Examiner Report, **completed by their GP (or a Doctor working at their registered GP's practice)** who has access to their full medical records. Reports completed by other Doctors will ~~not only~~ be accepted with good reason, and where said-Doctor has access to their applicant's full medical record.

Applicants must satisfy the Council that they are medically fit to drive and will be expected to meet DVLA Group 2 standards.

Medical reports which may indicate that an applicant may not meet the Group 2 Standard will be referred to the Council's independent medical advisor.

Where a ~~Licensing Officer~~ LEO 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, or in the case of eyesight requirements, an optician, may be asked to provide further information at any time following the submission of the medical assessment form.

The Council may require a new medical assessment, at the licensee's expense, if a ~~licensing officer~~ LEO has reason to believe that a licensee's medical status may have changed.

Commented [TR4]: Have removed the word "speaking" to allow scope for us to amend this in due course to include a basic grasp of reading as well – with a view to ensuring that drivers are able to navigate to an address from slips of paper their customers might hand them.

Commented [TR5]: We had an instance recently where an applicant's GP was refusing to complete medical forms due to his workload. Given that this was out of the control of the applicant, we had to concede that it was reasonable to allow him to go elsewhere in order to have a medical form completed. Addition of this wording allows scope for LEOs to be pragmatic in such instances – though it will generally be expected still that medicals are completed by an applicant's own GP.

Licensees must resubmit medical assessment forms every five years until they are aged 65. When a licensee reaches the age of 65, annual medical assessment forms must be submitted. More frequent medicals may also be required if recommended by the Council's independent medical advisor.

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. Applicants must pay the relevant fee 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~~ would normally be expected to operate from premises located within the Borough.

Virtual Offices for app-based PH Operations

With the increasing popularity of app-based PH Operations there has been an influx of enquiries from prospective PH Operators who wish to work via "virtual offices". For the avoidance of confusion, a virtual office is one which need not be manned, from which any landline is redirected to a head office based elsewhere (often outside of the borough). In line with legal guidance outlined in Button On Taxis and under these circumstances, the Council is prepared to accept applications for PH Operator licences under the proviso that the applicant agrees to supply digital records from their head office without delay on request from a LEO or other authorised officer working on behalf of the Council. Any failure to subsequently do so would immediately call into question the suitability of the applicant to hold a PH Operator licence and would usually trigger a referral to a Licensing Sub-Committee accordingly in order for members of the Licensing Committee to determine whether they deem it appropriate for the licence to remain in place.

Criminal record checks for PHOs and their controllers

All staff working in a "Controller" capacity for a PH Operator (whether paid or unpaid) will need to be listed on the relevant space on the Council's application form.

Applicants and every Controller working under their employ (paid or unpaid) will need to submit a standard DBS disclosure or a Police National Computer (PNC) check obtained within the last month. This will need to be done every ~~five~~ ~~three~~ years. At such a time as a new Controller begins working for the PH Operator, a standard DBS disclosure or PNC check dated within the preceding month will be supplied to the Council accordingly.

If an applicant for a PH Operator licence or one of the Controllers working for them holds a current HC Driver licence, a PH Driver licence, or has submitted a DBS enhanced disclosure, ~~obtained through the Council,~~ within the last six months, they need not submit a further DBS check.

Commented [TR6]: I see no reason why this number would be different to the requirement for HC & PH driver applications, given what's indicated in my note above?

Commented [TR7]: Standard checks can be obtained by the applicant/controller themselves – it is only enhanced certificates which require a counter signatory & are applied for through the Council.

Where a standard DBS disclosure or PNC check brings to light convictions, cautions, reprimands, warnings, charges which do not necessarily lead to conviction or any other information which may call into question the character of an applicant or his/her Controller(s) – the Council may take this information into account when determining whether to grant or renew a licence.

Controllers are also required to complete an online training module regarding safeguarding, which is further outlined in point 2.12.

Applicants with licences elsewhere

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.

2.11 Immigration checks

Checks will be undertaken in accordance with guidance issued by the Home Office in December 2016 (please see attached as Appendix 1), to ensure that an applicant for a driver or operator licence has the right to live and work in the UK before the issue of the licence. Where an applicant has time-limited permission to work in the UK, the duration of the licence will not exceed the length of time the applicant has permission to work in the UK.

It is expected that a “fit & proper” Private Hire Operator will undertake the necessary checks to ensure that controllers working under his/her employ have permission to work in the UK, failure to do so would call into question whether they are suitable to hold said PHO licence and may trigger a referral to a Licensing Sub-Committee in order for a panel of members to determine whether the licence should remain in place.

The Council will not license a Private Hire driver licence to an individual on a Tier 4 (Student) visa unless they are directly employed by ~~the~~ an Operator. Proof of employment and compliance with restrictions must be provided before a licence is issued. This is because students on a Tier 4 visa cannot be self-employed.

The Immigration Act 2016 has introduced immigration requirements into licensing regimes, including taxi and private hire licensing. For all applications after the commencement date, the Council must be satisfied that an applicant is not disqualified by their immigration status from holding a licence before being issued a licence. A licence will lapse if the holder’s lawful leave or permission to work ends. Immigration offences will be added to the list of grounds on which licences can be suspended or revoked. It will also be an offence not to return a licence where revoked on immigration grounds.

Where the Home Office is unable to categorically and decisively clarify an applicant’s right to remain and work in the UK in the long-term due to ongoing appeals, there is scope for the Council to issue licences for a shorter time period accordingly. Under these circumstances, it is not typically expected that a HC or PH driver badge will be issued for longer than six months at a time – with Home Office checks being carried

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Commented [TR8]: Considerable amendments have been made to this section to take into account: -

- provisions for the Council to issue PHO licences to operators based outside it’s remit (a la Hughes Mini Services in Chertsey, which is & has historically always been licensed by SBC);
- “Virtual Offices” – Uber, Ola, Bla Bla, MyTaxi etc.; &
- the fact that controllers working for PHOs are actually privy to very sensitive information in terms of when a property is vacant, & as such should provide documentation in the way of police checks to clarify that they are indeed trustworthy to work in such a position.

out at the request of LEOs before any further extension. The administrative burden of doing so will be taken into account, and the cost of this will need to be passed on to the applicant to ensure the Council continues to recovers its costs.

2.12 Safeguarding Vulnerable Adults & Child Sexual Exploitation (CSE) Training

All hackney carriage and private hire drivers will be required to undertake Child Sexual Exploitation (CSE) awareness training, provided by Barnados.

Existing drivers will be required to complete the training and submit evidence to the Council's Licensing department that they have done so, by 1 May 2019.

All new applicants for Hackney Carriage and Private Hire drivers licences will be required to complete a the training Barnardos' Safeguarding Adult & Child Sexual Exploitation (CSE) online training module and submit evidence that they have done so, before a licence is issued.

Additionally, all controllers working under the employ of a Spelthorne-licensed PH Operator (whether paid or not) will be required to undertake this training module before commencing work. PH Operators should produce pass certificates to the Council's Licensing department as soon as they are obtained. LEOs will periodically carry out spot-checks and it is expected that certificates for each employee will be available on site for inspection. Any Operators falling foul of this requirement will be subject to the issue of penalty points, in accordance with Spelthorne Borough Council's Penalty Points Scheme.

Existing PH Operators currently licensed by Spelthorne will be granted a period of six months to enable them to have all current staff undertake and pass the module. For the avoidance of confusion, it is therefore anticipated that PH Operators will be in a position to produce course completion certificates for all controllers working under their employ by February 2020.

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

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

Applications to renew licences should be lodged at least ten working days before expiry but will not normally be accepted more than six weeks before expiry.

The Council would normally require a new application where a licence has expired.

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

- Application form
- Fee
- Driving licence (see above)
- Passport confirming British citizenship, or documentation to prove they have the right to remain (and work)

Commented [TR9]: We have seen multiple instances of this, & -without provision for these circumstances - it can be a bit of a stumbling block when renewing the licences of long-standing licensees, causing unnecessary delays when we know that said-applicants have outstanding cases which appear likely to continue this way indefinitely.

Commented [TR10]: This was done. Over 99% of Spelthorne-licensed drivers completed the training & submitted proof they had done so accordingly, far above the 60% average across the rest of Surrey. In total it was only necessary to revoke the HC driver badge of **one** driver, who it turns out had ceased working anyway. 😊

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Commented [TR11]: Subsequent to completion of this module by all DRIVERS, it has been identified by the Surrey Licensing Managers Group that consideration should be given to requiring PH controllers complete it – as they are the first port of contact for people utilising Private Hire services, & as such are aware of who is going where, at what times etc. With appropriate awareness-raising training, they will find themselves in the position where they can potentially identify individuals linked to organised crime, subject to county lines trafficking of drugs & stolen materials, & also sexual exploitation/human trafficking (i.e. Rotherham).

Commented [TR12]: Have removed the word "letters" to account for digital reminders being sent. In part of a cost-cutting exercise & to eliminate the potential for lost mail, the department has moved towards sending communications via digital means.

- DBS enhanced disclosure (required every three years) for drivers; or a standard DBS disclosure / Police National Computer (PNC) check (required every ~~five~~three years) for operators & their controllers
- Medical assessment (required every five years up to the age of **65**, and annually thereafter)
- Data protection mandate, permitting the Council to check the DVLA's records (if none current – required every three years)

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 (including reprimands, warnings, charges which do not necessarily lead to conviction or any other information), 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 according to:

- the relevance of the offence(s)
- the seriousness of the offence(s)
- how long ago the offence(s) were committed
- the date of conviction
- the circumstances
- the sentence imposed by the court
- the applicant's age at the time of conviction
- whether they show a pattern of offending
- character checks (e.g. personal references)
- any other factors that might be relevant

Spelthorne Borough Council has adopted Surrey-wide guidance in relation to the consideration of previous convictions. This is attached at Appendix 2 and applicants with convictions are urged to consult this for insight into whether or not their criminal history is likely to preclude them from attaining a licence.

~~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. In most cases, an applicant would be expected to remain free from conviction the time specified in Appendix 2 before an application can be considered. However, there may be occasions when an application can be allowed before the minimum period 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. Some discretion can be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

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Commented [TR13]: This is addressed within the body of the convictions policy itself. Whilst it is acknowledged that there is scope for each case to be taken on its own merits (& logic would dictate that this is the fairest means of dealing with applicants in any event), it would be beneficial – in terms of consistency across Surrey – not to dwell on the fact that we can licence people who fall foul of the policy nonetheless. What we're effectively attempting to achieve by utilising a shared convictions policy is consistency to prevent applicants shopping around authorities. So if, at a glance, they are dissuaded from applying to SBC due to their criminal history: that is of benefit to the taxi-using public on the whole. Looking at the policy itself will give them a better overview of what it is we're looking at, whilst answering questions applicants may have about timescales for when convictions can be considered spent / irrelevant.

Applicants should note that failure to declare convictions, cautions, court orders, reprimands, warnings or charges which do not necessarily lead to conviction when submitting an application for a licence, renewal of a licence or during the course of a licence tenure will lead the Council to question whether or not the applicant can be considered fit and proper. The Council's SEHM would usually reject an application for a new licence under these circumstances unless there is good reason for the failure, and LEOs will usually refer an existing licensee to a Licensing Sub-Committee for them to consider whether the individual can continue to be considered fit and proper.

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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

The Equality Act 2010 (**attached as Appendix 3**) places certain duties on HC and PH Drivers with regards to the transport of wheelchair users and guide dogs. The Act creates 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 and PH Drivers

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

Holders of HC and PH Driver licences must comply with:

- The Council's Hackney Carriage Byelaws (**see Appendix 4**) 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.
2. Carry more passengers than the number specified on the vehicle licence.
3. Carry any other 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. Smoke in their vehicle or permit passengers to smoke, at all, at any time. This also applies to vaping.
7. Eat or drink in the vehicle whilst undertaking a hiring.
8. Play any radio or other sound without the express permission of the hirer.
9. 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 and yellow Exemption Notice from the Council.

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/contact details (including new postal or e-mail addresses and phone numbers);
 - b) any illness or injury affecting fitness to drive;
2. Notify the Council in writing as soon as possible and in any event within five working days of a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings which do not necessarily lead to conviction (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not).
3. Conduct themselves in a civil and orderly manner and comply with the reasonable requests of the passengers.
4. Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
5. Dress respectably and neatly.
6. Convey a reasonable quantity of luggage if so required by the person hiring the vehicle.
7. Give reasonable assistance in loading and unloading the luggage, unless a medical condition precludes them from being able to do so, and they are able to produce a medical certificate or letter from their GP confirming this to be the case
8. 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, unless a medical condition precludes them from being able to do so, and they are able to produce a medical certificate or letter from their GP confirming this to be the case
9. Attend with the vehicle at the time and place agreed with the hirer when the booking was made, unless delayed by some sufficient cause.

10. Provide to a customer on request a written receipt of the cost of the journey undertaken.
11. 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.
12. 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 animal can be conveyed at the discretion of the driver, but must be carried in the rear of the vehicle.

13. Comply with the requirements of the Council's licensing policy at all times.
 - . 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, e-mail address or phone number;
- 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) the address of any secondary office(s) opened by the PH Operator;
- e) 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. Notify the Council in writing as soon as possible and in any event within five working days of cautions, court orders, reprimands, warnings or charges which do not necessarily lead to conviction ~~any convictions recorded~~ against the PH Operator or their business partner; and within three days of convictions.

6. Take all reasonable steps to fulfil each and every booking accepted, punctually at the agreed time.
7. 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.
8. Ensure that a copy of their licence is prominently displayed where members of the public can read it.
9. Ensure that they comply with all requirements set out by the Immigration Act 2016, keeping copies of all documentation checked. This paperwork will be kept securely on site and available for inspection at all times if requested by the authorities.
10. Ensure that any telephone facilities and radio equipment provided are maintained in a sound condition, and that any defects are repaired promptly.
11. Notify the Council in writing within seven days of details of any conviction or fixed penalty notice or formal caution imposed on him/ her.
12. 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, except as allowed by sub-contract rules introduced by the Deregulation Act 2015*.

* In section 55A, subsection (1) allows an operator who accepts a booking for a private hire vehicle to sub-contract it to four types of operator - (a) an operator licensed and located in the same district as the initial operator; (b) an operator licensed and located in a different district from the initial operator (a different district but one which is still governed by the same legislation – in practice this means a district in England or Wales but outside London or Plymouth); (c) an operator licensed and located in London; or (d) a person located in Scotland.

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 14 days prior to the date of application;
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 licensed with Transport For London (TFL), or any other authority;
3. Not be over ten years old. The latest that a licence can be issued for a full year is ~~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.

In exceptional circumstances, there is scope for age limitations to be waived – provided a vehicle: -

- has a lower than average mileage;
- is aesthetically in immaculate condition;

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- can be presented with a full service history; and
- is free of damp or other odours which may cause discomfort.

Applicants wishing to have their vehicle licensed beyond the age limit should request sight of the full guidelines used to determine whether a vehicle meets the “exception circumstances” requirement and prepare a written request for consideration by the PLO accordingly.

It should be noted that a decision will be made based on the condition of the vehicle as presented to Officers, and is down to the discretion of those involved with administrating the application. No assumption should be made that a vehicle will be licensed beyond the age limits specified above.

Generally-speaking, whilst the Council acknowledges there is a cost-implication involved in doing so, in order to ensure that emissions remain manageable it encourages licensees to replace vehicles within the age limits specified above.

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4. Normally have a minimum of 4 passenger doors, excluding any tailgate;
5. Have a minimum engine capacity of 1300cc;
6. Have a solid roof, which may include a solid sunroof.
7. Not have sideways facing seats and all will comply with the current seatbelt regulations;
8. Have three anchorage points for each seatbelt;
9. Have an interior release handle on all passenger exit doors;
10. Have an external mirror on each side of the vehicle which can be used as a functional driving mirror by the driver;
11. Have a suitable and accessible dry powder fire extinguisher of not less than 1kg in capacity;
12. Carry a first aid kit. This~~e~~ must be kept in such a position as to be readily available to passengers for immediate use in as required;
13. Not display or carry any signs (except optional ‘No smoking’ sign[s]), notices, advertisements, plates, numbers, letters, figures, symbols or emblems 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.
14. Be right hand drive only, except for stretch limousines;

15. 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 one year and six-monthly for vehicles over the age of five years.

VIT tests will be undertaken annually at the Council Offices.

Applicants must include an MOT certificate with their application form, which is the result of a test carried out in the 14 days prior to the date of application. Checks will be undertaken from time to time and penalty points will be awarded for failure to meet the timescales for MOTs to be conducted.

~~The Licensing Officer~~LEOs will consider MOT advisories and decide a course of action on a case by case basis. Where the MOT indicates that they may be defective, applicants would normally be required to replace tyres or repair to British Standard BS AU 159 (with evidence of this to be provided).

At the discretion of ~~the Licensing Officer~~LEOs, advisories on MOTs will usually be required to be fixed within one month of the MOT - with evidence to this effect to be provided. Failure to comply with this requirement would usually result in the issue of penalty points to a driver's hackney carriage or private hire driver licence and in some cases in the suspension of the vehicle licence (see section 9.4).

Other issues, including those relating to aesthetics, will be taken on a case-by-case basis and LEOs may at their discretion request that applicants have faults remedied within a reasonable time frame in order to promote a certain standard of vehicle for consumption by the HC and PH using public.

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 one 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, ingress and egress from a practical point of view (as well in terms of safety), and also the materials from which the seat is made. Applicants should be mindful that it will not always be possible for the Council to issue a licence permitting use of every seat in a vehicle.

A decision as to whether a seat will be licensed is at the discretion of the ~~Licensing Officer~~LEO inspecting the vehicle. The primary consideration will be the safety and comfort of the travelling public;

- b) Where the vehicle is fitted with continuous seats, the vehicle shall be licensed to carry one 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.

The Council reserves the right to reconsider the number of passengers for which a vehicle is licensed, if on reflection LEOs believe that a vehicle is unsuitable to carry the number of passengers specified on a previously issued licence. Some MPVs may have historically been issued for a certain number of passengers when in actuality they are designed for and more suitable of carrying young children. A seat licensed for use to carry passengers for hire and reward should be suitable to carry an average sized adult. This means that someone older and / or less able should be able to easily access the seat, be provided with a large enough seat (as detailed above) and also have both adequate leg and headroom for an average sized adult.

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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:~~

- ~~• 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. The public generally consider tinted windows in taxis and private hire vehicles to be a negative thing. It is however noted that many multi-purpose vehicles (MPVs) now come with privacy glass as standard. Surrey Police have expressed concerns over the potential for such vehicles to be utilised by gangs to transport goods and passengers undetected. With~~

Commented [TR14]: A number of vehicles on Spelthorne's fleet have historically been licensed to carry 6 passengers, in spite of the fact they feature seats at the rear of the vehicle which are specifically designed for young family members. Typically these seats will be smaller, made of lightweight materials &/or be incredibly difficult for the less able to access. There is sometimes insufficient leg or headroom, to the extent where passengers will need to lean to accommodate the layout of the vehicle. Whilst it has always been accepted that where "precedent" has been set, it is unfair to backtrack & issue vehicles with licences to carry a lesser number of passengers – as a department we believe this seriously needs addressing. Whilst it may have an impact on the variety of MPVs available to applicants, we have to look at what's best for the taxi-using public; & can say with some certainty that the average person in their 70s (or even 60s) would struggle massively to get in & out of the rear seats of a Seat Alhambra, for example. This is not acceptable – in licensing those seats we are saying they are suitable for any passenger, able or less-able.

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this in mind and considering the consultation held by the Department For Transport (DFT) in early 2019 which flags levels of window tinting for consideration, applicants for Taxi and Private Hire vehicle licences in Spelthorne should be aware that any vehicles presented to the Council will need to have all tinted glass replaced with non-tinted glass, or adhesive tinting removed accordingly.

“Grandfather rights” - meaning applicants do not need to remove tinted glass - will apply to the holders of licences for vehicles obtained before September 2019 (conversely however, for the avoidance of confusion - licensees will not be permitted to install tinted glass in these vehicles). The licence holders of these vehicles will be able to continue to use them until such a time as they would have needed to be replaced, in line with Spelthorne’s age limitations.

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An exemption from this requirement will be in place for those licensees driving Executive Private Hire (EPH) vehicles, as detailed in section 6.8 below.

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 capable of having recorded material downloaded to another storage device for reviewing;
- d) be kept in good working order at all times;
- e) enable recordings to be made available to ~~Licensing Officer~~LEOs or the Police on request.

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 (not schools or other authorities)** with an account with the operator, demonstrable by reference to a minimum of three month’s work records or, in the case of new applicants, a letter from an employer;

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- The vehicle befits executive status – typically being larger in size than a large family car, in excellent condition, usually providing luxurious features beyond what might be considered by most as necessity.

An EPH vehicle will be exempt from the tinted window requirements of this policy ([section 6.5 above](#)).

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

Instead of being issued a PH vehicle licence plate, drivers of EPH vehicles will instead be issued a plate display exemption certificate, which they will be required to carry with them at all times. For this reason, it is not anticipated that EPH status will be given to Private Hire drivers carrying out work which falls outside the usual remit of an individual typically referred to as a "Chauffeur". In the case of Private Hire vehicles being used to carry out school runs, it is imperative that children, their parents and schools are able to easily identify a vehicle as being licensed.

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 eight 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 one or three years. The Government anticipates that most will be issued for three years. In some cases it may be necessary to issue a driver's licence for a shorter period, for example to give the driver an opportunity to have a medical examination or provide other outstanding documentation. In such cases the licence will be extended on production of the outstanding documentation to one or three years as appropriate. This would not normally incur an additional charge but may if the fault lies with the driver and the matter is within the driver's control.

PH operator licences can be issued for one or five years. The Government anticipates that most will be issued for five years.

HC and PH vehicle licences can be issued for a maximum of one 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, mechanically sound 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 seats are properly cushioned or covered.
5. The floor is provided with proper carpet, mat or other suitable covering.
6. 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.
7. The vehicle must at all times comply with one 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.
8. Newly licensed vehicles must conform to the requirements of section 6.5 – Tinted Windows. However, vehicles licensed before 14 July 2017 are exempt from this condition for as long as they remain continuously licensed by the Council.
9. All fuel carried by the vehicle shall be contained within permanently secured fuel tanks. Spare fuel containers must not be carried at any time whether or not they are empty.
10. The driver of a licensed vehicle shall notify the Council in writing as soon as possible, and in any event, within 14 days of any change of name or address.
11. Where CCTV is fitted to a licensed vehicle then the requirements set out at section 6.6 shall apply.

7.2 Additional Standard Conditions – Hackney Carriage Vehicles

1. A licensee shall ensure that any other person permitted to drive the licensed vehicle holds a HC 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 3 years.
3. Meters must comply with Directive 2004/22/EC of the European Parliament on measuring instruments as implemented into UK law by The Measuring Instruments (Taximeters) Regulations 2006, be programmed to calendar control and be sealed by lead or plastic signs to meet the required minimum standard.
4. 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.
5. 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.

6. 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. Once affixed, a licence plate must not obscure the registration plate.

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

7. 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) and that the person is insured for public or private hire as appropriate.

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 form;
3. Surrender of the original HC / PH vehicle licence and (where possible) 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.
6. If the original vehicle is to be used again, following repair, then a further transfer application needs to be made as it will no longer be licensed.

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, as well as the Council's enforcement policies and other guidance, such as the Crown Prosecutor's Code of Practice. Enforcement may 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 purchases of journeys. We will also make use of public CCTV monitoring in order to detect offences under the legislation.

Under section 101 of the Local Government Act 1972, a local authority can make arrangements for other local authorities to discharge its functions. Having done so, the Council may continue to discharge and control those functions. If the Council arranges for other authorities within a flexible warranting scheme to carry out its Licensing functions, it may continue to exercise most of those functions itself. What this means is that:

- Spelthorne-licensed HC and PH drivers should be aware that they may be liable to enforcement action by Officers from other Surrey local authorities when working in a capacity outside of Spelthorne Borough Council's geographical area; and
- HC and PH drivers licensed by other authorities in Surrey may also be subject to enforcement work carried out by Spelthorne Borough Council's authorised Licensing Enforcement Officers.

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).

Commented [TR15]: This section has been added reference the proposed joint-warranting scheme across Surrey.

- 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 nine or more points on their driving licence must notify the Council immediately, after which they will be required to pass the Blue Lamp Trust (or equivalent) test within three months of notification and report the result to the Council within one month of the test date. Failure to do so will result in consideration of further sanctions.

A second accumulation of nine points will normally trigger the referral of a report to a licensing sub-committee, in order for them to consider further sanctions - including possible suspension or revocation.

9.3 Suspension / Revocation of driver licences

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

Where a ~~Licensing Officer~~LEO 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 usually contact the licensee to invite them to attend a hearing with a Licensing Sub-Committee. The Council will provide the licensee with a full agenda and report in advance of the meeting, so that they are able to respond on the day. 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 hearing.

When the hearing is complete, the Licensing Sub-Committee will review the evidence and determine the appropriate sanction. The licensee will then be notified in writing and full reasons given. ~~Suspension / r~~Revocation can be immediate and a licence must be surrendered on demand.

~~Suspensions cannot lawfully be issued as a punitive measure and will typically be for a specified fixed period, or where this is done issued~~ for medical reasons, until the Council is in receipt of appropriate ~~written confirmation documentation~~ as ~~determined requested~~ by the Council’s ~~independent medical advisor, whichever is the longer, or in some cases for a specified fixed period in accordance with~~

medical guidance (for example, in accordance with current group 2 guidance: one year following a Stroke or TIA).

In certain circumstances (i.e. where there is an imminent danger in allowing a driver to continue to work), a licence may be immediately suspended or revoked. This will usually be the case for suspensions issued on medical grounds. Such decisions will be made by the Senior Environmental Health Manager, in conjunction with the Chairman of the Licensing Committee.

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 a suspension period has elapsed. Expired time during the suspension period will not be re-credited.

In terms of revocations, consideration will need to be given to~~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 five years from the date of any subsequent revocation. Where a revocation is the result of convictions, cautions, reprimands, warnings, charges which do not necessarily lead to conviction or any other information which may call into question the character of an applicant, the Surrey-wide Policy regarding the relevance of convictions and other related information (attached as Appendix 2) will be referenced.

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

9.5 Appeals

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

10. Acronyms

PH – Private Hire

HC – Hackney Carriage

DBS – Disclosure and Barring Service

OCH – Overseas Criminal History

DVLA – Driver and Vehicle Licensing Agency

PNC – Police National Computer

VOSA – Vehicle and Operator Services Agency

PNC – Police National Computer

VSA – Vehicle and Operator Services Agency

LTI – London Taxi

TFL – Transport for London

VIT – Vehicle Inspection Test

EPH – Executive Private Hire (exempt from displaying a plate) vehicles

[NAFN – National Anti Fraud Network](#)

[NR3 – National Register of Refusals and Revocations](#)

[SEHM – Senior Environmental Health Manager](#)

[PLO – Principal Licensing Officer](#)

[LEO – Licensing Enforcement Officer](#)

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Privacy Notice – Taxi Licensing



Who we are

We are Spelthorne Borough Council's Licensing Department. Your privacy is important to us. We aim for full transparency on how we gather, use, and share your personal information in accordance with the General Data Protection Regulation.

What we need

We will only collect basic personal data about you (which includes your name, address, telephone number, email etc.) together with information you have given us and information that we receive from third parties eg your GP.

Why we need it

We need to use your personal data so we can get in touch, or carry out checks to ensure you are fit and proper to hold a licence - in the interests of ensuring the public with whom you may work are safe. We can also use your personal data under many different laws. The two pieces of legislation we work in accordance with are the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In many cases there is a law that says we must or we can process your data and we can do so without your consent or permission.

In some instances (for example, when checking medical fitness reports or requesting details on criminal records), we will need to refer your data to a third party organisation. These third party organisations who provide their services are under contract and have to keep your details safe and secure, and use them only for this purpose.

What we do with it

Your personal information will be treated as confidential but it may be shared with other Council services in order to ensure our records are accurate and up-to-date, and to improve the standard of the services we deliver. [In the event that you are refused a licence or subject to revocation, we will share your data with the LGA and it will be uploaded onto the NR3 database, which is a central register of refusal and revocations accessible by all Local Authorities in the UK.](#) We will only use your information in ways which are permitted by the General Data Protection Regulation and the current UK Data Protection law.

This authority has a duty to protect the public funds it administers, and may use information held about you for all lawful purposes, including but not limited to the prevention and detection of crime including fraud and money laundering.

The Council may also use your information for the purpose of performing any of its statutory enforcement duties. It will make any disclosures required by law and may also share your information with other bodies responsible for detecting/preventing crime including fraud or auditing/administering public funds.

We will not disclose your personal information to third parties for marketing purposes.

How long we keep your information

We will keep your information for as long as it is required by us or other regulatory bodies in order to comply with legal and regulatory requirements or for other operational reasons. In most cases this will be a minimum of six years. More information on our retention schedule can be found online.

You have the following rights:

- you have the right to be informed via Privacy Notices such as this
- you have the right to request access to and to receive a copy of any information we hold about you (including in an electronic format) - to request a copy of this information you must make a subject access request in writing
- if you find that the information Spelthorne Borough Council holds about you is no longer accurate, you have the right to ask to have this corrected
- you have the right - under certain conditions - to ask us to erase your personal data
- you may request that Spelthorne Borough Council stops processing your personal data in relation to any council service (this may delay or prevent us delivering a service to you, we will seek to comply with your request but may be required to hold or process information to comply with our legal duties)

If you require further information about the use of your data or would like to exercise any of the above rights, please contact the data protection officer, please see contact details below.

Use of cookies

The Spelthorne Borough Council Web site use "cookies" to help you personalise your online experience, for more information on this please see our cookie policy <https://www.spelthorne.gov.uk/article/2322/Cookies-policy>

Contacts

If you have any concerns about how this Department or the Council is handling your personal data, these can be raised with the Council's Data Protection Officer:

Spelthorne Borough Council, Council Offices, Knowle Green, Staines upon Thames, TW18 1XB Email: Data.Protection@spelthorne.gov.uk

You also have the right to make a complaint to the Information Commissioner's Office (ICO). This is an independent body responsible for making sure that organisations comply with Data Protection legislation.

The ICO will always expect you to have raised your concerns with us before submitting a complaint.



**SPELTHORNE BOROUGH COUNCIL
PRIVATE HIRE OPERATORS LICENCE
CONDITIONS OF LICENCE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

1.0 Definitions

In these conditions the following terms have the definitions assigned to them

“Council”	means Spelthorne Borough Council
“Driver”	means the person holding and acting in accordance with a private hire driver’s licence issued to them by the Council
“Operator”	means the person holding and acting in accordance with a private hire operator’s licence issued to them by the Council
“Vehicle”	means a private hire vehicle licensed by the Council

2.0 Hiring details

The operator shall keep (in a permanent and easily legible form) a record of the following particulars of every hiring, invited or accepted by them before any hiring is commenced:

- a) the date and time of the booking;
- b) the date and time of the journey;
- c) the name of the hirer;
- d) the place at which the hire commences and the destination;
- e) the name and licence number of the driver; and
- f) the licence number of the vehicle.

3.0 Vehicle details

The operator shall keep (in a permanent and easily legible form) a record of the following particulars of every private hire vehicle operated by them:

- a) the make and model;
- b) the registration number;
- c) the private hire vehicle licence number;
- d) the age;
- e) the expiry date of the private hire vehicle licence;
- f) the name of the licensing authority;

Form A

- g) the name and address of the proprietor; and
- h) a brief description of all works of modification and major works of maintenance or repair carried out to the vehicle.

4.0 Driver details

The record required to be kept by the operator of each of his/her drivers, under Section 55(3) of the above Act, shall contain the following details:

- (a) name of driver;
- (b) date of birth;
- (c) address (or normal place of residence);
- (d) date the driver became available to the operator;
- (e) national insurance number;
- (f) driving licence number and category of vehicle for which eligible to drive;
- (g) photograph of driver;
- (h) date the driver ceased to be available to the operator.
- (i) date of commencement and expiry of the private hire driver licence of each driver employed by the company;

Records of a private hire driver must be kept for a period of twelve months from the date the driver ceased to be available to the operator.

Operators must provide details to the Council within fourteen days of any licensed driver whose services are dispensed with by the operator, where the circumstances of the driver's dismissal related to the driver's unsatisfactory conduct.

5.0 Non-driving staff

Operators must ensure that they and any controllers working under their employ (paid or unpaid) are the subject of basic criminal record check at least once every three years. These checks must be kept for the duration of the certificate (i.e. for three years from the date of issue) and should be available for inspection upon request of an authorised officer of the Council without delay. Relevant convictions which show up on any certificate as detailed in the 'Policy regarding the relevance of convictions and other related information' (attached as an Appendix to 'Spelthorne Borough Council's Taxi & Private Hire Licensing Policy') may be taken into account accordingly when the Council is determining whether an Operator or applicant can be considered "fit & proper" to hold a private hire operator licence. It is expected that a fit & proper private hire operator will give weight to such convictions, reprimands, cautions, warnings or any other relevant information when hiring controller staff.

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Operators must also ensure that they and any controllers working under their employ complete the Barnardos 'Safeguarding Vulnerable Adults & CSE' online training module before undertaking any work. Operators must keep certificates for this module for the duration of a controller's tenure and must make them available for inspection upon request of an authorised officer of the Council, without delay.

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Form A

Failure to produce any records as detailed in the section will result in the issue of penalty points to an Operator's licence in accordance with 'Spelthorne's Penalty Points Scheme', and may call into question their suitability to continue to hold said-licence.

6.0 Change of details

The operator shall notify the Council, in writing and within fourteen days of any material change in the circumstances on the basis of which the licence was granted during the period of the licence. In particular the operator must inform the Council of:

- a) any change of address giving their new address;
- b) any change in the nature of the business carried out by them;
- c) any convictions recorded against them or if the operator is a company or partnership, against any other director or partner; and
- d) any other change in the information given by the operator to the Council at the time of granting the current licence.

7.0 Prohibition on the use of words "Taxi" and "Cab"

The operator shall not include the words "Taxi" or "Cab" whether in the singular or plural and whether they form part of another word or not, in their business name or any advertising material, letter headings or other stationary.

8.0 Standard of service

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times and for this purpose shall in particular:

- a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed place and time;
- b) keep clean, adequately heated, ventilated and lit any premises which the operator provided and to which the public have access, whether for the purpose of booking or waiting;
- c) ensure that any waiting area provided by the operator has adequate seating facilities and is easily accessible for the disabled; and
- d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

9.0 Compliance with licence conditions

The operator shall ensure that the licence conditions in respect of any vehicle used by them and drivers employed or contracted to them are complied with at all times. **IT IS AN OFFENCE FOR ANY SPELTHORNE LICENSED PRIVATE HIRE OPERATOR TO SUPPLY PRIVATE HIRE WORK TO ANY PERSON NOT LICENSED BY THIS BOROUGH OR WHOSE LICENCE HAS EXPIRED.**

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SPELTHORNE BOROUGH COUNCIL

Penalty Points Scheme (updated May 2017)

Introduction

1. Hackney Carriage (taxi) and Private Hire Operators, drivers and vehicles are principally governed by a “regulatory framework” including:-
 - I. Local Government (Miscellaneous Provisions) Act 1976;
 - II. Town Police Clauses Act 1847;
 - III. Council’s Taxi Byelaws;
 - IV. Rules, Regulations and Conditions for taxi and private hire licences and vehicles as approved by Spelthorne’s Licensing Committee.
2. The primary objective of the penalty points scheme is to improve the levels of compliance with the regulatory framework and to help improve standards, safety and the protection of members of the public affected by the actions of taxi, private hire drivers and operators. The scheme also seeks to improve the level of transparency and consistency in which the licensing system is administered and enforced.
3. Council officers (i.e. Licensing Enforcement Officers or the Licensing Manager) will investigate allegations of offences under the regulatory framework, by licensed operators, drivers or vehicles owners. When considering what action to take the Council officers will take into account all available and appropriate evidence, such as eye witness accounts and their reliability, the views of the licensee who may be affected by the outcome of the investigation, etc.. The outcome of investigations may result in:-
 - I. No further action being taken;
 - II. A “Penalty points Notice” being awarded against a driver, operator or owner of a vehicle (see pages 13 and 14). The officer will apply a fixed number of penalty points for each offence as specified in the table below;
 - III. A formal written warning;
 - IV. Immediate suspension of a licence (if the public safety condition is fulfilled);
 - V. Referral to the Council’s Licensing Sub-Committee;
 - VI. Administer of a formal caution or Prosecution.
4. Once these investigations have been concluded, letters will be sent to all persons/organisations involved in the allegation(s) detailing the findings and decision of the Council officer. A record of the decision will be kept on the relevant licensed driver’s, licensed vehicle owner’s, or operator’s file, including copies of any “Penalty Points Notice(s)” issued, where applicable.
5. The aim of a penalty point scheme is to work in conjunction with other enforcement options and does not preclude or prejudice the Council’s ability to take other actions that it is entitled to take under the regulatory framework. It provides a formal and cumulative enforcement approach.
6. The purpose of the scheme is to record confirmed breaches or offences and to act as an ongoing record of a driver’s, licensed vehicle owner’s or operator’s behaviour and conduct, so as to ascertain whether they are a fit and proper person to hold such a licence.

7. Penalty points will remain on a driver's, licensed vehicle owner's or operator's record for twelve months, from the date the penalty points were issued by the officer. Points issued will be confirmed in writing within 10 working days from the completion of an investigation. Any points that were awarded more than twelve months ago will be excluded from the running total recorded against an individual licence holder or operator.
8. The Council officers specified in paragraph 3 above have been given delegated powers by Spelthorne's Licensing Committee to administer penalty points to licensed taxi or private hire drivers, private hire operators or licensed vehicle owners.
9. If a licensee wishes to appeal against the issue of a "penalty points notice" he/she must do so in writing within 10 working days from the date of issue of such a notice, to the Council's Senior Environmental Health Manager who, in consultation with the Deputy Chief Executive will have the discretion to:-
 - I. uphold the Council officer's decision – retain the number of points on the "penalty points notice"; or
 - II. cancel the issue of the "penalty points notice" to the licensee.

There is no appeal beyond the decision made by the Senior Environmental Health Manager in conjunction with the Deputy Chief Executive. However, should a licensee be subsequently reported to the Licensing Sub-Committee for accumulating 12 or more penalty points, he/she has the opportunity to raise the validity of the points issued.
10. Significant breaches of conduct, which are identified through officer observations or through complaints from the public or the trade, will be subject to investigation by Officers and may be reported to the Licensing Sub-Committee for a decision on whether the driver, operator or a licensed vehicle owner is a fit and proper person, whether or not penalty points have been awarded.
11. The Licensing Sub-Committee, when dealing with matters referred to them following the accumulation of penalty points, will consider the circumstances, the seriousness of the breaches of the regulatory framework, the quality of the evidence before it and the compliance history of the individual driver, licensed vehicle owner or operator. The Licensing Sub-Committee may decide to:-
 - I. Suspend a licence; or
 - II. Revoke a licence; or
 - IV. Take no action.
12. If a driver's, licensed vehicle owner or operator's licence is either suspended or revoked they will have the right to appeal against the Licensing Sub-Committee's decision to the Magistrates' Court.



PENALTY POINTS SCHEME

With reference to relevant legislation stated in the table below, the following abbreviations have been used:

Town Police Clauses Act 1847 – TPCA 1847;
 Local Government (Miscellaneous Provisions) Act 1976 – LG(MP)A 1976; and
 Road Traffic Act 1988 – RTA 1988

The trigger point for a licensed driver, vehicle owner or operator to be referred to the Council’s Licensing Sub-Committee is a total of 12 penalty points accumulated within a 12 month period. The comprehensive lists of offences/breaches which will attract penalty points are listed in the table below:

	Offence/breach of Condition	Fixed Points Applicable	Driver	Vehicle Owner or Operator	Regulatory framework reference
	Administrative offences				
1	Using unlicensed vehicle or vehicle without the relevant motor insurance cover (i.e. insured for use as a private hire or taxi for hire and reward).	12	✓	✓	Unlicensed hackney carriage TCPA 1847 s45 d(i) drive (ii) stand on the highway (iii) ply for hire. Operating an unlicensed private hire vehicle – LG(MP)A 1976 s46 (1)(e)(i). Use of a vehicle (other than a licensed hackney carriage) as a private hire vehicle LG LG(MP)A 1976 s46(1)(a) No insurance (hackney carriage and/or private hire vehicle) RTA 1988 s143. Spelthorne’s Hackney Carriage(HC) Byelaw 9; Spelthorne’s HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne’s HC application form requirement, section 1 p; Spelthorne’s Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne’s PH application form requirement, section 2 p.
2	Driver not holding a current DVLA Licence.	12	✓	✓	RTA 1988 s87;

					Spelthorne's HC Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a);
3	Providing false or misleading information / failing to provide relevant information or the relevant fee (including dishonoured cheques).	6	✓	✓	Providing false or misleading information LG(MP)A 1976 s57; Failing to provide information to an authorised officer LG(MP)A 1976 s73(1)(c); Hackney carriage and private hire driver licence fees LG(MP)A 1976 s53(4) & (5); Declaration section to Spelthorne's HC and PH application form.
4	Failure to submit a licensed vehicle that is 5 years old, or more for a 6 monthly MoT and provide documented proof to the Council that it has passed such a test within 4 weeks of the due date of the MoT test.	4		✓	LG(MP)A 1976 s50 (1); Spelthorne's Hackney Carriage(HC) Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's HC application form requirement, section 1 p; Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne's PH application form requirement, section 2 p.
5	Continuing failure, after a further 4 weeks has elapsed, to provide documentary evidence that a licensed vehicle has passed a 6 month MoT.	4		✓	LG(MP)A 1976 s50 (1) Spelthorne's Hackney Carriage(HC) Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's HC application form requirement, section 1 p; Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne's PH application form requirement, section 2 p.
6	Failure to provide proof of appropriate motor insurance cover within a specified time when requested by a	4	✓		LG(MP)A 1976 s50 (4); Spelthorne's Hackney Carriage(HC) Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section

	Council officer.				2.0 a); Spelthorne's HC application form requirement, section 1 p; Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne's PH application form requirement, section 2 p.
7	Continuing failure, after a further 4 weeks has elapsed, to provide documentary evidence that a licensed vehicle has the appropriate motor insurance cover.	4	✓		LG(MP)A 1976 s50 (4); Spelthorne's Hackney Carriage(HC) Byelaw 9; Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's HC application form requirement, section 1 p; Spelthorne's Private hire (PH) licence – conditions of licence, part (B), section 1.0 a); Spelthorne's PH application form requirement, section 2 p.
8	Failure to produce specified documents within a specified timescale when requested by a Council Officer in writing.	4	✓	✓	Depends which documents are requested, because various sections of LG(MP)A 1976 apply.
9	Continuing failure to provide relevant documents to a Council officer, as requested in writing – for every 4 weeks that elapse.	4	✓	✓	LG(MP)A 1976 s73(1)(b) and/or(c).
10	Failure to produce a Hackney Carriage or Private Hire vehicle for inspection/testing when Requested by a licensing officer.	4		✓	LG(MP)A 1976 s50(1).
11	Continuing failure, to provide a hackney carriage or private hire vehicle for inspection/testing within the	4		✓	LG(MP)A 1976 s50(1).

	timescale specified by the Licensing Officer..				
12	Failure to maintain records in a suitable form of the commencement and cessation of work of each driver each day.	6		✓	LG(MP)A 1976 s56(2); Spelthorne's Private hire operators' licence conditions – sections 2.0 and 3.0.
13	Failure to produce on request records of drivers' work activity.	6		✓	LG(MP)A 1976 s56(2); Spelthorne's Private hire operators' licence conditions – sections 2.0 and 3.0.
14	Failure to notify, in writing, a change in medical circumstances	6	✓		LG(MP)A 1976 s57 (1) – for hackney carriage drivers when renewing their licences; or LG(MP)A 1976 s73 (1)(c) – for hackney carriage drivers if an officer has grounds to suspect their medical condition has changed; Spelthorne's Private hire drivers licence conditions – section 7.0 (i.e. within 14 days).
15	Failure by a private hire operator to maintain proper records of drivers or vehicles registered with his/her business.	4		✓	LG(MP)A 1976 s56 (2). Spelthorne's Private hire operators' licence conditions – sections 2.0 and 3.0.
16	Failure to keep or produce records of private hire bookings	6		✓	LG(MP)A 1976 s56 (2). Spelthorne's Private hire operators' licence conditions – sections 2.0 and 3.0.
17	Failure to notify the Council, in writing, of any motoring or criminal convictions within 5 days of conviction or caution during period of	4	✓	✓	LG(MP)A 1976 s57 (1) – for hackney carriage drivers when renewing their licences; or LG(MP)A 1976 s73 (1)(c) – for hackney carriage drivers if an officer has grounds to suspect they have received convictions or cautions;

	current licence.				Spelthorne's Private hire drivers licence conditions – section 7.0 (i.e. within 14 days).
18	Failure to submit a licence renewal application until after the expiry date of an existing one.	6		✓	Vehicle licence – LG(MP)A 1976 s50(1)
19	Misleading use of the words 'Taxi' or 'Cab' on advertising materials.	3		✓	Private hire vehicles - LG(MP)A 1976 s1(a)(ii); Spelthorne's Private hire operators licence conditions – section 6.0. Private hire vehicle application requirement 2:0 (r).
20	Failure to comply with any other licence conditions set by the Council.	3 per licence breach	✓	✓	Spelthorne's private hire operators' conditions of licence, section 8.0; Spelthorne's PH licence – conditions of licence, Part (B), section 8.0; Spelthorne's HC vehicle licence – conditions of licence, section 8.0.
21	Failure to notify the Council when involved in an accident whilst using a licensed vehicle.	4	✓	✓	LG(MP)A 1976 s50(1).
21	Failure to notify the Council , in writing, of a change of <u>postal address, telephone number or e-mail address</u> within 14 days (two week).	3	✓	✓	LG(MP)A 1976 s57 (1) – for hackney carriage drivers when renewing their licences; or LG(MP)A 1976 s73 (1)(c) – for hackney carriage drivers if an officer has grounds to suspect they have received convictions or cautions; Spelthorne's Private hire drivers licence conditions – section 7.0.
	Conduct of driver, licensed vehicle owner or Operator offences				

22	Using a vehicle subject to a suspension or revocation order issued by the Council.	12	✓	✓	Unlicensed hackney carriage TPCA 1847 s45 d(i) drive (ii) stand on the highway (iii) ply for hire. Operating an unlicensed private hire vehicle – LG(MP)A 1976 s46 (1)(e)(i). Spelthorne’s PH Operators’ – conditions of licence, section 8.0; Spelthorne’s HC vehicle licence – conditions of licence, section 8.0; Spelthorne’s PH licence – conditions of licence, Part (B), section 5.0
23	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle.	12	✓	✓	LG(MP)A 1976 s73(1)
24	Failure to carry an assistance dog without requisite exemption.	12	✓	✓	Disability Discrimination Act 1995 s37; Spelthorne’s PH licence – conditions of licence, Part (A), section 5.0.
25	Serious misconduct or behaviour of a licensee	12	✓	✓	TPCA 1847 s68 – HC drivers; Spelthorne’s HC byelaw 9; Spelthorne’s PH licence – conditions of licence, Part (A), section 1.0 b) & c).
26	Failure to behave in a civil and orderly manner	6	✓	✓	TPCA 1847 s68 – HC drivers ; Spelthorne’s HC byelaw 9; Spelthorne’s PH licence – conditions of licence, Part (A), section 1.0 b) & c).
27	Plying for hire by private hire drivers.	12	✓		TPCA 1847 s45 ; Spelthorne’s PH licence – conditions of licence, Part (B), section 5.0.
28	Unreasonable prolongation of journey	6	✓		TPCA 1847 s54,58, & LG(MP)A 1976 s66,69 – HC drivers; LG(MP)A 1976 s69 – PH drivers;
29	Failing to activate the meter or charging more than the	12	✓		TPCA 1847 s54,58, & LG(MP)A 1976 s66,69 – HC drivers; LG(MP)A 1976 s69 – PH drivers;

	metered fare for journeys inside the borough				Spelthorne's HC byelaw 4, 5, 6, 14 and 15.
30	Carrying more passengers than the capacity stated on the vehicle licence.	6	✓		TPCA 1847 s45 - HC drivers; LG(MP)A 1976 s46(1)(a) – PH drivers; Spelthorne's HC byelaw 11; Spelthorne's PH licence – conditions of licence, Part (A), section 2.0 a).
31	<u>Failure of private hire operator to provide a valid criminal record check for a controller working under his/her employ on request of an authorised officer</u>	6		✓	<u>LG(MP)A 1976 s56 (2).</u> <u>Spelthorne's Private hire operators' licence conditions – section 5.</u>
32	<u>Failure of private hire operator to provide a pass certificate in respect of Barnardo's Safeguarding Vulnerable Adults & CSE training module for a controller working under his/her employ on request of an authorised officer</u>	4			<u>LG(MP)A 1976 s56 (2).</u> <u>Spelthorne's Private hire operators' licence conditions – section 5.</u>
33	Failure to carry fire extinguisher.	3		✓	Spelthorne's HC Byelaw 3 (h); Spelthorne's HC licence application requirements, section 1.0 n); Spelthorne's PH licence application requirements, section 2.0 n).
34	Failure to carry a first aid kit.	3		✓	Spelthorne's PH licence application requirements, section 2.0 o); Spelthorne's HC licence application requirements, section 1.0 o).
35	Smoking or vaping in vehicle by either the driver or any passenger(s).	4	✓	✓	Health Act 2006 s7(2) and s8(4) Spelthorne's PH licence – conditions of licence, Part (A), section 1.0 g).
36	Eating, using a mobile phone which was not hands	4	✓	✓	Spelthorne's HC byelaw 9. Spelthorne's PH licence – conditions of licence, Part (A), section

	free, or drinking while his/her vehicle was in motion.				1.0 c) & d).
37	Failure to wear private hire or hackney carriage driver's badge.	4	✓		Spelthorne's HC Byelaw 12; LG(MP)A 1976 s54(2) – PH drivers.
38	Refusal to accept hiring without reasonable cause	4	✓		TPCA1847 s 52 or s53 – HC drivers;
39	Failure to observe rank discipline – taxi drivers (e.g. plying for hire outside the markings of one of the borough's taxi ranks).	4	✓		TPCA 1847 s64; Spelthorne's HC byelaw 7.
40	Failure to issue a receipt on request	4	✓	✓	Spelthorne's PH licence – Conditions of licence, Part (A), section 4.0.
41	Failure to give assistance with loading/unloading luggage to or from any building or place.	4	✓	✓	Spelthorne's HC byelaw 13; Spelthorne's PH licence – conditions of licence, Part (A), section 1.0 a)
42	Failure to attend punctually at appointed time and place without sufficient cause.	4	✓	✓	Spelthorne's PH licence – conditions of licence, Part (A), section 6.0; Spelthorne's HC byelaw 10; Spelthorne's PH Operators' licence – conditions of licence, section 7.0 a).
43	Failure to display the fare card.	3	✓	✓	Spelthorne's HC byelaw 15 (a); Spelthorne's HC vehicle licence – conditions of licence, section 4.0.
44	Waiting or stopping on a double yellow road line, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle.	3	✓		TPCA 1847 s28 .

45	Failure to comply with any other licence conditions set by the Council	3 per licence breach.	✓	✓	Spelthorne's PH Operators' licence – conditions of licence, section 8.0; Spelthorne's HC vehicle licence – conditions of licence, section 8.0; Spelthorne's PH licence – conditions of licence, Part (B), section 8.0.
46	Any other inappropriate behaviour, as defined by Council Officers in accordance with Spelthorne's licence conditions	Sliding scale: 1-12 points depending on the severity of the issue	✓		Spelthorne's PH licence – conditions of licence, Part (B), section 8.0.
	Condition of vehicle offences				
47	Using a non-approved or non-calibrated taximeter	12	✓	✓	LG(MP)A 1976 s71 ; Spelthorne's HC byelaw 4; Spelthorne's HC licence application requirements, section 1.0 e).
48	Displaying any feature on a private hire vehicle that may suggest that it is a taxi vehicle.	6		✓	LG(MP)A 1976 s48(1)(a)(ii); Spelthorne's PH licence – conditions of licence, Part (B), section 3.0; Spelthorne's PH licence application requirements, section 2.0 r).
49	Displaying any feature on a taxi that may suggest that it is a private hire vehicle.	6		✓	Spelthorne's HC application requirements, section 1.0 e); Spelthorne's HC vehicle licence – conditions of licence, section 5.0 & 6.0.
50	A licensed vehicle with illegal tyres	4 per tyre		✓	Spelthorne's HC vehicle licence – conditions of licence, section 2.0 a); Spelthorne's PH licence – conditions of licence, Part (B), section 1.0 a).
51	Failure to use authorised roof light on a hackney carriage vehicle.	4	✓		Spelthorne's HC vehicle licence – conditions of licence, section 5.0.
52	Failure to display the	4		✓	TPCA 1847 s52 - HC drivers;

	external/internal licence plate or signs as required.				LG(MP)A 1976 s48(6) – PH drivers; Spelthorne’s PH licence – conditions of licence, section 2.0; Spelthorne’s HC vehicle licence – conditions of licence, section 3.0.
53	Failure to report to the Council, in writing, within 72 hours, of an accident or damage to licensed vehicle, which would cause the vehicle to breach a licence condition(s).	4	✓	✓	LG(MP)A 1976 s50(3); Spelthorne’s PH licence – conditions of licence, Part (B), section 1.0 a) & 4.0.; Spelthorne’s HC vehicle licence – conditions of licence, section 2.0 a) & 7.0.
54	Unsatisfactory condition of vehicle, interior or exterior.	4	✓	✓	LG(MP)A 1976 s68; Spelthorne’s PH licence – conditions of licence, Part (B), section 1.0 a) & 4.0.; Spelthorne’s HC vehicle licence – conditions of licence, section 2.0 a) & 7.0.
55	Displaying unsuitable or inappropriate sited signs or advertisements in or on the vehicle.	3		✓	Spelthorne’s PH licence – conditions of licence, Part (B), section 3.0; Spelthorne’s PH licence application requirements, section 2.0 r); Spelthorne’s HC licence application requirements, section 1.0 r).
56	Leaving car unattended on a rank appointed by the Council	3		✓	Town Police Clauses Act 1847
57	Failure to comply with any other licence conditions set by the Council.	3 per licence condition.	✓	✓	Spelthorne’s PH Operators’ licence – conditions of licence, section 8.0; Spelthorne’s HC vehicle licence – conditions of licence, section 8.0; Spelthorne’s PH licence – conditions of licence, Part (B), section 8.0.

Ticks indicate potential recipients of penalty points for infringements.

For certain infringements, points may be issued to one or several persons (drivers, proprietors or operators) depending upon the nature of that infringement.



Certain matters are specific to hackney carriages, private hire drivers or private hire operators.

Penalty Points Notice

To:

Of:

Licence No:

Notice is hereby given that on the date specified below you were found to be in breach of the Council's Penalty Points Scheme in respect of the of the matter(s) detailed below. You should be aware that you may appeal against the award of points as set out overleaf.

Date of breach: Time:

Location of breach:

Penalty Points	Detail of breach(s)	
1)	<input style="width: 50px; height: 20px;" type="text"/>
2)	<input style="width: 50px; height: 20px;" type="text"/>
3)	<input style="width: 50px; height: 20px;" type="text"/>
4)	<input style="width: 50px; height: 20px;" type="text"/>
Total points imposed		<input style="width: 50px; height: 20px;" type="text"/>

Officer's signature:

Officer's name:

Date points imposed:

Penalty Points Notice

The penalty points imposed by this notice will be recorded on your personal file and will be taken into account when an application for renewal of a licence is made to the Council, or when considering any other enforcement action against you. If you accrue 12 points in any 12 month period, your licence will be reported to the Council's Licensing Sub-Committee for them to consider whether or not you are a fit and proper person to hold such a licence.

If you want to check how many penalty points have been awarded to you in the past 12 months please contact the Licensing team.

If you think this notice should not have been served, you have the right to have the decision reviewed. A request to have this notice reviewed must be made in writing to the Senior Environmental Health Manager within 10 working days of the date of the award of the penalty points, stating why you think the points should not have been awarded. If you have been unable to appeal within this timescale, for example, because you have been away on holiday, then you should contact the Licensing Team as soon as possible on your return. If you can provide proof that you were away then consideration will be given to allow a reasonable extension to the appeal period.

The award of penalty points under this scheme does not prevent you from facing enforcement action by any other agency, such as the Police.

If you have any questions about this notice, please contact:

Spelthorne Borough Council
Licensing
Council Offices
Knowle Green
Staines-upon-Thames
Middlesex
TW18 1XB

Telephone number: 01784 446432
Email: licensing@spelthorne.gov.uk
Website: www.spelthorne.gov.uk

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Thomas, Robert

From: Scott Tanner <[REDACTED]>
Sent: 08 August 2019 17:06
To: Thomas, Robert
Subject: Re: Spelthorne Taxi & Private Hire Licensing Policy revisions

Importance: High

Hi Rob

With regards to our telephone conversation today and your email below with the tinted window section. As discussed out of our fleet of 17 vehicles we do run two vehicles with full limo tint windows as your aware we are a specialist passenger transport and therefore we have these vehicles to help transport light sensitive clients. For example seizures can be brought on by the light passing through trees and coming into the vehicle when driving therefore triggering a seizure by having the tinted windows this lessens the light intensity and our clients have a safer and more enjoyable journey.

I trust all is in order and that we will still be able to continue to offer the tinted vehicles for our clients that require them.

Kind Regards

Scott Tanner
Director
Mums & Sons Ltd

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Thomas, Robert

From: Rod Williams <[REDACTED]>
Sent: 13 August 2019 14:05
To: Thomas, Robert
Cc: Morey, Paul
Subject: Re: Spelthorne Taxi & Private Hire Licensing Policy revisions

To : Rob Thomas - Principal Licensing Officer - Spelthorne Borough Council.

Dear Mr. Thomas,

The Imperative for Exemptions and Grandfather Rights for qualifying Spelthorne PH Licensed vehicles with Tinted windows currently trying to survive in, or enter, the increasingly-competitive London Chauffeur market.

Further to your 7th August letter below - and confirming my telephone conversation with Paul Morey this morning - I believe the imposition of an outright, across-the-board ban on 'Tints' in Spelthorne vehicles - **Before the same action by TfL** - would effectively exclude Spelthorne vehicles from competing for work in London - thereby putting Operator / Drivers like myself totally out of business.

The majority of my work is as a sub-contractor for agencies offering me work shuttling corporate clients between central London, The City and Heathrow - but it's now extremely rare to see London S-class, or equivalent, chauffeur cars or chauffeured Mercedes MPV's without Tints - and I know that it would only take one client to complain that they'd spent 2.5 hours getting from Heathrow to The City - as it can in a term-time morning 'rush'-hour - in the glare of a motorised gold-fish bowl for me to be dropped from somebody's sub-contractor list - why wouldn't they ? - there would be literally Thousands of Tinted **TfL-licensed** alternatives for an agency to use instead !

I would also like to mention the comfort / privacy / security aspect of Tints too - how many high-value clients trapped in any of London's all-too-frequent demonstrations at least felt comforted that photos of them covering in a clear-window car couldn't be taken and viralled around the world on social media by an Extinction Rebel ?

As for my own American clients -

the 1st - a multi-millionaire older lady - has a skin-sensitivity, which I have no intention of inquiring about, who expects to be protected from the sun - and always dons a wide-brimmed hat as soon as she gets out into sunshine.

with the 2nd - a billionaire family, friends of the 1st - there are security issues too - they own an English football team and, if a massive stone-chip hadn't put me off the road, last Saturday I would have been driving a family member and guest through narrow streets heaving with thousands of passionate supporters towards their stadium. ~ I believe their security team would understandably veto the use of a vehicle with clear glass for that particular journey - even though the family principle has said he prefers my current car as he feels it's not as 'flashy' as a shiny black S-class Mercedes.

and with Oprah Winfrey - also a friend of the 1st - I'm still haunted by seeing her feel the need to lie down across the back seat of my clear-window 1st BMW 7 - because she saw a group of young girls, who she thought might recognise her, approaching us whilst we were stuck solid in a Soho traffic jam.

Spelthorne is the closest non-TfL borough to Heathrow - with the shortest 'unladen' mileage - so surely an anti-competitive complete ban on Tints would have an Environmental deficit as well ? - with tinted TfL-licensed cars coming from anywhere being preferred to really local clear-window Spelthorne ones.

Given the TfL Licensing area has - I would have thought - a much greater problem with crimes involving vulnerable adults ; child sexual exploitation & "County Lines" drug-trafficking than Spelthorne ... and given Spelthorne drivers have been discriminated against for years at costs of Thousands of £pounds by TfL's unfair anti-competitive protectionist Congestion Charge exemptions for its own Private Hire licensees

... and given I'm now being discriminated against again - at a cost of up to a possible £387.50 per month - by TfL's refusal to grant ULEZ Grandfather Rights to a 26-06-2014 reg. diesel car bought - in good faith - for £40,980 on 30-09-2014 ... and even though I'm obviously hopeful I would be granted Grandfather Rights to my tinted windows myself

... I must nevertheless say I'm surprised and disappointed that Spelthorne is considering a measure as anti-competitive as banning Tinted Windows ahead of any action by TfL ... surely until TfL do, out of fairness to its Licensees, Spelthorne could concentrate on making sure all Licencees are aware that those convicted of any involvement in the crimes above will remain on the hopefully-adopted National Register of Refusal and Revocations for Life !

My only other comment about your letter is - given the number of all-Black phones, and even a high-end all-black Tablet on Friday night, which clients try to leave in my car when they get out - I always wonder how clients of app-based "virtual-offices" manage to search for / reclaim their left / lost property.

Very best regards to yourself & Paul Morey



**SPELTHORNE BOROUGH COUNCIL
PRIVATE HIRE LICENCE APPLICATION REQUIREMENTS
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

All licences are renewable annually and are valid for 12 months from the date of issue unless revoked or suspended.

1.0 Operator

This paragraph relates to an operators licence, not private hire licence. An application for an operator's licence will not be considered unless applicants can satisfy the Council that they are a fit and proper people to hold such a licence. Applicants will also be required to have a check made with the police or Government agencies for the existence and content of any criminal record held in the name of the applicant. A further check as above will be made three years after the previous check and thereafter.

2.0 Vehicle

An application for a private hire vehicle licence will not be considered if the vehicle concerned does not satisfy the definition of a private hire vehicle as set out in Section 80 of the above Act i.e. "a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle or a London cab", or fails to meet the following requirements:

- a) The vehicle must not be a London LTI, "Fairway", "Metrocab" or similar style of vehicle.
- b) The vehicle must be a saloon, estate car or multi-purpose vehicle (MPV) ~~with a solid roof. If a sunroof is fitted it must not exceed 50% of the roof area.~~
- c) The vehicle must not be over ten years old (except for vehicles specially adapted to carry passengers who are wheel chair bound, which may continue to be licensed up to twelve years of age subject to full compliance with licence conditions). The latest that a licence can be issued will be when it is nine years old.
- d) In exceptional circumstances the Council may use its discretion to extend the age limit specified in c) above
- e) The vehicle must be provided with at least two doors for the ingress and egress of passengers and driver on each side of the vehicle.
- f) Must have a minimum engine capacity of 1300 cc.
- g) Must have a minimum seat width of 41 cm. (16in.) per passenger and seat pitch (distance between the rear of the forward seat or dashboard and the front face of the passenger seat) of 66cm. (26 in.) at all times.
- h) Seats will not be sideways facing to the direction of travel and all will comply with the current seatbelt regulations.
- i) All seat belts are to have three anchorage points.
- j) All passenger exit doors must have an interior release handle.
- k) Must have two external driving mirrors.
- l) Must have an interior light in working order.

Commented [TR1]: No longer a relevant safety concern, due to improvements in manufacturing standards of vehicles which meet requirements in spite of sun roofs.

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- m) Must not feature tinted glass. Any tinted panels will have adhesive tinting removed or; in the case of those with factory tinted glass, will have said-panels replaced at the expense of the applicant prior to submission of an application to licence a vehicle.
- n) Unless the vehicle is constructed by the manufacturer not to carry a spare wheel, all vehicles must carry a securely retained spare wheel and the necessary tools to change the wheel.
- o) In the absence of a spare wheel, all vehicles must be fitted with "run flat" tyres and/or carry a gel-based repair kit.
- p) Must have a suitable and accessible dry powder type fire extinguisher of not less than 1kg in capacity.
- q) Must carry a first aid kit. This must be kept in such a position as to be readily available to passengers for immediate use in as required. As a minimum standard, this kit must contain the following;
- (i) 10 individually wrapped sterile adhesive dressings ('plasters') in assorted sizes.
 - (ii) Two sterile eye pads.
 - (iii) Two individually wrapped sterile triangular bandages.
 - (iv) Four safety pins.
 - (v) Three medium sized (approximately 12cm x 12cm) individually wrapped sterile wound dressings.
 - (vi) Two large (approximately 18cm x 18cm) individually wrapped sterile wound dressings.
 - (vii) One pair of disposable gloves.
- r) The driver at any time must be insured for private hire valid for a minimum period of one month on application and thereafter. The new insurance certificate must be produced for inspection to the Council Offices when due. Failure to do so may result in the vehicle licence being suspended or revoked until produced.
- s) From the date of the first anniversary of the date of registration of the vehicle with DVLA or when the vehicle was constructed, whichever is the sooner, the vehicle must successfully pass a VOSA test (MoT) and thereafter every twelve months. Once a vehicle has reached an age of five years it must successfully pass a MoT test every six months. The new test certificate must be produced for inspection to the Council Offices, failure to do so rendering the vehicle licence likely to be suspended or revoked.
- t) Must not display or carry any signs (except a "No smoking" sign), 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 the 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 or include the words 'CAB', 'TAXI' or 'TAXI CAB'. Any signs must not obscure the driver's vision in any direction.
- u) Any licensed vehicle specially adapted to carry passengers who are wheelchair bound will have the current licence fee reduced by 50%.

3.0 Driver

- a) When submitting an application for a private hire driver licence applicants must declare any convictions or cautions they may have, whether or not they are 'spent' under the Rehabilitation of Offenders Act 1974.
- b) Applicants should be aware that the licensing authority is empowered in law to check with the police or Government agencies for the existence and

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content of any criminal record held in the name of the applicant. Information received from the police or government agency will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than necessary (Section 47, Road Traffic Act 1991). A further check as above will be made three years after the previous check and thereafter.

- c) Any applicant from an overseas country, whether in the European Union or not, must produce a criminal record check from their home embassy or high commission before the application can be completed.
- d) All applicants must have an acceptable command of spoken English and be able to communicate clearly with passengers. This will be determined by way of an approved test designed by Manchester City Council and conducted by Council officers.
- e) The applicant must satisfy the Council that they are a fit and proper person and have been the holder for at least three years a licence granted under Part III of the Road Traffic Act 1972 authorising them to drive a motor car. Applicants and existing licensed drivers, when attaining the age of 70 must produce a renewal of their expired driving licence. This licence must be produced at the Council Offices at any reasonable time when required and also when any application is made in relation to any taxi or private hire licence.
- f) A check will be made direct with driver licence records at DVLA to determine what endorsements are recorded on an applicants licence. This includes the driving licence of any person renewing an existing private hire or hackney carriage driver licence.
- g) All new applicants must pass the [Driving Standards Agency \(DSA\) Blue Lamp Trust](#) test designed for taxi and private hire drivers before a licence will be issued.
- h) The applicant must have attained the age of 21 years and produced his/her birth certificate or current passport for examination.
- i) Any licensed driver who receives a total of nine or more current penalty points on his/her DVLA licence must pass the [DSA-Blue Lamp](#) "taxi driver" test within three months of receiving the last points.
- j) The applicant must produce a certificate, provided by the Council (form E) completed by their registered general practitioner (GP) to the effect that the applicant is physically fit to be the driver of a taxi or private hire vehicle. Such certificates must be submitted every five years up to the age of [60-65](#) and thereafter every twelve months.
- k) Applicants must, unless exempted, be able to demonstrate that they possess a good working knowledge of the borough and regulations for the type of licence for which the application is made. If, on the first attempt, applicants fail to demonstrate a sufficient knowledge of the borough and appropriate licence conditions, they will be charged the current fee for re tests. [In order to prevent applicants simply learning the test itself, it is not possible to sit any of the tests more than three times in a rolling 52-week period. Three failures of any of the tests will therefore result in an application being put on hold until the following year.](#)

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**SPELTHORNE BOROUGH COUNCIL
PRIVATE HIRE LICENCE
CONDITIONS OF LICENCE
LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976**

1.0 Definitions

In these conditions the following terms have the definitions assigned to them

“Council”	means Spelthorne Borough Council
“Driver”	means a person holding and acting in accordance with a private hire driver’s licence issued by the Council
“Licence”	means a private hire vehicle licence issued by the Council
“Licence plate”	means the plate issued by the Council for the purposes of identifying the vehicle as a private hire vehicle duly licensed by the Council
“Proprietor”	means the holder of a private hire vehicle licence
“Operator”	means the holder of a private hire vehicle operator’s licence granted by the Council
“Vehicle”	means a private hire vehicle licensed by the Council

(A) THE DRIVER

1.0 Conduct of Driver

The Driver shall:

- a) offer all reasonable assistance with passengers’ luggage;
- b) at all times be clean and respectable in their dress and person and behave in a civil and orderly manner;
- c) take all reasonable steps to ensure the safety of passengers conveyed in, entering or alighting from the vehicle driven by them;
- d) not without the express consent of the hirer eat or drink in the vehicle;
- e) not without the express consent of the hirer play any radio or other sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle;
- f) at no time cause or permit the noise emitted by any radio or other previously mentioned equipment in the vehicle which they are driving to be a source of nuisance or annoyance to any person, whether inside or outside the vehicle.
- g) at no time smoke or permit any person to smoke in the vehicle whether it is being used as a private hire vehicle or not.

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2.0 Passengers

The Driver shall:

- a) not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence of the vehicle;
- b) not allow there to be conveyed in the front of a private hire vehicle:
 - i) any child below the age of ten years;
- c) not without the consent of the hirer of the vehicle convey or permit to be conveyed any other person in that vehicle.

3.0 Lost Property

The driver shall:

- a) immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there;
- b) any property found in a vehicle will be deposited at a police station within 48 hours and left in the custody of an officer on the giving of a receipt; and
- c) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the police station, whichever is the greater) but not more than five pounds.

4.0 Written receipts

The driver shall if requested by the hirer of a private hire vehicle provide them with a written receipt for the fare paid.

5.0 Animals

If a passenger is disabled and is dependent upon a guide, hearing or other assistance dog the driver MUST allow the dog to be carried, at no charge, unless exempted under section 37 of the Disability Discrimination Act 1995* and the vehicle is clearly displaying the statutory exemption certificate. Assistance dogs are trained to sit in the front passenger foot well with their owners. **REFUSAL TO CARRY AN ASSISTANCE DOG WITHOUT GOOD REASON OR EXEMPTION IS AN OFFENCE.** The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of themselves, the proprietor or operator of the vehicle, and any animal, not being a guide, hearing or other assistance dog, belonging to or in the custody of any passenger, which in the driver's discretion may be conveyed in the vehicle, shall only be conveyed in the rear of the vehicle.

6.0 Prompt attendance

The driver of a private hire vehicle shall, if they are aware that the vehicle has been hired to be in attendance at an appointed time and place, or has otherwise been instructed by

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the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by some sufficient cause.

7.0 Change of details

The driver shall notify the Council, in writing and within fourteen days of any material change in the circumstance on the basis of which the licence was granted during the period of the licence. In particular the driver must inform the Council of:

- a) any change of address-contact details giving their new postal address, telephone number and/or e-mail address; and
- b) illness or injury affecting their fitness to drive in any way; ~~and~~
b) In addition, drivers must notify the Council in writing within five days of convictions, cautions, court orders, reprimands, warnings or charges which do not necessarily lead to conviction recorded against them (including motoring convictions).

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8.0 Return of the driver's badge

The driver shall upon expiry (without immediate renewal), revocation or suspension of this licence forthwith return to the Council the driver's badge issued to the driver by the Council when granting this licence.

9.0 Use of licence

THE HOLDER OF A SPELTHORNE PRIVATE HIRE LICENCE CAN ONLY WORK FOR A PERSON OR COMPANY WHO POSSESSES AN SPELTHORNE OPERATOR'S LICENCE.

(B) THE VEHICLE

1.0 Every proprietor of a vehicle shall ensure that:

- a) The vehicle together with all its fittings and equipment, is kept in an efficient, safe, watertight, clean and tidy condition and all relevant statutory requirements are fully complied with, including in particular those contained in the current Motor Vehicles (Construction and Use) Regulations;
- b) No material alteration or change in the specification, design, condition or appearance of the vehicle without the approval of the Council at any time while the licence is in force.
- c) The seats are properly cushioned or covered; and
- d) The floor is provided with proper carpet, mat or other suitable covering

2.0 Licence plate

The proprietor shall at all times ensure that the licence plate shall be fixed in an upright position and displayed outside and near the rear of the vehicle either immediately above,

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on or below the bumper in such a position that the vehicle's registration number is not obscured and with the details of the licence plate clearly visible.

The proprietor or driver shall not wilfully or negligently cause or suffer the licence plate attached to the vehicle, in pursuance of this condition, to be concealed from public view nor shall the proprietor allow the licence plate to be so defaced that any figure or material particular is illegible. A supplementary double-sided licence badge will be supplied by the Council and is to be displayed on the inside of the windscreen together with contact information for the public. These must be displayed in a position not obscuring the drivers view to the front or side of the vehicle.

The licence plates shall remain the property of the Council and where a licence lapses or is suspended or revoked, shall be returned *within seven days* to the Council. Any deposit, which may from time to time be determined by the Council, shall be refunded upon the plate being returned in a satisfactory condition. A deposit will be forfeited where formal procedures have to be adopted by the Council to secure the recovery of the plate.

3.0 Advertising, signs, notices etc

Save for the requirements of displaying the licence plate and a "No smoking" sign, the proprietor shall ensure that the vehicle is not displaying or carrying any signs, notices, advertisements, plates, numbers, letters, figures, symbols, emblems or devices whatsoever, on, in or from the vehicle without authority, save for the name and telephone number of the operator or proprietor which may be displayed on the front side doors or bonnet of the vehicle on a plate or sign written in characters not more than 4 inches (10cm) in height. Any signs must not obscure the driver's vision in any direction.

4.0 Change of details

The proprietor of a vehicle shall notify the Council, in writing and within fourteen days of any material change in the circumstances on the basis of which the licence was granted during the period of the licence including:

a new postal address, telephone number or e-mail address;
a) ~~change of address giving their new address; and~~

In addition, drivers must notify the Council in writing within five days of convictions, cautions, court orders, reprimands, warnings or charges which do not necessarily lead to conviction recorded against them (including motoring convictions).

b) ~~convictions recorded against them or if the proprietor is a company or partnership, on any other director or partner.~~

5.0 Compliance with licence conditions

The proprietor must ensure that all persons involved in the driving or operation of the vehicle are fully aware of these licence conditions and the proprietor must also ensure that the conditions are fully observed and carried out. The proprietor of a licensed private hire vehicle commits an offence if he or she permits any person to drive the vehicle who is not the holder of a private hire or hackney carriage driver licence issued by Spelthorne Borough Council. Any person who drives a licensed private hire vehicle

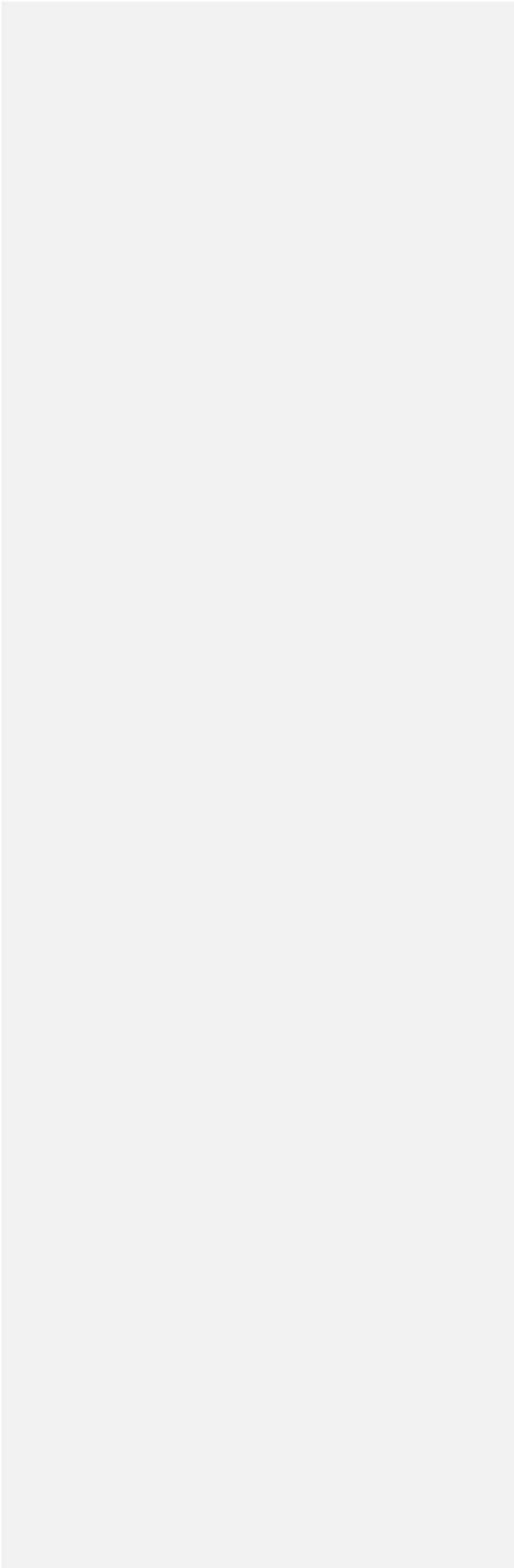
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also commits an offence if he or she is not the holder of a current private hire or hackney carriage driver licence issued by Spelthorne Borough Council.



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