



SURREY HEATH BOROUGH COUNCIL

SURREY HEATH

HACKNEY CARRIAGE (TAXI) AND PRIVATE HIRE LICENSING POLICY 2021-2026

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Surrey Heath Borough Council
Knoll Road, Camberley GU15 3HD
Licensing@surreyheath.gov.uk



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I. Introduction

- I.1. Surrey Heath Borough Council is the Licensing Authority under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 responsible for regulating the hackney carriage and private hire trades operating in the Borough.
- I.2. This policy sets out the principles we will use when dealing with hackney carriage and private hire vehicles; hackney carriage and private hire vehicle drivers and private hire operators.
- I.3. We aim to set a standard that is amongst the highest in the country with the intention of both protecting the public and building public confidence in the licensed trade. It is designed to promote professional behaviour amongst licence holders, to increase their awareness of safeguarding issues, and to allow those that share the Council's commitment to a high standard of service to thrive. The policy will make it extremely difficult for disreputable individuals to operate within the licensed trade.
- I.4. At the heart of the policy lies a commitment to the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder. We aim to ensure that licensed drivers, operators and vehicles operating in the Borough are of the highest quality and can be held to account for their performance.
- I.5. The Council recognises the important role that Hackney Carriages and Private Hire vehicles play in enabling people to travel around the borough. In doing so they also have a role in portraying the image of the borough. The Council also recognises that the majority of licence holders operate to a good standard and want to provide the best possible service to their customers. Drivers themselves have a key role as ambassadors for the Borough and customers rightly expect that in using licensed vehicles they



will be transported in comfort and safety. This will help to ensure that the industry and the local economy thrive.

I.6. We will review this policy at least every five years or sooner in light of any significant changes to legislation or guidance and consult on any proposed amendments. If we make any changes, we will then re-publish the policy. This is as recommended by the Department of Transport 'Statutory Taxi and Private Hire Vehicle Standards. (July 2020)

I.7. We intend to go out to Public consultation on this draft policy and will take on board any relevant responses and amend the policy accordingly.

I.8. The draft policy is available via our website on <https://www.surreyheath.gov.uk/> or in electronic format on request to the Licensing Team, Surrey Heath Borough Council, Surrey Heath House, Knoll Road, Camberley, GU15 3HD.

I.9. In drafting this policy, we have taken into account:

- Current legislation and case law in respect of hackney carriage and private hire licensing
- Department for Transport Taxi and Private Hire Vehicle Licensing Best Practice Guidance (March 2010)
- Department for Transport Statutory Taxi and Private Hire Vehicle Standards (July 2020)
- Statutory Guidance Issued by the Secretary of State under section 177 of the Policing and Crime Act 2017 (2020)
- Responses from those consulted on the policy
- The views expressed by the trade, public, statutory and non-statutory partners.

I.10. This policy sets out the requirements and standards that must be met. In exercising its discretion in carrying out its regulatory functions, the Council will have regard to this policy document. However each application



or decision to take enforcement action will be considered on its own merits.

NOTE: Hackney Carriage has the same meaning as taxi and we will be using the term taxi for the remainder of this policy.

Private Hire Vehicle(s) will be referred to as PHV(s)

Private Hire as PH

Private Hire Operators as PHO



2. Principles

2.1. The principle purpose of Taxi and PHV licensing is to protect the public and promote public safety. The aim of this policy is to provide a fair, open and transparent framework to ensure that Taxi and PH services in Surrey Heath Borough continuously demonstrate that they meet or exceed the standards set by the Council.

2.2. In exercising the principles of protecting the public the Council will adopt and carry out its Taxi and PH licensing functions with a view to promoting the following:

- the protection of the public, safeguarding children and the vulnerable and the prevention of crime and disorder
- public confidence in the Taxi and PH services through encouraging a professional Taxi and PH hire trade
- the safety and health of the public and drivers
- vehicle safety, comfort and access
- encouraging environmental sustainability
- the vision of Surrey Heath as a place to live, work and visit

2.3. These aims and objectives will be taken into account by the Council when making decisions. It is recognised that the licensing function is only one means of securing the delivery of the above objectives. The Council will therefore continue to work in partnership with the industry, our neighbouring authorities, the Police, local businesses and local people towards the promotion of the aims and objectives.

2.4. When applying the policy and guidance we will have regard to the following principles:

- openness
- transparency
- consistency



- fairness
- proportionality

2.5. When we deal with Taxi and PH drivers, proprietors and operators we will endeavour to be:

- courteous
- timely
- responsive
- fair

2.6. We expect all licence holders and prospective applicants to act similarly in their dealings with us. Where licence holders and prospective applicants do not uphold the expectations placed upon a professional licensed service, consideration will be given to suspending or revoking their licence, or refusing their application. Such examples of unsuitable behaviour can include, but is not limited to, licence holders who are rude and confrontational to staff; not complying in a timely manner with reasonable requests of the Council; avoiding their responsibilities; or any example of other, similar unprofessional conduct towards the Authority or others.

2.7. This Policy provides guidance to any person with an interest in Taxi and PH licensing, in particular, but not exclusively to:

- applicants for driver, vehicle and operator licences
- existing licence holders
- licensing officers
- members of the Licensing Committee
- the judicial system hearing appeals against local authority decisions, and
- other Licensing Authorities



3. Definitions

3.1. The Local Government (Miscellaneous Provisions) Act 1976, as amended, (LG(MP) Act 1976)) and the Town Police Clauses Act 1847 provide the regulatory framework for Surrey Heath Borough Council (the “Council”) as the Local Authority (the “Authority”) to carry out its licensing functions in respect of Taxi and PH Licensing.

In addition Byelaws made under Section 68 of the Town Police Clauses Act 1847 and Section 71 of the Public Health Act 1875 with respect to Taxis (Hackney Carriages) are referred to in this Policy.

3.2. This document sets out the Policy that the Council will apply when making decisions about new applications and licences currently in force. This Policy applies to:

- Taxi: being a vehicle available to transport the public with no more than 8 passenger seats, which is licensed to ply for hire. This means that it may stand at ranks, be hailed in the street by members of the public, or undertake pre-booked work
- PHV: licensed to carry no more than 8 passengers but must be booked in advance by customers through an operator and cannot ply for hire in the street
- PH operators
- Taxi and PH drivers.

3.3. In undertaking its licensing function, the Council will comply with relevant legislative requirements including:

- Town Police Clauses Act 1847(as amended)
- Local Government (Miscellaneous Provisions) Act 1976
- Transport Act 1985 and 2000
- Crime and Disorder Act 1998



- Environmental Protection Act 1990
- Equality Act 2010
- Road Traffic Acts
- Health Act 2006
- Human Rights Act 1998
- Immigration Act 2016
- The Police and Crime Act 2017

3.4. The Council will have regard to other relevant strategies, policies and guidance in its decision making. The Council will also have regard to wider considerations affecting visitors, employers and residents. These include: the availability of Taxi and PH transport at all times; public nuisance; pollution; crime; and the capacity of the trade to cope with customer demand, particularly at times of peak demand.

3.5. The Council have also have regard to the impact of the Climate Change emergency declared on 16 October 2019 in formulating this Policy.

4. General Principles

4.1. Policy guidance

This Policy statement sets out the Council's approach to making licensing decisions. It will only be deviated from in exceptional circumstances based upon the merits of those particular circumstances and provided that the overall principles of the Policy are not undermined.

4.2. Submission and processing of applications

The Council aims to process applications as efficiently as possible. However there may be occasions where there are peaks in demand or other pressures placed upon the service.



Applicants and licence holders should allow 15 working days (starting with the first working day) after the submission of a complete, valid application for licences to be processed and issued.

New driver applicants should allow a minimum of 28 working days as additional checks are required. Where the Council has to check an applicant's right to live and work in the UK, the applicant should allow an extra month for this check on top of the timescales above, and be aware no decision will be made until the right to live and work check has been completed.

Applicants can take advantage of the pre-application advice service offered by the Council should they wish to.

The Council will not be held responsible for any delays or periods of expiration associated with the incomplete or late submission of applications.

4.3. Decision making

Except where indicated in the guidance, officers will normally make decisions under delegated authority whether to grant, refuse, suspend or revoke a licence, or grant any form of exemption.

In cases where revocation of a licence is considered, there will be a clear separation between the investigation of licensing concerns and the management of the licensing decision making process. In addition, the Council has made arrangements for dealing with serious matters that may require the immediate revocation of a licence by delegation of these powers to a senior officer/manager with responsibility for the licensing service.

4.4. Appeals



Where a decision made by the Licensing Authority is appealed, the Council will normally defend the decision and seeks its costs of doing so in full from the appellant.

4.5. Licence Fees

Licence fees will be subject to regular review. Fees will be calculated using the methodology to be approved by the Licensing Committee with the aim of ensuring full cost recovery.

All applications must be accompanied by the appropriate fee.

We will not refund any part of the licence fee if a licence is surrendered, suspended or revoked.

This is with the exception of licences which are surrendered as a result of death or serious illness of the licence holder, reimbursement will be considered where there is at least 3 months remaining on the licence. There may be a small administrative charge that will be deducted from any refund.

4.6. Taxi Fares

Taxi fares will be set in accordance with the Taxi fare calculator and we will run the fare calculator annually, however we may run it more frequently in appropriate circumstances such as significant increases or decreases in fuel prices.

The Licensing Committee has delegated authority to approve the costs input into the calculator, and to consider any objections received during the statutory consultation.

4.7. Taxi Stands



Provision of Taxi Stands will be reviewed comprehensively in 2022/23. Provision of stands will be reviewed again when there are significant changes to town centre development, or as any other pressing need is identified.

4.8. Numbers of vehicles

We do not limit the maximum number of Taxi or PHVs.

4.9. Implementation and review

This Policy will remain in existence for a period of five years from the date of adoption, but will be kept under review and where necessary revised in accordance with paragraph 1.6.

The Environmental Health and Licensing Manager, in consultation with the Chair of the Licensing Committee may make minor amendments to the guidance set out in this policy to reflect administrative changes and will keep a record of those changes. Agreed changes will be reported to the Licensing Committee.

4.10. Whistleblowing

The purpose of this Policy is to protect the wider public using Taxis and PHVs. However, it is in the application of these policies (and the training and raising of awareness among those applying them) that protection will be provided. Where there are concerns that policies are not being applied correctly, it is vital that these can be raised, investigated and remedial action taken if required. It is therefore recommended that any staff follow the Council's Whistleblowing procedures to raise concerns so that these can be dealt with openly and fairly.



Members of the licensed trade are also encouraged to report concerns relating to public safety, and will not face licensing action for bringing concerns to the authorities' attention.

The failure of a member of the trade to report incidents which they are aware of may however call into question their suitability to hold a licence.

4.11. Joint Warranting Arrangements

The Council have delegated the Taxi and Private Hire enforcement functions under the legislation set out below to the other 10 Surrey local licensing authorities, in addition to retaining those functions within the Borough and has similarly received the delegated Taxi and PH enforcement functions from those local authorities.

This enables improved enforcement of the Taxi and PH trade across the County and improves safety within the licensed Taxi and PH vehicle services operating in Surrey

Functions delegated to the Surrey Local Licensing Authorities:

- Local Government (Miscellaneous Provisions) Act 1976
- Section 53(3)(a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licences
- Section 61: to suspend and revoke drivers' licences
- Section 68: fitness of private hire vehicles
- Section 73: obstruction of authorised officer

The Surrey Local Authorities named below have delegated (or will delegate) the same functions to Surrey Heath Borough Council. Those authorities have also retained the ability to exercise these functions.



The Surrey Local Authorities:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Guildford Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Tandridge District Council
- Waverley Borough Council
- Woking Borough Council.

4.12. Cross Border Hire

The Council firmly believes in the principle of localism in the licensing of the Taxi and PH trades. As such, the Council believes that the licensed trade operating in the Surrey Heath Borough should be licensed by Surrey Heath Borough Council.

The Council aims to ensure public safety and confidence in the licensed trade by:

- Setting high standards and
- Taking effective and timely action without having to rely on others.

This Policy contains the following measures to support this aim:

- Licensed Drivers



All licensed drivers are subject to a condition that they are not to wait for bookings outside the Council's licensed area. As such, drivers may travel to any destination to pick up a booking, or receive a booking whilst they are travelling between destinations, however they cannot wait outside of the Borough to receive bookings.

- Licensed Vehicles

All licensed Taxis and PHVs are required to display their vehicle plate and window disc so that customers recognise these as being licensed by Surrey Heath.

- PH Operators:

Any PHO making provision for the invitation or acceptance of bookings in Surrey Heath needs to hold a PHO's licence with Surrey Heath. The Council expects Operators licensed by the Council to utilise vehicles and drivers licensed by Surrey Heath to ensure that the licensed trade working in Surrey Heath conform to the standards set by the Council and can be subject of local compliance.

In addition, as part of the Council's 'fit and proper' test, it would not expect an Operator to obtain a licence in Surrey Heath to simply make vehicles licensed by another authority available for booking via sub-contracting on a regular basis. As such whilst any licensed vehicle may enter Surrey Heath to pick up or drop off customers, the Council would not expect vehicles licensed outside of Surrey Heath to be waiting in Surrey Heath and be available for bookings as this diminishes the Council's ability to set local standards and local control. As such, any Operator acting to deliberately reduce the Council's ability for local control would not meet the required public safety objectives and standards expected of a professional, licensed,



fit and proper PHO, and may have their licence to make provision to invite or accept bookings in Surrey Heath revoked.

4.13. Lost Property

It is a licence condition that property left in licensed vehicles is handed to the nearest police station, once an attempt to return the items to the customer has been made.

4.14. Staying Safe: Guidance for Passengers

Our guidance is intended to assist passengers in identifying licensed vehicles and the increased risks of using unlicensed vehicles. Appendix: 4



5. Driver requirements

Sections 51 and 59 of the of the LG (MP) Act 1976 require that the applicant is a 'fit and proper person to hold a PH or Taxi driver's licence respectively.

All drivers must satisfy the Council that they are fit and proper people to be granted a drivers' licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored and assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process. Existing licence holders are expected to act professionally for the duration of their licence and consequently both applicants and existing licence holders must therefore fully and accurately disclose any information that is requested. This includes information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

The Council aims to ensure that Taxi and PH services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore, apply equally to Taxi and PH drivers unless indicated.

5.1. Fit and proper test

Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term "Fit and Proper Person" for the purposes of Taxi and PH licensing is not legally defined. However, in determining whether a person is fit and



proper to hold a licence, those tasked with determining licences / applications are effectively asking the following question of themselves:

“Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?”

If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

Licensing Authorities have to make difficult decisions as to whether a licence should be granted (or retained) but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probabilities. This means that an applicant or licensee will not be ‘given the benefit of the doubt’.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- criminality
- period of holding a driver’s licence
- number of endorsed driving licence penalty points
- right to work
- medical fitness
- standard of driving / driving ability



- general conduct / standards of behaviour including online behaviour
- the conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence
- the conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process)
- the previous licensing history of existing / former licence holders (including honesty and integrity)
- whether the applicant has had a licence suspended, refused or revoked by another licensing authority
- theoretical knowledge of issues and matters related to the work of a licensed driver
-

The Council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other Licensing Authorities and statutory agencies, and other information/complaints received.

If a driver, acting in their capacity as the holder of a different licence (for example vehicle proprietor's licence or PHO's licence) fails to comply with the conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council will consider this to reflect on their character as a licensed driver and they should expect to have their licence to drive a vehicle suspended or revoked.

5.2. Application process

Section 57 of the LG (MP) Act 1976 allows a district council to require any applicant for a licence under either the Town Police Clauses Act 1847 or Part 2 of the LG (MP) Act 1976 to provide such information as they may reasonably consider necessary to enable them to consider the application.



This requirement is taken into consideration below.

This Council issues licences that enable:

- the driving of both Taxis and PHVs (dual licence), or
- the driving of PHVs only

The type of licence applied for or held will be determined by which of the Council's knowledge tests the applicant has passed.

Licences will be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate. This will usually be when the applicant has time limited 'right to work' status with the licence only being granted in line with the time limits dictated by the applicant's immigration status.

This is with the exception of drivers over 65 who will be issued a 1 year licence. There is a requirement that drivers over 65 years of age must obtain an annual medical report which the Licensing Authority will use when considering whether to renew their licence.

Applicants must have a minimum of 1 year of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

The Council may directly access the Driver and Vehicle Licensing (DVLA) records of applicants, or alternatively will employ the services of a third party to do this.

In addition, a third party service may be used to obtain information on the suitability of applicants and licence holders based on their general behaviour whilst using the internet (in particular social media sites) for the Council's



assessment, with the Council likely to consider suspension or revocation should unsuitable behaviour be observed.

Applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work will not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Services and external statutory bodies including but not limited to Police, HM Revenue and Customs and other Licensing Authorities.

An individual will not be considered fit and proper to hold a licence if there is any evidence of dishonesty or inappropriate behaviours, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee) as part of any process associated with the administration or determination of a licence.

5.3. Disclosure and Barring Service (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced Disclosure through the DBS is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety.

Both Taxi and PH drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS certificate.



All applicants for the grant or renewal of a licence requiring a DBS check will be responsible for the costs of obtaining the DBS certificate.

The Council will only accept DBS certificates which are applied for through Surrey Heath's Council's Licensing Service or nominated third party provider. However, DBS certificates that are issued to other local authorities for the same type of role will be accepted if it has been printed within the previous four weeks, is to an enhanced level and has been processed in relation to the child and adult workforce employment position (as specified on the certificate).

All new applicants must declare on the application form any convictions or cautions they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, arrest, current investigations, cautions and fixed penalty notices during the licence period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

All licence holders must subscribe to the DBS online update service, this is required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. If a licence holder fails to sign up to the update service, or fails to maintain subscription during the period that the licence is in force, then the licence will be suspended or revoked until a satisfactory DBS certificate is produced.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so, which will be at a frequency of not less than once every six months. The Council will use the update service to monitor the criminal record of



licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full Enhanced DBS check will be required before a licence is renewed.

If an applicant or current licence holder has spent three continuous months or more overseas since the age of 16, the Council will need to see evidence of a criminal record check from the country / countries lived in / visited covering the period that the applicant was overseas. This includes any time spent overseas during the course of a licence.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals suitable checks should be available. For those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy or consulate based in the UK for the country in which they were living. The date of the letter must be within three months of the date of the application, certificates are required to be translated and certified as a correct translation at the cost of the applicant.

5.4. Relevance of Convictions and Cautions etc.

The Council is committed to ensuring that the licensed trade are fit and proper, this will entail periodic audits of licensed drivers to ensure that material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Council has adopted the policy set out in Appendix 2. The terms of this Policy will have immediate effect.



The policy at Appendix 2 will be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence during the licence period.

5.5. Knowledge Testing

Applicants for a driver's licence are required to have passed the Council's knowledge test. This test will ensure that the applicant has sufficient knowledge in relation to:

- literacy
- child / adult safeguarding awareness
- road safety and the Highway Code
- local knowledge

Applicants must pass the relevant Surrey Heath Taxi or PH driver's knowledge tests not more than 3 months prior to a fully completed application being submitted.

The Council does not limit the number of times applicants can take the test, however each attempt at the test must be paid for separately, in advance. If applicants fail successive knowledge tests they will be advised although not required, to wait a further month before attempting the test again so that they can undertake the necessary revision.

Any applicant cancelling the test with less than 24 hours' notice will not be refunded the fee.

5.6. Medical Assessment

The Council recognises that licensed drivers should be subject to more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and they may have to assist disabled passengers and handle luggage. It therefore



requires Group 2 Standards of medical fitness as applied by the DVLA to the licensing of lorry and bus drivers, as the appropriate standard for licensed Taxi and PH drivers.

Applicants shall provide a completed medical examination form supplied by the Council and completed by their own General Practitioner on first application and every 3 years thereafter until aged 65 years when annual examinations are required. Licence holders with certain medical conditions (for example certain neurological or cardiovascular conditions) may also be required to submit annual forms and adhere to additional requirements in order for them to retain their driver's licence.

Holders of Public Service Vehicle (PSV) and / or Large Goods Vehicle (LGV) licences, where the holder is able to produce proof of current medical examination less than 3 months old, will not be required to undergo a medical examination on first application.

Licence holders must advise the Council of any deterioration or other change in their health that may affect their driving capabilities within 48 hours of the change occurring.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination by a medical doctor appointed by the Council. No licence will be issued, or remain in force until medical confirmation that the DVLA Group 2 standards have been met has been received.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of



exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

Licensed drivers are under a legal duty to provide assistance to wheelchair users, including loading/securing/unloading the wheelchair and assisting the user in and out of the vehicle, and carrying luggage at the request of the hirer, without additional charge. Drivers who have a medical condition which prevents them from offering this assistance may apply to the Council for exemption from the duty on medical grounds. If an application is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it, facing outwards, either on the windscreen or in a prominent position on the dashboard.

5.7. Right of driver to work in the United Kingdom (UK)

The Council is mandated under the Immigration Act 2016 to require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be provided include:

- a UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland)
- Passport or other travel document endorsed to show that the holder is allowed to stay in the UK and undertake paid employment
- full UK Birth / Adoption Certificate
- an Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the UK and undertake paid employment
- a work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to undertake paid employment



This list is not exhaustive, and other documents may be accepted– further information will be provided by the Licensing Team on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the UK.

5.8. Driving Assessment

The Council recognises that licensed drivers should be subject to a more stringent driving assessment than the standard applicable to the normal driving test because they carry members of the public who have expectations of a safe journey and they are on the road for longer hours covering more mileage than most other drivers.

Therefore both PH and Taxi driver applicants must have passed a driving assessment approved by the Council.

The assessment should be no more than 12 months old when first applying to the Council.

5.9. Qualifications

- Satisfactory completion of an approved training / awareness raising course in relation to safeguarding children and vulnerable people.
- The Council has approved a requirement for mandatory safeguarding awareness training for all drivers as part of the Surrey Safeguarding Children Board Child Sexual Exploitation Strategy and action plan.

All new Taxi or PH drivers must pass the Council’s approved safeguarding awareness training before a licence is granted.



5.10. Application Procedure

Information on how to make an application is available on the licensing pages of the Council's website or from the Council's Contact Centre.

An application will need to be accompanied by the following documents before it can be accepted:

- a completed application form
- payment of the relevant fee (by debit or credit card only)
- full DVLA driver's licence and DVLA check code
- evidence of right to live and work in the UK
- evidence of current address and history of residence for the last five years including the month and year that you started living at each address
- medical form, completed by the applicant's registered doctor less than 4 months before application
- a certificate showing completion of the relevant approved driving assessment(s)
- a criminal record check and/or a letter of good conduct from the Embassy or Consulate for the country of residence (if living outside the UK for a continuous period of three months or more since the age of 16). The date of the documents must be within three months of the date of application, and any documents not in English must be accompanied by a translation that has been certified as a true translation of the original document
- an enhanced level DBS certificate with adult and child barred list checks, completed for the required role of working with vulnerable adults and children in the capacity as a taxi driver, issued within the past 3 months
- proof of a completed DBS update service mandate allowing the Council to access this record during the course of the licence



- a digital photograph to passport standard

5.11. Renewing a licence

Information on how to apply to renew a licence is available on the Licensing pages of the Council's website or from the Council's Contact Centre.

It is the driver's responsibility to apply in good time so their application can be determined before their existing licence expires. A completed, valid renewal application should be submitted no less than one month, but no sooner than 8 weeks before the expiry date.

An applicant making an application to renew a Taxi or PH driver's licence must:

- still have the right to live and work in the UK
- still meet the current medical standards for DVLA Group 2 licence holders
- have not been convicted of a relevant criminal offence, relevant driving offence or cautioned for a relevant offence during the term of their licence
- have complied with licensing conditions and licensing policy, including meeting the expectations of licence holders in terms of conduct
- if applicable, a letter of good conduct from the Embassy or Consulate if the licence holder has spent more than 3 months outside the UK during the period of their licence
- have not received any relevant motoring endorsements on their DVLA driving licence during the term of the licence which has not been reported to the licensing service
- have a current enhanced level DBS certificate which the Council is able to access via maintained subscription to the DBS update service
- hold the required qualifications



Licence holders are advised to check the licensing pages of the Council's website or contact the licensing team if they are in any doubt about whether they satisfy the above requirements.

5.12. Making a decision

Once the Council has received a completed application and the results of the various checks/tests, we will then make a decision about the application.

We aim to inform an applicant of the decision within 15 working days from the date we receive all the required information. In certain circumstances an application may be referred to the Licensing Sub-Committee for determination. It will be for officer's to use their discretion as to whether to refer an applicant to Committee.

If an applicant (or licence holder) has any convictions, cautions, endorsements or additional other relevant information, we will consider these in line with the guidance in this Policy and this may delay the decision.

Where there is any doubt as to the medical fitness of the applicant, the Council may require the applicant to undergo and pay for a further medical examination or have their medical records reviewed by a doctor appointed by the Council. The doctor's recommendation will be final.

5.13. Granting an application

If we grant an application, we will usually issue a licence for three years from the date of the decision. If a licence holder is subject to immigration controls as detailed below, we will issue a licence for a shorter period:

If a licence holder's current right to live or work in the UK expires during the three-year period beginning on the date their application was determined, we will issue a licence until the date their current right to live or work in the UK expires.



If the Home Office is currently determining a licence holder's right to live or work in the UK, and they are entitled to live and work in the UK pending final determination of that application, we will issue a licence for a maximum of 6 months from the date of the decision.

Under sections 48(2) and 51(2) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions that it considers 'reasonably necessary' to private hire driver's licences. This includes dual licensed Taxi and PH drivers, as well as holders of PH driver (only) licences. Applications are normally granted subject to the Council's Standard Licence Conditions contained within this Policy, however further, additional conditions may be attached on a case by case basis.

The decision to attach conditions to a licence may be appealed to the Magistrates Court. (Sections 48(7) and 52 LG (MP) Act 1976)

5.14. Refusing an application

If an applicant does not satisfy all the above requirements or the application is incomplete we will normally refuse the application.

A Licensing Sub-Committee or an officer with the appropriate delegation will make the decision.

The Council will make a record of the reasons for our decision and will provide the applicant with a copy of that document.

Any decision to refuse an application may be appealed to the Magistrates' Court within 21 days of the decision (Sections 48(7) and 52 LG (MP) Act 1976)

If applicants intend to appeal the Council's decision, we strongly suggest that they seek legal advice.



5.15. The National Register of Revocations and Refusals (NR3)

The Council will check all new and renewal applications against the national register.

If a licence holder has been refused/revoked by another authority, this will not debar an applicant from holding a licence, however the Council will give weight to the decision made by that authority in considering the application. Additionally, if an applicant has had another licence refused/revoked which is not declared to the Council, this will raise concerns about the honesty and integrity of the applicant and is likely to lead to refusal.

The Council will record all decisions to refuse and revoke a driver's licence on the National Register, and will provide details of the reasons for each decision to another licensing authority following receipt of the necessary data sharing request.

5.16. Conditions

Sections 47(1) and 51(2) of the LG (MP) Act 1976 allows for conditions to be attached to Taxi and PH drivers' licences.

The Council may attach such conditions to a Taxi /PH driver's licence as are considered reasonably necessary. The Council's standard conditions are set out in Appendix 3. In all cases where a condition has been updated, the latest version will apply.

The Council has also made Byelaws that are specifically applicable to Taxis and their drivers. The existing Taxi Byelaws are set out in Appendix I. These Byelaws will be reviewed from time to time.

Drivers are expected to familiarise themselves with licence conditions and comply with the requirements associated with being a professional licence holder. Drivers who do not comply with Byelaws/conditions can expect to have their licences suspended or revoked.



5.17. Driver Code of Conduct

It is essential that all customers (including young, elderly and other vulnerable people), are safeguarded and protected whilst being transported in a licensed vehicle. It is also important that other road users and other individuals who interact with the licensed trade are dealt with in a professional manner and with courtesy.

Accordingly a specific Code of Conduct for drivers has been adopted and must be complied with. This is provided at Appendix 5. It is a condition of the licence that all drivers adhere to this policy.

The Taxi Byelaws require a Taxi driver to behave in a civil and orderly manner, and the code of conduct helps to define the Council's understanding of what a civil and orderly manner entails. If a Taxi driver is not complying with the code of conduct they will be considered as not acting in a civil and orderly manner.

5.18. Updating the Council

It is essential that the Council has up to date contact details for licence holders. It is also vital that the Council is notified of any change in circumstances which may compromise the applicant's suitability at the earliest opportunity.

If a licence holder changes their name, address, other contact details (including telephone number or email address) or operator during the term of their licence, they must inform the licensing team in writing within seven days.

If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort then they must notify the Council within 48 hours.



If a licence holder's medical status changes then they must notify the Council within 48 hours.

Licence holders who fail to keep the Council up to date as required are likely to be considered unsuitable to continue to hold a licence.

5.19. Display of driver's identification

It is a legal requirement that licensed drivers wear their drivers badge in a conspicuous position where it can be seen by passengers. The Council has provided lanyards for this purpose.

Drivers will be issued with an identification 'badge' and paper counterpart. Drivers will also be issued with a second 'driver identification notice' which must be displayed in a clearly visible, safe position in the vehicle for customers to see.

Lost or damaged driver's badges will be replaced as necessary at a nominal cost.



6. Taxi and PH Vehicles

6.1. Vehicle requirements

Section 47(2) of the LG (MP) Act 1976 provides that the Licensing Authority may require any Taxi licensed by them under the Act of 1847 to be of such design or appearance or bear any distinguishing marks that shall clearly identify it as a Taxi.

Section 48(1)(a)(i) of the LG(MP) Act 1976 states that the Licensing Authority cannot grant a PHV licence unless satisfied that the vehicle is suitable in type, size and design for use as a PHV.

The Council will consider all applications for vehicle licences based on vehicles meeting the specifications in this Policy. Upon application and renewal, applicants for vehicle licences will be expected to show:

- the vehicle meets the Council's Age/Emissions Policy
- the vehicle is capable of safely carrying no more than 8 passengers
- the vehicle is right-hand drive
- the vehicle has a minimum 1300cc engine. There is no minimum engine size for hybrid/LPG, electric or other alternatively powered vehicle
 - o a purpose built full hybrid, or plug in hybrid must have a minimum range of 16km (10 miles) using battery power only
 - o a full electric vehicle must have a minimum range of 112km (70 miles).
- if the vehicle is a saloon/estate type it has four side opening doors
- if the vehicle is a minibus, transit or people carrier type it has at least three doors, not including any tailgate or rear door
- the vehicle has a useable seatbelt for each passenger. Each seat belt must be fully compliant with European new car assessment programme- NCAP standards



- the vehicle's seating and interior dimensions offer suitable accommodation for passengers and their luggage to ride in comfort and safety
- the vehicle's windscreen and front side windows comply with national legal tint specifications. All other windows let enough light through for a person 20 meters away to be able to see the number of passengers in the vehicle in daylight and have no additional 'tint' applied
- the vehicle has sufficient means by which any person in the vehicle may communicate with the driver
- the vehicle has not been written off.

6.2. Making an application

Information on how to make an application is available on the licensing pages of the Council's website or from the Council's Contact Centre.

Any application will need to be accompanied by the following documents before it can be accepted. The application must be made on the correct application form and all supporting documents completed in full.

- a fully completed application form
- payment of the relevant fee (by debit or credit card)
- a written hire purchase check for the proposed vehicle. This check shows whether a vehicle has been stolen, written-off or has outstanding finance as well as offering a mileage check
- a valid certificate of motor insurance or a cover note for the proposed vehicle covering the appropriate licence type for carrying of passengers for hire and reward. The policy must be valid for the date that the licence is due to commence.
- a certificate showing the vehicle has been inspected at a centre nominated by the Council and has passed the vehicle test
- a basic DBS certificate for each proprietor dated within the last 12 months, if the proprietor is not a licensed driver with the Council



- the V5C DVLA registration document (logbook) for the proposed vehicle. At least one of the proprietors must be the registered keeper of the proposed vehicle. If you have recently bought the vehicle and you do not have a V5C, we will accept the tear off slip
- a valid MOT certificate (if you are applying for a PHV licence and the vehicle is more than three years old) or
- a valid MOT certificate (if you are applying for a Taxi vehicle licence and the vehicle is more than 12 months old).

6.3. Suitability test for proprietors

The LG (MP) Act 1976 definition of a ‘proprietor’ includes a part-proprietor and, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, means the person in possession of the vehicle under that agreement

The Council considers that licensed vehicle proprietors are in a position of trust, by virtue of the fact that they are responsible for ensuring the maintenance of vehicles which are used to transport members of the public. Licensed vehicles can also travel with a considerable degree of inconspicuousness and as such can be used as cover for illegal transportation. Therefore the Council must ensure that applicants / licence holders are suitable persons that will ensure that they will maintain their vehicles so that they are roadworthy at all times, and not allow the vehicle to be used for criminal or other unacceptable purposes.

In determining whether a person is suitable to hold a vehicle proprietor’s licence, those tasked with determining applications are effectively asking the following question of themselves:

“Would I be comfortable allowing this person to have control of a licensed vehicle that can travel anywhere, at any time of the day or night without



arousing suspicion, and be satisfied that he/she would not allow it to be used for criminal or other unacceptable purposes, and be confident that he/she would maintain it to an acceptable standard throughout the period of the licence?”

If the answer to the question is an unqualified ‘yes’, then the person can be suitable. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

Licensing authorities have to make difficult decisions as to whether a licence should be granted (or retained) but the safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee should be made on the balance of probabilities. This means that an applicant or licensee will not be ‘given the benefit of the doubt’.

Vehicle licences may be applied for by a company or partnership and as such the above test will be applied to each of the directors or partners in that company or partnership.

In order to assess the suitability of an applicant for a vehicle licence (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- criminality
- right to work
- general conduct / standards of behaviour including online behaviour
- the conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence



- the individual's history of vehicle maintenance, including passing of MOT and vehicle test without initial failures
- the conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process)
- the previous licensing history of existing / former licence holders (including honesty and integrity)
- whether the applicant has had a licence suspended, refused or revoked by another licensing authority.

In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Council has adopted the policy set out in Appendix 2. The terms of this policy will have immediate effect.

The policy at Appendix 2 will be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence during the licence period.

However, it is important to acknowledge that in many cases individuals that license a vehicle may already be licensed as a driver. As the Council undertakes DBS checks for drivers it will not require those licensed drivers seeking to licence a vehicle to provide a basic DBS check as part of the application process and instead will rely on the fact that the applicant is considered as fit and proper to hold a driver licence when considering their suitability to hold a vehicle licence. Should the individual cease to hold a driver licence a basic DBS certificate should be required immediately.

Similarly in cases where a proprietor exercises their right to transfer a vehicle licence, the Council will require the new proprietor to obtain a basic DBS certificate, if they are not already a licensed driver.

If a proprietor, acting in their capacity as the holder of a different licence (for example a driver's licence or PH operator's licence) fails to comply with the



Byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council will consider this to reflect on their character as a licensed proprietor and they can expect to have their proprietors licence suspended or revoked.

6.4. Grant of licences

If vehicles and/or proprietors meet the Council's requirements, vehicle licences will be issued for a one year period, commencing on the date that the licence is issued.

If vehicles and/or proprietors do not satisfy the requirements we will refuse the application.

We will grant vehicle licences for Taxis with the standard conditions at Appendix 6. The Council has also made Byelaws that are specifically applicable to Taxi drivers / proprietors. The existing Taxi Byelaws are set out in Appendix 1.

We will grant licences for PH vehicles with the standard conditions at Appendix 7.

Proprietors are expected to familiarise themselves with licence conditions and comply with the requirements associated with being a professional licence holder. Proprietors who do not comply with the conditions can expect to have their licences revoked.

6.5. Renewal of Licences

Information on how to apply to renew a licence is available on the licensing pages of the Council's website or from the Council's Contact Centre.



It is the proprietor's responsibility to apply in good time so their application can be determined before their existing licence expires. A completed, valid renewal application should be submitted no less than one month, but no sooner than 8 weeks before the expiry date.

An applicant making an application to renew a Taxi or PHV licence must provide:

- a completed application form
- payment of the relevant fee by debit or credit card
- a valid certificate of motor insurance or a cover note for the vehicle covering the start date of the new licence
- a certificate showing the vehicle has passed our vehicle test no more than 8 weeks before the date of expiry of the existing licence
- the V5C DVLA registration document (logbook) for the vehicle. At least one of the proprietors must be the registered keeper of the proposed vehicle
- a valid MOT certificate (if you are applying for a Taxi or PHV licence and the vehicle is more than three years old)

6.6. Refusal of applications

If we refuse an application, we will make a record of the reasons for our decision and we will provide the applicant with a copy of that document. An applicant may appeal the Council's decision (within the statutory time period) to:

- the Magistrates' Court (for refusal of PH applications, or refusal to renew Taxi applications),

We would recommend that appellants seek legal advice.



The Council will normally defend the decision and seek full recovery of its costs from the appellant.

6.7. Updating the Council

It is essential that the Council has up to date contact details for licence holders. It is also vital that the Council is notified of any change in circumstances which may compromise the applicant's suitability at the earliest opportunity.

If a licence holder changes their name, address, other contact details (including telephone number or email address) or operator during the term of their licence, they must inform the licensing team in writing within seven days.

If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort then they must notify the Council within 48 hours.

Licence holders who fail to keep the Council up to date as required are likely to be considered unsuitable to continue to hold a licence.

6.8. Other Types of Application

6.8.1. Temporary Vehicle Licence

The Council will issue a temporary 3 month licence for a Taxi or PHV. The vehicle must still meet the criteria and application process for licensed vehicles as laid out in this policy. This may apply where the usual vehicle is temporarily off the road. This is a one-off to cover these types of circumstances and is issued at the discretion of the licensing service.

6.8.2. Transfer of Interest

If an existing proprietor sells (or transfers) a Taxi or PHV currently licensed by the Council, they must notify the Council of the name and address of the new proprietor within 14 days of the date of transfer.



6.8.3. Change of Vehicle

If an existing proprietor wishes to change their licensed vehicle, please check that it complies with the pre-application requirements above before completing a purchase. The Council is not responsible for applicants purchasing vehicles which are unsuitable.

You will then need to make an application to change your vehicle, following the above process for a new application.

6.9. Accidents in vehicles (Section 50 (3) LG (MP) Act 1976)

If at any time the vehicle is involved in an accident, however minor, the proprietor must inform the Council of this fact as soon as possible and in any event in writing within 72 hours. An accident report form must be completed and submitted to the Council within this timeframe.

If a vehicle is still being used following an accident, it will normally be required to be presented for inspection at the Council's authorised testing station as soon as possible after the accident has taken place. The appointment must be arranged and paid for by the proprietor. Failure to present the vehicle for inspection following an accident may result in the vehicle's licence being suspended until such time as the vehicle is presented for examination. Vehicles with only very minor bodywork damage, such as small dents/scratches may only need to be seen by a licensing officer rather than being tested. If the licensing officer has any concerns that the damage is anything more than very minor the vehicle will have to be tested as detailed above.

If the vehicle is so damaged that it cannot be driven, then the vehicle proprietor must inform the Council via the accident form and provide photographic evidence of the vehicle's condition that clearly illustrates the reasons why the vehicle cannot be driven / presented for examination. The



proprietor must advise the Council once it is repaired and being used again, supplying proof that the vehicle has been repaired to the required standard by providing the necessary receipts/reports.

If the vehicle is not going to be repaired, the proprietor is responsible for removing the external plate and internal window disc, and returning these to the Council.

6.10. Lost, stolen or damaged licences

If a proprietor loses a paper licence or the vehicle plate, or the plate has been stolen or damaged they will need to notify the Council within 48 hours of discovery, and request a replacement. There is a fee which must be paid before a replacement is issued.

6.11. Display of vehicle licence plates

The Council issues a vehicle licence plate which must be securely fitted to the rear of the vehicle. This is required by condition of the licence and means that the plate must be fixed to the vehicle at all times.

Yellow plates are issued to Taxis. White plates are issued for PH.

The plate always remains the property of the Council and must be returned upon expiry, surrender, suspension or revocation of the licence. Should the vehicle be changed or the plate lost, a fee will be charged for a replacement.

The Council also issues internal vehicle licence discs which must be displayed inside the windscreen on the top of the near side (passenger side).

Failure to abide by the requirement to display a plate correctly, or failure to return a plate upon request may lead to sanction, including a consideration as to the licence holder's suitability.



6.12. Exemption from displaying a PH licence plate

The Licensing Authority recognises operators may wish to cater for an 'exclusive' or important corporate client base and provide a vehicle of a prestige model and specification without the display of a licence plate or vehicle signage. An operator may apply for an exemption to the requirement to display a licence plate for the following approved work only:

- exclusive chauffeured work where the dignity or security of the person would be affected if they were to be seen in a plated licensed vehicle, or
- other 'special' journeys where the client specifically requests a vehicle of a prestige make and specification at the time of booking and pays a recognisably higher fee for that service compared to that charged for a non-exempt vehicle displaying corporate identity.

For clarification the Policy requires that in order to be considered for a 'plate exemption' the vehicle must carry out exclusively chauffeured or other special work and as such there is a distinguishing feature between 'chauffeured' work and taking a business person to the airport for example.

To apply for an exemption you must supply the following documents:

- completed PHV plate exemption application form, detailing the reasons for exemption
- letters from clients demonstrating the vehicle is required for chauffeured work and why the display of a plate would be detrimental to the client, for example a discreet service required by a well-known person seeking as much anonymity as possible
- three months of booking records for all operators the driver works for, demonstrating that the vehicle is primarily used for chauffeured work (for new applications, three months of booking records must be provided after the plate exemption has been given)
- invoices for each named client who has supplied a letter in support of your application for the same period as the booking records (for new



applications, three months of booking records must be provided after the plate exemption has been given

The Council will also consider factors such as the list price of the vehicle, specification of vehicle and volume of exclusive or chauffeured work as detailed in section 7.19.

An exemption will only be granted where the Council is satisfied that the vehicle will be used exclusively or primarily for 'chauffeured' private hire work. It is expected that 'primary use' means at least 80% of the work, as evidenced via booking records. The Council may undertake an audit of booking records at any point during the exemption to ensure that the vehicle is being used for chauffeured work.

Exemptions may be withdrawn at any time by the Council and if the licence holder cannot prove that the vehicle is used exclusively or primarily for 'chauffeured' private hire work.

Exemptions are subject to annual review and licence holders must reapply each year.

If an exemption request is refused or withdrawn, the operator may ask for the Council to reconsider the decision by providing new, relevant information within 21 days of that decision. The Council aims to reconsider any such application within 10 working days of receipt.

An officer with the appropriate delegated authority will consider the information before making a final decision.

The Council will make a record of the reasons for the decision and provide the operator with a copy of that document. There is no right of appeal to the Magistrates' Court.



If we grant an exemption, we will issue your licence subject to the additional conditions at Appendix 8.

6.13. Vehicle Testing

All vehicles must pass the vehicle test as detailed in Appendix 9 no more than eight weeks before the grant or renewal of the licence.

A second vehicle test must be passed no less than five months and no more than seven months before the expiry date of the licence for all vehicles over 6 years old.

If the vehicle has not passed the vehicle test it cannot be used as a licensed vehicle even during the duration of an existing licence and any existing licence will be suspended.

If the vehicle is changed during the course of the licence an additional vehicle test will be required.

6.14. Failure of vehicle tests

Vehicle tests are necessary to ensure that licensed vehicles remain safe, roadworthy and compliant with the Council's Policy and licence conditions. Vehicle tests should not be used as a mechanism for identifying faults to be rectified. The Council takes a serious view of proprietors who fail to present their vehicle for inspection in a satisfactory condition.

If the vehicle fails an inspection due mid-term or upon renewal, this will demonstrate to the Council that the proprietor is not complying with vehicle maintenance and licence conditions. The proprietor will initially be given a formal warning about the vehicle standards.



If there are further failures in the next licence periods (next interim and next renewal) then this will demonstrate to the Council that the proprietor has a history of failing to maintain the vehicle and comply with conditions. The Council will then take further action, which will normally be to revoke an existing licence or refusal to renew a licence.



7. Vehicle Specifications

7.1. Vehicle age and emissions

The Council recognises that the high mileage and general wear and tear sustained by licensed vehicles will have an impact on their continued serviceability over a period of time. The Council aims to ensure that Taxis and PHVs are of a good standard, safe and comfortable for the travelling public. We also aim to minimise the impact of their emissions on human health and the environment in the Borough.

Environmental protection legislation (Part IV Environment Act 1995) requires local authorities to review and assess air quality on a regular basis. The Council's Air Quality Action Plan seeks to ensure that the health based National Air Quality Objective standard for nitrogen dioxide is not exceeded in the Borough and monitoring takes place across the Surrey Heath area. The major source of this pollutant locally comes from vehicle emissions.

The Council's Climate Change Action Plan aims to reduce the Borough's carbon emissions. Approximately 34% of Borough wide emissions relate to transport, of which the vast majority relates to road transport.

The Taxi and PH fleet are one of the sources of harmful vehicle emissions which the Council aims to reduce, as well as reducing emissions from vehicles more directly under its own control.

The Council has therefore set minimum standards for vehicles licensed in the Borough with regards to vehicle age and emissions.

The Council's policy in relation to the age of vehicles and the standard of emissions is set out below:

7.1.1. Age Policy

From the date of implementation of this policy, licences will not normally be granted for the first time in respect of vehicles that were



first registered (or, in the case of imported vehicles, manufactured) more than 3 years prior to the date that the application was made. This does not include vehicles which have been previously licensed by Surrey Heath where the licence has lapsed and not been renewed due to the effects of the pandemic. In these cases the licence will be treated as if they were a renewal.

In this respect all vehicles must comply with the latest emission standards (currently Euro 6).

From the date that the policy is introduced, licences will not normally be renewed in respect of any licensed vehicle that was first registered (or, in the case of imported vehicles, manufactured) more than 10 years prior to the date of renewal (or 12 years in the case of purpose-built wheelchair accessible vehicles). This applies to the renewal of licences only. All vehicles must be in good condition and pass ALL relevant tests and inspections before a licence will be renewed.

A vehicle may be considered for licensing beyond these upper age limits if it is in 'exceptional condition'. The criteria for 'exceptional condition' are set out below.

7.1.2. Exceptional Condition Criteria

A vehicle may be considered to be in 'exceptional condition' if all of the following apply:

- The vehicle must not have failed the Council's vehicle inspection or standard MOT within the previous five years. Additional weight will be given if a vehicle has failed on any significant item, defined as any item that would make the vehicle fail to meet the requirements during a standard MOT test, or an advisory on the same item on more than one consecutive occasion.



- The vehicle passes the Council's vehicle inspection at first presentation.
- The bodywork is in near perfect condition with no signs of panel age deterioration, dents, scratches, stone chips, or rust or any other abrasions.
- The interior trim, panels, controls, dashboard, seating, carpets, ceiling and upholstery are in excellent condition, clean and free from damage and discolouration. This includes the driver's compartment.
- The boot or luggage compartment is in good condition, clean and undamaged.
- Passenger areas are free from damp or any other odours that may cause passenger discomfort.
- The vehicle is in excellent mechanical condition and in all respects safe and roadworthy, with no signs of corrosion to the mechanical parts, chassis, underside or bodywork.
- The vehicle must have a complete service record covering the period it has been a licensed vehicle to show that it has been properly serviced and maintained in accordance with the manufacturer's service specification.

7.1.3. Emissions Policy

In order to have a positive impact on emissions it is important to set standards that are common to all within the licensed fleet. This helps to ensure consistency and a level playing field for proprietors, operators and drivers. The age of vehicles and the exhaust emission specification are critical to control the level of pollutants emitted. Consequently, to improve air quality and reduce emissions. Standards relating to the exhaust emissions will be introduced in addition to the requirements regarding the age of vehicles.



In terms of expected emission standards it requires that all licensed vehicles which are submitted for:

Licensing for the first time from 1st April 2021 (or date policy effective) and all renewal applications from 1st April 2024, must meet or exceed Euro 6 emission standards (Euro 6 compliant being registered on or after Sept 2015).

It is the Council's intention to reduce taxi and private hire emission further in future in line with Surrey County Council Climate Change Strategy aim that:

'By 2035 - Leading by example, local authorities will ensure that public transport and taxis are 100% electric or converted to hydrogen at the earliest opportunity'.

As such the Council's Climate Change Action Plan includes an action to 'Work with taxi companies and licence holders to consider low carbon vehicles'. This work will inform future reviews of this Taxi and Private Hire Licensing Policy in relation to emission standards, with a view to consulting on and adopting a policy that 'From 1 January 2030 the Council will only licence Taxi and PHVs(new and renewal) which are zero or Ultra Low Emission Vehicles (ULEV), as defined by the Vehicle Certification Agency: <https://www.vehicle-certification-agency.gov.uk/fcb/ulev.asp>.

7.2. Insurance

It is required that all insurance documents must be shown before a licence is issued.

This requires:



- a valid certificate of insurance or cover note confirming that insurance is in place for each licensed driver of the vehicle and specifying use as either a Taxi or PHV
- a Taxi vehicle requires insurance to cover public hire and hire and reward
- a PHV requires insurance to cover hire and reward
- a cover note will be accepted and the licence will be issued on the understanding that a certificate of insurance will be produced at the earliest opportunity.

The council will undertake periodic auditing of licensed vehicles to verify that the vehicle is appropriately insured.

7.3. Safety Equipment

All licensed vehicles are required to carry the following safety equipment at all times:

7.3.1. Fire extinguishers

All vehicles are required to be equipped with a fire extinguisher that conforms to the following specification, which is also stated in the Council's conditions:

A 1kg hand held fire extinguisher, containing no CFC gases and complying with British Standards (BS) EN3, must be kept in good working order either mounted in the driver's compartment or mounted in the boot in such a position as to be readily available for use. The fire extinguisher must display a valid upcoming expiry date or must be fitted with a pressure gauge indicating that the pressure is still within working parameters. The extinguisher must be indelibly marked with the plate number of the vehicle prefixed by either



Taxi/PH corresponding to the type of hire vehicle and the registration number of the vehicle.

Fire Extinguishers must be replaced every 5 years from the date of manufacture.

7.3.2. First Aid Kit

A first aid kit must be carried within the interior of the vehicle and readily available to passengers on request. The identification number of the vehicle must be painted or written with permanent marker on the body of the kit. The contents of the first aid kit must be compliant with British Standard BS 8599-2 and hold suitable content for the number of passengers.

The first-aid kit must be maintained in full and proper order with items replaced before expiry.

7.3.3. Replacement auto lamps

Replacement auto lamps (bulbs) must be carried for each standard bulb light fitting.

7.4. Meters and Fare Charts

7.4.1. Taxis

All Taxis must be fitted with a taxi meter. Meters used to calculate fares must be accurate, display the correct time and be capable of displaying the various tariffs as approved by the Council (including extra charges recoverable under the approved Table of Fares). The meter shall be calibrated and set to the Council's agreed charging distances and tariffs currently in force and sealed by the meter agent.



Meters will be checked for accuracy by a measured mile distance or by waiting time during the vehicle test, or upon request by an authorised officer.

Meters must be positioned in order that the fare must be clearly displayed to the passenger throughout the journey and positioned in a manner so as not to obstruct the view of the driver.

Meters in use must not facilitate fraudulent use. Any signs of tampering including the breaking of any seals will result in a suspension notice being issued immediately. For the suspension notice to be removed, the vehicle meter must have been resealed and calibrated by an approved meter company and presented to the Council for inspection.

The Council's fare chart must be displayed clearly in the vehicle at all times for passengers to view.

7.5. Roof signs

7.5.1. Taxis must be fitted with an illuminated roof sign. It must carry the word 'TAXI' on the front and back of the sign.

Purpose built Taxis may be excluded from this specification if a sign is part of the Taxi's structure.

The roof sign must be connected to the taximeter so that it works in conjunction with it, i.e. when the meter is not in use the sign is illuminated and when the meter is in use the sign is NOT illuminated.

7.5.2. PHVs are not permitted to have roof signs.



7.6. Card Payment Terminals

All Taxis must be equipped with a card payment terminal which can accept payment by credit/debit card, including contactless. A receipt should be provided on request, this may be handwritten.

The device must be connected, maintained and working at all times to ensure customers are able to pay by card.

PHVs are also permitted to carry payment terminals although the Council does not mandate a specification.

7.7. Seating and interior dimensions

7.7.1. Seating, comfort and safety

Licensed vehicles should have a rear seat with a width of no less than 1220 mm. (measured at the leading edge) and be of a "bench seat" type, and in the case of a mini-bus, have a minimum seat width of 407 mm per person.

Licensed Vehicles should have rear headroom that is adequate for passengers to sit comfortably and in any event for their head not to touch the ceiling above them;

Licensed Vehicles should have rear legroom that is adequate for passengers to sit comfortably and in any event for their knees not to touch the seating in front of them

Where the seating in the licensed vehicle can be rearranged, the proprietor must ensure that no more seats than are stated on the licence, including wheelchair(s), are fitted in the vehicle whether occupied or not. Once the vehicle has been tested and approved by



the Council the seating layout must not be altered without further approval except for the temporary accommodation of a wheelchair in vehicles approved for such purpose.

All vehicles must be fitted with fully operational seat belts, one for each passenger to be carried, fully compliant with British Standards except where the law specifically provides an exemption.

7.7.2. Vehicles with a third row of seats

All passengers must have access to at least two side doors, one of which must be on the nearside of the vehicle.

In cases where there is no door adjacent to a row of seats, no passenger must have to pass through a gap of less than 300mm at the narrowest point in order to exit the vehicle via the rear side doors.

The middle row of seats must have more than one seat capable of fully tilting and which meet the necessary exit dimension of 300mm at both of the exit points.

All vehicles with a row of passenger seats without adjacent side doors must provide 'means of operation signs' and low level lighting that illuminates when the side lights of the vehicle are activated.

7.8. Tyres

Tyres are the vehicle's only point of contact with the road, and as such it is essential that they are in good condition.

The Council requires that all licensed vehicles adhere to the following provisions with regard to tyres:



Tyre treads are designed to efficiently and effectively remove water from the road surface and provide maximum grip. All tyres fitted to the vehicle must have at least 1.6 mm tread depth throughout a continuous band in the centre 3/4 of the tread and around the entire circumference of the tyre, as per MOT requirements.

Tyres fitted to a motor vehicle or trailer must be fit for purpose and be free from any defects which might damage the road or endanger any person. Fit for purpose means that a tyre must:

- might damage the road or endanger any person. Fit for purpose means that a tyre must:
- be compatible with the types of tyres fitted to the other wheels,
- not have any lump, bulge or tear caused by separation or partial failure of the structure,
- not have a cut or tear in excess of 25mm or 10% of the sectional width of the tyre, whichever is the greater, and which is deep enough to reach the ply or cord,
- not have any part of the ply or cord exposed
- be correctly inflated to the vehicle / tyre manufacturer's recommended pressure

All replacement tyres fitted to licensed vehicles must be new (i.e. not have been used previously on any other vehicle) and have been fitted by a reputable vehicle maintenance company / contractor. Vehicle proprietors are required to retain invoices / receipts to show that any tyre that is purchased meets this requirement.

The fitting of part worn tyres to licensed vehicles is not permitted.



7.9. Spare wheels

All vehicles must carry as a minimum a space-saver spare wheel, to be used as a means of conveying the vehicle to a place where the tyre can be changed in the result of a puncture.

‘Space saving’ spare wheels are intended to allow a vehicle to continue its journey to a place of safety where a replacement tyre can be fitted and as such must only be used in an emergency, and then only in accordance with the manufacturer’s instructions. Should the use of a ‘space saving’ spare wheel become necessary during a period of hire then the journey may continue, but the wheel must be replaced before another journey commences.

Vehicles need not carry a spare wheel if all wheels are fitted with a suitable ‘run flat’ tyre mechanism on all four wheels. In the case of a ‘run flat’ tyre getting a puncture, the tyre must be replaced at the earliest opportunity or in any case on or before the maximum number of miles recommended by the manufacturer is travelled.

7.10. ‘No Smoking’ Signs

The Health Act 2006 prohibits the smoking of tobacco or any other substance by anyone in a licensed Taxi or PHV. The legislation applies at all times whilst the vehicle remains licensed, thus smoking remains prohibited when the vehicle is not hired or not for hire.

Every licensed vehicle is required to carry appropriate signage under the [Smoke-free \(Signs\) Regulations 2007](#)

In order to avoid any doubt and promote a professional image of the licensed trade, the use of electronic or vaporising devices is not permitted in licensed vehicles at any time.



7.11. Wheelchair accessibility

In addition to all other licensing conditions, any applicants seeking the grant of a vehicle (either Taxi or PH) licence, in which it is intended to carry passengers who are seated in a wheelchair must present a vehicle which has:

- M1 classification and comply in all respects to EC Whole Vehicle Type Approval (ECWVTA)
- suitable fittings for the securing of the wheelchair and any passengers seated in them
- access and egress via suitable side or rear doors

7.12. Taxi Cameras

The DFT recognises in their guidance ‘Statutory Taxi and PHV Standards’, that CCTV can provide an additional deterrence to help prevent the possibility of harm to passengers by drivers.

Recognising this we aim to consult separately on the use of CCTV in vehicles. We would be looking to identify if there are local circumstances which indicate that the installation of CCTV in vehicles would have either a positive or an adverse net effect on the safety of taxi and private hire vehicle users, including children or vulnerable adults, and taking into account potential privacy issues.

7.13. Operator Advertising

Operators are strongly encouraged to display company signage on their vehicle to promote the licensed services in Surrey Heath. No other types of advertising is allowed on licensed vehicles.

Operators wishing to advertise must submit their request in writing to the Council, providing an illustration of the proposed advertising.



7.14. Dual Licensing of Vehicles

A vehicle, once licensed by Surrey Heath Borough Council as either a Taxi or PHV is not permitted to be licensed with another local authority.

7.15. Display of driver identification

The Council issued driver identification notice must be displayed clearly in the vehicle at all times for passengers to view.

7.16. Limousines and Special Event Vehicles

Any limousines or 'special event' vehicles with 8 seats or less which are used to transport passengers for hire or reward must be licensed as PHVs. Hire and reward has a wide definition in case law which goes further than the simple test of paying a fee for the journey.

The Council considers the following types of vehicles to be 'special event vehicles' in the context of licensing:

- decommissioned emergency service vehicles
- vintage vehicles
- sporting or performance vehicles
- courtesy cars used for transporting customers to and from specific venues such as hotels and nightclubs
- other non-standard type converted vehicles used for special events

The above list is not exhaustive, and other types of vehicle may be considered from time to time. When considering an application for a special event vehicle, the Council will have regard to the general requirements for PHVs contained within this policy and relevant appendices.

All vehicles used for these purposes must meet relevant British or European standards. Any alterations to a manufacturer's standard specification will



require MI EWVTA. Any subsequent changes to the vehicle will invalidate this approval.

When a vehicle has been imported into this country, the importer must produce a declaration from the testing authority, the Driver and Vehicle Standards Agency (DVSA) that the vehicle will never carry more than eight passengers.

Drivers of limousines and special event vehicles must complete the licensing application process in the same way as any other licensed driver.

7.17. Vehicle specification for a plate exemption

The approval of an exemption will be based on the cost, reputation, specification, appearance, perception and superior comfort levels of a vehicle and the fact that it will not resemble a non-exempt PHV licensed to undertake the 'normal' day to day role.

Each application will be considered on its individual merits however consideration will only be given to vehicles which meet the following specification:

- saloon, hatchback and estate vehicles to be licensed for 4 passengers only plus the driver allowing sufficient space for adult passengers to travel comfortably. The vehicle will be fitted with 'premium' extras such as leather seating, individual climate control showing the hallmarks of executive/prestige specification
- a range of vehicles capable of carrying in excess of 4 passengers will be considered provided they meet the higher specification and original list price required
- vehicles seating more than 4 passengers will be licensed only for sufficient numbers of passengers to travel comfortably. Each seat must



be adequate dimensions and must permit direct access into and out of the side doors of the vehicle without the need to move, remove or fold down any seat. No vehicle modifications from the manufacturer's specification are accepted

- engine size indicatively 2000cc or greater (or equivalent power output for alternative fuel vehicles)
- the original list price of any vehicle must be a minimum of £40,000. This minimum price will be exclusive of any extras added at the time of purchase. Evidence of the original new list value will be obtained at the time of application. The Licensing Authority must be satisfied the evidence provided verifies the original list value.



8. Private Hire Operators (PHOs)

8.1. Rationale for Licensing

A PHO means a business or person who makes provision for the invitation or acceptance of bookings for PHVs. A licensed PHV must only be booked through and despatched to a customer by a PHO, who must ensure that every licensed hire vehicle is driven by a person who holds a licence issued by the same authority that issued the vehicle licence. This authority must be the same authority that issued the operator's licence and this is known as the 'trinity' of licences.

Any person who makes provision for inviting or accepting bookings in Surrey Heath Borough, or who dispatches PHVs licensed by Surrey Heath Borough Council must first obtain a PHO licence from the Council.

The objective in licensing PHOs is the safety of the public, who will be using operators' premises, vehicles and drivers, arranged through them. Operators also hold a considerable amount of information about customers, and as such the operator, and any staff they employ must not use their position to take advantage of this information.

All PHOs must satisfy the Council that they are fit and proper people to be granted a PHO licence and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of an operator will be monitored and assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process. Existing licence holders are also expected to act professionally at all times a licence is held and consequently both applicants and existing licence holders must therefore fully and accurately disclose any



information that is requested. This includes information regarding previous convictions, warnings and reprimands, arrests, current investigations and pending criminal and civil proceedings.

The Council aims to ensure that PH (and Taxi) services delivered within the Borough are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The Council would also expect Operators licensed by the Council to utilise vehicles and drivers licensed by Surrey Heath so as to ensure that the licensed trade working in Surrey Heath conform to the standards set by the Council, and can be subject of local compliance.

8.2. Fit and proper test

The Council must ensure that applicants and licence holders are and remain fit and proper to hold a licence. This requirement is contained within Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term “Fit and Proper Person” for the purposes of Private Hire Operator licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications are effectively asking the following question of themselves:

“Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or other unacceptable purposes? Would I also be confident that this person would operate a professional and reliable service, at a time it is needed, and take reasonable steps to safeguard both passengers and the ability of the local licensing authority to protect the public if required?”



If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

All decisions on the suitability of an applicant or licensee will be made on the balance of probabilities. This means that an applicant or licensee will not be 'given the benefit of the doubt'.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- criminality
- general conduct / standards of behaviour including online behaviour
- the conduct as an individual holding a licence, including but not limited to complaints and other information received during the application process or course of the licence
- the conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process)
- the previous licensing history of existing / former licence holders (including honesty and integrity)
- whether the applicant has had a licence suspended, refused or revoked by another licensing authority
- business practices demonstrated by the applicant (for example standard of record keeping, procedures, training and vetting of staff,



compliance with other regulatory requirements, financial practices etc.,)

- awareness of safeguarding, equalities and public safety matters, and procedures to ensure promotion of the same through the operation
- policies and practices to promote the safety and welfare of drivers under their control

The Council will also consider further information sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies, and other information/complaints received.

In addition, although the Council recognises the legality of sub-contracting, the Council would not expect a professional licensed, fit and proper operator to obtain a licence in Surrey Heath to simply make vehicles licensed by another authority available for booking via sub-contracting on a regular basis. As such whilst any licensed vehicle may enter Surrey Heath to pick up or drop off customers, the Council would not expect vehicles licensed outside of Surrey Heath to be waiting in Surrey Heath and be made available for bookings as this diminishes the Council's ability to set local standards and local control. As such, any Operator acting to reduce the Council's ability for local control would not meet the required public safety objectives and standards expected of a professional, licensed, fit and proper private hire operator.

By way of guidance, the Council would expect that at least 75% of journeys received by a Surrey Heath licensed operator commencing or finishing in Surrey Heath in a 3 month period to be completed by Surrey Heath licensed PHVs (or Surrey Heath licensed Taxis doing pre-booked work).

If an operator, acting in their capacity as the holder of a different licence (for example driver's licence or vehicle proprietor's licence) fails to comply with the byelaws or conditions attached to that licence, or has that licence revoked for reasons of being unsuitable to hold that licence, the Council



will consider this to reflect on their character as a licensed operator and they can expect to have their licence to operate suspended or revoked.

8.3. Right of operator to work in the UK

The Council is mandated under the Immigration Act 2016 to require all applicants to provide documentary evidence to confirm that they may legally work in the UK. Examples of documents that may be provided include:

- a UK passport confirming that the holder is a British Citizen (or citizen of another EEA country – including Switzerland)
- passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment
- full UK Birth / Adoption Certificate
- an Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the UK and undertake paid employment
- a work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to undertake paid employment.

This list is not exhaustive, and other documents may be accepted – further information will be provided by Licensing on request.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.



8.4. Application process

Licences will be issued for a maximum period of 5 years but the Council can grant licences for a lesser period if deemed appropriate. This will usually be when the applicant has time limited 'right to work' status with the licence only being granted in line with the time limits dictated by the applicant's immigration status.

Additionally, or if the operator intends to operate using a new or innovative technological method subject to potential changes, or if there are changes or concerns identified about the regulatory practices of an operator, then a shorter licence may be granted to ensure compliance with the Council's requirements over a shorter period before a full 5 year licence is granted.

Applicants must provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work will not be issued an operator's licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Services and external statutory bodies including but not limited to Police, HM Revenue and Customs and other licensing authorities.

8.5. Disclosure and Barring Service (DBS)

A criminal record check on an operator is seen as an important safety measure. If an application is received from a person who is not a driver currently licensed by Surrey Heath Borough Council then the applicant will be required to provide a Basic Disclosure from the DBS.

All applicants for the grant or renewal of a licence requiring a DBS check will be responsible for the costs of obtaining the DBS certificate.



All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, arrest, current investigations, cautions and fixed penalty notices during the period of the licence will likely result in suspension or revocation of the licence.

All licence holders must subscribe to the DBS online update service. This is required by a condition placed on the licence. Any costs associated with maintaining this subscription must be met by the licence holder. If a licence holder fails to sign up to the update service, or fails to maintain subscription during the period that the licence is in force, then the licence will be suspended or revoked.

The licence holder must give permission for the council to undertake checks of their DBS status should the council consider it necessary to do so, which will be at a frequency of not less than once every six months. The council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a full DBS check will be required before a licence is renewed.

If an applicant or current licence holder has spent three continuous months or more overseas since the age of 16 the Council will need to see evidence of a criminal record check from the country / countries visited covering the period that the applicant was overseas.

Because of the potential lifetime relevance of some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. For EU nationals suitable checks should be available. For



those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

8.6. Relevance of Convictions and Cautions etc.

The Council is committed to ensuring that the licensed trade are 'fit and proper'. This will entail periodic audits of licensed operators to ensure that material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings, arrests, reprimands and other 'relevant information', the Council has adopted the policy set out in Appendix 2. The terms of this policy will have immediate effect.

The policy at Appendix 2 will be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence during the licence period.

8.7. Application procedure

Information on how to make an application is available on the licensing pages of the Council's website or from the Council's Contact Centre.

An application will need to be accompanied by the following documents before it can be accepted. Where there is more than one applicant for the operator's licence, or the application is made by a partnership, or in the case of a limited company (each director and the company secretary), each applicant must provide:

- a completed PHO (new) application form (signed by each applicant)
- payment of the relevant fee (by debit or credit card only)
- evidence of right to live and work in the UK
- photographic proof of identification



- evidence of current address and history of residence for the last five years including the month and year that you started living at each address
- a certificate showing completion of the Council's approved safeguarding awareness course
- if applicable, a letter of good conduct from the Embassy or Consulate for the country of residence (if living outside the UK) as detailed in 8.5 above. The date of the letter must be within three months of the date of application and any documents not in English need to be accompanied by a translation that has been certified as a true translation of the original document.
- a DBS Certificate as at 8.5
- completed DBS update service allowing the Council to access this record during the course of the licence
- evidence that the applicant has obtained appropriate planning permission or a certificate of lawful use for the intended operating base from the relevant planning authority
- if the intended operating base is open to the public, a valid certificate of public liability insurance in place for the premises
- the name of the business, and any advertising complies with the policy on trading names as outlined in paragraph 8.13
- policies and procedures for operating as outlined in 8.15 commensurate with the size and nature of the operator

8.8. Renewing a licence

Information on how to apply to renew a licence is available on the licensing pages of the Council's website or from the Council's Contact Centre.

It is the operator's responsibility to apply in good time so their application can be determined before their existing licence expires. A completed, valid



renewal application should be submitted no less than one month, but no sooner than 8 weeks before the expiry date.

An applicant making an application to renew a PHO licence must be able to demonstrate that they still meet the application requirements in 8.6 above.

Licence holders are advised to check licensing pages of the Council's website or contact licensing if they are in any doubt about whether they satisfy the above requirements.

8.9. Making a decision

Once the Council has received a complete application and the results of the various checks/tests, we will then make a decision about the application.

We aim to inform an applicant of the decision within 15 working days from the date we receive all required information.

If an applicant (or licence holder) has any convictions, cautions, endorsements or additional other relevant information, we will consider these in line with the guidance in this Policy and this may delay the decision.

8.10. Granting an application

If we grant an application, we will usually issue a licence for five years from the date of the decision. If a licence holder is subject to immigration controls as detailed below, we will issue a licence for a shorter period:

If a licence holder's current right to live or work in the UK expires during the five-year period beginning on the date their application was determined, we will issue a licence until the date their current right to live or work in the UK expires.



If the Home Office is currently determining a licence holder's right to live or work in the UK, and they are entitled to live and work in the UK pending final determination of that application, we will issue a licence for a maximum of 6 months from the date of the decision.

Under section 55(3) of the Local Government (Miscellaneous Provisions) Act 1976, the Council may attach conditions that it considers 'reasonably necessary' to PHO licences. Applications are normally granted subject to the Council's standard licence conditions contained within this Policy, however further, additional conditions may be attached on a case by case basis.

The decision to attach conditions to a licence may be appealed to the Magistrates' Court.

8.11. Refusing an application

If an applicant or licence holder does not satisfy all the above requirements or the application is incomplete we will generally refuse the application.

An officer with the appropriate delegation will make the decision.

The Council will make a record of the reasons for the decision and we will provide a copy of that document to the applicant.

Any decision to refuse an application may be appealed to the Magistrates' Court within 21 days of our decision. If applicants intend to appeal the Council's decision, we strongly suggest that they seek legal advice.

The Council will normally defend the decision and seek recovery of its full costs from the appellant.



The right to appeal the Council's decision to refuse an application or to attach conditions to an operator's licence is included in Section 55(4) of the LG (MP) Act 1976.

8.12. Updating the Council

It is essential that the Council has up to date contact details for licence holders. It is also vital that the Council is notified of any change in circumstances which may compromise the applicant's suitability at the earliest opportunity.

If a licence holder changes their name, address, other contact details (including telephone number, email address, during the term of their licence, they must inform the licensing team in writing within seven days.

If a licence holder receives a conviction, caution, fixed penalty notice or is subject to arrest or criminal proceedings of any sort then they must notify the Council within 48 hours.

Licence holders who fail to keep the Council up to date as required may be considered unsuitable to continue to hold a licence.

8.13. Trading Names and Advertising

The names of any PHO business must not:

- be the same (or similar) to a private hire business already licensed by the Council, or
- include any reference to 'taxis' or words with a similar meaning

Each operator licence can be linked to one trading name. The only exceptions are where all trading names clearly relate to the same business, for example: 'ABC Cars' and 'ABC Executive'. In all other cases if the



operator wishes to benefit from the use of more than one trading name, then a separate licence application will be required for each name.

Any mobile app, websites or advertising used by the operator should clearly give the registered operator name in any links, and Surrey Heath Borough Council licence details must be clearly shown on the app, website or advert. This is to ensure that customers know exactly who their booking is with, and will enable improved enforcement through preventing one operator having multiple trading names. In the case of a 'national' operator, there must be clear separation for this purpose.

If more than one licence is held to accommodate different trading names, the records and contact details for each trading name must be kept separate, and any receipts or correspondence with the customer must clearly relate to the company the booking was made with.

8.14. Record keeping

Section 56 of the LG (MP) Act 1976 requires PHV operators to keep records of the particulars of every booking invited or accepted, whether it is from the passenger or at the request of another operator.

The following information should be recorded as a minimum:

- name of the passenger
- the time of the request
- the pick-up point
- the destination
- the name of the driver
- the driver's licence number
- the vehicle registration number
- the name of any individual that responded to the booking request
- the name of any individual that dispatched the vehicle



This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement. Booking records shall be retained for a minimum of six months. The records should be kept in a form agreed with the Licensing Authority, and be made available when requested.

PHOs have a duty under data protection legislation to protect the information they record. The [Information Commissioner's Office](#) provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations.

8.15. Private Hire Operator Policies and Procedures

PHOs licensed by the Council are expected to provide the following policies and procedures upon application/renewal. Compliance with these will be a condition of the operator's licence. Any changes must be agreed in writing by the Council and must be reviewed at the request of the Council. Any information arising from the application of these procedures (such as staff training records, or complaint records) must also be provided to the Council upon request.

8.15.1. Procedures for accepting bookings

Bookings for a PHV can be made by a number of different methods, many of which are far removed from those envisaged by the 1976 Legislation. Consequently, the invitation of bookings by an operator which are then 'accepted' by a driver via a Personal Digital Assistant (PDA) or smartphone app, under strict interpretation of the Act, means that the driver accepting the booking also needs an operator's licence. Clearly this is not what the legislation was intended for and as such operators will need to detail their procedures for accepting bookings demonstrating compliance with the legislation.



8.15.2. Procedures for Vetting Staff

The Operator's staff may also take bookings (be it by phone or in person). A vehicle controller decides which driver to send to a user, a position that could be exploited by criminals. It is therefore appropriate that all staff that have contact with PHV users and the dispatching of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Operators or applicants for a licence are also required to provide a written policy regarding their employment of ex-offenders in roles that have contact with the public, access to booking records and/or customer information, and/or oversee the dispatching of vehicles.

As with the threshold for obtaining a PHOs' licence, those staff with a conviction for offences detailed in our Conviction policy, attached at Appendix 2, (other than those relating to driving) may not be suitable to handle the sensitive information the public may provide (e.g. that their home is likely to be empty between certain dates) or to decide who is sent to carry a child or vulnerable adult unaccompanied in a car.

Operators must hold and maintain a register of all staff that have contact with the public, access to booking records and/or customer information, and/or oversee the dispatching of vehicles and be able to evidence that they have had sight of a Basic DBS check on all individuals listed, and that this register is compatible with their policy on employing ex-offenders. The register must also include ensuring the staff have the right to live and work in the UK.



8.15.3. Staff Training

Operators must also ensure that all staff employed in a role which has contact with PHV users, access to booking records and/or customer information and PHV drivers have undergone training, and a record of this is maintained for each employee.

Training records of all staff must be maintained, and refresher training provided at appropriate intervals covering the following areas:

- data protection
- emergency procedures
- break down procedures
- operator's tariff
- pick up and drop off procedures
- customer complaints
- lost property
- young and vulnerable customers
- equalities

8.15.4. Sub-contracting

If an operator sub-contracts a booking, whether to another licensed PHO or a Taxi vehicle, they should inform the customer and fix the price, and if using a Taxi taking care not to charge more than the Taxi metered rate if the journey starts and ends in the relevant district. A clear record of the sub-contracting and when the customer was informed shall be kept.

The Council would expect that the operator receiving and undertaking the sub-contracted booking is subject to the same standards as operators licensed by Surrey Heath Borough Council,



and that the Surrey Heath licensed operator receiving the original booking will have taken steps to ensure the sub-contracting operator upholds these standards.

8.15.5. Use of Public Service Vehicles (PSV)

The use of public service vehicles (PSV) licensed drivers and vehicles to fulfil bookings accepted under a PHO licence is strictly forbidden.

Where a PHV is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats required or to accommodate luggage, the booker should be informed that a PSV is necessary, and that a Passenger Carrying Vehicle (PCV) licenced driver will be used who is subject to different checks and not required to have an enhanced DBS check.

8.15.6. Licensing Compliance Procedures

The operator shall have procedures in place to ensure all drivers and vehicles used have the required licences and are complying with the relevant conditions of the licences. This should include a record of the initial verification and of the regular checks done by the operator showing compliance with each licence.

The operator shall have procedures in place to ensure that no bookings are passed to a driver or vehicle without a valid licence, MOT, road tax, Council vehicle test or insurance.

8.15.7. Pick-up and drop off locations

The operator shall have procedures in place to direct drivers to pick up and drop off customers from locations of safety.



These procedures must be reviewed and amended at the request of an authorised officer and include the requirement to direct drivers under their control and customers making bookings to any dedicated pick up or drop off location nominated.

8.15.8. Operator Tariff

Whilst the Council regulates the fares for Taxis, it does not regulate fares for PHVs or operators.

From 1 April 2022 PHVs will no longer be permitted to be fitted with taximeters. Consequently, the emphasis is on operators to ensure customers are provided with a reliable quote for services in line with current licence conditions.

Operators may provide a mobile/PDA device which records the journey and generates a fare based upon time and distance, and operators may still use the Taxi fare tariff rates as their own tariff.

Where the operator uses a tariff to calculate fares by time and distance using a PDA device, the operator must ensure that this is on display in the vehicle for customers to see.

8.15.9. Complaints and Lost Property

Operators must keep a record of complaints and any lost property and have procedures to resolve these. Records of complaints received, investigations undertaken and any disciplinary action must be made available to the licensing authority or Police officer upon request. If an operator terminates the use of a driver, then this information including full reasons must be provided to the Licensing authority in writing within 48 hours.



8.15.10. Data protection

Operators have a duty under data protection legislation to protect the information they record and as such must have written procedures for protecting the information they hold. The Information Commissioner's Office provides comprehensive guidance on registering as a data controller and how to meet legal obligations.

8.15.11. Driver Risk assessment

Operators have a duty to ensure the safety of their customer by ensuring that licensed drivers under their control do not pose risk to the public. Whilst the Council will only grant a driver's licence to a fit and proper person, the Council has limited control over a driver's working hours, or other employment held. As such Operators should complete a risk assessment, commensurate to the size of their operation, identifying drivers who may be 'at risk' from working long hours (for example being logged on for long periods of time) or from other activities (for example holding a 'day job' and working nights as a licensed driver).

Operators must provide the results of any risk assessment, together with actions taken to reduce risk, to the Council upon request.

8.15.12. Driver Welfare policies

Regardless of any terms of contract or employment between drivers and operators; operators have a duty towards the welfare of their drivers. Drivers must be awake, alert, efficient, well and not in a rush. As such operators have an obligation through their business practices to ensure public safety through drivers not having to work long hours, or evade their own obligations (for example including but not limited to driving dangerously, picking up/dropping off



inappropriately or attempting to negotiate a different fare with passengers), which carries public safety risks to both themselves and the public.

Operators must provide a policy covering driver welfare, remuneration, working conditions, working hours, and drivers being adequately incentivised to provide a service when needed throughout the day.

8.16. Insurance

Before an application for a PHO's licence is granted, the applicant shall produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed if this premises is open to the public. Where necessary, operators must also hold employer's liability insurance.

8.17. Use of operator name following revocation of licence

Where an operator's licence is revoked by the Council, the name (or a similar name) of the PH company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

8.18. Reporting of key events

Key events which may affect the safety of the public must be reported to the licensing authority within 48 hours.

Such events may include, but are not limited to, system changes, system faults (such as the ability to drive without a licence, insurance, mot, tax), serious offences and complaints, suspensions, data breaches or losses, investigations and action taken by other regulators (including criminal



investigations and the suspension/revocation of any PHO's licence held with another licensing authority).

8.19. Operator's responsibility in relation to vehicles / drivers

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable drivers and vehicles are used (and continue to be used) in the course of their business.

The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions or operator processes may also be detrimental to the continued fitness and propriety of the operator.

The following are examples of circumstances that may affect the fitness and propriety of a PHO:

- licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their licence whilst working for / under the instruction of a particular operator, including conduct around waiting areas and pick up and drop off locations
- vehicles being operated that are in an unsuitable condition
- failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding)



9. Compliance and enforcement

- 9.1. The principal purpose of Taxi and PH licensing is to protect the public and promote public safety. In doing this, the Council aims to provide the delivery of efficient, targeted and proportionate regulatory services to provide a positive approach to those regulated, and promoting confidence in the service in the eyes of those who use it.
- 9.2. We will follow the Regulators' Code and the Council's Corporate Enforcement Policy and will base any enforcement action on the seriousness of the breach and the possible consequences arising from it. A range of tools and powers, including mystery shopping, to ensure compliance will be used. Compliance assessment is ultimately to ensure that the driver or operator is a "fit and proper" person to hold a licence and/or the vehicle is safe. The safety of passengers, pedestrians and other road users is paramount.
- 9.3. The Council has a procedure whereby the general public can submit service requests / complaints / concerns about licensed drivers and operators. This is accessible via the submission of a report form via the licensing pages of the Council's website. In considering the most appropriate action to take in relation to a complaint, the credibility of both the complainant and the licence holder will be taken into account. In addition if anyone wishes to complain about the service provided by the Council there is a complaints procedure available on the Council's website.
- 9.4. Where appropriate referrals will be made to other agencies such as the Police, DBS, HM Customs & Excise and both Adult and / or Child safeguarding teams. The Council will respond to complaints made by the public and referrals from other agencies & bodies. In addition officers will undertake proactive inspections and testing as either day to day activity or as part of programmed operations.



9.5. Licensing decisions are taken on the 'civil' standard of proof and in line with the statutory guidance, the benefit of the doubt will not be given to the licence holder when making any decision.

9.6. We aim to achieve and maintain a consistent approach when we make our decisions.

- seriousness of any offences or breach of conditions
- licence holder's past history, including previous advice and warnings issued
- consequence(s) of non-compliance
- likely effectiveness of the various enforcement options
- danger to the public

9.7. Having considered all relevant information and evidence, the normal options are one or more of:

- take no action
- take informal action
- issue statutory notice(s)
- suspend a licence
- revoke a licence
- prosecution

9.8. As well as complying with legislation and licence conditions, it is essential that licence holders comply with reasonable requests for information or assistance from licensing and/or Police officers. Failure to do so may lead to disciplinary action being taken.

9.9. Informal Action

We may take informal action to secure compliance with legislation or other requirements. This includes offering advice, and verbal or written warnings. Such informal enforcement action may be appropriate in any of the following circumstances



- the act or omission is not considered serious enough to warrant more formal action
- from the individual driver or operator's past history it can be reasonably expected that informal action will achieve compliance
- confidence in the operator's management is high
- the consequences of non-compliance will not pose a significant risk to the safety of the public

Even where some of the above criteria are not met, there may be circumstances in which informal action will be more effective than a formal approach.

9.10. Statutory notices

If a defect in a licensed vehicle is found, including a breach of licensing conditions or vehicle specification, we may serve notice in writing requiring the vehicle (or the taximeter in the vehicle) to be examined at the vehicle testing station or by a taximeter examiner nominated by the Council.

If a defect in a licensed vehicle is found upon inspection which causes the vehicle to fail the MOT then a statutory notice may be served preventing the vehicle from being used until the defect is remedied and the vehicle passes the test.

9.11. Suspending or revoking a licence (vehicles)

We may suspend a vehicle licence where:

- the Council has reasonable grounds to suspect that the condition of the vehicle is dangerous or poses a risk to passengers or other road users, for example, there is damage to the vehicle, the tyre tread is insufficient, or the vehicle has been involved in a collision
- the insurance is no longer valid
- the vehicle has not completed the vehicle test at the required interval, or failed the test



- the vehicle is non-compliant with its licence conditions or other licensing policy requirement

The suspension will be lifted once we are satisfied that the reason for the suspension has been addressed and the vehicle complies with the Council's policy requirements.

We may revoke a vehicle licence where:

- the proprietor regularly presents a vehicle for inspection which is in unsatisfactory condition
- the proprietor is no longer considered suitable to hold a licence
- the vehicle is dangerous and poses a risk to passengers or other road users and suspension of the licence is not appropriate, for example, if there is no reasonable prospect of repairing the damage, such as an accident write-off

9.12. Suspending, revoking or refusing to renew a licence (drivers)

Section 61 of LG (MP) Act 1976 allows a Licensing Authority to suspend or revoke a driver's licence.

We may suspend or revoke a driver's licence if the licence holder:

- is convicted of any offence involving dishonesty, indecency or violence
- is convicted of an offence under or has failed to comply with the relevant taxi and private hire legislation or
- for any other reasonable cause

Before we make our decision, the Council will consider the seriousness of the conviction, caution, endorsement or other information which has been provided to us.



A suspension may be appropriate if it is believed a minor issue can be addressed through additional training.

We will apply the guidelines set out in Appendix 2 when a licence holder is convicted, cautioned for or charged with any of the offences or information (including complaints from the public) is received to indicate that the licence holder has conducted themselves in a way outlined by the offence. For example, if a complaint has been received about a licence holder which has not resulted in a conviction, in the interest of public safety the policy and sanction for that offence will still be applied.

Any other reasonable cause can include, but is not restricted to:

- a suspension of your DVLA licence (either due to 'totting up' or disqualification imposed for specific offences)
- a medical issue
- other offences not included in Appendix 2, but still indicating that the licence holder is of unsuitable character
- a culmination of minor transgressions or continual non-compliance with licensing requirements
- any action that presents a risk to the public or is likely to undermine public confidence in the licensing regime
- obstruction of or being abusive towards an authorised officer, or disregarding the advice, warnings or sanctions of an authorised officer

If a driver's licence is suspended this will normally be for a defined period and the Council will inform the licence holder of our reasons. The Council will normally only suspend a licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases the licence will normally be revoked.



If we consider it is in the interest of public safety to suspend or revoke a licence with immediate effect, we will do so and we will inform the licence holder of our reasons.

9.13. Suspending, revoking or refusing to renew a licence (operators)

Section 62 LG (MP) Act 1976 allows for the revocation or suspension of an operator's licence. We may also refuse to renew an operator's licence.

We may suspend, revoke or refuse to renew a private hire operator's licence:

- if the licence holder commits any offence under or fails to comply with relevant taxi and private hire legislation or
- there is any conduct on the part of the operator, including convictions, which falls below the standards expected by the Council of professional, licensed private hire operators, or
- there is any material change of the circumstances of the operator on the basis of which the licence was granted, or
- the operator seeks to negate local control by not using vehicles and drivers licensed by the Council within its jurisdiction, or
- for any other reasonable cause

Before we make our decision, the Council will consider the seriousness of the conviction, caution, endorsement or other information which has been provided to us.

We will apply the guidelines set out in Appendix 2 when a licence holder is convicted, cautioned for or charged with any of the offences or other information (including complaints from the public) is received to indicate that the licence holder has conducted themselves in a way outlined by the offence. For example, if a complaint has been received about a licence



holder which has not resulted in a conviction, in the interest of public safety the policy and sanction for that offence will still be applied.

Any other reasonable cause can include, but is not restricted to:

- other offences not included in Appendix 2, but still indicating that the licence holder is of unsuitable character
- a culmination of minor transgressions or continual non-compliance with licensing requirements
- any action that presents a risk to the public or is likely to undermine public confidence in the licensing regime
- using unlicensed drivers or vehicles
- using uninsured or unsafe vehicles
- obstruction of or being abusive towards an authorised officer, or disregarding the advice, warnings or sanctions of an authorised officer

If an operator's licence is suspended this will normally be for a defined period and the Council will inform the licence holder of our reasons. The Council will normally only suspend a licence where the relevant behaviour can be addressed within a reasonable timescale. In other cases the licence will normally be revoked.

9.14. Decision making

Except where indicated in the guidance, officers will normally make decisions under delegated authority whether to grant, refuse, suspend or revoke a licence, or grant any form of exemption.

In cases where revocation of a licence is considered, there will be a clear separation between the investigation of licensing concerns and the management of the licensing decision making process. In addition, the Council has made arrangements for dealing with serious matters that may



require the immediate revocation of a licence by delegation of these powers to a senior officer/manager with responsibility for the licensing service.

9.15. Prosecution

The Council recognises that it is a significant step to prosecute, however, will consider prosecution in appropriate cases where there is sufficient evidence and it is in the public interest to do so.

In order to protect public safety and promote public confidence in the licensing regime, the Council will generally consider that prosecution is appropriate in the majority of cases, but will take into consideration:

- the overall seriousness of the offence and harm caused
- if the offender also encouraged others to commit offences
- the offence was pre-meditated
- the offender showed disregard for the law
- the offender stood to gain from the offence
- the victim, if any, was vulnerable, suffered damage or felt threatened by the offence
- there is significant environmental harm
- the offence had a discriminatory element, for example on the basis of race or religion
- the offender has previous convictions or cautions that are for offences that have some similarity with the current one
- there is likelihood that further offences might be committed

9.16. Appeals

Section 60 LG(MP)Act 1976 allows a district council to suspend or revoke or (on application under section 40 of the Town Police Clauses Act 1847 or section 48 of the LG(MP) Act 1976, as the case may be) refuse to renew a vehicle licence on a number of grounds.



Similar provisions are in section 61 and 62 of the LG (MP) Act 1976 relating to driver's and operator's licences.

If the Council suspends, revokes or refuses a licence, a record of the reasons for our decision will be made and we will provide the licence holder with a copy of that document.

The licence holder may appeal to the Magistrates' Court within 21 days of the decision. We would recommend that appellants seek legal advice.

Once a licence has been suspended or revoked, the licence holder (or former licence holder) may appeal to the Magistrates' Court in order to challenge the Council's decision. There is no other recourse available to the licence holder (or former licence holder) should they wish to have the decision to suspend or revoke their licence reversed.

The Council will normally defend any appeal and seek full recovery of its costs from the appellant.



10. Other considerations

Covid-19

From time to time we may be required to respond to circumstances beyond our control that may affect our licensing arrangements.

In 2020 Covid-19 presented a number of serious challenges with new regulations applying to anyone providing a public service. Appendix 11 outlines the current guidelines for drivers and operators to follow.

Training

The DfT Statutory Taxi and PHV Guidance (2020) requires that all individuals that determine whether a licence is issued should be required to undertake sufficient training

All officers involved in licensing will be suitably trained and experienced, commensurate with their role and delegated authority. They will be required to undertake regular update training as part of our commitment to continual professional development. Officers are required to keep records of their training, including certificates of successful completion of courses.

Members of the Licensing Committee will have access to suitable training and will be encouraged to undertake training. Suitable training may be required where members take part in Sub- Committees as outlined in this Policy. Training for Members of the Licensing Committee will include: licensing procedures, natural justice, understanding the risk of CSAE, disability and equality awareness. Records of Member training will be formally recorded.

