

# **Epsom & Ewell Borough Council**

# **Hackney Carriage and Private Hire Licensing Policy**

## **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 3 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 6 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. Suitability of an applicant/licence holder**

All drivers (existing and new applicants) must be "fit and proper" to hold a licence. Applicants for the grant and renewal of a licence are subject to an enhanced DBS check, and must sign up to the online DBS update service.

There is an exemption for drivers who undertake Home to School runs who will not be required to undertake a DBS from the Authority as they have already been checked through Surrey County Council. Drivers licensed by Transport for London (TfL) are also not required to undertake a DBS check as they are already checked through the TfL.

### **d. Safeguarding**

All drivers are required to undertake a child sexual exploitation (CSE) awareness course approved by the Authority. Existing drivers will have a maximum of 12 months to undertake the on-line training course from April 2018, for existing drivers undertaking the course during this period will be free of charge. Drivers who have failed to undertake the course by 31 March 2019 will have their Private Hire/Hackney Carriage Driver licence suspended until they have undertaken the course.

An applicant for the grant of a new Driver Licence from the effective date of this policy, will be required to have undertaken the course prior to a licence being granted.

Documentary evidence of completion of the course must be provided to the Authority, failure to do so within the period above will result in the suspension of the Private Hire/Hackney Carriage Driver Licence until such time evidence is provided.

In addition, all drivers are subject to the convictions policy attached as an annexe to the Policy.

### **e. Address History**

Where an applicant for the grant of a licence, is not able to provide a full 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.

## **f. Right to remain and work in the United Kingdom**

Applicants for the grant or renewal of a Private Hire/Hackney Carriage licence will be required to produce documentary evidence of a right to remain and work in the UK, this can be in the form of a British Passport, European Passport, British birth certificate or valid entitlement issued by the Home Office/UK Border/Immigration Service.

## **g. Medical Examination**

Applicants will be required to provide a medical examination certificate which should be completed by their own doctor, in exceptional cases where approved by the Licensing, Grants & HIA Manager approval may be given for an applicant to use another doctor. A medical examination certificate will be valid for up to five years (unless the doctor recommends a more regular medical) for applicants up to the age of 65 years old. Drivers aged between 65 and 70 will be required to provide a medical certificate every two years and drivers over the age of 70 will be required to produce a medical certificate annually.

## **h. 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.

## **i. Intended use**

It is expected that when a Private Hire Driver licence is issued, the intention of the driver is to undertake journeys that either commence or end within the Borough of Epsom & Ewell. Where it is proven that a licensed driver is regularly undertaking journeys solely outside the Borough then they may be issued with points under the approved Penalty Points scheme.

## **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 as of the date of application. An exception may be made for older vehicles if considered by an Authorised Officer to be in an excellent condition ie. bodywork which is free from scratches, dents and rust, a cosmetically clean interior and good service history records.

#### **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 main dealer service plan, 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 certain 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 vehicles 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 amendments may be permitted by 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. Where an MOT Test Certificate has been issued with advisory notes, the defects must be rectified prior to the next inspection date or at an earlier date determined by the Authorised Officer.

### **g. Insurance**

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

### **h. Dual licensing**

A private hire vehicle may only be licensed by one Authority at any one time. If a vehicle is found to be licensed by another authority then the vehicle licence issued by Epsom & Ewell Borough Council becomes immediately invalid,

## **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 unique 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 licensed new dual vehicles. There is an exception for existing Hackney Carriage Drivers that 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.

#### **b. Advertising on vehicles**

Hackney Carriages are permitted to have full advertising wraps on their vehicles subject to advertising standards approved by the TfL.

#### **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, and must subscribe to the DBS update service, unless the driver is licensed by another 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 1c 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

#### **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.