

MOLE VALLEY DISTRICT COUNCIL

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY

As amended at Licensing Committee 31st January 2018
Effective from: 1st April 2018

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1. INTRODUCTION

a. The Council has resolved to carry out Private Hire Vehicle Licensing under the adoptive powers contained in the Local Government (Miscellaneous Provisions) Act 1976 alongside their statutory responsibility for the licensing of hackney carriages.

b. Priority and Principles

Hackney carriages (HC) and private hire vehicles (PHV) supply a service to the public. The Council plays a role between the providers of the service and its customers. The Council's over-riding priority in playing its role is to safeguard the public interest, this will be achieved by the application of the following principles to its administration, regulation and enforcement activities.

1. Public Safety

Users of HC and PHV services put their trust in the drivers and the vehicles involved. The Council will build on the statutory requirements by providing administrative requirements, and setting licensing conditions that will aim to ensure good standards of safety to the public so that public trust is well founded.

2. Value for Money

- a. The Council will take steps to ensure so far as reasonably practicable the users of the HC and PHV service receive value for money and the Council provides value for money in its licensing services.
- b. The Council will regulate the hackney carriage tariff by the use of a transparent and coherent system. The system will take account of costs related to hackney carriage business. The Council will consider representations by hackney carriage proprietors or their representatives regarding the tariff.
- c. Members of the public travelling by hackney carriage will be protected from the dishonest application of the tariff by the enforcement of appropriate conditions and the formal investigation of complaints.
- d. The Council will seek to balance the income it receives from fees for the service with the cost of the service over time.

3. Quality of the Service to the Public

The quality of the service provided to the public will depend on both the vehicles and the drivers.

The Council will apply appropriate conditions to vehicle and drivers' licences to ensure a good quality service is provided. Such conditions may include matters relating to the condition of vehicles, age of vehicles, and suitability of vehicle types for public use. Conditions may also be set regarding the appearance and conduct of the driver.

4. Meeting Travel Needs

1. The Council will use its controls over vehicle licences to ensure as far as is reasonably practicable that all sections of the community can be carried by the service without discrimination or disadvantage.
2. The Council will exercise its controls over the provision of HC vehicle licences to ensure as far as possible that there is no significant unmet demand for the service by the public. The unmet demand will be assessed as and when necessary. The Council is committed to the Disability Discrimination Act 1995 and will introduce the recommendations made by Government when they become statute.

5 Efficiency of the Licensing Service

The Council will seek to ensure its administration, regulation and enforcement activities are carried out as efficiently and effectively as practicable.

6. Liaison with Licence holders

The Council will inform licence holders about the service it provides and liaise with them in respect of proposed changes in the service. It will give due consideration to any views put forward about the service by the licence holders or their trade representatives.

2. APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCE

1. Age/Driving Experience.

An applicant must have held a full UK/EU Driving Licence for at least 12 months prior to application.

2. Knowledge Test.

All applicants for the Grant of a Driver's Licence will be required to undergo a Knowledge Test to show an understanding of the area, Licensing Conditions and the Highway Code for the UK. The test will be conducted orally and will last for approximately 45 minutes. An exception to this will be for drivers who will be working on home to school run services for Local Authority Contracts only.

3. Driving Standards Agency Taxi/Private Hire Assessment

All new applicants will be required to pass the Driving Standards Agency Taxi/Private Hire Assessment prior to the granting of a Driver's Licence. The pass certificate will be required to be examined by the Council Officers.

4. Right to Remain and Work in the United Kingdom

Applicants for the Grant of a Licence will be required to produce documentary evidence of a right to remain and work in the UK. Applicants on student visas will need to produce evidence that they will be employed by an operator with the necessary HM Customs and Revenue documentation providing evidence that they are not self employed.

5. Disclosure and Barring Service (DBS) and address history

An applicant must be "fit and proper person" to hold a Licence.

- i. Applicants for the Grant and Renewal of a Licence are subject to an enhanced DBS check and provide an address history for the past 5 years.
- ii. If an applicant the applicant is not able to provide a 5 year traceable history in the United Kingdom, or has spent six continuous months or more overseas (since the age of 16) the Council will expect to see evidence of a criminal record check from the country / countries visited covering the period.
- iii. Because of the potential lifetime relevance for some of the most serious offences, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

6. Suitability of Applicant

The policy regarding the relevance of convictions and other related information attached at Appendix 1 to this policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence.

7. Mandatory Child Sexual Exploitation and Safeguarding Training

Mole Valley District Council wants to take appropriate steps to protect the most vulnerable in our society by introducing mandatory Child Sexual Exploitation (CSE) and safeguarding training for taxi and private hire drivers. All new drivers are required to pass the CSE training in advance of first being licensed and all existing drivers to pass within one year of the training being made available.

8. Evidence of Employment

Before a licence will be granted to a new Private Hire Driver, evidence must be provided by the prospective employer confirming that an offer of employment has been confirmed for the individual. This should be in the form of a letterhead etc. and should be dated by the Operator and submitted with the application.

9. Medical

Applicants will be required to provide a satisfactory medical examination. Mole Valley District Council requires that drivers of Hackney Carriage or Private Hire vehicles achieve a higher standard of medical fitness than other car drivers. The standard required by the Council is the same standard applied by the DVLA to the grant of public service and heavy goods vehicle licences and is known as a 'Group 2' level of medical fitness certificate which should be completed by their own G.P. If there is any evidence that the applicant has diabetes then they could be subject to a further examination by the Authorities own doctor, the fee charged for this examination will be at the applicants cost. A medical will be valid up to 44 years of age (unless the G.P. recommends a more regular medical) then at the ages of 45, 50, 55, 60 then every year after age 60.

10. Appearance

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

11. Licence Conditions

The licence holder will be required to understand and accept all the terms and conditions attached to the licence.

3. APPLICATION/RENEWAL FOR HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE LICENCES

a. Age/Standard of Vehicles

i. New Vehicles

All vehicles which are being presented for first licensing by the Authority must be no older than 6 years old from the date of application. An exception may be made if the vehicle is considered by an Authorised Officer to be in exceptional condition.

Vehicles over 3 years old at application will be required to undergo a MOT test, then every 12 months after up to 5 years old then an MOT test will be required no less than every 6 months.

ii. Existing Licensed Vehicles

Vehicles over 3 years old at renewal will be required to undergo a MOT test, then every 12 months after up to 5 years old then an MOT test will be required no less than every 6 months. Vehicles over 9 years old, unless in exceptional condition, will be considered too old and will have to be replaced.

b. Insurance Certificate

An Insurance Certificate or Cover Note covering the Driver for Private Hire Use must be provided on application or renewal. If only a Cover Note is provided, the full Certificate of Insurance must be provided to the Council within one calendar month, the insurance must be continuous and copies will need to be sent to Licensing.

c. Licence conditions

The licence holder will be required to confirm that they accept and understand all the terms and conditions attached.

4. APPLICATION FOR A PRIVATE HIRE OPERATORS LICENCE

a. Suitability of Applicant

The policy regarding the relevance of convictions and other related information attached at Appendix 1 to this policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence.

b. Location of Premises.

An application for the Grant of a new Operator Licence will only be considered if the base is located within the Mole Valley District.

c. Planning Permission.

In the case of new applications, and business relocation, evidence of Planning Permission or confirmation from the Planning Department that Consent is not required must be produced before a licence will be granted.

d. Licence Conditions.

The licence holder will be required to confirm they accept and understand all the terms and conditions attached.

5. ENFORCEMENT.

Compliance with the statutory requirements and conditions attached to licences will be maintained by enforcement actions in accordance with the Environmental Health Department's documented policy on enforcement and the Council's scheme of delegation. Enforcement action can include prosecution, simple caution, refusal, suspension or revocation of licences.