



Epsom & Ewell Borough Council

Hackney Carriage and Private Hire Licensing Policy

1 April 2017

For the purposes of this Policy, “Authority” means Epsom & Ewell Borough Council

1. Application for Private Hire and Hackney Carriage Drivers licences

a. Age/driving experience

An applicant must be at least 21 years of age, and have held a full UK/EU Driving Licence for at least 2 years prior to application.

In the case of applicants for a Hackney Carriage Driver Licence, the applicant must have held a Private Hire Driver Licence issued by Epsom & Ewell Borough Council for at least 3 years before being eligible to apply. In addition, before a Hackney Carriage Driver Licence will be issued for a new applicant, the applicant must have undertaken a Disability Awareness Course which must include practical manual handling of wheelchairs (documentary evidence must be provided).

b. Knowledge Test

Applicants for the grant of a Driver’s licence will be required to undergo a Knowledge Test (which Licensing Officers will facilitate) to show an understanding of the local and surrounding area. An exception to this will be for drivers who will be working exclusively on home to school run services under a contract with Surrey County Council or who are employed by Surrey Choices Limited.

c. Online DBS Status Mandatory Requirement

An applicant must be a “fit and proper person” to hold a licence. Applicants for the grant and renewal of a licence are subject to an enhanced DBS Check. From 01st April 2017 all new and renewal applicants will be required to sign up to the Online DBS update.

There will be an exemption for drivers who solely undertake Home to School runs who will not be required to undertake a DBS from us as they are already checked through Surrey County Council. PCO dual licensed drivers are also not required to undertake a DBS check as they are already checked through the Public Carriage Office.

Where an applicant for the grant of a licence originates from outside the United Kingdom, and is not able to provide a five year traceable history in the United Kingdom, then it will be necessary for the applicant to provide the equivalent of a DBS check from their appropriate Embassy or High Commission.

d. Right to remain and work in the United Kingdom

Applicants for the grant of a licence will be required to produce documentary evidence of a right to remain and work in the UK.

e. Suitability of applicant

New applicants

Where an applicant has been convicted of an offence of driving whilst under the influence of alcohol or drugs or driving in excess of the prescribed limit of alcohol; driving without insurance, reckless or dangerous driving, or have been disqualified from driving for a period of six months or longer, then three years must lapse from the date of conviction/licence endorsement or one year from restoration of licence whichever is later, before the application will be considered.

Where the applicant has been convicted of a violent offence, sexual offence, act of dishonesty or other similar offences then a period of three years must lapse from the date of conviction, or in the case of a custodial sentence, a period of three years from the completion of the sentence, before an application will be considered.

In such cases, an applicant will not be excluded from applying for a Licence, but the initial application will be rejected by an Authorised Officer, and the applicant has the right to appeal to the Authority's Licensing Panel or, if preferred, the Magistrates Court.

Existing licence holders/renewal applicants

Where a conviction for an offence as detailed above has been imposed during the licence period, then the licence holder will be referred to the Authority's Licensing Panel which will determine if the licence should be allowed to continue, be suspended for a determined period, or be revoked. Any person aggrieved by such decision has the right of appeal to the Magistrates Court.

Where allegations are received regarding a licence holder relating to any of the offences detailed above and/or abusive or threatening behaviour and/or language or serious allegations of dishonesty, then dependent upon the severity of the allegation, and supporting evidence received, the Authority may suspend or revoke a licence (under the Local Government (Miscellaneous Provisions) Act 1976 – section b) any other reasonable cause. Where Officers consider that without immediate action there is a risk to public safety, the licence may be revoked with immediate effect.

In such cases, the Licence holder has the right of appeal to the Authority's Licensing Panel (or, if preferred, to the Magistrates Court). Should the applicant choose to appeal to the Licensing Panel, and is aggrieved by the Panel's decision, they retain the right of appeal to the Magistrates Court).

In all other cases where allegations surrounding the conduct of a licence holder are received, a full investigation will be undertaken, and, where appropriate the Licensing, Grants and HIA Manager may refer the matter to the Licensing Panel. In such cases, the licence holder would have the right of appeal to the Magistrates Court.

f. Medical Examination

Applicants will be required to provide a medical examination certificate which should be completed by their own GP. A medical examination certificate will be valid for up

to five years (unless the GP recommends a more regular medical) for applicants under the age of 65. Drivers aged between 65 and 70 will be required to provide a medical every two years and drivers over the age of 70 will be required to produce a medical certificate annually.

g. Appearance

Drivers are required to be smart and presentable at all times whilst working under the terms of the licence issued by the Authority. Footwear appropriate for driving must be worn at all times.

2. Application for Private Hire Vehicle Licences

a. Age/standard of vehicles

New vehicles

All vehicles which are being presented for first licensing by the Authority may be no older than six years old from the date of application. For older vehicles an exception may be made if the vehicle is considered by an Authorised officer to be in an excellent condition.

Existing licensed vehicles

Vehicles over four years of age at application/renewal will be required to undergo an inspection (and MOT test) every six months. An exception may be made for vehicles which have a service plan from a motor dealer, or a specific servicing plan which requires the vehicle to be serviced at periods of no less than every three months.

b. Stretched limousines

Any stretched limousines that have been imported are required to have an IVA (Individual Vehicle Approval) test. This will need to be presented to the Licensing Authority to confirm it is built to required safety standards. Applicants will also need to provide evidence that the vehicle has been tested by Driver and Vehicle Standards Agency. Vehicles with nine or more passenger seats may not be licensed as a Private Hire vehicle.

c. Imported vehicles

Any imported vehicle up to 10 years old at the time of first registration in the United Kingdom will be required to meet the standards specified in paragraph 2a, and also meet the technical standards of either;

- Europe Whole Vehicle Type approval
- British National Type approval
- Individual Vehicle approval

The Authority will require a registration certificate stating the approval status of the vehicle and that it meets the above requirements.

d. Tinted windows

Any vehicles which are brought in to be licensed must meet a minimum of 70% light transmission for front glass and to both sides of the driver.

e. Advertising on vehicles

Private hire vehicles may display either on the front or rear side doors of the vehicle a sign advertising the name and telephone number of the Private Hire Operator not more than 50mm high, the sign shall not include the words taxi or cab and shall not be illuminated. If the vehicle is licensed to carry more than six passengers the letters or figures shall not be more than 75mm high. In exceptional circumstances, this requirement may be waived if agreed in writing with the Authority.

f. MOTs

An MOT Test Certificate which is no more than eight weeks old from the date of application must be presented on application, annual and interim inspections, an exception is made for vehicles which have covered less than 2000 miles.

g. Insurance

An Insurance certificate or cover note covering the driver for private hire use must be provided on application, annual and interim inspections

3. Application for Hackney Carriage Vehicle Licences

a. Age/standard of vehicles

All vehicles which are being presented for first licensing by the Authority should be Euro 5 compliant. An exception is made for vehicle proprietors who have held a Hackney Carriage Vehicle Licence issued by the Authority prior to January 2013, who are entitled to renew/transfer their vehicle to a Euro 4 standard vehicle.

Where a vehicle has a front passenger seat in a purpose built hackney carriage vehicle this seat may be used for the carriage of passengers but only after all other passenger seats are first occupied.

The Authority has had a special arrangement with the Public Carriage Office to allow dual licensing of vehicles which was initially intended to enable effective transition from the old Greater London Authorities. With effect from 1 January 2014 the Authority no longer granted new dual vehicle licences. There is an exception for existing Hackney Carriage Drivers who have been licensed with the Authority before 1 January 2013 if it can be proven that the London topographical knowledge test was in progress before that date.

Subsequent standards set by the London Taxi and Private Hire

All vehicles may be required to meet any subsequent standards and/or requirements prescribed by the London Taxi and Private Hire Authority within the timescales to be determined by the Authority.

b. MOTs

An MOT Test Certificate which is no more than eight weeks old from the date of application must be presented on application, annual and interim inspections, an exception is made for vehicles which have covered less than 2000 miles.

Dual Licensed Vehicles are required to undertake separate roadworthy and mechanical fitness tests by the Public Carriage Office, and are therefore not required to produce a current MOT Test Certificate.

c. Insurance Certificate

An Insurance Certificate or Cover Note covering the Driver for Public Hire use must be provided on application, annual and interim inspections.

4. Application for a Private Hire Operators Licence

a. Disclosure & Barring Service (DBS)

An applicant must be a “fit and proper person” to hold a licence. Applicants for the grant of a licence are subject to an Enhanced DBS Check (unless the applicant is already licensed as a Private Hire or Hackney Carriage Driver with the Authority).

b. Suitability of applicant

The suitability of an applicant and/or holder of an Operator Licence is the same standard as for Driver Licences, detailed in paragraph 1e above.

c. Knowledge Test

An applicant for a new Operator Licence (who has not been previously licensed by the Authority) will be required to undergo a Knowledge Test to show an understanding of the area and licence conditions and basic verbal understanding. An exception to this will be for operators who will be working solely on Home to School Run services under a contract with Surrey County Council.

d. Planning Permission

In the case of new applications, and business relocation, evidence of planning permission or confirmation from the Planning Department that consent is not required for use of the premises as a private hire operation must be produced before a licence will be granted. The premises must be situated within Epsom & Ewell Borough.

e. Maximum number of vehicles

A maximum of two vehicles may be operated from non-commercial premises (existing Operators Licences may continue to be renewed at the existing address with a higher number of vehicles).

f. Insurance Certificate

An Insurance Certificate or Cover Note covering the business for Public Liability and Employers Liability must be provided on application and renewal (as applicable).

5. Licence Conditions

The licence holder will be required to sign their licence to confirm they accept and understand all the terms and conditions attached to the licence, including the Penalty Points Scheme.

6. Penalty Points Scheme

All licence holders are subject to the Penalty Points Scheme, and accept the licence on the basis that they fully accept the Scheme. The Penalty Points Scheme is attached as an annexe to this Policy.

Where 12 points or more have been accrued within a two year rolling period, or the same offence/breach has been committed twice in a 12 month period, the licence holder will be referred to the Licensing Panel. The Panel will determine if the licence should be revoked or suspended or may decide no further action is required. In addition, the Panel will determine if (all) the points shall remain on the licence or be removed.

All Licence Holders have a right to appeal any Penalty Points issued, by doing so in writing within seven days of receipt of the Penalty Points. The appeal will be heard by the Licensing Panel whose decision (as far as points issued) is final.

7. Enforcement

Where necessary any appropriate enforcement (including prosecution) will be carried out in a fair and consistent manner in accordance with

- The Enforcement Concordat
- Epsom & Ewell Borough Council's Environmental Health Service Enforcement Policy
- The Regulators' Code 2014.

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible, and ensure that data is shared where possible and practicable.

8. Refunds of Licence Fees

Once an application fee has been paid and a Licence issued, the payment is non-refundable, except in the case of 5 yearly Operator Licence fees which may be entitled to a pro-rata refund based upon the number of full years remaining on the licence.