



HACKNEY CARRIAGE and PRIVATE HIRE
LICENSING POLICY

*Runnymede Borough Council Bylaws
Town Police Clauses Act 1847
Local Government (Miscellaneous Provisions) Act 1976 & Other Legislation*

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Contents

Part 1 FOREWORD

Part 2 INTRODUCTION AND SCOPE

- 2.1 Summary
- 2.4 Background
- 2.7 Status
- 2.10 Applicability
- 2.12 Disclaimer

Part 3 LICENSING PRINCIPLES, OBJECTIVES AND GENERAL CONSIDERATIONS

3.1 General

- 3.3 General application of policies, objectives and considerations
- 3.5 Guidance, policies and considerations for specific authorisations

3.7 Fundamental principles and objectives

- 3.8 Licensing objectives
- 3.10 Other general principles
- 3.12 Licensing policy and guidance
- 3.14 Integration of policies strategies and objectives
- 3.17 Departure from guidance and policy

3.19 Duplication and other relevant legislation

- 3.20 General expectation of compliance
- 3.22 Other authorisations and permissions
- 3.24 Planning permission and building control requirements
- 3.27 Crime and Disorder Act 1998 and Equality Act 2010
- 3.30 Tax Registration Check

Part 4 GENERAL ADMINISTRATIVE ISSUES

4.1 Applications and notices

- 4.2 Equality of opportunity
- 4.4 Submission of applications and notices**
- 4.6 Validity of applications or notices
- 4.9 Safeguarding against fraud
- 4.13 Renewal and lapse of existing licences
- 4.17 Disclaimer

4.19 Use and exchange of information

- 4.20 Data Protection and exchange of information
- 4.25 Confidential information
- 4.29 Storage and use of confidential information
- 4.31 Change of details, name or address

4.34 Public register and provision of information

- 4.35 Public registers

4.38 National register of taxi licence refusals, revocations and suspensions NR3S

- 4.39 Provision of information to the national register
- 4.42 National register searching and information held
- 4.43 Request for further information
- 4.45 Data Protection

4.47 Exercise and delegation of functions

4.51 Conditions

- 4.53 General principles on the imposition of conditions

- 4.57 Avoidance of conflicting conditions
- 4.59 Duplication with other statutory provisions
- 4.61 Enforcement of conditions and rights of appeal
- 4.63 Compliance and enforcement**
- 4.71 Suspension and revocation of driver's licences
- 4.76 Suspension and revocation of vehicle licences
- 4.78 Suspension and revocation of private hire vehicle operator licences
- 4.80 Appeals

Part 5 DRIVER LICENSING

5.1 General

- 5.3 Driver licensing
- 5.5 Parallel procedures
- 5.7 The term and duration of driver licences

5.10 Fit and proper person

- 5.13 General requirements
- 5.16 Standards and relevance of fitness and general requirements
- 5.18 Immigration and asylum status and/or entitlements
- 5.22 Relevance of Immigration and asylum status to driver licences

5.25 Criminal record and similar background checks

- 5.27 DBS mandate and disclosure requirements
- 5.30a DBS update service requirement
- 5.33 Obtaining a DBS disclosure
- 5.36 Additional DBS requirements and relevance
- 5.38 Certificate(s) of good conduct / DBS equivalents
- 5.41 Additional requirements
- 5.43 Relevance of certificates of good conduct
- 5.47 Relevance of convictions etc. & background information
- 5.53 Previous Application / Licensed Taxi Driver History

5.56 Relevant medical standards

- 5.58 General frequency of medical checks
- 5.61 Age related frequency of medical checks
- 5.63 Diabetes related frequency of medical checks
- 5.65 Obtaining a medical report
- 5.68 Other medical check requirements
- 5.71 Relevance of medical reports

5.73 Equality Act 2010

- 5.74 Assistance dogs
- 5.76 Medical Exemption Certificates – assistance dogs
- 5.78 Wheelchair Accessible Vehicles and the carriage of disabled passengers
- 5.81 Duties of driver and definition of mobility assistance
- 5.83 Medical Exemption Certificates from the carriage of luggage and/or handling of wheelchair users

5.88 Driving licence

- 5.90 Other driving licence requirements
- 5.93 Obtaining DVLA records
- 5.96 Frequency of DVLA checks
- 5.98 Additional requirements
- 5.100 Relevance of driving licence and DVLA mandate

5.103 Knowledge tests

- 5.107 Stringency of tests of knowledge
- 5.110 Costs of knowledge tests
- 5.112 Limitations and relevance of knowledge test
- 5.115 Driver Photographs
- 5.120 Training in relation to Child sexual Exploitation (CSE) and Safeguarding

5.124 Licensing conditions of drivers licences

- 5.125 Private hire drivers
- 5.129 Hackney carriage drivers
- 5.135 Accessibility issues
- 5.138 Forum for drivers and operators
- 5.140 Change of circumstances and detail
- 5.142 Changes to medical status/fitness and/or ability to perform licensed driver duties
- 5.146 Notification of convictions and driving licence endorsements
- 5.150 Drivers involved in an accident or other incident**
- 5.153 Circumstances taken into account in determining any suspension or revocation

Part 6 VEHICLE LICENSING

6.1 General

- 6.3 Vehicle licensing requirements

6.5 General Approach to vehicles

- 6.6 Policy exemptions to private hire vehicle licensing
- 6.9 Exemption for Ambulances and medical cars
- 6.10 Considerations as to whether a vehicle is a private hire vehicle
- 6.11 The term and duration of licences
- 6.13 Out of area working
- 6.16 **Eligibility criteria**
- 6.17 General vehicle requirements
- 6.20 Private hires vehicle requirements
- 6.24 Hackney carriage requirements
- 6.27 Standards and relevance of requirements
- 6.29 Vehicle standard and design
- 6.32 Engine size
- 6.34 Seat size
- 6.36 Access from the vehicle
- 6.38 Seatbelts
- 6.40 MOT requirements
- 6.42 Tyres
- 6.46 Tinted windows
- 6.61 First aid kit
- 6.65 Appearance and condition of vehicle
- 6.67 Other requirements
- 6.68 Identification of Private Hire vehicles – pre booked only signage
- 6.72 Number of Hackney carriage vehicles
- 6.76 Wheelchair Accessible Vehicles (WAV)
- 6.79 Age of Hackey Carriage and Private Hire vehicles

6.84 Environmental vehicles standards

- 6.85 General environmental policy approach
- 6.88 Alternative fuels
- 6.90 Modifications to enhance environmental standards of vehicles
- 6.93 Permitted vehicle modifications
- 6.97 Modifications to enhance personal safety in vehicles
- 6.100 Relevant considerations in respect of vehicle modifications
- 6.102 Notification of vehicle modifications to insurers and others
- 6.104 Vehicle recall status certification
- 6.107 The relevance of vehicle recall status
- 6.109 Insurance write-offs
- 6.112 Vehicle identification
- 6.115 Vehicle history
- 6.117 Vehicle testing
- 6.119 MOT testing
- 6.125 MOT advisories
- 6.129 MOT frequency of testing

- 6.132 Council test and inspection
- 6.134 The relevance of vehicle testing requirements
- 6.137 Vehicle testing and the term and duration of licences
- 6.139 Bill of sale
- 6.142 Taximeter certification
- 6.145 Conditions for vehicle licensing**
- 6.146 Hackney carriage bylaws
- 6.149 Hackney carriage conditions
- 6.151 Private hire conditions
- 6.155 Standards and relevance of conditions
- 6.156 Condition of the vehicle
- 6.159 Vehicle plates
- 6.165 Dual plating
- 6.170 Advertising on licensed vehicles
- 6.171 Hackney Carriages
- 6.177 Private Hire Vehicles
- 6.180 Roof mounted signs
- 6.183 Vehicle insurance
- 6.186 Other Vehicle Licensing Policy Matters**
- 6.187 The numbers to be carried in licensed vehicles
- 6.190 Distinction between hackney carriage and private hire vehicles
- 6.193 Plate/badge numbers policy
- 6.195 Sensitive plate/badge numbers
- 6.197 Colour of vehicle plates/badges
- 6.199 Alternative arrangements for certain private hire vehicles
- 6.205 Livery of licensed vehicles
- 6.208 Vehicle transfer arrangements
- 6.214 Accidents to and involving licensed vehicles**
- 6.217 Actions to be taken where a vehicle is involved in an accident
- 6.221 Assessment of vehicle drivers involved in an accident
- 6.224 Replacement vehicles for those involved in an accident
- 6.227 Electronic cigarettes and their derivatives
- 6.232 Vehicle Proprietors

PART 7 OPERATOR LICENSING

- 7.1 General**
- 7.3 Booking services
- 7.5 The term and duration of operator licences
- 7.7 Eligibility criteria**
- 7.8 Nature of operators
- 7.10 Fit and proper person
- 7.14 General requirements
- 7.17 Policies, standards and relevance of fitness & propriety requirements
- 7.22 Criminal record disclosures
- 7.25 The requisite level of DBS disclosures
- 7.27 Training in relation to Child sexual Exploitation (CSE) and Safeguarding
- 7.31 Booking record capabilities and entries
- 7.34 Assistance Dogs and the carriage of wheelchairs and disabled passengers
- 7.39 Conditions of operator licence**
- 7.44 Record keeping requirements**
- 7.47 Hiring records
- 7.50 Operators association with drivers
- 7.52 Use of vehicles
- 7.54 Address from which operator may operate
- 7.59 Multiple operator licences

PART 8 SCHEME OF HACKNEY CARRIAGE FARES

- 8.1 General arrangements**
- 8.3 Frequency of review
- 8.5 General methodology of review
- 8.8 Nature of review
- 8.10 Relevant considerations

PART 9 TAXI LICENSING FEES & CHARGES

- 9.1 General philosophy**
- 9.3 Fees
- 9.8 Multiple licences
- 9.10 Third party fees and charges
- 9.13 Reimbursement
- 9.16 Dishonoured payments

APPENDICES

- A CONSULTATION**
- B THE BOROUGH OF RUNNYMEDE**
- C REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES**
- D POLICY RELATING TO THE RELEVANCE OF CONVICTIONS, CAUTIONS AND DRIVING LICENCE ENDORSEMENTS**
- E KNOWLEDGE TEST POLICY**
- F PRIVATE HIRE DRIVERS AND VEHICLE LICENCES - CONDITIONS AND REQUIREMENTS**
- G HACKNEY CARRIAGE DRIVERS AND VEHICLES – LICENSING CONDITIONS, REQUIREMENTS AND BYLAWS**
- H AUTHORISED PLATE DESIGNS**
- J PRIVATE HIRE VEHICLE PLATE EXEMPTIONS**
- K PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS**
- L TABLE OF HACKNEY CARRIAGE FARES**

Glossary

CSE	Child sexual Exploitation
DBS	Disclosure and Barring Service
DfT	Department for Transport
DVLA	Driver and Vehicle Licensing Agency
DVSA	Driver and Vehicle Standards Agency
LGA	Local Government Association
LGMPA 1976	Local Government (Miscellaneous Provisions) Act 1976 (part II)
MOT	Ministry of Transport test
NAFN	National Anti-Fraud Network
PHV	Private Hire Vehicle
RBC	Runnymede Borough Council
UK	United Kingdom
WAV	Wheelchair Accessible Vehicle

PART 1

1. FOREWORD

- 1.0 We believe that taxis are an integral part of the public transportation system and a part of the infrastructure of our society. There are few people who have not used a taxi service for some purpose at some time, whether it is for business, domestic or social purposes.
- 1.1 Society takes the provision of such a service, whether private hire (PH) or hackney carriage (commonly referred to as taxis), largely for granted and expects that the journey will be without incident or concern. We believe that this is exactly as it should be and that passengers simply want a reliable, efficient and effective service delivered in a safe and secure manner.
- 1.2 While we recognise that there are many hardworking licence holders within the industry, who are rightly proud of the service they provide, any service to the public is a potential target for the less scrupulous in society. This may include those who might use their position to exploit the travelling public, for example by demanding more than the legal fare or to abuse them or their property (e.g. when carrying vulnerable individuals such as children or unaccompanied females).
- 1.3 In view of these concerns, we believe that the service of providing a driver and vehicle to convey persons from one place to another needs to be appropriately regulated to prevent the less than honest or able persons from undertaking such work, or, more appropriately to allow only those individuals and vehicles that are safe and suitable to undertake such work.
- 1.4 However, we also recognise that while licensing of the taxi trade seeks to protect the public from the unscrupulous, too restrictive an approach can work against the public interest. This can potentially create barriers of entry to the trade, restricting the supply of taxi services, and subsequently, having unintended safety implications (e.g. resulting in an insufficient number of taxis to ensure the vulnerable get home safely). We therefore want to ensure that each of our licensing requirements is suitably justified and proportionate to the risks we seek to address and that the costs incurred are commensurate to the benefits.
- 1.5 In summary, we want to ensure good business for all concerned by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensures the safety and protection of both the public and other road users and provides for a suitable, good quality and efficient public transportation service for all. This document sets out how we intend to do this within the existing legislative framework and other constraints.
- 1.6 Hackney and private hire drivers/vehicles licensed with other authorities may also be working in Runnymede. This policy will only apply to those drivers, vehicles and operators who are licensed by Runnymede Borough Council.

PART 2

2. INTRODUCTION & SCOPE

2.1. Summary

2.2. This policy was adopted by Runnymede Borough Council on 1 April 2025 and is valid until 31 March 2030. This document sets out Runnymede Borough Council's (RBC) taxi licensing policy in recognition of its role and functions as the relevant licensing authority for hackney carriage and private hire vehicles, drivers and operators.

2.3. In preparing this document, we have considered various guidance documents, case law, and have consulted with and considered the responses made by the individuals, agencies and organisations set out in **Appendix A**.

2.4. Background

2.5. The Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (part II) (LGPMA 1976), together with a variety of other statutes provide the legislative framework throughout England & Wales (excluding London) for regulating the provision and activities of hackney carriages and private hire vehicles (commonly referred to as 'taxis').

2.6. Under LGPMA 1976, RBC along with other authorities is responsible for the licensing of hackney carriages and/or private hire vehicles, their drivers and operators. We are also responsible for a range of other taxi-related matters, for example setting hackney carriage fares/tariffs.

2.7. Status

2.8. This document sets out the policies and arrangements the licensing authority will normally apply and consider in carrying out its taxi licensing functions and responsibilities. This document will therefore be used to inform and direct our decision making, particularly when making decisions on relevant licence applications, other authorisations and/or exemptions. It acts as a guide to the considerations and standards to be applied in our licensing work, together with the roles and responsibilities of those to whom it applies.

2.9. This document is not intended to be a full and/or authoritative statement of the law or its associated guidance and does not in any way constitute legal advice. The relevant statutory provisions together with any subordinate legislation will take precedence.

2.10. Applicability

2.11. This document applies to the functions of RBC as a licensing authority under the various taxi-related statutes and to related activities within the Borough as defined in **Appendix B**.

2.12. Disclaimer

2.13. Please note that every effort has been made to ensure that the information in these pages is correct at the time of writing. Changes in the law will take precedence and will be incorporated when this policy is next reviewed. Policies may change and/or be updated in the meantime.

PART 3

3. LICENSING PRINCIPLES, OBJECTIVES & GENERAL CONSIDERATIONS

3.1. GENERAL

3.2. A number of authorisations and administrative procedures may be sought, held or applied for under the various statutory provisions. The policies and considerations to be applied will generally depend on the nature of the authorisation sought / held and/or the circumstances of the case.

3.3. General application of policies, objectives and considerations

3.4. Paragraphs [3.7](#) to [3.27](#) and Part 4 are of general applicability and will normally be referenced for any function of the licensing authority.

3.5. Guidance, policies and considerations for specific authorisations

3.6. The sections set out below will normally be used for the specific licensing regime to which it refers;

Driver Licensing	Part 5	Page 21
Vehicle Licensing	Part 6	Page 39
Operator Licensing	Part 7	Page 63

3.7. FUNDAMENTAL PRINCIPLES & OBJECTIVES

3.8. Licensing objectives

3.9. We will aim to regulate taxi-related activities in the public interest and will, where appropriate, seek to enable good trade for all concerned. We will endeavour to do this by providing quality, timely and value for money taxi licensing and regulatory services that reasonably ensure –

- (a) The safety and protection of both the travelling public, drivers and other road users;
- (b) The provision of a suitable, affordable and accessible public transportation service for all;
- (c) Monitor and improve standards of service in the trade.

3.10. Other general principles

3.11. Where appropriate, the licensing authority will –

- (a) be objective;
- (b) consider any matter on its own individual merits; and

- (c) consider any impact on the licensing objectives.

3.12. Licensing policy and guidance

3.13. In exercising its functions, the licensing authority will, where appropriate, have regard to –

- (a) this taxi licensing policy;
- (b) any guidance issued by or on behalf of the relevant Secretary of State (e.g. Department for Transport, Home Office);
- (c) guidance issued by the Local Government Association (LGA); and
- (d) any new legislation and relevant case law.

3.14. Integration of policies, strategies and objectives

3.15. The licensing authority may, where it is entitled to do so, have consideration for the aims, objectives and findings of any published government strategies and plans which relate to its licensing objectives.

3.16. For these purposes, government strategies and plans are taken to mean those prepared and published by or on behalf of HM Government, RBC and / or any other statutory authority with responsibilities within the area concerned.

3.17. Departure from guidance and policy

3.18. The licensing authority may, where it is entitled to do so, use its discretion to depart from this policy and any other guidance where it considers it appropriate to do so and, in such cases, will give clear reasons.

3.19. DUPLICATION & OTHER RELEVANT LEGISLATION

3.20. General expectation of compliance

3.21. The licensing authority expects those to whom it has granted any authorisation to fully comply with all other relevant legislation (e.g. Health & Safety) applicable to their premises, vehicle and/or their activities. Information on compliance may be shared between regulatory bodies, and action may be taken by other regulators, if applicable in the circumstances.

3.22. Other authorisations and permissions

3.23. The licensing authority expects those providing licensable activities to ensure that they have obtained all necessary permissions before proceeding (e.g. landowner permission, permits etc). A licence to provide, drive or operate a hackney carriage and/or private hire vehicle does not, and shall not be taken to give or imply approval for any other activity regulated by this or any other authority. Prospective applicants are advised to check to ensure that their proposals / arrangements are suitably authorised in all respects.

3.24. Planning permission and building control requirements

- 3.25. The licensing authority notes that the use of premises (e.g. for the operation of private hire vehicles) may be subject to control by the local Planning Authority and that such uses may require planning permission or must otherwise be lawful under planning legislation. Planning permission is usually required for new premises and/or a change of use of premises, while building control approval is often required for structural alterations.
- 3.26. While relevant applications (e.g. for an operator's licence) may be made pending any necessary planning permission, the licensing authority expects these normally to be made by businesses with planning consent for the property and uses concerned already in place. However, the licensing authority would impress that planning, building control and licensing are separate legislative regimes that involve consideration of different (though often related) matters. In view of this, and so as to ensure a clear separation of planning and licensing systems, licensing applications will, in all cases, be considered wholly independently of planning applications. However, so as to ensure compliance with the law, the licensing authority will, where appropriate, advise the local Planning Authority of receipt of any relevant premises-based application.

3.27. Crime and Disorder Act 1998 and Equality Act 2010

- 3.28. Section 17 of the Crime and Disorder Act 1998 requires local authorities to consider the crime and disorder implications of all their activities and functions and do all that they reasonably can to reduce crime. Licensing authorities do this by setting licensing requirements that protect passengers, but this duty also extends to considering ways that licensing requirements can reduce crime against drivers.
- 3.29. Licensing authorities are required under the Public Sector Equality Duty to pay regard to the need to eliminate conduct prohibited by the Equality Act 2010, to promote equality of opportunity and to foster understanding between people who share a protected characteristic and those who do not. Drivers and Operators have specific duties not to discriminate against disabled passengers generally, and passengers in wheelchairs or accompanied by assistance dogs specifically.

3.30. Tax Registration Check

- 3.31. Licensing authorities are required to signpost first-time applicants to drive taxis and PHV's, and/or to operate a private hire vehicle business, to HMRC guidance about their potential tax obligations and obtain confirmation that the applicant is aware of the guidance before considering the application. This applies to applications made by individuals, companies and partnerships, including Limited Liability Partnerships.
- 3.32. For a renewal application the licensing authority must, before considering the application, obtain confirmation from HMRC that the applicant has completed a tax check. An applicant can complete this by providing information to enable HMRC to satisfy itself that the applicant has told HMRC about income earned under the licence held. The check verifies that a person has complied with an obligation to notify their chargeability to tax, where such an obligation applied.

PART 4

4. GENERAL ADMINISTRATIVE ISSUES

4.1. APPLICATIONS & NOTICES

4.2. Equality of opportunity

4.3. Subject to the requirements of the relevant statutory provisions, nothing in this policy shall override or undermine the right of any individual or business –

(a) to apply for one or more of the authorisations and/or exemptions provided for and, where appropriate, to have that application considered on its individual merits;

(b) who is aggrieved by the decision of the licensing authority to appeal against that decision to the Courts where provision has been made for them to do so.

4.4. SUBMISSION OF APPLICATIONS AND NOTICES

4.5. All applications and notices must be made to the licensing authority detailed below –

The Licensing Authority
Runnymede Borough Council
Civic Centre
Station Road
Addlestone
Surrey
KT15 2AH
Email: licensing@runnymede.gov.uk
Telephone: 01932 838 383
Website: www.runnymede.gov.uk

4.6. Validity of applications or notices

4.7. The licensing authority will normally only accept and, where appropriate, process applications and notices that fully comply with all relevant requirements and eligibility criteria. Applications and/or notices will normally be treated as being invalid where they fail to comply with all relevant requirements.

4.8. The licensing authority will normally refuse an application where the applicant fails to supply required information without reasonable cause or otherwise within any reasonable timescale we may specify.

4.9. Safeguarding against fraud

4.10. So that it can satisfy itself against forgeries and the potential for fraud, the licensing authority will normally require all submissions to be original documents. Photocopies, scans and similar will **not** normally be accepted.

4.11. We will treat any document as being invalid where we suspect it may have been forged, improperly altered or tampered with. Any documents which are produced and have been forged / altered or tampered with in any other way with intent to deceive Council staff will result in the application being refused and no further applications being accepted from that individual.

4.12. Where appropriate, and for the reasons given above, individuals who have changed their name for any reason at any time must also provide supporting documents giving effect to their change of name (e.g. marriage certificate, deed poll, divorce papers etc.).

4.13. Renewal and lapse of existing licences

4.14. To assist licence holders, the licensing authority will endeavour to remind licence holders of the pending expiry of any licence they hold. However, it asserts that it remains the responsibility of each licence holder to re-apply for all appropriate licences, other necessary documentation and/or permissions etc. in advance of expiry. The fact that no reminder letter for any documentation has been received is not a reason to excuse late submissions.

4.15. Licence holders who allow their licence to expire will be unlicensed and therefore not authorised to act or otherwise provide the activities for which the licence was originally required. For this reason, applications for renewal which are made after the date of expiry of any (pre)existing licence will normally be treated as being invalid/void and, where appropriate, individuals will normally be required to make a new application in full as though applying for the first time. It is therefore in each licence holder's interest to ensure that any application for renewal is made in full and in good time. To be treated as a valid application for renewal, (where required) it must be the case that the applicants DBS, certified medical certificate and DVLA check meets the licensing authority's requirements.

4.16. In the event of any driver allowing their licence to expire and within one month of the expiry date submits a new application, the authority will not require that the driver resits a knowledge test. Likewise, they will not have to supply a new medical/DBS/DVLA mandate providing the existing documents meet the Councils requirements. The expiry dates of these existing documents will remain as they would, had the licence not expired.

4.17. Disclaimer

4.18. The licensing authority accepts no liability for rejection, loss or delays incurred due to late submission, the submission of documents of questionable validity or the submission of an incomplete application.

4.19. USE & EXCHANGE OF INFORMATION

4.20. Data protection and exchange of information

4.21. The licensing authority will comply with the General Data Protection Regulations.

4.22. The licensing authority may disclose all such information to its agents, service providers and other RBC departments.

4.23. Individuals on whom we hold information have the right to ask for a copy of the information in order to correct any inaccuracies. We may charge a fee for this work.

4.24. By submitting an application or notice, all individuals consent to the licensing authority using and processing sensitive and / or personal data about them where this is necessary.

4.25. Confidential information

- 4.26. The licensing authority recognises that it is subject to legal restrictions on confidentiality of certain information it requires and holds in order to determine applications for, and/or to supervise, the various licences it issues (e.g. medical data, criminal conviction and similar background disclosures).
- 4.27. In exercise of its duties, the licensing authority will only disclose such information, as may be necessary, to those involved in the determination of relevant applications in accordance with the RBC's Constitution and Scheme of Delegation (see paragraph 4.47). The licensing authority will not divulge such information to any third party otherwise than where it is required to do so by law.
- 4.28. Any data supplied in relation to any application or any part of the application process will be processed in accordance with the General Data Protection Regulations. All personal information provided will be treated in the strictest confidence and will only be used by the Council or disclosed to others for a purpose permitted by law. Medical reports may be shared with our medical advisor for the purposes of obtaining their opinion as to whether we should issue applicants with a licence. Data is deleted in accordance with our data retention policy. Our privacy policy explains how we use information and how we protect privacy, this is published on our web site <https://www.runnymede.gov.uk/privacystatement>

4.29. Storage and use of confidential information

- 4.30. Confidential information will be reviewed in accordance with RBC's document retention and disposal policy. It will not be retained any longer than necessary :-
- (a) beyond the term and duration of the licence for which it was required; or
 - (b) where appropriate, until it is replaced by more up-to-date information.

4.31. Change of details, name or address

- 4.32. To allow communications and ensure that authorisations remain valid, licence holders must inform the licensing authority within 7 days of any change of name, address or contact details. Where appropriate the licensing authority may check any change of details and require suitable proof of identity and evidence of the change(s) made.
- 4.33. As the licensing authority may have urgent cause to contact licence holders in circumstances and situations that may affect public safety or protection (e.g. vehicle safety recalls, missing person enquiries etc.), the licensing authority will take a serious view of any individual who fails to advise it of any relevant change in details.

4.34. PUBLIC REGISTER & PROVISION OF INFORMATION

4.35. Public registers

- 4.36. The licensing authority maintains a public register of the authorisations that it issues regarding hackney carriage and private hire drivers and vehicles, together with other information.
- 4.37. The public registers are available on RBC's website.

4.38. NATIONAL REGISTER OF TAXI LICENCE REFUSALS, REVOCATIONS AND SUSPENSIONS NR3S

4.39. Provision of information to the national register

The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022 (updated April 2023) outlines the responsibilities of licensing authorities to share safeguarding and road safety concerns about taxi and private hire vehicle drivers with each other. The licensing authority is required to provide information to the above National Register (NR3S), and follows the guidance issued by the Local Government Association (LGA) and National Anti-Fraud Network (NAFN).

4.40. This register is a mechanism for licensing authorities to share details of individuals who have had a hackney carriage or Private Hire Vehicle (PHV) licence revoked, suspended, or an application for one refused. This is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the licensing authority – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence

4.41. Where a hackney carriage/PHV licence is revoked, suspended, or an application for one refused, the authority is required to record this decision on the NR3S Register in accordance with the statutory requirements of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

4.42. National register searching and information held

All applications for a new licence or licence renewal will automatically be checked on NR3S register. If a search of NR3S register indicates a match with an applicant, the authority will seek further information about the entry on the register from the authority which recorded it. Any information received as a result of an NR3S register search will only be used in respect of the specific licence application and will not be retained beyond the determination of that application.

The information recorded on NR3S register will be retained on NR3S register for a period of 11 years and will be limited to:

- name
- date of birth
- address and contact details
- national insurance number
- driving licence number
- decision taken
- date of decision
- date decision effective

4.43. Request for further information

Should a request be made to Runnymede for additional information from another authority we will comply with the Data Protection Act (DPA) and General Data Protection Regulations (GDPR) and the Human Rights Act. Any information released shall be in accordance with the requirements of The Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022.

4.44. Any searches, provision or receipt of information of or under NR3S register are necessary to the authority's statutory licensing functions of ensuring that all drivers are fit and proper to hold the applicable licence. It is not intended that any NR3S register data will be transferred out of the United Kingdom.

4.45. Data Protection

If you wish to raise any issue related to the data protection legislation, including by relying on any of the rights afforded to data subjects under the GDPR, you can do so to the authority's Data Protection Officer at dpo@runnymede.gov.uk. This includes submitting a subject access request.

- 4.46. You always have the right to make a complaint to the Information Commissioner's Office (ICO). Advice on how to raise a concern about handling of data can be found on the ICO's website: <https://ico.org.uk/make-a-complaint/>

4.47. EXERCISE AND DELEGATION OF FUNCTIONS

- 4.48. In the interests of speed and efficiency the licensing authority will, where possible, delegate licensing decisions and functions to officers.
- 4.49. Where the issue to be decided is in any way controversial then it may be referred to and decided by the Regulatory Committee. Within these general constraints, functions, responsibilities and access to confidential information will be delegated in accordance with the RBC's scheme of delegation.
- 4.50. Where it is considered beneficial, either for enforcement or for the protection of the public the Council will delegate powers under the following sections of The Local Government (Miscellaneous Provisions) Act 1976 part II to other Councils while also retaining the ability to exercise these functions.

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 driver licences

Section 68: Fitness of hackney carriages and private hire vehicles

Section 73: Obstruction of Authorised Officer

The Council will also accept similar delegated powers from those other Councils' who are jointly authorised so that compliance and enforcement action can be undertaken regardless of which authority within the agreement employs the Officer and which issued the licence.

4.51. CONDITIONS

- 4.52. Conditions include any terms, limitations or restrictions attached to a relevant authorisation and are essentially the steps a licence holder will be required to take (or refrain from taking) whenever acting in the capacity of a licensed driver, operator and/or when using or otherwise providing a licensed vehicle.

4.53. General principles on the imposition of conditions

- 4.54. The licensing authority will, where it is entitled to do so, normally impose conditions only in respect of matters that are within the control of the applicant and/or the holders of relevant authorisations and that are clear, unambiguous and enforceable.

- 4.55. The licensing authority will seek to avoid disproportionate and/or over burdensome conditions wherever reasonably practicable and will, where it is entitled to do so, normally seek to ensure that conditions –
- (a) are only imposed where legal authority exists to do so;
 - (b) are reasonable;
 - (c) are proportionate to any risks/problems identified;
 - (d) directly relate to any harms being addressed;
 - (e) are consistent in the circumstances;
 - (f) are capable of being complied with by the relevant licence holder; and
 - (g) do not unjustifiably duplicate the requirements of other legislation.
- 4.56. Where a non-standard condition is to be added to a relevant authorisation, the licensing authority will, where it is entitled to do so, normally seek to –
- (a) consider whether alternative means are available to address the risks/problems identified; and
 - (b) give reasons for imposing the conditions/restrictions where appropriate.

4.57. Avoidance of conflicting conditions

- 4.58. So far as is reasonably practicable, the licensing authority will ensure, where it is entitled to do so, that no conditions are imposed on relevant authorisations that conflict with any other conditions.

4.59. Duplication with other statutory provisions

- 4.60. The licensing authority expects holders of relevant authorisations, their premises and business activities to comply with all other relevant legislative requirements (e.g. Health and Safety at Work etc. Act 1974). The licensing authority will therefore, normally avoid the imposition of conditions that duplicate other regulatory requirements, unless -
- (a) other legislation does not adequately or specifically address the issues concerned; or
 - (b) other legislation does not cover the unique circumstances that arise in connection with the particular activities and/or specific premises concerned; or
 - (c) it is appropriate in the circumstances to take steps to promote the licensing objectives.

4.61. Enforcement of conditions and rights of appeal

- 4.62. Failure to comply with any condition attached to a relevant authorisation can be both a criminal offence and/or provide reasonable cause to suspend, revoke or refuse to renew relevant licences. As such, all parties will be informed of any statutory rights of appeal against the imposition of conditions, where provision has been made to do so.

4.63. COMPLIANCE AND ENFORCEMENT

- 4.64. The Licensing Authority 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 sector for service users.
- 4.65. The Licensing Authority 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 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.
- 4.66. Those drivers and operators already licensed are expected to continue to display the behaviours and standards expected. The Licensing Authority sets out expectations within this Policy document and will monitor comments and complaints about drivers, vehicles and operators to promote compliance. Where specific concerns are identified about the driving ability or driving behaviour of a licensed driver, consideration will be given on whether to require additional practical driving ability training or assessment to address those concerns.
- 4.67. The Council has various methods of contact available, whereby the public can submit complaints / concerns about licensed drivers and operators. This can be via phone call, email or an online contact form to the Licensing Service via 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 considered. 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.
- 4.68. 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.
- 4.69. Having considered all relevant information and evidence, the normal options are one or more of the following:
- take no action;
 - take informal action;
 - issue statutory notice(s);
 - suspend a licence;
 - revoke a licence;
 - prosecution.
- 4.70. 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.
- 4.71. Suspension and revocation of driver's licences**
- 4.72. Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and section 16 of the Private Hire Vehicles (London) Act 1998 provide licensing authorities with the ability to suspend or revoke a driver's licence.

- 4.73. Before any decision is made, the licensing authority will give full consideration to the available evidence and the driver will be given the opportunity to state their case. As with the initial decision to license a driver, this determination should be reached based on the balance of probability, not on the burden of beyond reasonable doubt. If a period of suspension is imposed, it cannot be extended or changed to revocation later.
- 4.74. Section 61(2B) Local Government (Miscellaneous Provisions) Act 1976 and section 17(2) of the Private Hire Vehicles (London) Act 1998 enable licensing authorities to suspend or revoke a taxi or private hire vehicle driver's licence with immediate effect on the grounds that it is in the interest of public safety.
- 4.75. A driver cannot surrender a licence before the licensing authority makes a decision to revoke or suspend a licence, in order to prevent an entry on the NR3S Register. If a driver no longer wishes to use their licence, they should allow the licence to expire until the end of its term.

4.76. Suspension and revocation of vehicle licences

- 4.77. Licensing authorities have powers to inspect and test taxis and private hire vehicles, with section 60 of the Local Government (Miscellaneous Provisions) Act 1976, section 16 of the Private Hire Vehicles (London) Act 1998 providing powers to suspend or revoke vehicle licences.

4.78. Suspension and revocation of private hire vehicle operator licences

- 4.79. Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 provides authorities with wide powers to suspend an operator's licence. Transport for London may, under section 16(2) of the Private Hire Vehicles (London) Act 1998, suspend or revoke an operator's licence. Additionally, if in the interests of public safety, the suspension or revocation may take effect immediately under section 17(2) of the 1998 Act.

4.80. Appeals

- 4.81. If the Council suspends, revokes or refuses a licence, a record of the reasons for the decision will be made and provided the licence holder in writing.
- 4.82. The licence holder may appeal to the Magistrates' Court within 21 days of the decision and it is recommended that appellants seek independent legal advice. 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.

PART 5

5. DRIVER LICENSING

5.1. GENERAL

5.2. This policy document applies to individuals who seek or are otherwise entitled to drive a Hackney carriage and/or private hire vehicle.

5.3. Driver licensing

5.4. It is the view of the licensing authority that driver licences issued in respect of a hackney carriage will also give them licence to drive a private hire vehicle.

5.5. Parallel procedures

5.6. The statutory and practical criteria and qualifications necessary to obtain a private hire driver's licence are, subject to certain exceptions, similar to those necessary to obtain a Hackney carriage driver's licence (whether on first-time grant or renewal). Unless otherwise stated, this section therefore applies equally to both private hire and/or hackney carriage drivers.

5.7. The term and duration of driver licences

5.8. In accordance with section 53 of the LGMP 1976 part II, the licensing authority will normally grant or renew a Hackney carriage and/or private hire driver's licence for a period of three years. However, the licensing authority may grant driver licences of shorter duration where it considers this to be appropriate, in the individual circumstances of the case.

5.9. Shorter durations will only be granted on a case by case basis where there is a written request from the driver and where there is an appropriate and justifiable reason to do so.

5.10. FIT AND PROPER PERSON

5.11. Sections 51 and 59 of the LGMPA 1976 part II state that the licensing authority cannot grant a licence to drive a hackney carriage and/or private hire vehicle unless satisfied that the applicant is a 'fit and proper person' to hold such a driver's licence.

5.12. As the term 'fit and proper person' is not defined in law, the licensing authority will, where appropriate, seek to ensure that applicants and existing licence holders are both safe and suitable on demonstration that they are, and continue to be -

- (a) fit (mentally and physically) and in such condition as to be capable of driving and performing the duties of a licensed hackney carriage and/or private hire driver;
- (b) of suitable background, character and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance);
- (c) of suitable knowledge, experience and skills to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver;

- (d) entitled and, where appropriate, authorised to live, work and/or drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK; and
- (e) suitably insured to drive and perform the duties of a licensed hackney carriage and/or private hire driver in the UK.

5.13. General requirements

5.14. Section 57 of the LGMPA 1976 part II allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a Hackney carriage or private hire driver's licence should be granted and whether conditions should be attached.

5.15. Along with the requirement to satisfy a person's fit and proper status (under S51 and S59) the Council will, where appropriate, require applicants and existing licence holders to provide and/or facilitate the information contained within **Appendix C**.

5.15a It is a requirement that applicants make a Work Area Declaration on their application form that they intend to work predominantly within the Runnymede Borough area.

5.16. Standards and Relevance of Fitness & General Requirements

5.17. While the policies, standards and considerations applicable to each of the general requirements in **Appendix C** are set out below, these matters should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be met by the applicant.

5.18. Immigration and asylum status and/or entitlements

5.19. By way of compliance with Immigration & Asylum legislation, it is the policy of the licensing authority to check an individual's immigration and asylum status; together with an individual's right to live and/or work in the UK.

5.20. To check these matters, the licensing authority will normally require applicants to provide suitable and sufficient documents as proof of identity and the right to live and work in the UK. Birth certificates and passports (if held) will be required in all cases. The licensing authority will normally follow and apply the extant Home Office (and Border Agency) guidelines for the prevention of illegal working in the UK (or suitable equivalent).

5.21. Where appropriate, the licensing authority may check with, and/or refer any concerns about an individual's immigration and asylum status or their right to live and/or work in the UK to the relevant Government departments.

5.22. Relevance of immigration and asylum status to driver licences

5.23. As it will otherwise be unable to satisfy itself of the applicant's propriety, the licensing authority will normally refuse any application for a Hackney carriage and/or private hire driver's licence where the applicant fails to provide or otherwise obtain suitable and sufficient evidence of identity and/or the right to live and work in the UK.

5.24. Where appropriate, the licensing authority will normally grant licences in accordance with any work permit(s) and/or restrictions and may, where it is entitled to do so, impose associated conditions and/or restrictions on the term, duration, nature and extent of any licence accordingly.

5.25. CRIMINAL RECORDS & SIMILAR BACKGROUND CHECKS

5.26. As hackney carriage and/or private hire driver's work closely with all sections of society, including children and the vulnerable, the licensing authority believes that criminal record and similar background checks are particularly important safety measures in assessing the suitability of applicants for driver licensing purposes.

5.27. DBS mandate & disclosure requirements

5.28. To assist it in the determination of 'propriety', it is the policy of the licensing authority that all applicants should when required submit such documents as provide suitable proof of identity, to allow the licensing authority to verify the identity of the applicant.

5.29. In recognition of the different levels of disclosure offered by the DBS and of the importance of obtaining all relevant information necessary to ensure public safety, it is the policy of the licensing authority to require and accept only 'enhanced' DBS disclosures.

5.30. The applicant must supply an enhanced DBS certificate (which has included a check of the child and adult barring lists to the licensing authority) on initial application for a Hackney Carriage or Private Hire Vehicle licence and thereafter must subscribe to the DBS update service to allow the authority to carry out online checks every 6 months from the grant of the initial licence. The DBS certificate must have been issued/dated no more than 3 calendar months prior to the application being submitted.

5.30a DBS update service requirement

A DBS certificate is correct and up to date at the time of issue only, thereafter it is a historic certificate. If a driver were to commit a recordable offence after the date of issue of their DBS certificate it would be for the driver as a condition of licensing to inform the authority of that matter, or for the Police to disclose the matter under common law disclosure. Neither of these are considered as completely reliable, a driver may be unaware, forget or simply not want to make the authority aware and the Police may be unaware of the authority's interest, be unaware that the individual is a driver at all or may decide not to disclose information.

5.30b With the above in mind it is considered to be a necessary step to require all drivers to subscribe to the DBS update service for the duration of their licence period and any subsequent renewal period thereafter. This service allows authorities to carry out an online check on a DBS record at any required interval. On subscribing to the update service drivers must provide the original certificate and an authorisation mandate for the licensing authority to carry out an online check when necessary or in a timescale as dictated by any future legislation or statutory guidance.

5.31 For new applicants who have already subscribed to the DBS update service, they must produce their original DBS certificate. This can be older than three months and must be accompanied with an authorisation mandate for the licensing authority to carry out an online check. These DBS certificates must be enhanced, must have been for the position of taxi driver, must have had a child and adult barring list check and must have been carried out by a licensing authority or a body approved by a licensing authority in relation to a current or previous taxi driver licence.

5.32 Failure or refusal to comply with the requirement at 5.30 to 5.31 shall result in consideration of refusal of an application or suspension of a Hackney Carriage or Private Hire driver's licence. It is the Drivers responsibility to make sure that the DBS update service subscription is maintained. Failure to maintain the subscription will cause the certificate to expire and the full DBS process will have to be undertaken.

5.33. Obtaining a DBS disclosure

5.34. For reasons of data protection and compliance with the registration requirements of the DBS the licensing authority will only accept DBS disclosures that-

- (a) have been applied for through a registered body (being a registered body with the DBS to apply for such disclosures) which has been approved by RBC and;
- (b) the application has been made for the specific purposes of obtaining (whether on grant or renewal) a hackney carriage and/or private hire driver's licence; and
- (c) have been applied for in accordance with the extant DBS identification checking guidelines (or equivalent); or
- (d) have been obtained using the DBS update facility providing the applicant has given written authority to RBC to check their online DBS disclosure.

5.35. For the reasons detailed above, the licensing authority will not accept disclosures, copies or summaries of disclosures obtained by, for or on behalf of a third party. This shall apply regardless of whether a DBS disclosure certificate can be supplied directly by the applicant or otherwise from the third party concerned. NB: A third party non-refundable fee is payable for the DBS disclosure service.

5.36. Additional DBS requirements and relevance

5.37. On occasion, additional checks on the applicant's identity (including external validation and/or physical checks (e.g. fingerprints)) may be required by the DBS before a disclosure can be issued. The licensing authority will not grant a hackney carriage and/or private hire driver's licence to any applicant that fails to comply with any additional requirements of the DBS (to their satisfaction) or otherwise fails (for whatever reason) to provide any necessary information to enable the requisite disclosure to be issued. NB: A non-refundable third party fee may be payable for additional checks and/or external verification.

5.38. Certificate(s) of Good Conduct / DBS equivalents

5.39. The licensing authority recognises that a DBS disclosure will only give background details of any convictions, cautions etc. that were effected in the UK. It is therefore the policy of the licensing authority to require, where appropriate, a certificate of good conduct or suitable equivalent enhanced DBS document from any applicant who is currently **or** has been living or working in any country (other than the UK) for a period of 3 or more continuous months. 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 or worked overseas. For EU nationals (including UK citizens) 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. The absence of an enhanced DBS equivalent or 'Certificate of Good Conduct' will not prevent an application from being considered but the failure to do so will be taken into account at the decision-making stage.

- 5.40. For the purposes of this general policy requirement, the licensing authority will normally: -
- (a) interpret the term 'living or working in any country' in its widest possible meaning and to include any period other than work deployments or holidays of less than 3 months duration, or any period of service in HM armed forces;
 - (b) require a suitable enhanced DBS equivalent or where unavailable a certificate of good conduct or evidence of such to be provided in respect of each country in which the applicant may have previously lived or worked.

NB: The licensing authority notes that different countries and jurisdictions may recognise and use a different minimum age of criminal liability. Where appropriate, a statement of good conduct or equivalent DBS document must reflect the relevant minimum age of criminal liability for the country concerned.

Contact details for foreign Embassies can be found on the Home Office website: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

5.41. Additional requirements

- 5.42. To ensure authenticity, currency and efficiency of use, the licensing authority requires that certificates of good conduct (or suitable DBS equivalent) be -
- (a) translated and submitted in written English;
 - (b) authenticated/certified as a true and accurate record by the relevant Embassy; and
 - (c) no more than 3 calendar months must have passed since the certificate was issued/dated or within a period otherwise considered appropriate in the circumstances.

5.43. Relevance of certificates of good conduct

- 5.44. As it will otherwise be unable to satisfy itself of the applicant's propriety, the licensing authority will normally refuse any application for a hackney carriage and/or private hire driver's licence where the applicant fails to provide or obtain suitable and sufficient certificates of good conduct where these may be appropriate.
- 5.45. However, the licensing authority recognises that not all states or provinces can provide for certificates of good conduct. Therefore, in genuinely exceptional circumstances, the licensing authority may require alternative documentation (i.e. suitable equivalent documents) and/or seek to undertake alternative investigation of the propriety of the applicant.

- 5.46. Intentionally blank

5.47. Relevance of convictions etc. & background information

- 5.48. The Council will, in considering an individual's criminal record, consider each case on its merits, but will take a particularly serious view of any offences involving violence, especially sexual elements. This Council has a clear policy for the consideration of criminal records. For example, the number of years required to have elapsed since the commission of particular kinds of offences before a licence will be granted.

In relation to the consideration of convictions and cautions recorded against persons, RBC has adopted the policy set out in **Appendix D**

5.49. In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. It will take account of cautions and convictions, but only in so far as they are relevant to an application for a licence. Upon receipt of a disclosure from the Disclosure and Barring Service, a Licensing Officer will assess whether any or all of the convictions are capable of having relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.

5.50. In relation to previous convictions, the licensing authority will have regard to the following:

- The class of the offences;
- The age of the offences;
- The age of the applicant at the date of the offence;
- The apparent seriousness, as gauged by the penalty.

5.51. Guidance in relation to specific offences, along with a summary of the principles is given in **Appendix D**. This is in line with the Statutory taxi and private hire vehicle standards (assessment of previous convictions). In general terms, the more recent, serious and relevant to public safety the offence is, the less likely it is that an application will be granted.

5.52. Applications will be referred to the RBC's Regulatory Committee when it is considered appropriate to do so.

5.53. Previous Application / Licensed Taxi Driver History

5.54. In recognition that applicants may previously have applied for and/or held licences that may have been refused, suspended and/or revoked by other authorities, the licensing authority requires all applicants to declare -

- (a) whether or not any such applications have previously been made to any other licensing authority, the date of any such application, together with details of (i.e. the reasons for) the outcome; and/or
- (b) whether or not any such licences have previously been held with any other licensing authority, the dates any such licences were held, together with the details of any actions that resulted in suspension, revocation and/or the refusal to renew any such licence.

5.55. In addition to the required NR3S checks, where appropriate, the licensing authority will check the status and outcome of any other applications made to and/or licences held with other authorities together with the reasons for any actions that may have been taken in connection with them.

5.56 RELEVANT MEDICAL STANDARDS

5.57. As recommended best practice by the Department for Transport (DfT), the licensing authority will only normally consider and determine medical and physical fitness standards to drive a hackney carriage and/or private hire vehicle by reference to the extant Group 2 standards of medical fitness applied by the DVLA.

5.58. General frequency of medical checks

5.59. To ensure currency and relevance the licensing authority will normally require new applicants to submit a suitable medical report which is dated no more than three months prior to the initial application and then at the frequencies shown at 5.62 from the date the licence was initially granted.

5.60. In order to protect the safety of those using licensed vehicles and/or those who may otherwise be put at risk by unfit drivers (e.g. other road users etc.), the licensing authority considers it legitimate and proportionate to require more frequent and/or additional medical assessments on a case by case basis. Where appropriate, the costs of any additional requirements shall be met by the applicant.

5.60a. On renewal of a licence a driver must declare if there are any changes to medical fitness that may affect driving or ability to carry out their duties as a HC and/or PH driver.

5.61. Age-related frequency of medical checks

The Councils policy on the frequency of medical reports mirrors that of the DVLA group 2 medical standard. This is same standards which applies to bus and lorry drivers. This is also in recognition that physical deterioration and medical conditions generally become more prevalent with age.

5.62. A group 2 medical assessment will be required at the following frequencies:

- (i) On submission of a new HC or PHV driver licence application;
- (ii) At age 45 and thereafter every five years until the age of 65;
- (iii) At age 65 and thereafter on an annual basis;
- (iv) In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's licensing section whilst the grant of a licence is in force.

5.63. Diabetes-related frequency of medical checks

5.64. If the applicant has insulin treated diabetes, DVLA group 2 C1 standards will apply.

5.65. Obtaining a medical report

5.66. To ensure, so far as is reasonably practicable, consideration of medical standards against all relevant histories and records, the licensing authority will normally require production of a medical report signed by their own general practitioner (GP) or a GP with access to the applicants full medical records, to the effect that the applicant is physically fit to DVLA group two standards. So as to ensure a suitable degree of impartiality, any specialised medical reports / information required by the licensing authority must be completed or provided by an independent specialist consultant in the field concerned. Third party non-refundable fees may be payable for these services and must be met by the applicant.

5.67. To ensure authenticity and currency the licensing authority will in all cases require that medical reports be -

- (a) completed on the prescribed Runnymede Medical report form;
- (b) completed / submitted in written English;
- (c) authenticated by and/or bear the stamp of the relevant surgery; and
- (d) on application no more than 3 calendar months must have passed since the medical was carried out.

5.68. Other medical check requirements

- 5.69. The licensing authority also notes that some disabilities may be incompatible with the ability to drive and/or perform the duties of a licensed hackney carriage and/or private hire driver (e.g. (un)loading of luggage, carriage of passengers in wheelchairs etc.).
- 5.70. Where appropriate, an applicant or licensed driver who has, or develops, a disability or condition (cognitive or physical) that affects their ability to drive and/or perform the duties of a licensed driver may also be required to be medically assessed at an approved assessment centre. This accords with the Group 2 medical standards which list the approved assessment / mobility centres concerned.
NB: This specialist report must be provided in addition to the general medical report.

5.71. Relevance of medical reports

- 5.72. Where appropriate, the licensing authority will normally refuse applications (whether on grant or renewal) from any applicant who does not meet the given medical standards and/or otherwise fails to provide any relevant information or attend any review on request. Similarly, the licensing authority may suspend and/or revoke an existing hackney carriage and/or private hire driver's licence where appropriate or where reports are not produced when due.

5.73. EQUALITY ACT 2010

- 5.73a While it is not the Councils intention to replicate the Equality Act 2010 within this policy, certain information is included below at 5.74 to 5.87 and in appendices F, G & K for the information of drivers and operators to highlight this important area of legislation. The Licensing Authority supports accessible and inclusive Taxi and private hire vehicle services to promote equality and independence for disabled people.
- 5.73b It is the duty and responsibility of drivers and operators to make themselves familiar with their duties under the Equality Act 2010.
- 5.73c Any driver or operator who has difficulty understanding the meaning of this act is welcome to contact the licensing section for advice.
- 5.73d All drivers and operators attention is drawn to the licensing requirement on disability awareness training as follows –
- All new and existing drivers and operators must carry out a disability awareness training course by a provider approved by the Council and provide the Council with proof of training. For new driver and operator applicants this must be carried out before a licence is granted. A licence will not be granted if applicants have not carried out this training.

5.74. Assistance Dogs (also see appendices F, G & K)

5.75. Under sections 168 and 170 the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so. A driver must not add a surcharge to the meter for carrying an assistance dog. The taximeter should not be activated until both the passenger and assistance dog are properly settled, and the vehicle is ready to depart. Equally, the taximeter should be stopped as soon as the destination is reached, and before any unloading takes place.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed. Drivers and operators will be reminded regularly of their duties in this regard and of the licensing authority's intention to prosecute those drivers that refuse to comply.

5.76. **Medical Exemption Certificates – assistance dogs** (also see appendices F & G)

5.77. Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the council (sections 169 and 171 the Equality Act 2010) for exemption from the above duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs. The Licencing Authority will:

- a) Make it a condition of the licence that the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard;
- b) Seek to use tactile medical exemption certificates so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request;
- c) Only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

5.78. **Wheelchair Accessible Vehicles and the carriage of disabled passengers** (also see appendices F, G & K)

5.79. The Equality Act 2010 imposes duties on all drivers of taxis or private hire vehicles which have been hired by (or for) a disabled person or by another person who wishes to be accompanied by a disabled person. This section is applicable to a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle. The duties are -

- To carry the passenger;
- If the passenger is in or has with them a wheelchair, to carry the wheelchair;
- If the passenger has with them any mobility aids, to carry the mobility aids;

- To take such steps, as are reasonable to ensure that the passenger is carried in safety and reasonable comfort;
- To give the passenger such mobility assistance* as is reasonably required;
- Not to make, or to propose to make, any additional charge for complying with these duties.

Mobility assistance (*) is defined as assistance –

- To enable the passenger to get into or out of the vehicle;
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
- To load the passenger's luggage into or out of the vehicle;
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

5.80. Disabled passengers in wheelchairs: duties of drivers of designated vehicles

The licensing authority maintains a 'designated vehicle' list in accordance with the section 167 of the Equality Act 2010, and as such drivers are subject the following additional duties -

- To carry the passenger while in the wheelchair;
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair.

Disabled passengers: assistance to identify and find vehicle

There is a duty on the driver of a private hire vehicle or pre-booked taxi where -

- the vehicle has been booked by (or for) a disabled person or by another person who wishes to be accompanied by a disabled person and;
- the driver of the vehicle has been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle.

The duties are -

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired;
- Not to make, or propose to make, any additional charge with the above duty.

5.81. **Duties of driver and definition of mobility assistance**

The High Court has confirmed that switching on a taximeter or charging extra before assisting a disabled person – **even if you do not actually charge them** – is an offence under the Equality Act 2010. The case confirming this was McNutt v TfL (2019). This confirms it is an offence under the Equality Act 2010 to charge a wheelchair user extra. This means that if a meter is used it should not be left running whilst the driver performs duties required by the Act (above), or for private hire no addition charge is made.

5.82. To ensure that the Equality Act 2010 is upheld, the Licensing Authority will -

- a) Have a strict access refusals policy, investigating all reported violations of the Act (with a view to pursuing a conviction);

and may
- b) Undertake periodic test purchasing with assistance dog owners or wheelchair users on licensed vehicles to ensure that licensing requirements are being complied with.

5.83. Medical Exemption Certificates from the carriage of luggage and/or handling of wheelchair users (also see appendices F & G)

5.84. Section 166 of the Equality Act 2010 allows the Licensing Authority to exempt drivers from the mobility assistance duties if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

5.85. The exemption only applies to the duties at section 164A (5)(e) and 165(4)(e), which is on the duty to give passengers such mobility assistance as is reasonable required. All other duties must be upheld.

5.86. Any driver of a Hackney carriage or private hire vehicle on the designated list may submit a request for an exemption from the mobility assistance duties by completing the relevant application form. Medical evidence will be required in support of the application. To ensure transparency and fairness, the licensing authority will normally grant an exemption certificate where the applicant driver can provide suitable medical evidence (at their own expense).

5.87. Appeals - a person who is aggrieved by the refusal of a licensing authority in England and Wales to issue an exemption certificate under section 166, 169 or 171 of the Equality Act 2010 may appeal to a Magistrates' Court before the end of the period of 28 days beginning with the date of the refusal.

5.87a If a driver or operator fails to abide to the Equality Act 2010, it would be appropriate for the Council, as licensing authority, to review whether or not the individual remained a fit and proper person to hold a taxi or PHV drivers licence or PHV operators licence.

5.88. DRIVING LICENCE

5.89. RBC's policy is that persons should have held a full driving licence for 2 years on application and have reached the age of 21 years, however all applicants will be assessed on their merits in line with the Equality Act. The licensing authority will normally require one of the following licences which shows the applicant is entitled to drive the vehicle(s) they intend to drive i.e. they possess the correct category entitlement(s); namely -

- (a) a UK licence granted under part III of the Road Traffic Act 1988 authorising them to drive a motor car;

- (b) a valid ordinary driving licence issued by Northern Ireland, the European Economic Area states and subsequent accession States to the European Union; or
- (c) a valid 'exchangeable' ordinary licence as defined in the Road Traffic Act 1988 (or suitable equivalent).

Note: (b) and (c) will only be acceptable where the equivalent of DVLA records can be accessed.

5.90. Other driving licence requirements – DVLA shared driving licence service and DVLA mandate

5.91. The licensing authority is aware that paper driving licences and photo cards can be unreliable guides to an individual's eligibility to drive. For example –

- failure to submit a driving licence to the DVLA to record any endorsements may result in automatic revocation of the licence; rendering the driver, often unknowingly, unlicensed and uninsured.

5.92. In view of the above, the licensing authority will normally require all applicants to submit–

(a) their original driving licence- this must be up-to-date and bear the current address of the applicant where (s)he is ordinarily resident in the UK and a current valid DVLA access code obtained from the online DVLA Shared Driving Licence service to allow the licensing authority to check the applicants driving record;

OR

(b) a suitable mandate that allows the licensing authority to obtain their historical driving licence records held by the DVLA. A third party non-refundable fee may be payable for this service.

5.93. Obtaining DVLA records

5.94. For reasons of data protection, compliance with the registration requirements of the DVLA and control of the information subsequently disclosed, the licensing authority will normally obtain DVLA records -

(a) where the applicant/driver supplies the licensing authority with an access code to allow the licensing authority to check the applicants driving record online using the DVLA Shared Driving Licence service;

(b) where the applicant provides a suitable mandate which has been applied for through RBC (being an approved / registered body with the DVLA to apply for such records); and

(c) have only been applied for the specific purposes of obtaining (whether on grant or renewal) a hackney carriage and/or private hire driver's licence.

5.95. For the reasons detailed above, the licensing authority will not normally accept copies or summaries of disclosures obtained by, for or on behalf of a third party, regardless of whether this is supplied directly by the applicant.

5.96. Frequency of DVLA checks

5.97. On initial grant and renewal, a current valid DVLA access code obtained by the driver from the online DVLA Shared Driving Licence service is required, to allow the licensing authority to check the applicants driving record online. This will then be required on a date 1 year and 2 years respectively from the date of issue of the licence.

5.98. Additional requirements

5.99. As endorsements, disqualifications and penalties may be applied at any time during the term of a licence, the licensing authority may require additional checks to be undertaken at any time it is considered necessary in the circumstances.

5.100. Relevance of driving licence and DVLA mandate

5.101. As it will be unable to satisfy itself of their authorisation to drive, the licensing authority will not grant a hackney carriage and/or private hire driver's licence to any applicant that fails to provide –

- (a) a valid driving licence and a check code to allow the licensing authority to check the applicants driving record online using the DVLA Shared Driving Licence service;
- (b) any necessary information to enable further disclosure of historical driving records.

5.102. With reference to driving licence disclosure, the licensing authority will normally determine the relevance of any penalty points, endorsements and disqualifications etc. and any other information it receives with reference to the policies and general guidelines set out at **Appendix D**.

5.103. KNOWLEDGE TESTS

5.104. The licensing authority notes that –

- (a) taxi fares are usually related to the time and distance travelled and it is therefore appropriate to ensure that licensed drivers know the shortest and/or most expeditious route(s) to avoid unnecessarily high fares being charged to the customer (i.e. consumer protection);
- (b) licensed hackney carriage drivers providing services to the general public do not generally have the opportunity to check the details of a route before starting as they are usually directly available for hire at ranks or on the street; and
- (c) private hire vehicles are not able to be hailed nor are they immediately available for hire, therefore it is recognised that private hire drivers can plan journeys in advance and need not be expected to have the same level as knowledge as a Hackney carriage driver. It is also acknowledged that many drivers who are not licensed by Runnymede but are licensed with neighbouring authorities can do work predominately in Runnymede, having had no local knowledge test and will take directions purely from a satnav.

5.105. It is the policy of the licensing authority to ensure that those who provide a hackney carriage service to the general public have a good working knowledge of the area in which they are licensed and of the law and local policy/procedures in relation to Hackney carriages. The licensing authority will therefore require all first-time applicants to pass a test of knowledge on the law and local policy/procedures, together with a geographical knowledge test of prominent local landmarks and topography.

5.106. In relation to private hire drivers, it is the policy of the licensing authority to ensure that those who provide a private hire service to the general public have a good working knowledge of the law and local policy/procedures in relation to private hire vehicles. The licensing authority will require all first-time applicants to pass a test of knowledge on the law and local policy/procedures, together with a geographical knowledge test of prominent local landmarks.

5.107. Stringency of tests of knowledge

5.108. By way of ensuring that these tests do not comprise an unnecessarily high obstacle or barrier of entry into the trade, the licensing authority will seek to keep the tests under review and ensure that the stringency of each test reflects law and local policy and procedures in relation to hackney carriage and private hire vehicles, and the complexity or otherwise of local geography and highway infrastructure.

5.109. The Council will ensure that its knowledge tests are conducted in accordance with its knowledge test policy and procedures outlined at **Appendix E**.

5.109a Knowledge tests are written tests provided only in English, in order to demonstrate that the applicant has an adequate understanding of written English. Language proficiency (both oral and written English) is required of a driver, in order to benefit the passenger.

5.109b If an applicant has a bona fide disability (e.g. dyslexia), an appropriate level of assistance and reasonable adjustments will be provided during the Knowledge Test, to ensure the applicant is not disadvantaged due to their disability.

5.110. Costs of knowledge test

5.111. As the satisfactory completion of the knowledge test is largely dependent on the attitude, diligence, and effort of the applicant, the licensing authority will normally charge a non-refundable separate fee at the standard rate for each test or re-test taken. Fees must be paid prior to the test being taken.

5.112. Limitations and relevance of knowledge test

5.113. So as to allow applicants to reflect upon the test questions and / or prepare more thoroughly, the licensing authority will normally allow, where eligible, applicants that fail any part of the Knowledge test to re-sit. Those who fail part three of the test and pass part one and part two will only be required to re-sit part three.

5.114. As driver duties may also involve the handling and exchange of money and the giving of change, the licensing authority will similarly require all first time applicants to demonstrate a reasonable unassisted ability in numeracy. A numeracy skills assessment is therefore built into the knowledge test.

5.115. Driver photographs

5.116. Section 54(1) of the LGPMA 1976 PART II, requires the licensing authority to issue a driver's badge (where appropriate) that clearly shows the applicant's appearance at the time of application.

- 5.117. For this purpose, the licensing authority will normally require applicants (both on initial grant and each renewal) to –
- 5.118. Submit, at their own expense, 2 recent passport quality (45mm by 35mm) colour photographs of themselves on photographic paper.
- 5.119. So that the applicant's features are clearly distinguishable, a suitable photograph will be taken against a suitable plain and light coloured background and shows the applicant full faced (i.e. uncovered without sunglasses, headgear, veil or similar unless worn for a religious or medical reason).

5.120. Training in relation to Child Sexual Exploitation (CSE) and Safeguarding

- 5.121. As a council we must ensure that we take all necessary steps to ensure that all drivers and operators have a good understanding of CSE and safeguarding, their responsibilities to the public (particularly the protection of children and vulnerable adults), and where to report their concerns / act on signs of exploitation.
- 5.122. Although many drivers have some knowledge of CSE and safeguarding, this is not a substitute for proper formal accredited training, delivered by a professional body. It is RBC's view that CSE and safeguarding training shall be a compulsory requirement for all Runnymede licensed drivers.
- 5.123. All new applicants for private hire and hackney carriage licences will be required to successfully complete a CSE awareness training session which has been delivered by a provider approved by this Council, prior to their licence being granted.

5.124. LICENSING CONDITIONS OF DRIVERS LICENCES

5.125. Private hire vehicle drivers

- 5.126. Section 51(2) of the LGMPA 1976 part II allows the licensing authority to attach such conditions to a private hire vehicle driver's licence as may be considered reasonably necessary.
- 5.127. The conditions that the licensing authority generally considers reasonably necessary and will normally be applied in respect of private hire vehicle drivers are detailed in **Appendix F**.
- 5.128. In addition to the conditions, drivers must also comply with the statutory requirements of the LGMPA 1976 part II. For clarity these are also shown in **Appendix F**.

5.129. Hackney carriage drivers

- 5.130. The licensing authority formally regulates standards in relation to Hackney carriage drivers through the adoption of local bylaws. There are local taxi-related bylaws in place at the present time and the licensing authority will keep them matter under review and may, in the future, seek to implement other suitable bylaws where problems arise.
- 5.131. These Bylaws were made under section 68 of the Town Police Clauses Act 1847 and section 171(4) of the Public Health Act 1875 by the Borough Council of Runnymede with respect to hackney carriages in the District of the Borough of Runnymede. Throughout these bylaws "the Council" means the Borough Council of Runnymede and "the District" means the District of the Borough of Runnymede.
- 5.132. The Bylaws in relation to hackney carriage drivers are set out in **Appendix G**.

5.133. In addition to the aforementioned bylaws, drivers must also comply with the statutory requirements set out in the Town Police Clauses Act 1847 and the LGPMA 1976 part II.

5.134. A summary of the principal requirements contained in the above legislation together with details of the licensing conditions and bylaws are set out in **Appendix G**, and unless specified otherwise, the requirements of the Acts apply only to the "controlled district", which in this case is the Borough of Runnymede.

5.135. Accessibility Issues

5.136. To ensure the provision of an efficient public transportation service to all, the licensing authority expects and will normally require, on condition, subject to any medical exemption, licensed drivers to provide reasonable assistance to all passengers where appropriate. For these purposes, this may include –

- (a) the carriage and handling of luggage (including shopping etc.);
- (b) the assistance of individuals entering and/or alighting from the vehicle (whether or not the individual uses a wheelchair); and/or
- (c) the carriage of assistance dogs with the passenger (at no extra charge).

5.137. However, the licensing authority recognises that there may be some circumstances where the provision of such assistance may give rise to risks to the health and safety of drivers, passengers and others. For example, the size and weight of a wheelchair and/or passenger (whether combined or in isolation) may be too heavy for the individual driver to safely handle and/or assist into or out of the vehicle. Where appropriate, the licensing authority may permit a departure from this general policy requirement and allow a refusal of a fare, but only where:-

- (a) all reasonable attempts have been made to provide a service to the customer;
- (b) there is a significant risk to the health and safety of the driver, passengers and/or others;
- (c) reasonable attempts have been made to source an alternative service to the customer;
- (d) the refusal is suitably justified in all other respects.

5.138. Forum for drivers and operators

5.139. The licensing authority shall hold regular forums to gain feedback and facilitate discussion with (and between) drivers and operators. The holding of forums will be assessed at regular intervals to ascertain the usefulness of such forums and RBC reserves the right to suspend forums should their effectiveness be questionable.

5.140. Changes of circumstances & detail

5.141. So as to satisfy itself that individual drivers are covered by all relevant and suitable insurance while working for any operator, the licensing authority will normally require, on condition, each driver to notify it, within 7 days of the start and/or finish date of their affiliation with the operator concerned. It is noted that a PHV driver and proprietor are free to work with more than one operator, should they so wish.

5.142. Changes to medical status/fitness and/or ability to perform licensed driver duties

5.143. The licensing authority expects and will, on condition, require relevant licence holders to advise it, within 7 days of any change and/or deterioration to their health or medical status that may affect either –

- (a) their driving capabilities and/or driving entitlements; or
- (b) their ability to perform the duties of a hackney carriage and/or private hire vehicle driver (e.g. to afford reasonable assistance in the carriage and loading of luggage, wheelchair users etc.).

NB: Although some medical conditions may not affect an individual's ordinary [domestic] ability or entitlement to drive, these may not meet the extant Group II standards of medical fitness applied by the DVLA. Individuals are therefore encouraged to discuss/report any change in medical circumstances with the licensing authority.

5.144. In recognition that medical (un)fitness can have an impact on driver and public safety, the licensing authority will take a serious view of any licensed driver who fails, without reasonable explanation, to inform it of any significant change to their medical fitness/status; particularly where they continue to drive / perform licensed driver duties.

5.145. Where appropriate, and in cases of doubt of medical fitness, the licensing authority may require those who experience (or are suspected of) a change in their medical status to undergo and pay for further medical examination on referral to and/or on the advice of RBC's independent medical advisor. Where appropriate, the policies and standards set out between paragraphs 5.56 and 5.77 will apply.

5.146. Notification of convictions and driving licence endorsements

5.147. Existing holders of driver's licences are required to notify the council in writing within 48 hours of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 48 hours of their arrest for any matter (whether subsequently charged or not).

5.148. In recognition that such matters can give rise to public safety and/or driver 'propriety' concerns, the licensing authority will consider suspension or revocation of any relevant licence where the holder fails, without reasonable explanation, to comply with paragraph 5.147.

5.149. For these purposes, the policies and standards set out between 5.25 and 5.55 will apply to all information disclosed, submitted or volunteered by relevant licence holders subject to a change in their background or status.

5.150. DRIVERS INVOLVED IN AN ACCIDENT OR OTHER INCIDENT

5.151. In recognition that incidents and vehicle accidents can occur for a variety of reasons and can result in a variety of injuries, it is the policy of the licensing authority to ensure, where appropriate, that the drivers involved in an incident are suitably assessed in respect of their fitness, driving standards and/or eligibility. For similar reasons, vehicles involved in an accident are subject to similar review arrangements.

- 5.152. Where appropriate, the licensing authority will normally assess any driver involved in an incident in accordance with any of the general requirements and policies detailed above. This may include, but not be limited to a requirement of the driver to -
- (a) submit a suitable mandate that allows the licensing authority to obtain an enhanced DBS disclosure, and/or;
 - (b) submit a suitable report (of prescribed form) and other such information concerning their medical and physical fitness, and/or;
 - (c) submit a suitable mandate that allows the licensing authority to obtain their full driving licence records held by the DVLA (c/o a Subject Access Request). and/or;
 - (d) submit suitable evidence of relevant knowledge and skills.

5.153. **Circumstances taken into account in determining any suspension or revocation**

Where appropriate, the licensing authority has powers to suspend and/or revoke a driver's licence, or otherwise allow the individual to continue in the capacity of a licensed hackney carriage and/or private hire driver (whether or not pending any specified requirements etc.). In determination of any action to be taken following an incident, the licensing authority will normally have regard to -

- (a) The nature and seriousness of the incident;
- (b) The circumstances giving rise to any incident etc.;
- (c) The continuing fitness and/or eligibility of the driver to drive;
- (d) The nature and extent of any penalty/sentence imposed;
- (e) The nature, degree and/or frequency of any other accidents or incidents in which the driver has been involved;
- (f) The nature and extent of any real, potential and/or perceived harm caused by the incident;
- (g) The nature and extent of any risk/threat that the driver may pose to the public;
- (h) The honesty of the individual/driver (i.e. in declaring any incident and/or its details etc.);
- (i) Any other aggravating or mitigating factors (e.g. under the influence of drink/drugs/medication etc.).

The above will be considered alongside previous convictions and non-conviction information (complaints etc), time factors (time elapsed), trends/patterns and the nature of behaviours, in order to make a reasoned judgement of suitability in light of matters of potential concern.

The above considerations should not be seen as a comprehensive checklist or in any way be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine the most appropriate course of action/outcome.

6. VEHICLE LICENSING

6.1. GENERAL

6.2. The following policies will normally be applied to standard motorised vehicles (e.g. purpose built black cabs, MPVs, saloon cars etc.).

6.3. Vehicle licensing requirements

6.4. Separate vehicle licences must be held by and, where appropriate, issued to a vehicle proprietor wishing to use a vehicle as a hackney carriage or private hire vehicle. A relevant licence must be held in respect of each vehicle so used.

6.5. GENERAL POLICY APPROACH TO VEHICLES

6.6. Policy exemptions to private hire vehicle licensing

6.7. In recognition of the broad range of potential vehicles and services that the definition of private hire vehicle (PHV) might encompass, it is the view of the licensing authority that not every vehicle with fewer than nine passenger seats which is used to carry passengers for some sort of return must necessarily be licensed as a PHV. Subject to the policies and considerations outlined below, the licensing authority will not normally consider any of the following to fall within the PHV licensing regime -

- (a) Small Public Service Vehicles (PSVs) - i.e. vehicles with fewer than 9 passenger seats which;
- (i) carry passengers at a commercial rate; and
 - (ii) provide a service at separate fares where each passenger pays his or her own fare for a particular journey.

These vehicles will normally fall within the PSV operator licensing regime. However, in cases of doubt, the licensing authority will check and expect the vehicle, driver and operator to be licensed with the relevant traffic commissioners.

- (b) Volunteer schemes - i.e. vehicles with fewer than nine passenger seats which provide a passenger carrying service, and –
- (i) is neither a PHV nor a small PSV;
 - (ii) where the total of any charges are agreed in advance and do not exceed the running costs (including wear and tear and depreciation) of the vehicle for the journey made.

These vehicles will typically be a form of transport that is provided by volunteers who do not make a profit from the service.

6.8. While the licensing authority will not normally consider genuine volunteers who receive no recompense (or otherwise receive only enough to cover their actual expenses) to fall within the PHV licensing regime, it recognises that the total mileage undertaken by some volunteer drivers may amount to a business of providing transport in such a way as to make a profit. Where appropriate, the licensing authority may therefore take account of the profitability or otherwise of the service on consideration of the rates charged and/or expenses claimed in the context of the mileage and taxation rules set out by HM Revenue and Customs (HMRC).

6.9. Exemption for Ambulances and medical cars

– i.e. those vehicles used to transport passengers to and from hospitals and other medical facilities on an ad-hoc basis or otherwise operate as part of a formal Patient Transport Service, but do not undertake any form of ‘social’ hiring.

6.10. Considerations as to whether a vehicle is a private hire vehicle

By way of determination as to whether any particular vehicle requires to be licensed as a PHV the licensing authority will normally consider –

- (a) whether the vehicle has fewer than nine passenger seats;
- (b) whether the vehicle is provided for hire with the services of a driver for the purpose of carrying passengers;
- (c) whether the driver or the operator derives a commercial benefit;
- (d) whether the carriage of passengers is an ancillary part, or a main part, of the overall service;
- (e) the characteristic use of any vehicle provided;
- (f) whether the driver is under any explicit or implicit obligation to undertake any other duties or tasks beyond driving or providing services associated with driving (e.g. carrying luggage, assisting passengers with boarding or alighting etc.);
- (g) whether the service requires a specific qualification or level of training on the part of the driver which goes beyond the driving and courtesy skills associated with conventional private hire;
- (h) the manner in which the vehicle is provided;
- (i) whether it covers exclusive hiring’s where the vehicle is hired as a whole;
- (j) whether passengers pay individual fares as part of the contractual arrangements; and
- (k) whether the vehicle is/is not being exclusively hired.

NB: The above considerations should not be seen as a comprehensive checklist or, in any way, be regarded as matters to be automatically addressed in all cases. Where appropriate, the licensing authority may require additional information, documents, and/or take account of other matters it reasonably considers necessary to enable it to determine whether a vehicle must be licensed as a private hire vehicle.

6.11. The term & duration of vehicle licences

6.12. The licensing authority will normally and, where appropriate, grant a Hackney Carriage or Private Hire vehicle licence for a period of 12 months. However, the licensing authority may, using its discretion, grant vehicle licences of shorter duration where it considers this to be reasonable or appropriate in the circumstances.

6.13. Out of Area Working

- 6.14. When an applicant wishes to licence a vehicle as a hackney carriage the licensing authority will require information, pursuant to section 57 of the LGPMA 1976 part II, as to whether the applicant intends to use the vehicle to stand or ply for hire in RBC's area and also if the applicant intends to use the vehicle entirely or predominantly remotely from RBC's area on a pre-booked basis.
- 6.15. Whilst each application will be considered on its own merits, the licensing authority will have regard to the geographic location of an applicant's home and business address. If the licensing authority believes that the hackney carriage is to be used entirely or predominantly remotely from RBC's area on a pre-booked basis, then the application for a licence will normally be refused.

6.16. ELIGIBILITY CRITERIA

6.17. General vehicle requirements

The licensing authority will, where appropriate, seek to ensure that all licensed vehicles (including their fixtures, fittings and equipment) are suitable for use as a hackney carriage or private hire vehicle on demonstration that they are, and continue to be -

- (a) readily identifiable (together with their owner and/or vehicle proprietor);
 - (b) suitable in standard, type, design and appearance (and not unsuitably modified at any time);
 - (c) in a good, safe, roadworthy condition (regardless of age) (and not subject to any outstanding vehicle safety recall or previous category A or B insurance 'write off');
 - (d) suitably maintained;
 - (e) suitably insured;
 - (f) suitably accessible; and
 - (g) sufficient in number as to reasonably serve the interests of the travelling public.
- 6.18. In addition to any requirements regarding the licensing authority, hackney carriage and private hire vehicles are subject to statutory provisions under LGMPA 1976 part II and the Town Police Clauses Act 1847 (hackney carriage only).
- 6.19. In the interest of making all drivers and proprietors aware of the statutory provisions and for the avoidance of doubt these are show in **Appendix F** for private hire vehicles and **Appendix G** for hackney carriages.

6.20. Private hire vehicle requirements

6.21. An application for a vehicle licence will not be considered if the vehicle concerned does not satisfy the definition of a private hire vehicle, as set out in Section 80 of the LGMPA 1976 part II (i.e. a car constructed or adapted to seat fewer than nine passengers).

6.22. Section 48(1)(a)(i - iv) of the LGPMA 1976 part II states that the Council cannot grant a private hire vehicle licence unless satisfied that the vehicle is suitable in type, size and design for use as a private hire vehicle as follows:

- (a) not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage;
- (b) in a suitable mechanical condition;
- (c) safe;
- (d) comfortable, and;
- (e) that there is in force, in relation to the use of the vehicle, a policy of insurance or such security as complies with the requirements of Part VI of the Road Traffic Act 1988.

6.23. In order to satisfy the authority that a vehicle is suitable for private hire, it must satisfy the licensing authority's requirements as stated in **Appendix F**.

6.24. Hackney carriage requirements

6.25. Section 47(2) of the LGMPA 1976 part II provides the licensing authority may require a hackney carriage to be of such design or appearance or bear such marks as clearly identify it as a hackney carriage.

6.26. An application for a hackney carriage licence will not be considered if the vehicle concerned does not satisfy the definition of a hackney carriage (a car constructed or adapted to seat fewer than nine passengers) and does not meet the Councils requirements as shown at **Appendix G**.

6.27. Standards and relevance of requirements

6.28. The standards and considerations applicable to the requirements in **Appendix F** and **G** are set out below. They should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be paid by the applicant

6.29. Vehicle standard and design

6.30. To ensure the safety of passengers and provide proper protection from the environment, vehicles must be a four door saloon, hatchback or estate/MPV. Convertibles, soft top vehicles and two or three wheeled vehicles will not be licensed.

6.31. Vehicles must be of suitable standard and design and in order demonstrate that suitability they must meet or have met European and UK vehicle safety standards at the time of manufacture. Left hand drive vehicles will not be licensed except for limousines, providing they have been inspected by the Driver and Vehicle Standards Agency and have an approval certificate issued for Single Vehicle approval or, from October 2014, a certificate for Individual Vehicle Approval carried out to the normal inspection standard.

6.32. Engine size

6.33. The licensing authority recognises that in future, not all vehicles will be petrol or diesel powered, with hybrid and alternative fuel/power sources gaining popularity. Petrol and diesel engines should have a minimum engine size of 1300cc, although as the development in engine technology has resulted in increasingly efficient power output from smaller engines, these may be acceptable with prior approval from the licensing authority.

6.34. Seat size

6.35. To ensure comfort for passengers all seats in the vehicle must have a minimum width of 41cm.

6.36. Access from the vehicle

6.37. Passengers must have clear and unrestricted egress from the vehicle. This is particularly relevant for MPV type vehicles where seats are positioned in such a way in the rear of the vehicle that they are not adjacent to a door, so that the seats in front must be able to slide forwards to allow passengers to exit. As egress from these vehicles can be restricted, drivers are advised to contact the licensing section before purchasing such vehicle to ascertain whether the vehicle meets this requirement - this may involve an inspection of the vehicle type by a licensing officer to make a proper assessment.

6.38. Seatbelts

6.39. In the interests of passenger safety all seats must have a 3 point seat belt fitted, lap belts are not acceptable. Belts must be in clean excellent condition and the webbing must not be cut, frayed or have deteriorated.

6.39a. Children can only travel in a rear seat of a Taxis or PHV's if a car seat has not been provided. Children aged 3 and over should always count towards the licensed capacity of a vehicle because if an appropriate car seat is not available, they must wear an adult seat belt, whereas those under 3 do not need to wear an adult seat belt. Guidance on the carriage of children safely in Taxis and PHV's can be found here;
<https://www.childcarseats.org.uk/media/1018/carrying-children-safely-in-taxis-coaches-buses-and-minibuses.pdf>

6.40. MOT requirements

6.41. As a measure of the vehicles roadworthiness a MOT test must be carried out prior to licensing. The MOT test certificate should be obtained **no more than 5 days prior to the licence application date**. Vehicles under 4 years old are required to have a MOT annually on licensing/re-licensing, vehicles over 4 years of age are required to have a MOT every 6 months. Vehicles which have advisory notices for any matter connected with the brakes, tyres, steering or suspension will not be licensed if an application is made. Vehicles currently licensed will be allowed 15 days to have the advisory repaired, otherwise the licence would be considered for suspension or revocation.

6.42. Tyres

6.43. To satisfy the licensing authority that a vehicle is safe and in roadworthy condition it must be the case that a vehicle's tyres are in good condition. In determining the condition of a tyre a driver or proprietor is expected to ensure they comply with Regulation 27, Part 2 of the Road Vehicles (Construction and Use) Regulations 1986.

- 6.43a Run flat tyres are acceptable on licensed vehicles. When a run flat tyre has a puncture, it can only be used on a licensed vehicle for the duration of completing the current fare and returning to a garage to obtain a suitable replacement or repair. No further fares may be taken whilst the punctured run flat tyre is being used on the vehicle.
- 6.43b Space saver tyres are acceptable if they comply with the original manufacturer's specification. If a space saver tyre is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement or repair. No further fares may be taken whilst the space saver tyre is being used on the vehicle.
- 6.43c An original tyre repair kit/compressor is permitted in licensed vehicles. If a tyre repair kit/compressor is used on a licensed vehicle it must only be for the duration of completing the current fare and returning to a garage to obtain a suitable replacement or repair. No further fares may be taken whilst the tyre repair kit/compressor is being used on the vehicles tyres.
- 6.43d If the current fare goes outside of Runnymede Borough then the fault must be repaired before the vehicle leaves the borough, or a replacement vehicle arranged.
- 6.44. The licensing authority is aware of the second hand/part worn tyre market and considers that these tyres are not suitable for licensed vehicles. It is impossible to know the history of a part worn tyre which makes it extremely difficult to be sure about its internal condition and safety credentials. A tyre is made up of many components, all of which can be damaged through every day driving. Some contributory factors that may damage the tyre include over or under-inflated tyres, or hitting a kerb or pot-hole in the road - this type of damage to the tyre can be impossible to determine when carrying out a tyre inspection.
- 6.45. Vehicles must not be fitted with second-hand 'part worn' tyres. All tyres, including the spare, must have been purchased and fitted to the licensed vehicle as 'new tyres'.

6.46. Tinted windows

- 6.47. The Road Vehicles (Construction and Use) Regulations 1986 (as amended) specifies the minimum levels of light that must pass through the windscreen and front side windows. For vehicles first used on or after 1 April 1985, the light transmitted through the windscreen must be 75%, and 70% through the front side windows.
- 6.48. The following conditions apply to the fitment of windows in licensed vehicles-
- i) all windows must be kept clean and free of labels except those required by relevant legislation or licensing conditions;
 - ii) all glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 (as amended) with regard to the level of tint;
 - iii) tinted films applied to the vehicle windows post manufacture are not allowed; and
 - iv) all side and rear windows shall be as installed by the vehicle's manufacturer.

6.49 to 6.60 Intentionally blank

6.61. First aid kit

- 6.62. Most people will be aware that employers have a duty of care to their employees, but the Health and Safety at Work Act, 1974, goes further. Part 1, Section 3 (2) states *“It shall be the duty of every self-employed person who conducts an undertaking of a prescribed description to conduct the undertaking in such a way as to ensure, so far as is reasonably practicable, that he and other persons (not being his employees) who may be affected thereby are not thereby exposed to risks to their health or safety”*. Operators, drivers and proprietors are advised that a failure to safeguard passengers could have serious implications for the licence holder, and the licence.
- 6.63. It is the licensing authority view that in order to assist drivers, operators and proprietors in ensuring the safety of passengers that first aid kits must be carried in licensed vehicles.
- 6.64. The provision of first aid equipment is standard in many new cars and indeed in many European countries it is a legal requirement. The licensing authority believes that there is a possibility of these items enhancing passenger safety and will require that they be fitted in licensed vehicles.
- 6.64a A national standard for first aid kits (BS 8599-2) became effective in February 2014 - the standard aims to improve safety for all UK motorists by equipping vehicles with the most appropriate first response medical supplies necessary to treat roadside injuries, with a first aid kit scaled specifically to the size of the vehicle and number of passengers. First aid kits must be compliant with BS 8599-2 and be a medium size motorist kit which caters for 1 – 8 passengers. They must be kept in an accessible position and fully stocked.

6.65. Appearance and condition of vehicle

- 6.66. In order to satisfy the licensing authority that the vehicle is of suitable appearance, maintained, and in good roadworthy condition, any vehicle must meet the following standards:

Exterior of the vehicle -

- The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused;
- The exterior of the vehicle should not show signs of rusting;
- The paintwork should not be faded or show signs of mismatched repairs or have any scratches, scuffs, cracks or abrasions where the top layer of paint has been removed;
- The bodywork should be maintained so as to be in excellent condition and be free of large dents (a large dent is not defined, this will be determined by the licensing officer);
- Wheels and wheel trims must not have any significant damage which detracts from the overall excellent condition of the vehicle;
- Lamps and reflectors must be in excellent condition and show no signs of damage or deterioration of the lens.

Interior of vehicle -

- The seating and carpet areas of the vehicle must be clean and shall not show signs of: a) staining; b) damp; c) fraying or ripping of the material; d) seat covers that are loose or badly fitted;
- The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism. Any mechanism for adjusting the height or angle of the seat must be in working order;
- Interior panels and fittings within the vehicle must be clean and must not be damaged nor show excessive wear, or staining;
- The interior of the vehicle must be clean and have no damp or noxious smells.

A driver of a vehicle is always legally responsible for its condition while in use, and therefore routine vehicle condition checks should be carried out before a vehicle is used and such checks documented.

To allow the public to differentiate between Hackney Carriages and Private Hire vehicles, the licensing authority believes an additional measure is necessary in that any licensed private hire vehicle must not be an Austin FX4 or similar model (traditional London cab), or be of similar appearance.

6.67. Other requirements

6.68. Identification of private hire vehicles – pre booked only signage

6.69. In addition to the specified local authority licence plate or disc identifying the vehicle as a private hire vehicle, some further clearer identification is considered best practice.

This is for two reasons: firstly, to ensure a more positive statement that the vehicle is only for pre booking and cannot be hired immediately through the driver; and secondly because it is reasonable, and in the interests of the travelling public, for an operator to be able to state on the vehicle the contact details for hiring.

This identifies the vehicle as private hire and helps to avoid confusion with a taxi - it also gives useful information to the public wishing to make a booking.

6.70. An adhesive or magnetic sign must be placed on both front doors of private hire vehicles containing the wording "Pre-Booked Only". This can be on the same sign as used by the operator to advertise their business or a separate sign. It must be printed in such a way as to make the wording 'Pre-Booked Only' clear, legible and distinguishable from any other signage. All such signage must be approved by the licensing officer prior to use.

6.71 With permission from the licensing officer, Operators can have a maximum of two vehicles registered as exempt from this requirement where these vehicles undertake specialist pre-bookings, where this signage may not be appropriate.

6.72. The number of hackney carriage vehicles

6.73. The licensing authority notes that no powers exist to restrict the number of private hire vehicles but that quantity restrictions on the number of hackney carriages are permitted under Section 16(b) of the Transport Act 1985. This provides that '*a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages if, but only if, the licensing authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which a licence would apply) which is unmet*'.

6.74. As any decision to refuse a licence on the basis of unmet demand would be open to legal challenge, the licensing authority will seek to justify any quantity restrictions by means of a demand survey (i.e. an evidence base of relevant indicators and levels of demand) and consultation with relevant stakeholders.

6.75. Where appropriate, the licensing authority will normally consider whether there is significant unmet demand in terms of –

- (a) the interests of the travelling public and those who use taxi services;
- (b) the (dis)advantages that arise for them as a result of quantity controls; and
- (c) the (dis)advantages that would result for them if there were no quantity controls etc.

At the present time, no demand survey has been carried out and the licensing authority cannot be satisfied that there is no significant unmet demand for the services of hackney carriages in its area. Therefore, in accordance with the best practice guidelines of the Department for Transport, the licensing authority does not currently impose any quantity restrictions on hackney carriage vehicles. The licensing authority may review this stance on quantity restrictions when it sees fit to do so.

6.76. Wheelchair accessible Vehicles (WAV)

6.77. The licensing authority acknowledges the accessibility requirements of hackney carriage and private hire vehicles under section 165 of the Equality Act 2010. The physical accessibility of vehicles is a significant factor in the inclusivity of the overall service provided.

6.78. For the protection and comfort of passengers and drivers it is considered **essential** that any WAV meets the requirements below -

- Wheelchair accessible vehicles are able to have access either through a side or rear entrance, only those which load through the rear or nearside will be considered for licensing, offside loading vehicles will not be licensed;
- Where a vehicle is fitted with any lifting equipment (i.e. a wheelchair lift) a valid certificate of conformity issued in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), must be produced with the vehicle licence application;
- Any ramps must be in good condition and have no deformity or sharp edges and must have an anti-slip covering. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and must be certified to BS 6109;

- Vehicles must have suitable wheelchair restraints. Wheelchair anchorage systems must not be defective, worn or have missing any parts. Any tracking rails must be undamaged and secure, and must not be contaminated by deposits of dirt and/or litter. Any belts must be in clean excellent condition and the webbing must not be cut, frayed or have deteriorated.

6.79. Age of Hackey Carriage and Private Hire vehicles

6.80. For clarity, the age of a vehicle shall refer to either the date of first registration with the DVLA (i.e. as shown on the vehicle registration document V5) or, in the case of a vehicle first used outside of the UK, when first used on any other road of any description.

6.81. Intentionally blank

6.82. The licensing authority has taken the view that vehicle age limits are not justifiable and can produce an environment where competing proprietors and operators from other boroughs can gain an advantage.

6.83. Providing vehicles meet the requirements of the licensing authority they can be considered for licensing.

6.84. ENVIRONMENTAL VEHICLE STANDARDS

6.85. General environmental policy approach

6.86. The Runnymede Climate Change Action Plan (February 2024) provides a framework to take action to reduce emissions which is driven by the vision, objectives and targets set out in the Council's Climate Change Strategy (2022 – 2030). The Strategy describes how the Council will work towards reducing carbon emissions from Council operations to 'net zero' by 2030 and work with our local communities and other stakeholders to achieve net zero across the wider borough by 2050, in line with national targets. The Council seeks to positively influence our environment by promoting sustainability in all Council decisions and actions. As such, the licensing authority will seek to promote and encourage vehicle proprietors to invest in vehicles and related technologies that offer the best environmental standards in terms of emissions as these are critical to the level of pollutants emitted and hence public health.

6.87. In keeping with the above Strategy and RBC's Air Quality Action Plan to improve air quality, standards relating to exhaust emissions will be introduced as follows; From 1 January 2030 the Council will only licence Hackney carriage and private hire vehicles (new and renewal) which are Ultra Low Emission Vehicles (ULEV), as defined by the Vehicle Certification Agency (<https://www.vehicle-certification-agency.gov.uk/fuel-consumption-co2/fuel-consumption-guide/zero-and-ultra-low-emission-vehicles-ulevs/#topic-title>).

6.88. Alternative fuels

6.89. In recognition of their comparatively clean emissions, any vehicle that runs or has been suitably adapted to run on Liquid Petroleum Gas (LPG), Compressed Natural Gas (CNG), Hydrogen, electric power or Bio methane will be considered, providing it is of original manufacture.

6.90. Modifications to enhance environmental standards of vehicles

- 6.91. In recognition of the RBC's wider role, the licensing authority will, subject to all other requirements being met, normally look sympathetically on the conversion to, installation and use of green/alternative fuels and other enviro-friendly features.
- 6.92. However, in recognition that fuel conversions can be dangerous if not done correctly, the licensing authority will normally accept vehicles that have been converted to use alternative fuels only where, in addition to all other requirements having been met, the vehicle is –
- (a) listed on the UKLPG vehicle register; and
 - (b) supported by an inspection and test certificate by a UKLPG Approved Auto gas Installer dated within the last 12 months;
OR;
 - (c) subject to a satisfactory Voluntary Individual Vehicle Assessment (DVSA individual vehicle type approval, or suitable equivalent), that certifies the safety of the vehicle as a whole and the modifications made.

6.93. Permitted vehicle modifications

- 6.94. The licensing authority recognises that some modifications to vehicles can enhance performance, efficiency and the service offered to customers, as well as provide for enhanced safety and/or revenues for vehicle proprietors and/or drivers. Accordingly, subject to all other requirements being met, the licensing authority may permit the following (or similar) modifications to vehicles -
- (a) Removal or installation of mobile communications equipment (e.g. radios);
 - (b) Removal or installation of mobile computer consoles (or similar) for communication and allocation of jobs with an operator;
 - (c) Removal or installation of additional seats (and seat belt mechanisms);
 - (d) Conversion of interim steps to running boards (and vice-versa);
 - (e) Conversion to or installation of enviro-friendly/green features;
 - (f) Change to and installation of a suitable taximeter;
 - (g) Removal or installation of credit/debit card payment systems;
 - (h) Change of vehicle colour/paintwork;
 - (i) Installation of personal safety features;
 - (j) Reasonable adjustments or adaptations for disabled drivers (where appropriate).
- 6.95. Subject to all other requirements being met and, subject to conditions, where these may be appropriate, ancillary modifications may be undertaken by, and using the products, of a third party (e.g. installation of credit/debit card payment systems). However, where appropriate, the licensing authority may require ancillary modifications to be certified by a competent person as being legally compliant and/or safe.

- 6.96. However, to ensure that vehicles continue to conform to a recognised safety standard, any modifications to any vehicle or its component parts, that may reasonably be considered integral to the vehicle, may affect vehicle integrity or otherwise affect any vehicle safety feature (e.g. seat belts), must normally –
- (a) be undertaken using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents; and/or
 - (b) be compatible with the original vehicle type approval; and/or
 - (c) be subject to a satisfactory Voluntary Individual Vehicle Assessment (DVSA individual vehicle ‘type approval’, or suitable equivalent), that certifies the safety of the vehicle as a whole and the modifications made.

6.97. Modifications to enhance personal safety in vehicles

6.98. As it considers it best left to the judgement of individual vehicle drivers/proprietors, the licensing authority will generally not require specific security measures (e.g. CCTV systems) to be installed within licensed vehicles.

6.99. In recognition of their lone worker status, together with the risks to which they can be exposed in providing a public service, the licensing authority will, subject to all other requirements being met, generally look sympathetically on the installation and use of in-vehicle security measures that provide some personal protection for vehicle drivers. It will therefore, subject to conditions, where these may be appropriate, normally allow one or more of the following (or similar) modifications to vehicles -

- (a) Installation and use of a suitable bulkhead (where not otherwise required) with the following conditions;
 - (i) Any screen fitted to separate the driver from passengers must be professionally installed and certified by a competent installer. Such documentation must be provided by the vehicle proprietor and held on file. Officers may request the vehicle to be presented for inspection at any point.
 - (ii) Any screen fitted must be fit for purpose and did not endanger the safety of the passenger or driver.
 - (iii) Any screen fitted must not interfere with the operation any of the vehicles safety systems such as air bags and seatbelts.
 - (iv) Any screen fitted must be constructed of transparent material to allow the driver a clear view of the road behind.
- (b) Installation and use of an in-vehicle (visual and audio recording) CCTV system may enhance both drivers’ and passengers’ safety. Note that this is an area of considerable controversy regarding privacy and personal data protection and any driver/operator considering installing CCTV must seek guidance from the Statutory Taxi and Private Hire Vehicle Standards (Part 12, Annex – CCTV guidance). An assessment should be carried out considering the anticipated benefits of installing CCTV (to passengers and drivers), and the associated privacy risks, and how these risks might be mitigated (e.g. by having appropriate privacy information and signage, secure storage and access controls, retention policies, training for staff on how to use the system etc).

- (c) Systems that provide for a secure driver cell;
- (d) Installation and use of a GPS tracking system;
- (e) Installation of a panic alarm system (or similar).

6.100. Relevant considerations in respect of vehicle modifications

6.101. While the licensing authority will normally look sympathetically on vehicles that offer enhanced environmental standards, in-vehicle security or provide for additional income etc., the licensing authority will not normally authorise any proposed feature or modification that detracts from or otherwise affects the ability of the vehicle to comply with its vehicle specification, licence conditions and/or licensing objectives. For example, modifications that may affect the ability to carry luggage, ramps and other equipment (e.g. installation of alternative fuel storage tanks) and/or may affect safety (e.g. installation of CCTV cameras that become a headroom hazard etc.). For these reasons, vehicle proprietors seeking to modify their vehicles in any way are encouraged to discuss their proposals with the licensing officer first. Vehicle modifications undertaken without prior approval are made at the vehicle proprietor's own risk and, where appropriate, may be required to be removed if not suitable.

6.102. Notification of vehicle modifications to insurers and others

6.103. The licensing authority notes that some vehicle modifications are subject to declaration and/or may affect the validity and extent of vehicle insurance. The licensing authority asserts that it remains the responsibility of the vehicle proprietor to make all relevant declarations and/or notify all relevant parties of any changes as may be appropriate. For these reasons, the licensing authority will, where appropriate, expect suitable verification with/from any relevant party concerned (e.g. vehicle insurance company).

6.104. Vehicle recall status certification

6.105. The licensing authority notes that vehicles, their components and parts may from time to time be recalled for safety-related defects and subsequent remedial works. The licensing authority also notes that recalls are co-ordinated by DVSA in accordance with its code of practice on vehicle safety defects. For reasons of public safety, the licensing authority will, where appropriate, require proprietors to submit suitable documentation showing satisfactory completion of all necessary remedial actions and work relevant to any such recall and the vehicle concerned.

6.106. In view of the above policy matters, the licensing authority may, where appropriate, check the status of any vehicle with the DVLA.

6.107. The relevance of vehicle recall status

6.108. By way of ensuring driver and public safety, the licensing authority will not normally permit the use of any vehicle as a hackney carriage or private hire vehicle that is the subject of a safety-related recall which has not been subject to all relevant actions or works necessary to remedy the recall defect.

6.109. Insurance write-offs

6.110. For reasons of public safety, the licensing authority will not normally accept any vehicle that has been subject to such damage as to be categorised as a category A or B (the vehicle is deemed not suitable to be repaired), 'write off' by a relevant insurance company under the extant Code of Practice for the Disposal of Motor Vehicle Salvage (September 2017). As damage at this level cannot always be detected or fully repaired, this policy will apply regardless of whether or not the vehicle has since been repaired to an MOT pass standard.

6.111. Subject to the following and all other criteria being met, the licensing authority may, where appropriate, accept vehicles categorised under the extant Code of Practice for the Disposal of Motor Vehicle Salvage (September 2017) as category S, (repairable vehicle which **has** sustained damage to any part of the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle) insurance write off or category N (repairable vehicle which **has not** sustained damage to the structural frame or chassis and the insurer/self-insured owner has decided not to repair the vehicle) damaged vehicles. However, before a licence is granted, or where appropriate, re-instated, the licensing authority will normally exercise the policies and require relevant documentation in respect of accident damaged vehicles. These policies and arrangements should be construed accordingly.

6.112. Vehicle identification

6.113. By way of ensuring that vehicles and major parts conform to a recognised standard, the licensing authority will normally, subject to all other requirements being met, grant a hackney carriage or private hire vehicle licence only to those vehicles that have clear and consistent engine and vehicle identification number (VIN) markings on all relevant parts and documents.

6.114. As it will otherwise be unable to satisfy itself of a vehicle's identification and standards, the licensing authority will not normally grant a hackney carriage or private hire vehicle licence in respect of any vehicle where VIN markings or engine numbers are –

- (a) Missing, illegible, damaged, defaced or tampered with in any way; or
- (b) otherwise inconsistent on the vehicle or related documents (e.g. MOT / V5).

6.115. Vehicle history

6.116. The licensing authority may require a vehicle data and/or history check from a licensed provider at any time. A third-party fee may be payable for this service.

6.117. Vehicle testing

6.118. By way of satisfying itself of the safety, roadworthiness and suitability of vehicles, the licensing authority will normally require each vehicle to be subject to the following on application for both grant or renewal of a hackney carriage or private hire vehicle licence; namely -

- (a) a valid MOT pass certificate;
- (b) an inspection by a RBC licensing officer.

6.119. **MOT testing**

6.120. To ensure that any hackney carriage or private hire vehicle is roadworthy, the licensing authority will normally require both on initial grant, renewal and/or expiry of a (pre)existing MOT, the submission of a valid MOT pass certificate specific to the vehicle concerned.

6.121. To ensure relevance this must be no more than 5 days old on submission of any vehicle licence application.

6.122. In recognition of the high use and high mileage to which hackney carriage and private hire vehicles are generally subjected, a valid MOT will normally be required –

- (a) regardless of the age of the vehicle; and/or
- (b) whether or not it would ordinarily be considered to be exempt (i.e. the vehicle is under three years old).

6.123. As corrosion can develop and parts can seize or malfunction during storage while awaiting sale, this policy shall also include and apply to brand new vehicles.

6.124. By way of promoting free-market competition, MOT tests may be undertaken at any MOT testing station authorised by the DVSA.

6.125. **MOT advisories**

6.126. By the very nature of their work, hackney carriages and private hire vehicles are subjected to frequent use and high mileage. They may reach the stage where a MOT advisory becomes a danger to the public in a shorter period of time than they would on a vehicle in normal use, perhaps catching drivers unawares and endangering the public.

6.127. Vehicles will be refused a licence for any advisory on a MOT which advises on the following areas unless evidence is produced to show that the advisory point has been repaired or replaced (this would typically involve the showing of a receipt for the work done):

- (a) Any part of the steering mechanism;
- (b) Any part of the braking system;
- (c) Tyres;
- (d) Any part of the suspension system.

6.128. Those vehicles which have advisories following a 6 monthly MOT (i.e. between licensing) will be expected to have the advisories remedied normally no longer than 15 working days from the date of the MOT and produce evidence of repair to the licensing authority. Failure to have the repairs carried out and / or produce evidence of such would lead to consideration of suspension of the vehicle licence.

6.129. **Frequency of MOT testing**

6.130. By the very nature of the work vehicles can be subjected to very high mileages within relatively short periods of time. In order to ensure vehicles are in a roadworthy condition the MOT test will be carried out at 12 month intervals up to the 4th anniversary of the vehicles date of first registration and thereafter every 6 months.

6.131. However, as mechanical and electrical faults and other issues affecting roadworthiness may occur at any time during the term of a licence (where granted), the licensing authority may require additional inspection, test and MOT checks to be undertaken at any time it is considered necessary in the circumstances.

6.132. Council test & inspection

6.133. To ensure that any hackney carriage or private hire vehicle is suitable for public use, the licensing authority will require both on initial grant and on renewal, the vehicle and, where appropriate, all relevant effects and equipment (e.g. ramps, anchorages etc.), to be presented for test and/or inspection by licensing officers.

6.134. The relevance of vehicle testing requirements

6.135. It is the policy of the licensing authority that no vehicle may be used as a hackney carriage or private hire vehicle unless it has been certified and maintained in a safe and roadworthy condition (e.g. courtesy of suitable and valid MOT certificate) or otherwise passed as fit for public use.

6.136. In recognition that poor vehicle maintenance can have an impact on driver and public safety, the licensing authority will take a serious view of any proprietor who fails to maintain a hackney carriage or private hire vehicle to a satisfactory standard.

6.137. Vehicle testing and the term and duration of licences

6.138. For reasons of ensuring public safety, the licensing authority considers that a greater frequency of monitoring and testing (subject to statutory limits) may be appropriate for some vehicles in some circumstances. Where appropriate, the licensing authority will require additional testing and/or restrict the term and duration of a vehicle licence where there are one or more demonstrable indications of high use (e.g. high mileage etc.), poor maintenance, specialist requirements or other concerns connected with the use of the hackney carriage and/or private hire vehicle.

6.139. Bill of sale

6.140. To assist vehicle identification and proof of interest and/or ownership, and in recognition of the time it can take for a DVLA vehicle registration document (V5) to be updated following transfer, suitable proof of sale will, where appropriate, be required for any first-time vehicle licence application.

6.141. Suitable proof of sale will be taken to mean written correspondence signed and dated by the transferor and transferee (including name and address) declaring the sale/transfer of the vehicle (make, model and vehicle index) to the named transferee. For this purpose, a copy of the DVLA vehicle registration document (V5), letter, hire purchase agreement or similar completed with the new vehicle keeper details will normally be acceptable.

6.142. Taximeter certification

6.143. By way of ensuring public protection, the licensing authority may require both on grant or renewal, suitable documentation that certifies any taximeter to be used in the vehicle is –

- (a) sealed (or otherwise incapable of tampering);
- (b) calendar controlled; and
- (c) programmed in accordance with the current scheme of fares in force for the current time.

6.144. Where appropriate and by way of ensuring public protection, calendar control programming and certification of taximeters must be undertaken by an independent competent person.

6.145. **CONDITIONS FOR VEHICLE LICENSING**

6.146. **Hackney carriage bylaws**

6.147. Bylaws have been made under section 68 of the Town Police Clauses Act 1847 and section 171(4) of the Public Health Act 1875 by the Borough Council of Runnymede with respect to hackney carriages in the District of the Borough of Runnymede.

6.148. These Bylaws are contained within **Appendix G**.

6.149. **Hackney carriage conditions**

6.150. Section 47(1) of the LGMPA 1976 part II allows the licensing authority to attach such conditions to a hackney carriage licence as may be considered reasonably necessary. The conditions that the licensing authority generally considers reasonably necessary for hackney carriages are detailed in **Appendix G**.

6.151. **Private hire vehicle conditions**

6.152. Section 48(2) of the LGMPA 1976 part II allows the licensing authority to attach such conditions to a private hire vehicle licence as may be considered reasonably necessary. The conditions that the licensing authority generally considers reasonably necessary for private vehicles are detailed in **Appendix F**.

6.153. The conditions referred to above are not a comprehensive list of conditions or, in any way, to be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may remove, modify and/or attach additional and/or alternative conditions appropriate to the individual circumstances of the case. Where appropriate, any condition(s) will comply with our policy on conditions.

6.154. Failure to comply with vehicle licence conditions and associated requirements will not necessarily result in enforcement action, but may, where appropriate, be used as an indicator of vehicle safety, condition or status. However, where appropriate, breach of conditions and other requirements may result in advice, warnings, suspension, revocation and/or refusal to renew a licence.

6.155. **Standards and relevance of conditions**

6.155a. The standards and considerations applicable to the conditions in **Appendices F and G** are set out below; these should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases.

6.156. **Condition of the Vehicle**

6.157. To maintain standards throughout the period of licensing all vehicles will be expected to be watertight, mechanically sound, efficient, safe, clean, tidy and that all relevant statutory requirements are fully complied with including in particular those contained in the Motor Vehicles (Construction and Use) Regulations.

6.158. Vehicles will be expected at all times to maintain the standards required by Runnymede when the vehicle was licensed as stated in **Appendices F & G** to this policy.

6.159. Vehicle plates

6.160. To ensure that members of the public can easily identify a licensed vehicle, together with the number of passengers that it can carry, the licensing authority will normally require, on condition, both hackney carriage and private hire vehicles to display a licence plate both –

- (a) exterior, at the rear of the vehicle; and
- (b) interior, in the form of a window disc on display in the top nearside front windscreen.

6.161. The proprietor shall at all times cause the licence plate and interior window disc, issued by the licensing authority, to be displayed on the vehicle in such position that the vehicle's registration number is not obscured and with the details of the licence plate clearly visible.

6.162. The proprietor or driver shall not wilfully or negligently cause or suffer the licence plate or interior window disc attached to the vehicle, in pursuance of this condition, to be concealed from public view nor shall the proprietor allow the licence plate to be so defaced that any figure or material particular is illegible.

6.163. The licence plate shall remain the property of RBC and where a licence lapses or is suspended or revoked, shall be returned immediately to RBC.

6.164. For clarity and ease of recognition, all licence plates will be non-removable self-adhesive type of the specified size, colour and design outlined in **Appendix H**.

NB: The licensing authority will normally allow some limited exemptions to these general requirements in accordance with the reasons and policies set out below.

6.165. Dual Plating

6.166. Dual plating is not permitted on any Runnymede licensed vehicles. Any vehicle licensed by Runnymede will not be permitted to become licensed with any other district / borough / Transport for London.

6.167. No vehicle will be granted a licence if it is licensed in another district / borough / Transport for London.

6.168. Private hire and Hackney Carriage vehicles in Runnymede are identifiable by their differently coloured plates and even though a Hackney vehicle has a roof light it is believed that having more than one plate on a vehicle could lead to confusion amongst the public about the types of licensed vehicles in Runnymede.

6.169. Additionally, RBC is aware of the problems of meeting the variance in conditions applied in different districts and the enforcement of those conditions in cases of non-compliance (i.e. signs, meters, suspensions or revocation).

6.170. Advertising on licensed vehicles

6.171. **Hackney Carriages** – advertising will be permitted on hackney carriages subject to the following criteria and restrictions.

6.172. For reasons of driver and public safety, the licensing authority will not permit any advertising material, corporate branding or any other medium that –

- (a) does not conform with the rules of the British Code of Advertising Practice;
- (b) relates to the promotion of alcoholic drinks;
- (c) interferes with any equipment normally fitted to the vehicle (including the vehicle electrics and wiring etc.);
- (d) interfere with any vehicle design features such as methods of fixing, brake cooling vents, tyre inflation valve or with any wheel balancing dynamics or steering operation;
- (e) obscures any vehicle lights, 'For Hire' sign or indicator lamps (e.g. indicators, brake lights etc.);
- (f) creates any safety hazard (e.g. non protected screens, headroom hazards etc.);
- (g) uses or emits audio;
- (h) is displayed on wheels or bumpers of the hackney carriage.

6.173. Further to the above, and by way of -

- (a) preventing any reduction to driver visibility (and therefore any impact on driver and public safety); and
- (b) ensuring maximum visibility into and throughout the vehicle (for the benefit of driver and public safety).

6.174. The licensing authority will not normally permit any advertising, corporate branding or any other material, other than that which is required by law or on condition of licence, to be displayed on, or otherwise obscure any windscreen, window, mirror or bulkhead.

6.175. In recognition that the nature, design and content of some advertising can affect the visibility and clear distinction of other relevant signage, the licensing authority will not normally permit any advertising (including corporate branding) that obscures or confuses the visibility, legibility, clarity or distinction of –

- (a) the vehicle licence plate (no advertising is to be within 30cm of the plate);
- (b) the vehicle registration number.

6.176. Given the above and the discretion afforded in vehicle advertising, the licensing authority reserves the right to require any advertisement it deems unsuitable to be removed where appropriate.

6.177. **Private Hire Vehicles**

6.178. With the exception of the requirement for 'pre booked' only signage, no signs, marks, notices or advertisements whatsoever shall be displayed on or from a private hire vehicle whether in connection with its use for private hire or otherwise, except for the name, address, web contact and telephone number of the proprietor or the name under which they carry on their business. These may not be displayed on the front elevation (radiator grill and area either side of it), the windows and any other glass area, bumpers or wheels. Such lettering shall not be illuminated or include the words "cab", "taxi-cab" or "taxi". No advertising is to be within 30cm of the Private Hire licence plate.

6.179. The licensing authority reserves the right to require any advertisement which contravenes paragraph 6.178 to be removed where appropriate.

6.180. Roof mounted signs

6.181. Hackney carriages must carry and display or otherwise be fitted with a securely mounted roof sign at all times. This must be capable of being illuminated and must bear the word 'Taxi', which is to be clearly visible at all times. So as to avoid claims of illegally plying for hire (e.g. in another area for which the vehicle is not licensed), the design must be such that any illumination can be switched off independently of any other vehicle system when the vehicle is hired or not in use as a taxi.

6.182. So as to avoid any confusion with a hackney carriage, the licensing authority will normally seek to ensure that private hire vehicles do not employ, display or otherwise have affixed –

- (a) any form of roof-mounted sign (whatever its wording);
- (b) any advertising or sign (roof-mounted or otherwise) that use the words 'Taxi', 'Hackney', 'Cab' or 'For Hire'.

6.183. Vehicle insurance

6.184. The Road Traffic Act and associated Regulations require a suitable policy of insurance is in force in relation to the use of most motorised vehicles on the public highway. For this reason and similar requirements made by under Section 48(1)(b) of the LGPMA 1976 Part II, the licensing authority will require a suitable policy of insurance on grant or renewal of any hackney carriage or private hire vehicle licence.

6.185. For this purpose, and by way of ensuring adequate cover for all parties, a 'suitable policy of insurance' will normally be taken to mean –

- (a) a valid and fully comprehensive policy;
- (b) a policy that provides indemnity cover for each driver of the vehicle;
- (c) a policy that provides the cover for business use on hire and reward as a hackney carriage or private hire vehicle as may be appropriate;
- (d) The minimum period of validity for an insurance document is 30 days.

6.186. OTHER VEHICLE LICENSING POLICY MATTERS

6.187. The numbers to be carried in licensed vehicles

6.188. In recognition that the number of people to be carried in a hackney carriage or private hire vehicle can impact on public safety and/or determine the licensing regime applicable to the vehicle, the licensing authority will normally limit, on condition, the total number of passengers that may be carried in any such vehicle. Subject to any exemption, this limit will normally be detailed on the vehicle plate (if granted).

6.189. The licensing authority will normally licence only those vehicles capable of carrying up to 8 passengers; this being the statutory maximum before a public service vehicle licence is required. However, the actual number of passengers to be carried in any one vehicle will normally be determined with reference to the following –

- (a) the manufacturers recommendations;
- (b) the number of passenger seats specified on the DVLA vehicle registration document V5;
- (c) the number of available seats and suitably fitted seat belts;
- (d) the relevant vehicle specification;
- (e) the ease of access from the vehicle.

6.190. **Distinction between hackney carriage & private hire vehicles**

6.191. It is widely recognised that members of the public can often confuse private hire vehicles with hackney carriages without realising that private hire vehicles are not available for immediate hire or otherwise able to be hailed in the street. As this may affect insurance, the licensing authority considers it particularly important that the public can easily distinguish between each type of vehicle. A similar requirement is required in law under Section 48(1) of the LGPMA 1976 part II.

6.192. For these reasons, while it will accept similar types of vehicle to be licensed as a hackney carriage or private hire vehicle (except for purpose built London style 'black cabs'), the licensing authority will, where appropriate, seek to distinguish between hackney carriage and private hire vehicles by application of the following policies and considerations.

6.193. **Plate/badge numbers policy**

6.194. To provide for the simple yet reliable identification of licensed vehicles, the licensing authority will normally issue a unique number which will correspond with the number of the vehicle licence (where granted) that will be used on all licence documents and plates. Subject to the policies detailed below, the number given will normally be issued on a sequential and first-come, first-served basis. However, numbers may be recycled for use once surrendered by the current user.

6.195. **Sensitive plate/badge numbers**

6.196. In recognition that some plate/badge numbers can be sensitive and/or perceived as offensive (e.g. 911, 666 etc.), the licensing authority will normally seek to avoid issue and, where appropriate, to subsequently withdraw (on renewal or on exchange for an alternative) any vehicle plate/badge numbers that may reasonably be considered sensitive or offensive.

6.197. **Colour of vehicle plates/badges**

6.198. To distinguish one type of vehicle from another, the licence plates / badges of hackney carriage and private hire vehicles will be printed in different colours.

6.199. **Alternative arrangements for certain private hire vehicles**

6.200. It is the view of the licensing authority that some private hire vehicles that provide limited, non-public driving services (e.g. executive chauffeur services, stretched limousines, vintage and other specialist vehicles etc.) which are self-evidently not a hackney carriage can provide a bespoke service to local business.

- 6.201. The licensing authority believes that such services are usually exclusively booked up front for a defined period or journey (typically going outside the borough) and such that the vehicle is not available for immediate hire. Also, these services usually offer a degree of prestige, anonymity and/or have a legitimate business requirement to be more discretely marked.
- 6.202. For this reason, and subject to all other licensing requirements being met, it is the policy of the licensing authority to offer private hire vehicles used to provide exclusively limited, non-public driving services an exemption from the requirements to display a vehicle plate at the rear. However, so that any such vehicle can be identified as a licensed vehicle, the licensing authority will require, on condition, that a licence plate of specified size, shape and design (see **Appendix H**) be clearly displayed on nearside front windscreen of the vehicle.
- 6.203. For clarity and distinction between different categories of vehicles, this alternative arrangement shall not apply to any private hire vehicle that undertakes any general public work.
- 6.204. The requirements for plate exempt vehicle are set out in **Appendix J**.
- 6.205. **Livery of licensed vehicles**
- 6.206. Due to the clear distinction between hackney and private hire vehicles, the licensing authority does not consider a vehicle livery (i.e. a defined colour and/or marking of vehicles) to be necessary at the present time.
- 6.207. The licensing authority recognises the increasing needs and profile of its residents, visitors and the area generally through the development of the Borough. It will therefore keep this matter under review for future consideration where appropriate.
- 6.208. **Vehicle transfer arrangements**
- 6.209. In recognition that vehicle licensing requirements will have previously been met and, by way of assisting existing and prospective vehicle proprietors, the licensing authority will, subject to the following, normally permit the transfer of interest in a licensed vehicle together with the unexpired portion of the vehicle licence to another person who consents to the transfer. For safety and audit trail reasons, such transfers will normally be subject to the following requirements; namely –
- 6.210. Suitable proof of sale/transfer by the transferor (i.e. the out-going vehicle proprietor); and
- 6.211. Declaration of consent to the transfer by the transferee (i.e. the new vehicle proprietor); and
- 6.212. Where appropriate, a suitable policy of insurance of the new vehicle proprietor/driver.
- 6.213. The licensing authority will normally transfer a hackney carriage or private hire vehicle licence on condition that a copy of the up-to-date V5 is submitted when issued.
- NB:** It should be noted that these requirements may be waived if the transferee (i.e. the new vehicle proprietor) is already registered on the relevant vehicle licence as a person having a bona fide interest in the vehicle.

6.214. ACCIDENTS TO & INVOLVING LICENSED VEHICLES

6.215. Section 50(3) of the LGMPA 1976 part II requires that the vehicle proprietor must, as soon as is reasonably practicable (and within 72 hours), notify the licensing authority of any accident to a hackney carriage or private hire vehicle causing any damage affecting the –

- (a) safety of the vehicle;
- (b) performance of the vehicle;
- (c) appearance of the vehicle;
- (d) comfort or convenience of passengers.

6.216. In recognition that accident damage can have an impact both on driver and public safety, comfort and convenience, the licensing authority will –

- (a) expect all qualifying accidents to or including a licensed vehicle to be reported to it; and
- (b) take a serious view of any proprietor who fails, without reasonable explanation, to inform it of any qualifying accident/damage to their vehicle; particularly where they or an authorised driver continue to drive/operate the vehicle and/or derive a monetary benefit from their activities.

6.217. Actions to be taken where a vehicle is involved in an accident

6.218. Where appropriate, the licensing authority has powers to suspend and/or revoke a vehicle licence, or otherwise allow the vehicle to continue in use (whether or not pending repair, inspection and/or testing etc.). The licensing authority will normally have regard to -

- (a) the nature and extent of any damage done;
- (b) the salvageable status of the vehicle;
- (c) the security status of the vehicle (i.e. whether accessible/drivable by the vehicle proprietor or authorised driver);
- (d) the likely impact any damage may have on vehicle safety, performance or appearance;
- (e) the likely impact any damage may have on the comfort or convenience of passengers; and
- (f) the length of time it may take to effect repair.

6.219. Where appropriate to the circumstances, the licensing authority will require the vehicle proprietor of any vehicle involved in an accident to -

- (a) arrange for the vehicle to be repaired using parts of the same (or equivalent) specification of the original manufacturer, converter or approved agents; and
- (b) submit a schedule of works done and parts used by the relevant repairing agents etc.; and
- (c) demonstrate that the vehicle is roadworthy on submission of a valid post-accident MOT certificate specific to the vehicle concerned; and/or
- (d) provide a satisfactory Voluntary Individual Vehicle Assessment (DVSA individual vehicle type approval, or suitable equivalent), that certifies the safety of the vehicle as a whole and the repairs made.

6.220. By way of ensuring that vehicles and major parts conform to a recognised standard, the licensing authority will normally expect any repair made to a vehicle following an accident to be compatible with the vehicle type approval and otherwise comply with the RBC's vehicle specification.

6.221. Assessment of vehicle drivers involved in an accident

6.222. In recognition that vehicle accidents can occur for a variety of reasons and can result in a variety of injuries, it is the policy of the licensing authority to ensure, where appropriate, that the drivers involved in licensed vehicle accidents are suitably assessed in respect of their fitness, driving standards and/or eligibility.

6.223. For this reason, the licensing authority will normally require vehicle proprietors to submit a suitable account of the circumstances of the accident, together with the name and address of any driver driving the licensed vehicle at the time of the accident concerned. Where appropriate, a copy of any insurance claim (or similar account) will normally suffice for these purposes. For further information in respect of the assessment and determination of fitness of vehicle drivers following an accident please see paragraph 5.145.

6.224. Replacement vehicles for vehicles involved in an accident

6.225. Any replacement vehicle must be supplied through an accident management company authorised by the proprietor's insurance company. So long as all other eligibility criteria and requirements are met, the licensing authority will, where appropriate, permit another vehicle to be temporarily licensed for up to 28 days as a short term replacement for any licensed vehicle involved in an accident.

6.226. Temporary replacement vehicles may be licensed for longer than 28 days (on payment of a further fee), but only where there is a suitable business case and documentary evidence showing –

- (a) why the damaged vehicle cannot be repaired within the initial 28 day period;
- (b) why the damaged vehicle cannot be replaced and/or why other vehicles could not be used; and
- (c) when the damaged vehicle will be returned to service.

6.227 Electronic cigarettes and any derivatives

6.228. Electronic cigarettes are generally battery powered vaporisers which release vapour when liquid is heated. These contain a variety of chemicals whose composition varies across manufacturers.

6.229. The health risks and long term health effects of electronic cigarettes are not fully known.

6.230. Existing legislation has been in place since 2007 which prevents the smoking traditional cigarettes in vehicles used for work.

6.231. For the safety and comfort of the public, the use of electronic cigarettes or derivatives in licensed vehicles is prohibited.

6.232. Vehicle Proprietors

6.233. Persons who are sole vehicle proprietors, (i.e. not a driver or operator) must produce a new basic DBS check on initial licensing of a vehicle and thereafter annually. This will be due on application as a vehicle proprietor and thereafter on the anniversary of the date of the previous check.

7. OPERATOR LICENSING

7.1. GENERAL

- 7.2. Any individual, company or similar who, in the course of their business, makes any provision for the invitation and acceptance of bookings for (i.e. to operate) a private hire vehicle must hold a private hire operator's licence.

NB: A private hire operator may only operate a private hire vehicle that has been licensed by the same authority as the operator. Likewise, the private hire vehicle may only be driven by a private hire driver licensed by the same authority. All three licences (operator, vehicle and driver) must be issued by the same authority (i.e. RBC). This is known as 'the three licence rule'.

7.3. Booking services

- 7.4. Despite the above, the licensing authority is of the view that those simply acting as the agent of a hirer (e.g. where a hotel books a cab for a guest) will not normally require an operator's licence but that some booking services may require a private hire operator licence (e.g. a service that finds and/or books private hire vehicles with an operator).

In determination of whether such services require an operator's licence, the licensing authority will therefore normally take into consideration –

- (a) The nature and extent of any advertising of the service;
- (b) Whether in the absence of any advertising, the service would or would not work; and
- (c) The nature and extent to which the service/function serves to make provision for the invitation or acceptance of bookings.

7.5. The term & duration of operator licences

- 7.6. By way of facilitating –

- (a) a reasonable operating period; and
- (b) a reasonably frequent period to monitor and review licensed activities;

the licensing authority will, where appropriate, normally grant or renew a private hire operator's licence for 5 years. However, the licensing authority may, using its discretion, grant operator licences of shorter duration where it considers this to be reasonable or appropriate in the circumstances.

7.7. ELIGIBILITY CRITERIA

7.8. Nature of Operators

- 7.9. Subject to any other company-related policies and providing they meet the eligibility criteria and application standards without restriction, the licensing authority will normally accept applications for a private hire operator's licence from both individuals, partnerships, businesses and similar (i.e. companies). However, if the applicant is a business or similar, the application requirements and criteria will normally be applied to each director (and similar level trustee/partners) of the business.

7.10. Fit & Proper Person

- 7.11. Section 55 of the LGMPA 1976-part II states that the licensing authority cannot grant a private hire operator's licence unless satisfied that the applicant is a 'fit and proper person' to hold such a licence.
- 7.12. Although an operator does not drive members of the public (unless also holding a private hire driver's licence), the operator will be in possession of information about people's movements, whereabouts and property. Operators may also deal directly with the public over the telephone or face-to-face at the operator base/office. As a result, the licensing authority believes that the need for operators to be 'fit and proper' and the standards to be applied are just as important as they are for drivers.
- 7.13. As the term 'fit and proper person' is not defined in law, the licensing authority will, where appropriate, seek to ensure that applicant operators and existing licence holders are both safe and suitable on demonstration that they are, and continue to be;
- (a) of suitable background, character and integrity (including being suitably professional, responsible, reliable, sober, honest, trustworthy, civil, decent, courteous and respectable in both manner and appearance);
 - (b) of suitable knowledge, experience and skills to perform the duties of a licensed operator;
 - (c) suitably entitled and, where appropriate authorised, to live, work and/or perform the duties of a licensed operator in the UK;
 - (d) suitably insured to perform the duties of a licensed operator; and
 - (e) have in place effective health and safety management arrangements for workers while they are at work, including managing the risks of lone working.

7.14. General requirements

- 7.15. Section 57 of the LGMPA 1976 part II allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a licence should be granted or whether conditions should be attached.
- 7.16. For operator licensing purposes, the licensing authority considers the following as reasonably necessary and will, where appropriate, require applicants and existing licence holders to provide the following -
- (a) suitable proof of immigration and asylum status and/or right to work in the UK;
 - (b) a basic disclosure and barring service certificate check on application and thereafter annually;
 - (c) suitable statement(s) of good conduct;
 - (d) suitable documentation to demonstrate that a reliable and accurate system is in place for the keeping of booking records;
 - (e) suitable certification of public liability insurance;
 - (f) completing and passing a Child Sexual Exploitation awareness training session prior to their licence being granted;

- (g) pass a test of knowledge on law and local policy and procedures in relation to being a private hire operator;
- (h) complete a disability awareness training course by a provider approved by the Council and provide evidence of having done so.

7.17. Policies, standards and relevance of fitness & propriety requirements

- 7.18. While the policies, standards and considerations applicable to each of the above matters are set out below, the above matters should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases.
- 7.19. Where appropriate, the licensing authority may require additional information, documents, or other certifications it reasonably considers necessary to enable it to determine whether a licence should be granted and, where appropriate, if conditions should be attached to any such licence. In all cases, the costs of any requirements must be paid by the applicant.
- 7.20. The general policies and requirements that the licensing authority will apply to operator licensing are similar to that for driver licensing. For this reason, the policies, considerations and requirements set out in PART 3 and PART 4 of this policy will, subject to the following, normally apply to operator licensing. For this purpose, any references to hackney carriage and/or private hire driver's will, subject to the following, also be taken to include a reference to private hire operators. Applicants and applications will be interpreted accordingly and, where appropriate, requirements on applicants shall be taken to include all directors/partners etc. where the applicant is a business.
- 7.21. Operators must by condition retain and review records of drivers and vehicles they use. As such the licensing authority believe it is necessary and proportionate to require all operator applicants to pass a knowledge test to assess their knowledge of this policy and statutory requirements for private hire operators. All existing operators must pass this knowledge test. Those who fail to do so may have their operators licence considered for suspension or revocation.

7.22. Criminal record disclosures

- 7.23. As recommended best practice by the DfT, it is the policy of the licensing authority that all applicants (and, where appropriate, all directors or partners of any business applicant) must provide a basic criminal records disclosure at the point of each new application and thereafter, annually.

7.24. However, as -

- (a) licensed drivers will ordinarily have undertaken and have provided an enhanced DBS disclosure for the purposes of obtaining a hackney carriage and/or private hire driver's licence; and
- (b) during the term of their driver's licence any infringements that would ordinarily appear on an enhanced DBS disclosure would usually be reported to the licensing authority / Council through the notifiable occupations protocol;

it is the policy of the licensing authority to exempt any individual operator applicant who themselves hold a current driver's licence with the licensing authority from the requirement to provide another disclosure/mandate.

7.25. The requisite level of DBS disclosures

7.26. Operators are not exceptions to the Rehabilitation of Offenders Act 1974, therefore standard or enhanced disclosures cannot be required as a condition of grant of an operator's licence. In recognition of the different levels of disclosure offered and of the limitations of the Rehabilitation of Offenders Act 1974, it is the policy of the licensing authority to require and accept basic level disclosures for operators.

7.27. Training in relation to Child Sexual Exploitation (CSE) and Safeguarding

7.28. As a council we must ensure that we take all necessary steps to ensure that all private hire operators have a good understanding of CSE and safeguarding, their responsibilities to the public (particularly the protection of children and vulnerable adults), and where to report their concerns / act on signs of exploitation.

7.29. Although many private hire operators have some knowledge of CSE and safeguarding from media sources, this is not a substitute for proper formal training delivered by a professional body. It is RBC's view that CSE and safeguarding training should be compulsory for all Runnymede licensed private hire operators.

7.30. All new applicants for private hire operator licences will be required to successfully complete a CSE awareness training session which has been organised by this Council

7.31. Booking Record Capabilities & Entries

7.32. In view of its record keeping requirements, the licensing authority will normally require on application for grant of an operator's licence, suitable evidence (e.g. a copy) of the format in which booking records will be kept, whether this be in hardcopy format or electronic means.

7.33. Where appropriate, and so as to be able to routinely check for the use of unlicensed drivers, vehicles and other operators (on sub-contracting), the licensing authority may require renewal applicants to similarly submit all prescribed booking records held (subject to the requirements of the General Data Protection Regulations). For similar reasons, including the investigation of passenger complaints, the licensing authority may also require existing licensed operators to submit prescribed booking records for any specified period at any time.

7.34 Assistance Dogs and the carriage of wheelchairs and disabled passengers

7.35. Operators commit an offence (section 167A of the Equality Act 2010) if they fail or refuse to accept a booking where the booking is requested by or on behalf of a disabled person or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the passenger has a disability, or to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.

7.36. Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

- 7.37. It is an offence for any operator or driver to refuse to carry disabled persons or carry assistance dogs, or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence revoked.
- 7.38. The Council will take a very serious view of any operator who commits offences contrary to the Equality Act 2010. It is recommended that all staff in customer facing roles and/or managing service delivery receive training in disability awareness in order to uphold the highest standards of customer service.

7.39. CONDITIONS OF OPERATOR LICENCE

- 7.40. Section 56(2) of the LGMPA 1976 part II states that licensed operators must keep a record of such particulars of every booking of a private hire vehicle invited or accepted by the operator as may be prescribed on condition by the Licensing Authority.
- 7.41. Section 56(3) and (4) of the LGMPA 1976 part II states that the licensing authority will on condition require operators to provide driver and vehicle licence details.
- 7.42. Section 55(3) of the LGMPA 1976 part II allows the licensing authority to attach such conditions to a private hire operator's licence as may be considered reasonably necessary.
- 7.43. The conditions that the licensing authority generally considers reasonably necessary for private hire operators are produced in **Appendix K**.

NB: The general conditions referred to in **Appendix K** should not be seen as a comprehensive list of conditions or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may remove, modify and/or attach additional and/or alternative conditions appropriate to the individual circumstances of the case.

7.44. RECORD KEEPING REQUIREMENTS

- 7.45. To enable suitable and sufficient Police checks to be made if anything should happen to a passenger or driver, to assist with the recovery of lost property and, where appropriate, to allow for suitable enforcement enquiries to be made, the licensing authority will require, on condition, licensed operators to keep the following records which collectively are uniquely and consecutively numbered or referenced.
- 7.46. Section 56(2) of the LGMPA 1976 part II states that licensed operators must keep a record of such particulars of every booking of a private hire vehicle invited or accepted by the operator concerned as may be prescribed by the licensing authority. Such particulars must be entered into the booking record system before the commencement of each journey. These records shall be constructed in such a way that enables licensing officers and Police officers to easily determine the details. This information should be contained on one spreadsheet or similar record (i.e. paper) and shall not be cross referred to any other records for the purpose of identifying drivers or vehicles.

For example, a record which contains information simply as vehicle 1 or driver 1 and the details of the vehicle or driver are held on a different record or elsewhere will not be acceptable.

Operators must keep records in respect of all bookings including cross border hire, for vehicles and drivers for a period of one year.

7.47. Hiring Records

7.48. So as to identify the vehicle that was used and the driver who was driving at the time, the licensing authority will, on condition, and on exercise of Section 56(3) of the LGMPA 1976 part II, require licensed operators to keep the records detailed in **Appendix K** (detailed from i to xv).

7.49. In exercise of Section 56(3), and so as to ensure compliance in the use of licensed vehicles and drivers, the licensing authority will normally require, on condition, that an operator holds a copy of both the private hire vehicle licence of any vehicle that he is operating and the private hire driver's licence of any driver who is driving such a vehicle.

7.50. Operators association with drivers

7.51. So as to satisfy itself that individual drivers are covered by all relevant and suitable insurance while working for an operator, the licensing authority will normally require, on condition, each operator to notify it, within 7 calendar days of the start and/or finish date of its use and association with any individual driver.

7.52. Use of vehicles

7.53. So as to satisfy itself that the vehicles intended to be used and/or operated by an operator are suitably licensed, the licensing authority will normally require, on condition, each operator to notify it within 7 calendar days of the start and/or finish date of its operational use of any individual vehicle.

7.54. Address from which operator may operate

7.55. The practical effect of the requirement to hold an operator's licence is that the operator must normally have premises from which to control and direct one or more private hire vehicles. On grant or renewal of an operator's licence the licensing authority will therefore normally specify the address from which the operator may operate (i.e. the licence is address specific). The operating address is not transferable between premises or different addresses and a new operator's licence will be required where there is any change of operating address.

7.56. Operating from different premises than those specified on an operator's licence is unlawful, could create enforcement difficulties and result in the operator being unlicensed. The licensing authority will therefore normally require that an operator notify it in writing of any proposed change of address during the period of the licence (regardless of whether this is a home or business address) before this takes place. In all such circumstances a new application will be required.

7.57. In keeping with the provisions of the LGMPA section 46(1)(d) and the definition of operate in section 80(1), all operators must normally carry out their business from a premises located within the Borough of Runnymede. However, with the increasing popularity throughout the UK of app-based private hire operators, it is not unusual for them to operate out of 'virtual' or other Head Offices, which may be located outside the borough.

RBC will consider applications for private hire operator licenses outside of the borough, provided that Operators can comply with the conditions;

- to provide records, or anything else requested electronically by the licensing authority, within 48 hours of such a request; and/or
- to attend in person at the Council Offices within 2 working days of such a request.

Any failure to subsequently comply would call into question the suitability of the applicant to hold a private hire operator licence and would usually trigger a referral to the Regulatory Committee for members to determine whether they deem it appropriate for the licence to remain in place.

7.57a Any mobile app used by an operator should clearly show the registered operators name and RBC licence details.

7.58. By way of ensuring that proper regulation and enforcement measures can be taken, the licensing authority will expect that access be granted to any operator premises located within the borough at any reasonable time for the inspection of records and vehicles etc.

7.59. Multiple operator licences

7.60. There is no restriction on the number of operator licences that can be held by one person or company etc. However, where more than one of these are within its area, the licensing authority will normally require, on condition, that all booking records be kept separate. Where other operator licences have been granted by different licensing authorities, the licensing authority notes and will require, on condition, that booking records must be kept separate.

8. SCHEME OF HACKNEY CARRIAGE FARES

8.1. GENERAL ARRANGEMENTS

8.2. Section 65 of the LGMPA 1976 part II (LGMPA76) provides that the licensing authority may set local hackney carriage fares for journeys within its area by means of a table or scheme of fares. There is no power to set private hire vehicle fares.

8.3. Frequency of review

8.4. To ensure currency, economic viability and incentive to provide taxi services, it is the policy of the licensing authority that the scheme of hackney carriage fares be subject to annual review, or sooner if there are significant changes in licensing fees or other major costs, such as fuel. Regular reviews will assist drivers in maintaining their earnings and so continue to attract those seeking to become taxi drivers and provide existing licensees with greater confidence to remain in the trade and plan for future investment in new vehicles. Regular reviews will also avoid large changes in fares for passengers that infrequent reviews are more likely to result in.

8.5. General methodology of review

8.6. To allow comparison, increase understanding and transparency of any review, the licensing authority will normally calculate fares based on various indices and measures of inflation relevant to the taxi trade.

8.7. By way of facilitating comparison and to assist it in determination of any proposed review of the scheme of fares, the licensing authority will normally take the following and similar matters into consideration –

- (a) A direct comparison table of extant and proposed changes to the pull off rate and/or running mile per unit distance travelled;
- (b) The fare charts of neighbouring authorities;
- (c) Any league table of national/regional taxi fares;
- (d) Inflation as shown on the CPI;
- (e) Fuel costs;
- (f) Taxi licensing fees.

8.8. Nature of review

8.9. Where appropriate, the licensing authority will normally review, in whole or part, the structure and/or any particular feature of the extant scheme of fares (e.g. unit costs, distances travelled, time periods, chronology, calendarisation and any additional extras etc.).

8.10. Relevant considerations

In reviewing the scheme of fares, the licensing authority will normally have regard to, but not be bound by the following considerations –

- (a) the needs of the travelling public;
- (b) what may be reasonable to expect people to pay;
- (c) the need to provide sufficient incentive to provide a taxi service when it is needed;
- (d) the available supply of and demand for taxi services;
- (e) any graduation of the above by time of day, day of the week, seasonal variation and/or on special occasions etc.; and
- (f) the practicality of proposed fare scheme arrangements.

NB: These considerations should not be seen as a comprehensive checklist or, in any way, be regarded as standards to be automatically applied in all cases.

8.11. The current fares are shown at **Appendix L**. The published fare rates are a maximum fare tariff.

PART 9

9. TAXI LICENSING FEES & CHARGES

9.1. General philosophy

9.2. By way of protecting the public funds it administers and ensuring that costs are not incurred by the public purse, the licensing authority will, where it is entitled to do so, seek to (re)cover all the costs incurred in administration and compliance of the various taxi licensing regimes. Therefore, the licensing authority shall seek to ensure, as far as is reasonably practicable, that the various taxi-licensing regimes are self-financing.

9.3. Fees

9.4. Sections 53(2) and 70(1) of the Local Government Miscellaneous Provisions Act 1976 authorises the charging of fees in respect of Hackney Carriage and Private Hire licences for drivers, vehicles and operators.

9.5. By way of covering the costs associated with any licence application, the relevant fees shall be payable on application. Failure to submit the correct fees will render the application and/or any licence issued invalid/void.

9.6. The fees payable on grant will be the standard application fee in accordance with the Council's list of fees and charges that is or would be in force at the time the application was made or, in the case of applications for renewal, at the time any (pre)existing licence is due to expire. Fees payable will also include any third-party charges (e.g. DBS, DVLA disclosure etc.) and any additional fees incurred as a consequence of the application. Third party fees must be paid at the time they are due.

9.7. As fees and charges are subject to regular review and may be subject to change at the beginning of a financial year or during the financial year, applications (whether for grant or renewal) received after any specified date of increase will require payment of any new charge levied. The fee applicable for renewing a licence will be the fee which is in place on the renewal date of that licence. A current list of fees and charges will be made available at the Council Offices and on the Council's web site.

9.8. Multiple licences

9.9. The licensing authority recognises that a single driver, operator and/or vehicle proprietor may have or seek to hold more than one licence. For the avoidance of doubt, a different licence (for which separate fees are payable) will be required for each operator premises and/or vehicle concerned. Where appropriate, the policies on reimbursement, dishonoured payments and third party fees and charges shall apply.

9.10. Third party fees and charges

9.11. Where third-party fees and charges are applied and/or paid, all associated costs are to be borne by the applicant (e.g. DBS, statement of good conduct, DVLA mandate, medical etc.).

9.12. Regardless of whether or not it handles any monies or transactions for and/or on behalf of the applicant and/or any third party (e.g. as a registered body), the licensing authority will treat third party fees and charges entirely separately and as a transaction between the applicant and third party concerned. The licensing authority will not therefore, normally refund any third party costs should any licence application be refused. In all cases, third party fees must, where appropriate, be paid at the time they are due.

9.13. Reimbursement

9.14. By way of covering the costs associated with any licence application, fees (or any part thereof) will not be reimbursed should any licence be unexploited or otherwise be surrendered at any time.

9.15. While the licensing authority aims to prevent the need for reimbursements, any reimbursement of any fees will be subject to policies on third party fees and charges.

9.16. Dishonoured payments

9.17. Where any means of payment for any fee or charge is dishonoured or otherwise contested in any way, the licensing authority will, where appropriate, treat any application for, and any licence granted in consequence, as being invalid or void.

APPENDIX A

CONSULTATION

The following individuals, bodies and organisations have been consulted on this Policy document;

All licensed hackney carriage drivers
All licensed hackney carriage proprietors
All licensed private hire drivers
All licensed private hire operators
All licensed private hire vehicle proprietors
All Runnymede Councillors
RBC Community Safety
RBC Environmental Health
RBC Legal Services
RBC Planning Services
Surrey Safeguarding Children's Board
SCC Highways Development Control
Spelthorne Borough Council
Elmbridge Borough Council
Surrey Heath Borough Council
Woking Borough Council
Royal Borough of Windsor and Maidenhead
Trading Standards & Consumer Protection
Surrey Police: Neighbourhood Inspector Runnymede
Surrey Police: Roads Policing Unit
Surrey Police Safeguarding Unit
The Susy Lamplugh Trust
UNITE Union
South Western Railway

Social Centres at Manor Farm, Egham, Eileen Tozer Centre Addlestone, Woodham and New Haw Centre.

Royal Holloway University of London

Strode's College

St Georges College

Jubilee High School

Salesian School

Fullbrook School

Magna Carta School

Tasis American School

ACS

All primary schools in Runnymede

Egham Chambers of Commerce

Chertsey Chambers of Commerce

St Peters Hospital

White Lodge Centre

Thorpe Park Ltd

Age UK Runnymede and Spelthorne

Runnymede Access Liaison Group

Runnymede and Spelthorne Citizens advice

RBC Residents Association

Egham Residents Association

Thorpe Ward Residents Association

Ottershaw Village Community Association

Residents Association Lane Close & Fair Oaks Court, Addlestone

Residents Association Lasswade Court, Chertsey

Residents Association Garfield Road, Addlestone

Pubwatch North and South Runnymede

APPENDIX B

THE BOROUGH OF RUNNYMEDE

OVERVIEW

Runnymede Borough has a population of over 92,000 and covers 30 square miles in north-west Surrey, of which approx. 77% is green belt land. Runnymede borders with five neighbouring local authorities and is in close proximity to London and Heathrow Airport. The M25 motorway runs through the borough from north to south and the M3 motorway from west to east.

Within our boundaries are a number of distinct town and village communities.

In the north, there is Englefield Green, Thorpe, with its famous theme park, and Egham, which includes historic Runnymede and the Councils retail and residential regeneration project, Magna Square. Magna Carta, 'The Great Charter', was sealed at Runnymede Meadows in the north of the borough on 15 June 1215 by King John.

To the west, is an extensively wooded area embracing the village of Virginia Water and the famous Wentworth Golf Course.

Further south located on the Thames is Chertsey, an historic town whose history, through its former abbey, goes back to Saxon times.

Chertsey merges into the newer town of Addlestone which is home to the AddlestoneOne shopping centre and has a proud history in the aviation sector.

Also, in this southern part of the Borough there are more modern residential villages of New Haw, Woodham and Ottershaw.

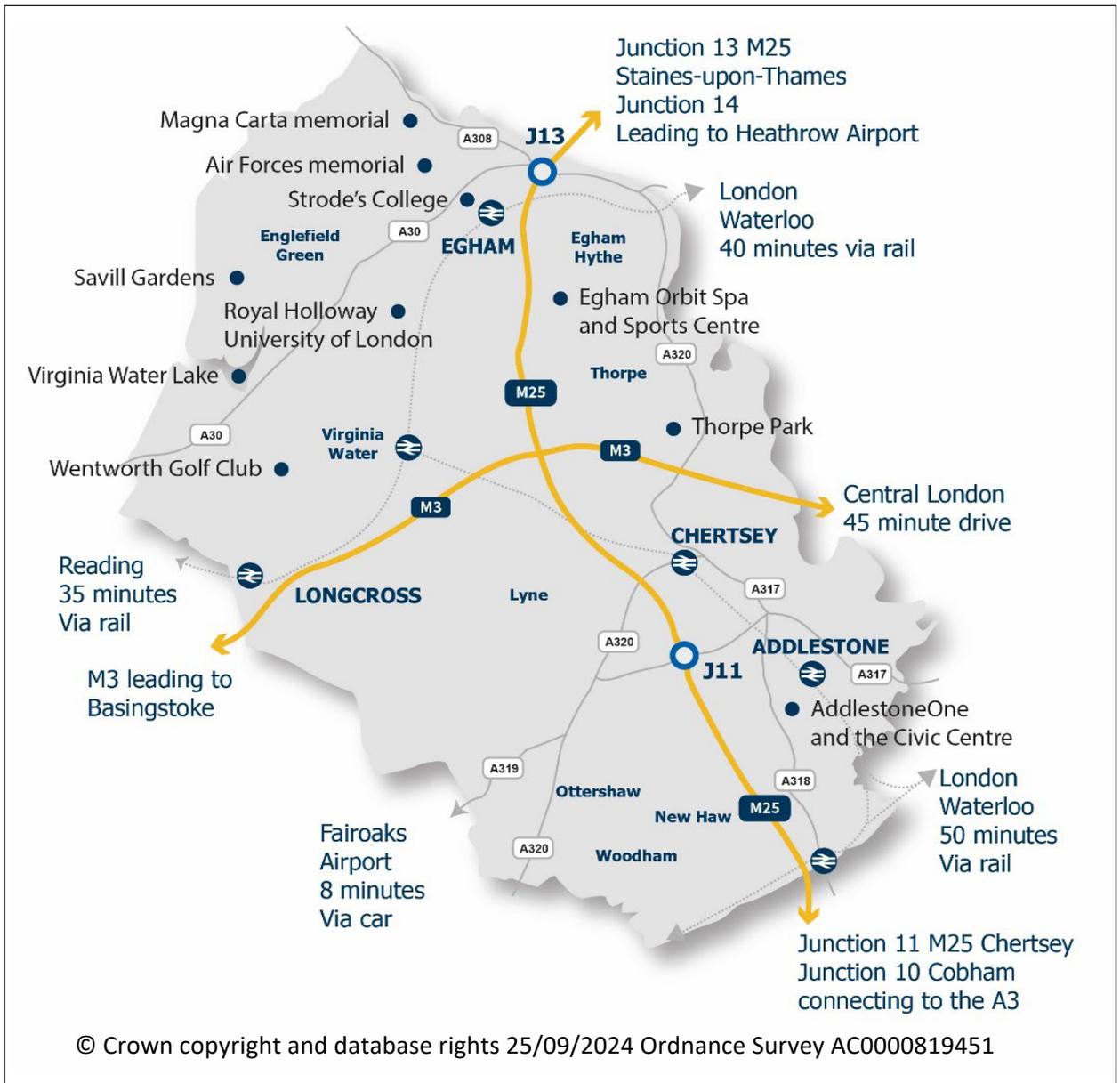
The Borough has a long north-eastern boundary formed by the Rivers Thames and Wey, across which are the towns of Staines and Weybridge. In the north-west, the Borough boundary cuts across the wooded areas of Windsor Great Park, whilst on the west the boundary reaches along the edge of Chobham Common. In the south, the Borough extends almost to Woking.

Runnymede is an important centre for business and has several national and international companies within its boundaries, making it one of the more significant locations for commerce and employment in Surrey.

The Borough is home to Royal Holloway University of London, whose campus is located west of Egham, 19 miles from central London. It has 7 schools, 26 academic departments and employs over 1,800 members of staff. There are approximately 12,000 undergraduate and postgraduate students from the UK and around the World, of whom make a significant contribution to the local economy.

The borough also boasts several high profile attractions such as Savill Garden, the Magna Carta Memorial, the Air Forces Memorial, Virginia Water Lake, Runnymede Pleasure Ground and the River Thames for leisure and commercial use.

Maps of Runnymede and the surrounding Surrey Boroughs are shown below;





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APPENDIX C

REQUIREMENTS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II Section 57(1) & (2)

REQUIREMENT TO SUBMIT INFORMATION

Section 57 of the LGMPA 1976 part II allows the licensing authority to require such information as may reasonably be considered necessary to determine whether a Hackney Carriage or Private Hire driver's licence should be granted or whether conditions should be attached.

For driver licensing purposes, the licensing authority considers the following as reasonably necessary (under S57) and along with the requirement to satisfy a person's fit and proper status (under S51 and S59) the licensing authority will, where appropriate, require applicants and existing licence holders to provide and/or facilitate the following;

1. On initial application the applicant must provide suitable immigration status and/or work entitlement documents along with their birth certificate and passport. On subsequent renewal applications these must be produced on the request of the licensing officer.
2. The applicant must supply an enhanced DBS check, (which is dated no more than three months prior to the application) to the licensing authority on initial application for a Hackney Carriage or Private Hire driver licence and thereafter, must subscribe to the DBS update service and provide an authorisation mandate for the licensing authority to carry out an online check. Failure to provide enhanced DBS certificates, subscribe to the DBS update service or provide a mandate shall result in the consideration of refusal of an application or suspension of a Hackney Carriage / Private Hire driver's licence.
3. The applicant is required to declare any foreign convictions. If the applicant has lived abroad at any time prior to making the application, they are required to facilitate obtaining evidence, for example by that countries equivalent to an enhanced DBS check or from a foreign Embassy if necessary. These must be authenticated by the relevant Embassy and no more than 3 calendar months must have passed since the certificate was issued/dated.
4. The applicant must produce a certificate signed by his/her registered medical practitioner to the effect that the applicant is physically fit to DVLA specified Group 2 standards. On submission of an application no more than 3 calendar months must have passed since the medical was carried out. Such certificates are required to be produced as follows;
 - (i) On submission of a new HC or PHV driver licence application;
 - (ii) At age 45 and thereafter every five years until the age of 65;

- (iii) At age 65 and thereafter on an annual basis;
 - (iv) In the event of a disability or medical condition which may affect an applicant's ability to drive being disclosed to the Council's licensing section, whilst the grant of a licence is in force.

- 5. Persons should have held a full driving licence for two years on application and have reached the age of 21 years. The licensing authority will normally require and accept one of the following licences which shows the applicant is entitled to drive the vehicle(s) they intend to drive (i.e. they possess the correct category entitlement(s)); namely -
 - (i) a UK licence granted under part III of the Road Traffic Act 1988 authorising them to drive a motor car;
 - (ii) a valid ordinary driving licence issued by Northern Ireland, the European Economic Area states and subsequent accession States to the European Union; or
 - (iii) a valid 'exchangeable' ordinary licence as defined in the Road Traffic Act 1988 (or suitable equivalent).

- 6. The applicant must supply the licensing authority with an access code to allow the licensing authority check the applicants driving record online using the DVLA Shared Driving Licence service or when required, a suitable mandate to allow the licensing authority to obtain historical driving licence records. These will be required on a date 1 year and 2 years respectively from the date of issue and on renewal. Failure to provide such information or mandate shall result in consideration of refusal of an application or suspension of a Hackney Carriage / Private Hire driver's licence.

- 7. The applicant must be able to demonstrate that they possess a good working knowledge of the district and Regulations for the type of licence for which the application is made.

- 8. The applicant must produce two recent passport sized photographs taken without sunglasses, headwear or similar (unless worn for religious or medical reasons).

- 9. The applicant must meet the requirements of the Licensing Authorities Convictions Policy (**Appendix D**).

- 10. All new applicants for private hire or hackney carriage licences will be required to pass a CSE awareness training session prior to their licence being granted.

- 11. All new and existing drivers and operators must carry out a disability awareness training course by a provider approved by the Council and provide the Council with proof of training. For new driver and operator applicants this must be carried out before a licence is granted. A licence will not be granted if applicants have not carried out this training

APPENDIX D

POLICY RELATING TO THE RELEVANCE OF CONVICTIONS, CAUTIONS AND DRIVING LICENCE ENDORSEMENTS

Contents

Section	
1	Introduction
2	General Policy
3	Powers
4	Consideration of disclosed criminal history
5	Options when determining an application/licence
6	Offences and time periods for consideration
6.1	Crimes resulting in death
6.2	Exploitation
6.3	Offences involving violence against the person
6.4	Possession of a weapon
6.5	Sexual offences
6.6	Dishonesty
6.7	Drugs
6.8	Discrimination
6.9	Motoring convictions
6.10	Drink driving/driving under the influence of drugs
6.11	Using a hand held device whilst driving
6.12	Licensing and other Regulatory Offences
6.13	Insurance Offences
7	People banned from working with children or vulnerable adults
8	Outstanding Charges or Summonses
9	Non-conviction information
10	Applicants with periods of residency outside the UK
11	Summary

1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by Runnymede Borough Council (referred to as 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. The role of the Council is safeguarding and risk management of activities, where licence holders have a great deal of opportunity and trust in situations with potentially vulnerable passengers on a daily basis. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy and will record the details for the basis of such a decision.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
 - Applicants for a driver's, vehicle or private hire operator licence;
 - Existing licensees whose licences are being reviewed or renewed;
 - Licensing officers;
 - Members of the licensing committee/sub-committee;
 - Magistrates and Judges hearing appeals against local authority decisions.
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However, the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence (see 5.1).
- 1.6 It is the responsibility of the Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty, the Council must consider the need to ensure the safety of the public as its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'. Consideration is not confined to conviction information, as non-conviction information is relevant and must be considered alongside convictions.
- 1.7 In seeking to safeguard the safety of the public, the Council will be concerned to ensure:

- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II);
- That the person does not pose a threat to the public;
- That the public are safeguarded from dishonest persons;
- The safety of children, young persons and vulnerable adults.

1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

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, on the balance of probabilities, the answer to the question is no, the individual should not hold a licence.

If the answer to this question (or a similar test) is an unqualified 'Yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver's licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licenses are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors, not limited to, but including:

- Criminality;
- Number of endorsed DVLA driving licence penalty points;
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process);
- The previous licensing history of existing / former licence holders, including non-conviction information (complaints etc), trends/patterns and the nature of behaviours.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services, other licensing authorities, other departments within the Council, and statutory agencies.

1.10 In this policy, the word "applicant" refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

- 1.11 In this policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information, including Officer observations and complaints received.
- 1.12 The Council reserves the right to reconsider a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered. The Council also reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.
- 1.13 A licensed PHV or taxi driver is expected to be professional and trustworthy. They should act with integrity, avoid confrontation, not be abusive or exhibit prejudice in any way. A person who has in the past abused their position to assault another sexually has demonstrated completely unacceptable standards of behaviour. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. It is not relevant if an offence was committed when the driver was not driving a taxi, or did not have any passengers aboard. Irrespective of the situation, behaviours such as violence, driving under the influence of drink and/or drugs, speeding etc. all put the general public at risk.

2 General Policy

- 2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
 - a. Remain free of conviction for an appropriate period as detailed below; and
 - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.
- 2.2 In the interests of public safety the Council, as part of their policy will not issue a licence to any individual that appears on the Sex Offenders Register or on any barred list.
- 2.3 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licenses. The Council may depart from these criteria; however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3. Powers

- 3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the applicant/licence holder has, since the grant of the licence, been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.
- 3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 allows the Council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared and failure to do so) either upon application or during the course of a licence) will call into question the suitability of an individual. In the case of Operators or vehicle proprietors, the Council can only consider unspent convictions

4 Consideration of disclosed criminal history

- 4.1 Under the provisions of Sections 51, 55 and 59, of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. Although there are no statutory criteria for vehicle licences, the authority has discretion and will apply these requirements to vehicle proprietors in so far as they are relevant.
- 4.2 If an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will consider:
- How relevant the offence(s) are to the licence being applied for;
 - How serious the offence(s) were;
 - When the offence(s) were committed;
 - The date of the conviction, warning, caution etc;
 - Circumstances of the individual concerned;
 - Any sentence imposed by the court;
 - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc;
 - Whether they form part of a pattern of offending;
 - The applicant's attitude;

- Any other character check considered reasonable (e.g. personal references if requested by the Council);
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder;
 - Whether the applicant has intentionally misled the Council or lied as part of the application process;
 - Information provided by other agencies/council departments.

- 4.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
- 4.4 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.
- 4.5 Existing holders of driver's licences are required to notify the Council in writing within 48 hours of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 48 hours of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal application(s).
- 4.6 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.7 Any offences or behaviour not expressly covered by this Policy may still be taken into account in appropriate circumstances, to ensure public protection.

5 Options when determining an application/licence

5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information, the Council have the following options:

- grant the licence;
- grant the licence with additional conditions;
- refuse, revoke, or suspend the licence;
- issue a warning;
- take no further action.

5.2 If a licence holder's conduct is such that, were they to be applying for a new licence, their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

5.3 Where an applicant has more than one conviction, showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

6. Offences and time periods for consideration

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The Council will consider each case on its own merits, and applicants/licence holders are entitled to a fair and impartial consideration of their application. Where the Council is made aware of a conviction, the period is given below, which should be taken to be a **minimum** in considering whether a licence should be granted or renewed. This is in order to place passenger safety as the priority, whilst enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence. In addition to the nature of the offence or other behaviour, patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences, as such patterns demonstrate a propensity for such conduct.

6.1 Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

6.2 Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

6.3 Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

6.4 Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

6.5 Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the sex offenders register or on any barred list.

6.6 Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

6.7 Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

6.8 Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

6.9 Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction of a licensed driver demonstrates that the licence holder may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

More serious traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a Court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 3 years.

In cases where a DVLA licence has been lost due to "totting up", 3 years should elapse (after the restoration of the DVLA driving licence) before an applicant would be granted a Hackney Carriage or Private Hire driver's licence.

6.10 Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

6.11 Using a hand-held device whilst driving

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

6.12 Licensing and other Regulatory Offences

Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 5 years has passed since conviction.

6.13 Insurance Offences

A serious view will be taken of convictions for driving or being in charge of a vehicle without insurance (including incorrect insurance), or allowing a person to drive whilst uninsured. Where an applicant has a conviction for insurance offences, a licence will not be granted until at least 3 years have elapsed since the completion of any sentence or driving ban imposed.

An Operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have their Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

7. People banned from working with children and vulnerable adults

A licence will not be granted if an applicant has been found unfit to work with children or vulnerable adults.

8. Outstanding Charges or Summonses

If the individual is the subject of an outstanding charge or summons, then in the interests of public safety, their application may be put on hold, with the applicant's agreement until the conclusion of proceedings, or the licence may be refused.

9. Non-conviction information

9.1 The Council will take into account intelligence which has not led to a conviction. This may include but shall not be limited to background information regarding an acquittal, circumstances in which convictions were quashed due to a technicality (e.g. misdirection to the jury), circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public.

9.2 In considering the most appropriate action to take following the receipt of information, the credibility of both the witness / complainant and the licence holder will be taken into account.

9.3 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.

9.4 In assessing the appropriate action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

10. Applicants with periods of residency outside the UK

10.1 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 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.

- 10.2 If an applicant has spent three 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.

11. Summary

- 11.1 There is no definitive evidence which can provide accurate periods of time which must elapse after a crime has been committed before an individual can no longer be considered to be at risk of reoffending. However, the timescales above are intended to reduce the risk to the public to an acceptable level. These periods should be taken as a starting point in considering whether a licence should be granted or renewed in all cases. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public as paramount, and caution will be exercised. The applicant will not be afforded the benefit of the doubt.
- 11.2 In determining suitability of an applicant / licence holder, the consideration is far wider than the number or type of criminal convictions / offending history. All other evidence of unacceptable behaviour and the character of the individual will be considered, including attitude, temperament and approach to regulatory compliance as a whole.

APPENDIX E

KNOWLEDGE TEST POLICY

1. Invigilation

- An invigilator will monitor your behaviour during the test and ensure that the test is conducted in accordance with test rules and policy.
- If, in the opinion of the invigilator, the test has not been conducted in accordance with the test rules and policy, all test results and test papers etc. are void.
- If you have any questions before or during the test, you may ask the invigilator. However, the invigilator will not explain subject-specific terms or expressions or otherwise say or do anything that could be interpreted as giving applicants an advantage.

2. Language proficiency policy

- Although a separate English Language assessment is not carried out, during the knowledge test the invigilator will converse with you to informally assess whether your understanding of oral English is sufficient. All question papers and answers etc. will be provided in English only, which seeks to assess proficiency in written English language skills.
- No translation or interpretation of questions/answers, question papers or other such matter associated with the test shall be permitted and/or accepted.

3. Equipment, materials and other items

- You must not use or have in your possession any of the following equipment / materials whilst taking your test:
 - (a) Mobile Phone;
 - (b) Calculator;
 - (c) Pager;
 - (d) Laptop/PC;
 - (e) Other communications equipment;
 - (f) Other (multi) media equipment;
 - (g) Paperwork/documentation;
 - (h) Any books, magazines or similar;
 - (i) Any other equipment/materials that may help with the test;
 - (j) Any camera or recording device.
- If you are in possession of any of the above items at the time of taking your test, you must ensure that these are handed to the invigilator for supervision before taking the test. Possession and/or use of any such equipment/materials will result in automatic disqualification and all results will be void.

- Except for the invigilator, you are not permitted to take anyone else to sit with you whilst taking your test. Contact and/or discussion with anyone else during the test will result in automatic disqualification and all results will be void.

4. Cheating

- A serious view will be taken of any action(s) that may be interpreted as cheating during a test. Hackney carriage and/or private hire drivers are expected to be persons of trust. Therefore, in all cases of proven or otherwise suspected cheating, all test results and question papers etc. will be void. Suspected cheating may also be taken into consideration in determination of an applicant's propriety.
- Any applicant proven or otherwise suspected of cheating will be disqualified from re-taking the Knowledge Test for a period of 12months.

5. Safety & Welfare

- If the fire alarm goes off during a test, you should evacuate the building with the invigilator. You must remain at the visitors muster point until the disruption is over. Where appropriate, you may need to make an appointment to retake the test at a future point.
- Should you need to leave the test room during the test (e.g. to use the toilet), you must ask the invigilator. The invigilator or another member of Council staff may accompany the applicant as appropriate, to ensure that the test is conducted in accordance with test rules and policy.
- If you feel unwell and/or too ill to continue the test, please tell the invigilator. Where appropriate, you may need to make an appointment to retake the test at a future point.

6. Points of dispute

- If you feel aggrieved by the results of your test or believe that the results of your test are incorrect, you should direct your concerns or enquires (in writing) to the Corporate Head of Environmental Services, Runnymede Civic Centre, Station Road, Addlestone, Surrey KT15 2AH.

7. Knowledge Test Guidance

- This is a written test and you will need a good working knowledge of the Runnymede Borough Council area. Ensure you understand our conditions, bylaws and requirements before you sit the knowledge test - these are all detailed in our Policy document. It is essential that you use all of the information available on the Runnymede Borough Council website to assist you in gaining the knowledge to pass this test. If the examiner cannot read an answer, it will not receive a mark. Pens & paper are provided. You will be informed of your result in writing within seven working days.

- There are four parts to the hackney carriage driver test, three parts to the private hire drivers test and one part to the private hire operator test. The tests will be held once a month at the Civic Centre - please ensure you arrive in plenty of time as no extra time will be given. Consideration will be given to arranging tests at short notice on request. You can book your knowledge test by calling 01932 425 711 or email licensing@runnymede.gov.uk Places are allocated on a first come first served basis.
- On the day of the test you are required to bring your DVLA driving licence or passport with you. There will be a fee for each subsequent resit.

8. Tests for Hackney Carriage driver applicants (2 hours)

Part 1

Questions on Bylaws, requirements, conditions and fares, which are all detailed in our Policy document online (multiple choice answers). Pass mark: 20 out of 25.

Part 2

Numeracy test consisting of 5 questions involving the giving of change after taking payment for a fare. Pass mark: 5 out of 5.

Part 3

You will be tested on your knowledge of 60 locations in Runnymede and will be expected to be able to name the exact road name and town.

The 60 locations we expect you to know are given to you and are available freely on our website for you to study prior to the test. Pass mark: 45 out of 60 (75%).

Part 4

This tests your knowledge of how to get from A to B. There are a number of taxi ranks in Runnymede, for this part of the test you will be asked to write three routes from the ranks which are located at Egham, Chertsey and Addlestone railway stations. Please use the study guide which can be found on our website to assist you gaining this knowledge- this gives you a list of all the locations which are included in the test. These routes will be to named locations in the borough. You must include all road names, direction of turns at junctions, roundabouts and traffic lights. Pass mark: 6 out of 9.

- Each question has only ONE correct answer

9. Tests for Private Hire driver applicants (1 hour)

Part 1

Questions on Bylaws, requirements, conditions and fares, which are all detailed in our Policy document online (multiple choice answers). Pass mark: 20 out of 25.

Part 2

You will be tested on your knowledge of 60 locations in Runnymede and will be expected to be able to name the exact road name and town.

The 60 locations we expect you to know are given to you and are available freely on our website for you to study prior to the test. Pass mark: 45 out of 60 (75%).

Part 3

Numeracy test consisting of 5 questions involving the giving of change after taking payment for a fare. Pass mark: 5 out of 5.

10. Tests for Private Hire Operator applicants (1 hour)

The operator test will comprise 25 multiple choice questions on requirements, conditions and local policy and procedures in relation to private hire operator licences. You will have one hour to complete test, and the pass mark is 18 out of 25 (72%).

11. Re-sits

- If an applicant for a Hackney carriage or private hire drivers licence takes the test and fails any part, they will only be required to re-sit the failed section, provided the re-sit is completed within a 3 month period. A charge is applicable for any re-test.

APPENDIX F

PRIVATE HIRE DRIVERS AND VEHICLE LICENCES - CONDITIONS AND REQUIREMENTS

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

INTRODUCTION

The LGMPA 1976 part II, brought into operation controls in respect of private hire vehicles and enabled district councils to introduce by resolution in their areas a comprehensive system of licensing controls over these vehicles.

Such a resolution was passed by Runnymede Borough to take effect from 1st April 1978, and it is through the powers adopted under this legislation that the Council imposes conditions in respect of the various types of licences granted. These conditions are set out in full, together with a summary of the main provisions of the Act.

(i) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II
Section 51(2)

PRIVATE HIRE DRIVERS - LICENSING CONDITIONS

The conditions are those that the licensing authority generally considers reasonably necessary and will normally be applied in respect of private hire vehicle drivers as detailed below.

Definitions

In these conditions unless the subject or context otherwise require:

- "The Council" means the Council of the Borough of Runnymede.
- "Driver" means a person holding and acting in accordance with a private hire driver's licence issued by the Council.
- "Vehicle" means a private hire vehicle licensed by the Council.

1) Conduct of Driver

The driver shall:-

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

2) Passengers

- (a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall abide by UK seatbelt law and in addition must not allow there to be conveyed in the front of a private hire vehicle:-
 - (i) any child below the age of 12 years:
- (c) The driver shall not without the consent of the hirer of a vehicle convey or permit to be conveyed any other person in that vehicle.

3) Lost Property

- (a) The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found or handed to the driver they shall, within 48 hours, take all such property to a police station within the County of Surrey and leave it in the custody of the officer in charge.

4) Written Receipts

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

5) Animals (general)

The driver shall not convey in a private hire vehicle any animal belonging to or in the custody of themselves, the proprietor or operator of the vehicle, and any animal belonging to or in the custody of any passenger which in the driver's discretion may be conveyed in the vehicle shall only be conveyed in the rear of the vehicle.

6) Prompt Attendance

The driver of a private hire vehicle shall, if they are aware that the vehicle has been hired to be in attendance at an appointed time and place, or has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place, punctually attend at the appointed time and place, unless delayed or prevented by some sufficient cause.

7) Notification of Change of Address

The driver shall notify the Council in writing of any change of their address during the period of the licence within fourteen days of such change taking place.

8) Disclosure of Convictions / Driving Licence Endorsements

Holders of driver's licences are required to notify the council in writing (via email) within 48 hours of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 48 hours of their arrest for any matter (whether subsequently charged or not).

9) Driver's Badge

The badge issued to the driver by the Council when granting this licence remains the property of the Council and must be returned the Council forthwith upon the expiry (without immediate renewal), revocation or suspension of this licence. Any deposit for the driver's badge which may from time to time be determined by the Council shall be refunded upon the badge being returned in a satisfactory condition.

NB: The general conditions referred to above should not be seen as a comprehensive or exhaustive list of conditions or, in any way, be regarded as standards to be automatically applied in all cases. Where appropriate, the licensing authority may remove, modify and/or attach additional and/or alternative conditions appropriate to the individual circumstances of the case.

(ii) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II
Section 48(1)

PRIVATE HIRE VEHICLE LICENCE – VEHICLE REQUIREMENTS

An application for a vehicle licence will not be considered if the vehicle concerned does not satisfy the definition of a private hire vehicle, as set out in Section 80 of the LGMPA 1976 part II (i.e. a car constructed or adapted to seat fewer than nine passengers), or fails to meet the following requirements: -

- (a) The vehicle must be of a four-door saloon or estate car type but does not include a convertible or soft top vehicle.
- (b) Must have an engine capacity of a minimum of 1300 cc, although smaller, efficient modern engines may be acceptable. Alternative fuels such as electric, hydrogen, bio-diesel and LPG will also be considered.
- (c) Must have a minimum seat width of 41 cm per passenger.
- (d) Passengers must have clear access and egress from every seat for which the vehicle is licensed.
- (e) Each seat to have a 3-point lap and diagonal seat belt. Belts must be in clean excellent condition and the webbing must not be cut, frayed or have deteriorated.
- (f) For vehicles over 4 years old MOT tests are to be undertaken at 6 monthly intervals. You must produce a MOT certificate (online or paper) at the time of submitting the vehicle licensing/re-licensing application and at an interval of 6 months thereafter.
- (g) A vehicle under 4 years old is required to have a MOT test annually at licensing/re-licensing. You must produce a MOT certificate (online or paper) at the time of submitting the vehicle licensing/re-licensing application.
- (h) Vehicles will be refused a licence for any advisory on a MOT which advises on the following areas unless evidence is produced to show that the advisory point has been repaired or replaced:
 - Any part of the steering mechanism
 - Any part of the braking system
 - Tyres
 - Any part of the suspension system.

Those vehicles which have advisories following a 6 monthly MOT (i.e. between licensing) will be expected to have the advisories remedied normally no longer than 15 working days from the date of the MOT and produce evidence of repair to the licensing authority. Failure to have the repairs carried out and / or produce evidence of such would lead to consideration of suspension of the vehicle licence.

- (i) When licensing/re-licensing a vehicle the MOT test certificate should be obtained **no more than 5 working days prior to licensing application date**.
- (j) Vehicles must meet or must have met European and UK vehicle safety standards at the time of manufacture. Any imported vehicle that doesn't meet these standards will require certification of modification and testing under the IVA (Individual Vehicle Approval) scheme.
- (k) A medium size first aid box which caters for 1 – 8 passengers and complies with BS8599-2 is to be provided in the vehicle cab or boot. This first aid box is to be accessible and kept fully stocked.
- (l) Exterior of the vehicle;
- The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused. The vehicle must thereafter be kept in a clean, presentable state.
 - The exterior of the vehicle should not show signs of rusting.
 - The paintwork should not be faded or show signs of mis-matched repairs or have any scratches, scuffs, cracks or abrasions where the top layer of paint has been removed.
 - The bodywork should be maintained so as to be in excellent condition and be free of large dents. A large dent is not defined, this will be determined by the licensing officer.
 - Have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.
 - Lamps and reflectors must be in excellent condition and show no signs of damage or deterioration of the lens.
- (m) Interior of the vehicle;
- The seating and carpet areas of the vehicle shall not show signs of: a) staining; b) damp; c) fraying or ripping of the material; d) seat covers that are loose or badly fitted.
 - The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism. Any mechanism for adjusting the height or angle of the seat must be in working order.
 - Interior panels and fittings within the vehicle should not be damaged nor show excessive wear, or staining.
 - The interior of the vehicle should not have damp or noxious smells.

- (n) Left hand drive vehicles will not be licensed except for limousines, providing they have been inspected by the Driver and Vehicle Standards Agency and have an approval certificate issued for Single Vehicle approval. Or, from October 2014, a certificate for Individual Vehicle Approval carried out to the normal inspection standard.
- (o) The vehicle must not be fitted with or carry signs or advertisements illuminated or otherwise, save for the name and telephone number of the firm, which may be displayed on the side of the vehicle in lettering of not more than 3 inches in height, and such lettering shall not be illuminated or include the words "cab", "taxi-cab" or "taxi".
- (p) The vehicle must not be an Austin FX4, LEVC TX or any vehicle of similar appearance of said vehicles.
- (q) Vehicles must not be fitted with second-hand 'part worn' tyres. All tyres must have been purchased as 'new tyres'.
- (r) Identification of Private Hire vehicles –

An adhesive sign (the size of the lettering which shall be as specified by the Council) containing the wording "Private hire Vehicle Pre-Booked Only" printed in black against a white background with a black boundary is displayed on both front doors of private hire vehicles apart from those which are plate exempt. The operators name phone number and internet address can be displayed below this sign providing such lettering is no larger than the lettering on the adhesive sign.

(s) **Wheelchair accessible vehicles**

Wheelchair accessible vehicles are able to have access either through a side or rear entrance - only those which load through the rear or nearside will be considered for licensing, offside loading vehicles will not be licensed. Where a vehicle is fitted with any lifting equipment (i.e. a wheelchair lift), a valid certificate of conformity issued in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), must be produced with the vehicle licence application.

Any ramps must be in good condition and have no deformity or sharp edges and must have an anti-slip covering. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and must be certified to BS6109.

Vehicles must have suitable wheelchair restraints. Wheelchair anchorage systems must not be defective, worn or missing any parts. Any tracking rails must be undamaged and secure and must not be contaminated by deposits of dirt and/or litter. Any belts must be in clean, excellent condition and the webbing must not be cut frayed or have deteriorated.

(iii) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II
Section 48(2)

PRIVATE HIRE VEHICLE LICENCE - CONDITIONS OF LICENCE

These conditions are additional to the requirements of Part II of the LGMPA 1976 part II, controlling the operation of vehicles for the purpose of private hire and all proprietors will be expected to be familiar with these conditions as well as the relevant provisions of the Act.

1. Definitions

In these conditions unless the subject or context otherwise requires:

- "Proprietor" means the holder of a Private Hire Vehicle Licence.
- "Council" means the Council of the Borough of Runnymede.
- "Driver" means a person holding and acting in accordance with a private hire driver's licence issued by the Council.
- "Licence" means a Private Hire Vehicle Licence issued by the Council.
- "Vehicle" means a private hire vehicle licensed by the Council.
- "Licence Plate" means the plate issued by the Council for the purposes of identifying the vehicle as a private hire vehicle duly licensed by the Council.

2. Vehicle Conditions

Every Proprietor of a vehicle shall ensure that:

- (a) The vehicle and all its fittings and equipment are kept at all times when the vehicle is in use or available for hire in a watertight, mechanically sound, efficient, safe, clean and tidy condition, and that all relevant statutory requirements are fully complied with, including in particular those contained in the Motor Vehicles (Construction and Use) Regulations.
- b) They comply at all times with the requirements of Runnymede Borough Council as stated in Appendix F to this policy.

3. Taxi Meter

If a taxi meter is fitted it must be:

- (a) sealed (or otherwise incapable of tampering);
- (b) calendar controlled; and
- (c) programmed in accordance with the current scheme of fares in force for the time being.

4. The Licence Plate

The licence plate shall be displayed as follows:

- (a) exterior, at the rear of the vehicle; and
- (b) interior, in the form of a window disc on display in the top nearside front windscreen.

The proprietor shall at all times cause the licence plate and interior window disc, issued by the Council, to be displayed on the vehicle in such position that the vehicle's registration number is not obscured and with the details of the licence plate clearly visible.

The proprietor or driver shall not wilfully or negligently cause or suffer the licence plate or interior window disc attached to the vehicle, in pursuance of this condition, to be concealed from public view nor shall the proprietor allow the licence plate to be so defaced that any figure or material particular is illegible.

The licence plate shall remain the property of the Council and where a licence lapses, is suspended or revoked, shall be returned immediately to the Council.

5. Dual Plating

Dual plating is not permitted on any Runnymede licensed vehicles. Any vehicle licensed by Runnymede will not be permitted to become licensed with any other district / borough / Transport for London.

No vehicle will be granted a licence if it is licensed in another district / borough / Transport for London.

6. Display of Signs, Notices and Advertisements on Licensed Vehicles

No signs, marks, notices or advertisements whatsoever shall be displayed on or from a private hire vehicle whether in connection with its use for private hire or otherwise, except for the name, address, web contact and telephone number of the proprietor or the name under which they carry on their business. These may not be displayed on the front elevation (radiator grill and area either side of it), the windows and any other glass area, bumpers or wheels. Such lettering shall not be illuminated or include the words "cab", "taxi-cab" or "taxi". No advertising is to be within 30cm of the Private Hire licence plate.

The licensing authority reserves the right to require any advertisement which contravenes the above to be removed where appropriate.

7. Roof Mounted Signs

So as to avoid any confusion with a hackney carriage, normally private hire vehicles are prohibited from the display or otherwise of: –

- (a) any form of roof-mounted sign (whatever its wording);
- (b) any advertising or sign (roof-mounted or otherwise) that use the words 'Taxi', 'Hackney', 'Cab' or 'For Hire'.

8. Alterations to the Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the licensing authority at any time while the licence is in force.

9. Change of Address

In the event of a proprietor of a vehicle changing their address they shall, within 14 days of the change taking place, give notice in writing to the Council's Licensing Authority of their new address.

10. Change of Vehicle

Where a proprietor wishes to transfer their licence to another vehicle, they must first notify the Council's Licensing Authority and arrange for that vehicle to be inspected by the Council at such time and place as may be required by the said Officer.

11. Compliance with Licence Conditions

The proprietor must ensure that all persons involved in the driving or operation of the vehicle for private hire purposes are fully aware of these licence conditions and the proprietor must also ensure that the conditions are fully observed and carried out.

12. Insurance

For this purpose, and by way of ensuring adequate cover for all parties, a 'suitable policy of insurance' will normally be taken to mean –

- (a) a valid policy that provides indemnity cover for all passengers;
- (b) a valid policy that provides indemnity cover for each driver of the vehicle;
- (c) a valid policy that provides the cover for business use on hire and reward as a hackney carriage or private hire vehicle as may be appropriate.

The minimum period of validity for an insurance document is 30 days.

13. Electronic cigarettes and their derivatives

For the safety and comfort of the public, the use of electronic cigarettes or derivatives in licensed vehicles is prohibited.

14. Tyres

In circumstances where a run flat tyre has a puncture, or if a space saver tyre has to be used or a tyre repair kit/compressor is used, they can only be in use for the duration of the current fare and immediately returned to a garage to obtain a suitable replacement or repair. No further fares may be taken until the tyre is repaired and fitted. If the current fare goes outside of Runnymede Borough then the fault must be repaired before the vehicle leaves the borough, or a replacement vehicle arranged.

15. Vehicle windows

- (a) all windows must be kept clean and free of labels except those required by relevant legislation or licensing conditions;
- (b) all glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 (as amended) with regard to the level of tint;
- (c) tinted films applied to the vehicle windows post manufacture are not allowed; and
- (d) all side and rear windows will be as installed by the vehicle's manufacturer.

16. Bulkhead or screens

Installation and use of a suitable bulkhead (where not otherwise required), must comply with the following conditions;

- (a) Any screen fitted to separate the driver from passengers must be professionally installed and certified by a competent installer. Such documentation must be provided by the vehicle proprietor and held on file. Officers may request the vehicle to be presented for inspection at any point.
- (b) Any screen fitted must be fit for purpose and not endanger the safety of the passenger or driver.
- (c) Any screen fitted must not interfere with the operation of any of the vehicles safety systems, such as air bags and seatbelts.
- (d) Any screen fitted must be constructed of transparent material to allow the driver a clear view of the road behind.

(iv) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

PART II

A summary of the main requirements of the above Act in respect of the control, operation and licensing of private hire vehicles.

PRIVATE HIRE VEHICLE LICENCE – STATUTORY PROVISIONS

1. Private Hire Licences

Before a vehicle can be used for the purposes of private hire, the following licences must have been obtained from the licensing authority and be currently in force:-

- (a) an operator's licence - sections 55 and 56;
- (b) a vehicle licence - section 48;
- (c) a driver's licence - section 51.

2 Submission of Information - Section 57

The licensing authority can require an applicant for a licence to submit information as may be considered reasonably necessary to enable an application to be determined.

3. Vehicle Requirements - Section 48

Before a licence will be granted for a vehicle the licensing authority must be satisfied that:

- (a) it is of suitable type, size and design;
- (b) it is not of such design and appearance as to be mistaken for a hackney carriage;
- (c) it is in a safe, comfortable and suitable mechanical condition;
- (d) it is adequately insured.

4. Vehicle Plate - Sections 48

The licence plate issued by the licensing authority must, when the vehicle is in use, be displayed in accordance with the licensing conditions.

5. Transfer of Vehicle - Section 49

The proprietor of a private hire vehicle must notify the Council within 14 days if they transfer their vehicle and licence to another party.

6. Inspection of Vehicle and Documents - Section 50

The proprietor of a private hire vehicle must:

- (a) Without prejudice to the provisions of Section 68 of this Act, the proprietor of a licensed private hire vehicle shall present it for inspection and testing by the Council within such period and at such place within the area of the Council as they may by notice reasonably require (but not more than three inspections during any one period of 12 months).
- (b) The proprietor of a licensed private hire vehicle may be required to give the Council in writing the address of every place the vehicle is kept when not in use and afford to them such facilities as may be reasonably necessary to enable them to inspect and test the vehicle at that location.
- (c) The proprietor of a licensed private hire vehicle shall at the request of an authorised officer of the Council produce for inspection the vehicle licence and the certificate of the policy of insurance.

7. Accidents - Section 50

- (a) The proprietor of a licensed private hire vehicle shall report to the Council as soon as reasonably practicable and in any case within 72 hours of the occurrence thereof, any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle, or the comfort or convenience of the persons carried therein.
- (b) Contravention of the provision of this Section shall be an offence.

8. Driver's Badge and Licence - Sections 53 and 54

A driver must at all times when driving a vehicle for private hire purposes wear the badge issued by the Council in such a position and manner as to be plainly and distinctly visible and when required by an authorised officer or police constable produce their licence for inspection.

9. Operators of Private Hire Vehicles - Section 56

An Operator must keep records of all private hire bookings and vehicles operated by them in accordance with the conditions of their licence, and when required by an authorised officer or constable be prepared to produce these and their licence for inspection.

10. Appeals - Section 77

Proprietors, Drivers and Operators of private hire vehicles have the right of appeal to a Magistrates' Court if they are aggrieved by the Council's refusal to grant a licence or by any conditions specified therein. Appeals must be made within 21 days of receipt of the relevant notification.

11. Return of Plate on Revocation, Expiry or Suspension of Licence - Section 58

- (a) On revocation, expiry or suspension of a licence the Council may by notice require the proprietor of that licensed private hire vehicle to return to them within 7 days after the service on them of that notice, the plate issued to them by the Council.
- (b) if any proprietor fails without reasonable excuse to comply with the items of this notice
 - (i) they shall be guilty of an offence, and
 - (ii) any authorised officer of the Council or constable may remove and retain the plate.

12. Suspension, Revocation or Refusal to Renew Licences - Sections 60, 61 and 62

The Council has the power to refuse to renew a licence or to suspend or revoke it if:

- (a) in the case of a vehicle they are not satisfied as to its fitness;
- (b) in the case of a driver, they have been convicted of an offence involving dishonesty, indecency or violence, or they have been convicted of an offence under the provisions of this part of the Act.
- (c) in the case of an operator, they have been convicted of an offence under this part of the Act, or they has behaved in a matter which renders them unfit to hold a licence.

13. Prohibition on the use of Hackney Carriage Stands - Section 64

It is an offence for a private hire vehicle to wait on any hackney carriage stand.

14. Prolongation of Journeys - Section 69

It is an offence for a driver of a private hire vehicle to unnecessarily prolong a journey in distance or time.

15. Taximeters for Private Hire Vehicles - Section 71

Private hire vehicles are not required to be fitted with any form of taximeter but if such an appliance is fitted, it must then be tested and approved by the Council and it becomes an offence for any person to tamper with the meter or its seals.

16. Obstruction - Section 73

It is an offence to obstruct any authorised officer of the Council or police constable in the performance of their duties under this part of the Act.

17. Penalties - Section 76

Any person who commits an offence against any of the provisions of this part of the act in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding level three on the standard scale.

18. Definition of a Private Hire Vehicle - Section 80

For the purposes of the Act, a private hire vehicle is defined as a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided with the services of a driver for the purposes of carrying passengers.

(v) EQUALITY ACT 2010 GUIDANCE

All drivers and PHV Operators are reminded of the law in relation to the carrying of assistance dogs and disabled persons; this is legislated by the **Equality Act 2010**.

While it is not the Councils intention to replicate the Equality Act 2010 within this policy, certain information is included below for the information of drivers and operators to highlight this important area of legislation.

It is the duty and responsibility of drivers and operators to make themselves familiar with their duties under the Equality Act 2010.

Any driver or operator who has difficulty understanding the meaning of this act is welcome to contact the licensing section for advice.

Specific PHV Operator duty

Operators commit an offence (section 167A) if they fail or refuse to accept a booking where the booking is requested by or on behalf of a disabled person, or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the passenger has a disability, or to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.

It is a defence for a person charged with an offence under subsection (1) to show that it was reasonable not to have accepted the booking due to a lack of suitable vehicles.

No additional charge can be made for carrying out any additional duties under the Equality Act 2010.

Assistance Dogs

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

Medical Exemption Certificates – assistance dogs

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

The Licencing Authority will:

- a) Make it a condition to the licence that the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.
- b) Seek to use tactile medical exemption certificates so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request.
- c) Only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

Wheelchair Accessible Vehicles and the carriage of disabled passengers

The licensing authority maintains a 'designated vehicle' list in accordance with the section 167 of the Equality Act 2010, as such drivers are subject the following duties.

The Equality Act 2010 imposes duties on all drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. This section is applicable to a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle. The duties are:

- To carry the passenger
- If the passenger is in or has with them a wheelchair, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps, as are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or to propose to make, any additional charge for complying with these duties.

*Mobility assistance is defined as assistance:

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Disabled passengers in wheelchairs: duties of drivers of designated vehicles

The licensing authority maintains a 'designated vehicle' list in accordance with the section 167 of the Equality Act 2010, as such drivers are subject the following additional duties;

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair.

Disabled passengers: assistance to identify and find vehicle

There is a duty on the driver of a private hire vehicle or pre-booked taxi where:

- the vehicle has been booked by or for a disabled person or by another person who wishes to be accompanied by a disabled person, and;
- the driver of the vehicle has been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle.

The duties are:

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired;
- Not to make, or propose to make, any additional charge with the above duty.

The High Court has confirmed that switching on your taximeter or charging extra before you assist a disabled person – **even if you do not actually charge them** – is an offence under the Equality Act 2010.

The case confirming this was McNutt v TfL (2019). This confirms it is an offence under the Equality Act 2010 to charge a wheelchair user extra. This means that, a meter should not be left running whilst the driver performs duties required by the Act (above), or for private hire no addition charge is made.

To ensure that the Equality Act 2010 is upheld, the Licensing Authority will:

- a) Have a zero-tolerance policy to access refusals - investigating all reported violations of the Act with a view to pursuing a conviction;
and may
- b) Undertake periodic test purchasing with assistance dog owners or wheelchair users on licensed vehicles to ensure that licensing requirements are being complied with.

Medical Exemption Certificates – Disabled Passengers

Section 166 of the Equality Act 2010 allows the Licensing Authority to exempt drivers from the mobility assistance duties if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

The exemption only applies to the duties at section 164A(5)(e) and 165(4)(e), which is on the duty to give passengers such mobility assistance as is reasonable required. All other duties must be upheld.

Any driver of a hackney carriage or private hire vehicle on the designated list may submit a request for an exemption from the mobility assistance duties by completing the relevant application form.

Medical evidence will be required in support of the application. To ensure transparency and fairness, the licensing authority will normally grant an exemption certificate where the applicant driver can provide suitable medical evidence (at their own expense).

Appeals

A person who is aggrieved by the refusal of a licensing authority in England and Wales to issue an exemption certificate under section 166, 169 or 171 of the Equality Act 2010 may appeal to a Magistrates' Court before the end of the period of 28 days beginning with the date of the refusal.

APPENDIX G

HACKNEY CARRIAGE DRIVERS AND VEHICLES - LICENSING CONDITIONS, REQUIREMENTS AND BYLAWS

INTRODUCTION

The Town Police Clauses Act 1847 empowers the Council to control the operation of hackney carriages in the whole or any part of its district. In the case of Runnymede Borough Council, the whole of the district has been prescribed as a controlled area and consequently all hackney carriage vehicles and drivers operating in its district must be licensed. It is under this Act that the Council is able to make bylaws to regulate the general standard of vehicles and the conduct and behaviour of the drivers and proprietors.

Part II of the LGMPA 1976 contains provisions which allow District Councils, by resolution, to bring into operation in their areas, a comprehensive system of licensing controls over private hire vehicles together with additional powers in relation to the licensing of hackney carriages and their drivers. These powers were adopted by Runnymede Borough Council and took effect from 1st April 1978. It is under this legislation that the Council imposes conditions on the various licences which it grants.

These conditions and bylaws are set out in full, together with a summary of the main provisions of the Act.

REPEAL OF BYLAWS

The bylaws relating to hackney carriages in the district of the former Chertsey Urban District Council and the area added to the district of Runnymede by Article 4 of the Runnymede and Woking (Areas) Order 1977, which were made by the Runnymede District Council on 27th February 1978, and confirmed by one of Her Majesty's Principal Secretaries of State on 1st June 1978, and the bylaws relating to hackney carriages in the district of the former Egham Urban District Council, which were made by the Runnymede District Council on 5th July 1978, and confirmed by one of Her Majesty's Principal Secretaries of State on 25th August 1978, are hereby repealed.

Dated: twenty-third day of February 1982

The COMMON SEAL of

RUNNYMEDE BOROUGH COUNCIL

was hereunto affixed in

the presence of: Clerk and Chief Executive

(j) HACKNEY CARRIAGE BYLAWS

Bylaws were made under section 68 of the Town Police Clauses Act 1847 and section 171(4) of the Public Health Act 1875 by the Borough Council of Runnymede with respect to hackney carriages in the District of the Borough of Runnymede.

1. Interpretation

Throughout these bylaws "the Council" means the Borough Council of Runnymede and "the District" means the District of the Borough of Runnymede.

2. Display and Condition of Vehicle Licence No. and Plate

Provisions regulating the manner in which the number of each hackney carriage, corresponding with the number of its licence, shall be displayed.

- (i) The Proprietor of a hackney carriage shall cause the number of the licence granted to them in respect of the carriage to be displayed on the outside of the vehicle by fixing the licence plate supplied by the Council for that purpose in such a position as to be readily visible whilst the carriage is standing or plying for hire, or whilst it is hired. The proprietor shall also cause the number of the licence to be displayed on the inside of the vehicle in a position where it can be clearly identified by any person hiring the carriage.
- (ii) A proprietor or driver of a hackney carriage shall:
 - (a) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (b) not cause or permit the carriage to stand or ply for hire with any such plate or marking so defaced that any figure or material particular is illegible.

3. Standards for hackney carriages

The Proprietor of a hackney carriage shall:

- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
- (b) cause the roof or covering to be kept watertight;
- (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
- (d) cause the seats to be properly cushioned or covered;
- (e) cause the floor to be provided with a proper carpet, mat or other suitable covering;
- (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;

- (g) provide suitable means for carrying and securing luggage;
- (h) provide at least two doors for the use of persons conveyed in such carriage and separate means of ingress and egress for the driver.

4. Taximeters

From 1st April 1982, the proprietor of a hackney carriage shall cause the carriage to be provided with a taximeter, so constructed, attached and maintained as to comply with the following requirements, that is to say:

- (a) the taximeter shall be regulated to show only the tariff fixed by the Council. When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter, in figures clearly legible and free from ambiguity, a fare not exceeding the rate of fare which the proprietor or driver is entitled to demand and take for the hire of the carriage by distance in accordance with the said tariff;
- (b) the word "FARE" shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon;
- (c) the taximeter shall be so placed that all letters and figures on the face thereof are at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring;
- (d) the taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.

5. The Conduct of Drivers with regard to Taximeters

The driver of a hackney carriage provided with a taximeter shall:

- (a) when standing or plying for hire the taximeter shall display the words "FOR HIRE" so that these are clearly visible and conveniently legible to persons outside the carriage;
- (b) as soon as the carriage is hired by distance, and before beginning the journey, bring the taximeter into action, so that the word "HIRED" is legible on the face of the taximeter and keep the taximeter in action until the termination of the hiring;
- (c) cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purposes of the Road Traffic Act 1972, and also at any other time at the request of the hirer.

(d) ensure that the tariff in place at the time the hiring commences shall be the tariff for the whole of the hiring; taximeters are not to be calibrated to change tariff mid hire¹.

6. Prohibition on tampering with a Taximeter

A proprietor or driver of a hackney carriage shall not tamper with, or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof or with the seal affixed thereto.

7. Fares

The proprietor or driver of a hackney carriage shall be entitled to demand and take for the hire of a carriage the fare rate or fare prescribed by the Tariff fixed by the Council referred to above, the rate of fare being calculated by distance and time. Provided that, save for any supplementary charges authorised by the said table which it may not be possible to record on the face of the taximeter, the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter with which the carriage is provided.

8. Conduct at Stands

The driver of a hackney carriage shall, when plying for hire in any street and not actually hired:

- a) proceed with reasonable speed to one of the stands fixed by the Council in that behalf.
- b) if a stand, at the time of their arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand.
- c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, and where it is practicable, station the carriage immediately behind the carriage or carriages on the stand so as to face the same direction.
- d) from time to time when any other carriage immediately in front is driven or moved forward, cause their carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.

9. Prohibition on Touting

A proprietor or driver of a hackney carriage, when standing, or plying for hire, shall not, by calling out or otherwise, importune any persons to hire such carriage and shall not make use of the services of any other person for the purpose.

10. Behaviour of Drivers

The driver of a hackney carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.

11. Prompt Attendance

The proprietor or driver of a hackney carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.

12. Route to Destination

The driver of a hackney carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the most expeditious available route.

13. Passengers

- a) The driver shall not convey or permit to be conveyed in a private hire vehicle a greater number of persons than that prescribed in the licence for the vehicle.
- (b) The driver shall abide by UK seatbelt law and in addition must not allow there to be conveyed in the front of a private hire vehicle:
 - (i) any child below the age of 12 years.
- (c) The driver shall not without the consent of the hirer of a vehicle, convey or permit to be conveyed any other person in that vehicle.

14. Driver's Badge

The driver of a hackney carriage shall, when standing or plying for hire and when hired, wear the badge provided by the Council in such position and manner as to be clearly visible. Moreover, the driver of a hackney carriage shall not lend the badge or knowingly allow it to be used by any other person.

15. Luggage

The driver of a hackney carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage:

- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any house, station, or place at which he may take up or set down each person.

16. Conveyance of Dead Bodies

Every proprietor or driver of a hackney carriage who shall knowingly convey in the carriage the dead body of any person shall, immediately thereafter, notify the fact to the Environmental Health and Licensing Manager of the Council.

17. Display of Fare Tariff

The proprietor or driver of a hackney carriage shall display a copy of the tariff fixed by the Council, where it is readily visible to any person hiring the carriage.

18. Search for Lost Property

The proprietor or driver of a hackney carriage shall, immediately after the termination of any hiring or as soon as practical thereafter, carefully search the carriage for any property which may have been accidentally left therein.

19. Disposal of Lost Property

The proprietor or driver of a hackney carriage shall, if any property accidentally left there by any person who may have been conveyed in the carriage be found by or handed to him/her:

- (a) The driver shall immediately after the termination of any hiring of a private hire vehicle or as soon as practicable thereafter carefully search the vehicle for any property which may have been accidentally left there.
- (b) If any property accidentally left in a private hire vehicle by any person who may have been conveyed therein is found or handed to the driver they shall, within 48 hours, take all such property to a police station within the County of Surrey and leave it in the custody of the officer in charge.

20. Penalties

Every person who shall offend against any of these bylaws shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale of the Criminal Justices Act 1982. In the case of a continuing offence, to a further fine may be imposed for each day during which the offence continues after conviction.

(ii) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II
Section 47(2)

HACKNEY CARRIAGE VEHICLE LICENCE – VEHICLE REQUIREMENTS

An application for a hackney carriage licence will not be considered if the vehicle concerned does not satisfy the definition of a hackney carriage (a car constructed or adapted to seat fewer than nine passengers), and does not meet the following requirements:-

- (a) the vehicle is of a four door saloon or estate car type but does not include a convertible or soft top vehicle;
- (b) must have an engine capacity of a minimum of 1300cc, although smaller, efficient modern engines may be acceptable. Alternative fuels such as electric, hydrogen, bio-diesel and LPG will also be considered;
- (c) has a minimum seat width of 41cm per passenger;
- (d) passengers must have clear access and egress from every seat for which the vehicle is licensed;
- (e) each seat to have a 3 point lap and diagonal seat belt. Belts must be in clean excellent condition and the webbing must not be cut, frayed or have deteriorated;
- (f) it is a requirement that MOT tests are undertaken at 6 monthly intervals once a vehicle is over 4 years old. You will be expected to produce a certificate at the time of vehicle licensing/re-licensing and at an interval of 6 months thereafter;
- (g) a vehicle under 4 years old is required to have an MOT test annually at licensing/re-licensing;
- (h) vehicles will be refused a licence for any advisory on a MOT which advises on the following areas, unless evidence is produced to show that the advisory point has been repaired or replaced:
 - Any part of the steering mechanism
 - Any part of the braking system
 - Tyres
 - Any part of the suspension system

Those vehicles which have advisories following a 6 monthly MOT (i.e. between licensing) will be expected to have the advisories remedied normally no longer than 15 working days from the date of the MOT and produce evidence of repair to the licensing authority. Failure to have the repairs carried out and / or produce evidence of such would lead to consideration of suspension of the vehicle licence.

- (i) When licensing/re-licensing a vehicle the MOT test certificate should be obtained **no more than 5 working days prior to licensing application date.**

- (j) Vehicles must meet or must have met European and UK vehicle safety standards at the time of manufacture. Any imported vehicle that doesn't meet these standards will require certification of modification and testing under the IVA (Individual Vehicle Approval) scheme.
- (k) A medium size first aid box which caters for 1 – 8 passengers and complies with BS8599-2 is to be provided in the vehicle cab or boot. This first aid box is to be visible, accessible and kept fully stocked.
- (l) Exterior of the vehicle;
- The vehicle must be submitted for inspection in a clean state such that an effective inspection is possible. Should the vehicle be submitted in an unclean state then the application shall be refused. The vehicle must thereafter be kept in a clean, presentable state.
 - The exterior of the vehicle should not show signs of rusting.
 - The paintwork should not be faded or show signs of mis-matched repairs or have any scratches, scuffs, cracks or abrasions where the top layer of paint has been removed.
 - The bodywork should be maintained so as to be in excellent condition and be free of large dents. A large dent is not defined, this will be determined by the licensing officer.
 - Have wheels and wheel trims that have significant damage which detracts from the overall excellent condition of the vehicle.
 - Lamps and reflectors must be in excellent condition and show no signs of deterioration of the lens.
- (m) Interior of vehicle;
- The seating and carpet areas of the vehicle shall not show signs of: a) staining; b) damp; c) fraying or ripping of the material; d) seat covers that are loose or badly fitted.
 - The seats should provide sufficient support for comfortable travel and should not demonstrate excessive compression of the seating area or wear within the support mechanism. Any mechanism for adjusting the height or angle of the seat must be in working order.
 - Interior panels and fittings within the vehicle should not be damaged nor show excessive wear or staining.
 - The interior of the vehicle should not have damp or noxious smells.

- (n) Left hand drive vehicles will not be licensed except for limousines, providing they have been inspected by the Driver and Vehicle Standards Agency and have an approval certificate issued for Single Vehicle approval. Or, from October 2014, a certificate for Individual Vehicle Approval carried out to the normal inspection standard.
- (o) Vehicle's must not be fitted with second-hand 'part-worn' tyres. All tyres must have been purchased as 'new tyres'.
- (p) **Wheelchair accessible vehicles**

Wheelchair accessible vehicles are able to have access either through a side or rear entrance, only those which load through the rear or nearside will be considered for licensing, offside loading vehicles will not be licensed.

Where a vehicle is fitted with any lifting equipment (i.e. a wheelchair lift) a valid certificate of conformity issued in accordance with the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER), must be produced with the vehicle licence application.

Any ramps must be in good condition and have no deformity or sharp edges and must have an anti-slip covering. Any purpose designed wheelchair access ramp that is carried must be lightweight and easy to deploy. The installed ramp shall have visible reference to safe working load of 250kgs and must be certified to BS6109

Vehicles must have suitable wheelchair restraints. Wheelchair anchorage systems must not be defective, worn or missing any parts. Any tracking rails must be undamaged and secure and must not be contaminated by deposits of dirt and/or litter. Any belts must be in clean excellent condition and the webbing must not be cut frayed or have deteriorated.

(iii) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II
Section 47(1)

HACKNEY CARRIAGE VEHICLE LICENCE - CONDITIONS OF LICENCE

1. Definitions

In these conditions unless the subject or context otherwise requires:

- "Proprietor" means the holder of a hackney carriage licence.
- "Council" means the Council of the Borough of Runnymede.
- "Driver" means a person holding and acting in accordance with a hackney carriage driver's licence issued by the Council.
- "Licence" means a hackney carriage licence issued by the Council.
- "Vehicle" means a hackney carriage licensed by the Council.
- "Licence Plate" means the plate issued by the Council for the purposes of identifying the vehicle as a hackney carriage duly licensed by the Council.

2. Condition

Every Proprietor of a vehicle shall ensure that:

- (a) The vehicle and all its fittings and equipment are kept at all times when the vehicle is in use or available for hire in a watertight, mechanically sound, efficient, safe, clean and tidy condition, and that all relevant statutory requirements are fully complied with including in particular those contained in the Motor Vehicles (Construction and Use) Regulations.
- b) They comply at all times with the requirements of Runnymede Borough Council as stated in Appendix G to this policy.

3. Alteration of the Vehicle

No material alteration or change in the specification, design, condition or appearance of the vehicle shall be made without the approval of the Council at any time while the licence is in force.

4. The Licence Plate

The licence plate shall be displayed as follows;

- (a) exterior, at the rear of the vehicle; and
- (b) interior, in the form of a window disc on display in the top nearside front windscreen.

At all times cause the licence plate and interior window disc, issued by the Council, to be displayed on the vehicle in such position that the vehicle's registration number is not obscured and with the details of the licence plate are clearly visible.

The proprietor or driver shall not wilfully or negligently cause or suffer the licence plate or interior window disc attached to the vehicle, in pursuance of this condition, to be concealed from public view nor shall the proprietor allow the licence plate to be so defaced that any figure or material particular is illegible.

The licence plate shall remain the property of the Council and where a licence lapses or is suspended or revoked, shall be returned immediately to the Council.

5. Dual Plating

Dual plating is not permitted on any Runnymede licensed vehicles. Any vehicle licensed by Runnymede will not be permitted to become licensed with any other district / borough / Transport for London.

No vehicle will be granted a licence if it is licensed in another district / borough / Transport for London.

6. Display of Signs, Notices and Advertisements on licensed vehicles

Advertising will be permitted on hackney carriages subject to the following criteria and restrictions within paragraphs 6.171 - 6.176 of this policy;

For reasons of driver and public safety, the licensing authority will not permit any advertising material, corporate branding or any other medium that;

- (a) does not conform with the rules of the British Code of Advertising Practice;
- (b) relates to the promotion of alcoholic drinks;
- (c) interferes with any equipment normally fitted to the vehicle (including the vehicle electrics and wiring etc);
- (d) interfere with any vehicle design features such as methods of fixing, brake cooling vents, tyre inflation valve or with any wheel balancing dynamics or steering operation;
- (e) obscures any vehicle lights, 'For Hire' sign or indicator lamps (e.g. indicators, brake lights etc);
- (f) creates any safety hazard (e.g. non protected screens, headroom hazards etc);
- (g) uses or emits audio;
- (h) is displayed on wheels or bumpers of the hackney carriage;
- (i) is displayed on any window, windscreen, mirror or bulkhead;
- (j) obscures or reduces the visibility of the vehicle plate or registration number or is within 30cm of the plate.

7. Roof mounted signs

Hackney carriages must carry and display or otherwise be fitted with a securely mounted roof sign at all times. This must be capable of being illuminated and must bear the word 'Taxi' - this is to be clearly visible at all times. So as to avoid claims of illegally plying for hire (e.g. in another area for which the vehicle is not licensed), the design must be such that any illumination can be switched off independently of any other vehicle system when the vehicle is hired or not in use as a taxi.

8. Change of Address

In the event of a proprietor of a vehicle changing his address, they shall, within 14 days of the change taking place, give notice in writing to the Council's Licensing Authority of their new address.

9. Change of Vehicle

Where a proprietor wishes to transfer their licence to another vehicle they must first notify the Licensing Authority and arrange for that vehicle to be inspected by the Council at such time and place as may be required by the Officer.

10. Insurance

For this purpose and by way of ensuring adequate cover for all parties, a suitable policy of insurance will normally be taken to mean;

- (a) a valid policy that provides indemnity cover for all passengers;
- (b) a valid policy that provides indemnity cover for each driver of the vehicle;
- (c) a valid policy that provides the cover for business use on hire and reward as a hackney carriage or private hire vehicle as may be appropriate.

The minimum period of validity for an insurance document is 30 days.

11. Electronic cigarettes and their derivatives

For the safety and comfort of the public, the use of electronic cigarettes or derivatives in licensed vehicles is prohibited.

12. Tyres

In circumstances where a run flat tyre has a puncture, or if a space saver tyre has to be used, or a tyre repair kit/compressor is used, they can only be in use for the duration of the current fare and immediately returned to a garage to obtain a suitable replacement or repair. No further fares may be taken until the tyre is repaired and fitted. If the current fare goes outside of Runnymede Borough then the fault must be repaired before the vehicle leaves the borough or a replacement vehicle arranged.

13. Vehicle windows

- (a) all windows must be kept clean and free of labels except those required by relevant legislation or licensing conditions;
- (b) all glazing must at all times comply with Road Vehicles (Construction and Use) Regulations 1986 (as amended) with regard to the level of tint;
- (c) tinted films applied to the vehicle windows post manufacture are not allowed;
and
- (d) all side and rear windows will be as installed by the vehicle's Manufacturer.

14. Bulkhead screens

- (a) Any screen fitted to separate the driver from passengers must be professionally installed and certified by a competent installer. Such documentation must be provided by the vehicle proprietor and held on file. Officers may request the vehicle to be presented for inspection at any point.
- (b) Any screen fitted must be fit for purpose and not endanger the safety of the passenger or driver.
- (c) Any screen fitted must not interfere with the operation of any of the vehicles safety systems such as air bags and seatbelts.
- (d) Any screen fitted must be constructed of transparent material to allow the driver a clear view of the road behind.

(iv) HACKNEY CARRIAGE VEHICLE LICENCE - STATUTORY PROVISIONS

In addition to the aforementioned bylaws, conditions and requirements, proprietors and drivers of hackney carriages must comply with the statutory requirements set out in the Town Police Clauses Act 1847 and the LGMPA 1976 part II. They must also meet the requirements of any conditions attached to licences granted by the Council under the 1976 Act. A summary of the principal requirements contained in the above legislation are set out below, and unless specified otherwise the requirements of the Acts apply only to the "controlled district", which in this case is the Borough of Runnymede.

(a) TOWN POLICE CLAUSES ACT 1847

1. All hackney carriages must be licensed and registered by the Council.
2. A hackney carriage proprietor must notify the Council of any change of address.
3. It is an offence for a proprietor to permit a vehicle to be used as a hackney carriage:
 - (a) unless the licence plate issued by the Council is openly displayed;
 - (b) if the vehicle is not licensed; or
 - (c) while the licence is suspended.
4. It is an offence for a person to act as a driver of a hackney carriage or for a proprietor to employ a person if that person is not licensed by the Council to drive a hackney carriage.
5. The Act also requires a proprietor employing any driver to retain that person's hackney carriage driving licence until such time as the employment is terminated.
6. Following a conviction for a second or subsequent offence under the provisions of this Act or its bylaws the Council may suspend or revoke the licence of a proprietor or driver.
7. The number of persons permitted to be carried in a hackney carriage must be displayed on the outside of the vehicle and it is an offence for a driver to refuse to carry the permitted number without reasonable excuse.
8. It is also an offence for a driver to refuse, without reasonable excuse, to accept a hiring for any journey within the boundaries of the district.
9. It is an offence to charge for a journey in excess of the rate set out in the authorised "Table of Fares".
10. A driver must also honour any agreement on cost or distance made with the hirer before the journey commences.
11. The Act also makes it an offence for a driver or proprietor to permit any person to be carried in the hackney carriage without the consent of the hirer.
12. Penalties are also imposed by the Act in the case of obstruction or misconduct by drivers.

13. The Act also makes provision for unpaid fares to be recovered through the courts and allows a proprietor to seek compensation from a person who when using the hackney carriage is responsible for causing wilful damage to the vehicle.

(b) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976,
PART II

1. Submission of Information - Section 57

The Council can require an applicant for a licence to submit information as may be considered reasonably necessary to enable an application to be determined.

2. Licence Conditions - Section 47

The Council may attach to the licence such conditions as they may consider reasonably necessary. Any person aggrieved by any conditions attached to such licence may appeal to a Magistrates' Court.

3. Vehicle Identification - Section 47

The Council may require any hackney carriage licensed by them to be of such design or appearance, or bear such distinguishing marks as shall clearly identify it as a hackney carriage.

4. Transfer of Vehicle - Section 49

A proprietor of a hackney carriage shall within 14 days give notice in writing to the Council of the transfer of their interest in the hackney carriage licence and specify the name and address of the person to whom the licence has been transferred.

5. Inspection of Vehicle and Documents - Section 50

- (a) Without prejudice to the provisions of Section 68 of this Act, the proprietor of a licensed hackney carriage shall present it for inspection and testing by the Council within such period and at such place within the area of the Council as they may by notice reasonably require (but not more than three inspections during any one period of twelve months).
- (b) The proprietor of a licensed hackney carriage may be required to give the Council in writing the address of every place the vehicle is kept when not in use and afford to them such facilities as may be reasonably necessary to enable them to inspect and test the vehicle at that location.
- (c) The proprietor of a licensed Hackney Carriage shall at the request of an authorised officer of the Council produce for inspection the vehicle licence and the certificate of the policy of insurance.

6. Accidents - Section 50

- (a) The proprietor of a licensed hackney carriage shall report to the Council as soon as reasonably practicable (and in any case within 72 hours of the occurrence thereof), any accident to the vehicle causing damage materially affecting the safety, performance or appearance of the vehicle or the comfort or convenience of the persons carried therein.
- (b) Contravention of the provision of this Section shall be an offence.

7. Return of Plate on Revocation, Expiry or Suspension of Licence - Section 58

- (a) On revocation, expiry or suspension of a licence the Council may by notice require the proprietor of that licensed hackney carriage to return to them within 7 days after the service on him of that notice, the plate issued to him by the Council.
- (b) If any proprietor fails without reasonable excuse to comply with the items of this notice;
 - (i) they shall be guilty of an offence, and
 - (ii) any authorised officer of the Council or constable may remove and retain the plate.

8. Suspension, Revocation or Refusal to renew Licence - Section 60

- (a) If a vehicle is unfit for hackney carriage use, or the operator or driver commits any offence, or fails to comply with this part of this Act, or of the Town Police Clauses Act 1847, or for any other reasonable cause the Council may suspend, revoke or refuse to renew a vehicle licence. Notice of such to be given to the proprietor of the vehicle of the grounds within fourteen days.
- (b) A proprietor aggrieved by a decision under this Section may appeal to a Magistrates' Court.

9. Hackney Carriage used for Private Hire - Section 67

- (a) No hackney carriage shall be used in the district under a contract or purported contract for private hire except at a rate of fare or charge not greater than that fixed, and when being so used the fare or charge shall be calculated from the point in the district at which the hirer commences his journey.
- (b) Contravention of the provisions of this section shall be an offence.
- (c) In sub-section (a) of this section "contract" means a contract made other than when the hackney carriage is plying for hire in the district or standing on an approved rank, or made otherwise than with or through the driver of the vehicle while it is so plying or waiting.

10. Fitness of Vehicle and Meter - Section 68

- (a) Any authorised officer of the Council or constable shall have power to inspect and test any licensed hackney carriage or the taximeter fitted thereto for the purpose of ascertaining the fitness of the vehicle and/or the accuracy of the taximeter, and if not satisfied give notice in writing to the proprietor to make the vehicle and/or taximeter available for further inspection at such reasonable time and place as specified in the notice and suspend the licence until such time as they are so satisfied.
- (b) If the authorised officer or constable is not satisfied before the expiration of a period of two months, the licence shall be revoked.
- (c) Any proprietor aggrieved by a decision of the Council may appeal to a Magistrates' Court.

11. Offences due to fault of other persons - Section 72

Where an offence is committed by a person as a result of the Act or default of another the latter may be charged and convicted whether or not proceedings are taken against the first-mentioned person.

12. Obstruction of Authorised Officers - Section 73

Any person who -

- (a) wilfully obstructs an authorised officer or constable acting in pursuance of this Act or the Act of 1847, or
- (b) without reasonable excuse fails to comply with any requirement properly made to them by such officer or constable, or
- (c) without reasonable cause fails to give such officer or constable so acting any other assistance or information which they may reasonably require of such person for the purpose of the performance of their function, shall be guilty of an offence.

If any person giving such information as is mentioned above makes any statement which they know to be false they shall be guilty of an offence.

13. Penalties - Section 76

Any person who commits an offence against any of the provisions of this part of the act in respect of which no penalty is expressly provided shall be liable on summary conviction to a fine not exceeding level three on the standard scale.

14. Appeals - Section 77

Where there is a right of appeal against a Council decision, until the time for appealing has expired or a lodged appeal is disposed of or withdrawn, no proceeding shall be taken in respect of any failure to execute any works required by the decision and the person may continue to carry on their business. Appeals to Magistrates Courts must be made within 21 days of receipt of the notification of suspension, revocation, refusal to renew or implementation of conditions.

(v) EQUALITY ACT 2010 GUIDANCE

All drivers and PHV Operators are reminded of the law in relation to the carrying of assistance dogs and disabled persons; this is legislated by the **Equality Act 2010**.

While it is not the Councils intention to replicate the Equality Act 2010 within this policy, certain information is included below for the information of drivers and operators to highlight this important area of legislation.

It is the duty and responsibility of drivers and operators to make themselves familiar with their duties under the Equality Act 2010.

Any driver or operator who has difficulty understanding the meaning of this act is welcome to contact the licensing section for advice.

Specific PHV Operator duty

Operators commit an offence (section 167A) if they fail or refuse to accept a booking where the booking is requested by or on behalf of a disabled person, or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the passenger has a disability, or to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.

It is a defence for a person charged with an offence under subsection (1) to show that it was reasonable not to have accepted the booking due to a lack of suitable vehicles.

No additional charge can be made for carrying out any additional duties under the Equality Act 2010.

Assistance Dogs

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

Medical Exemption Certificates – assistance dogs

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

The Licencing Authority will:

- a) Make it a condition to the licence that the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.
- b) Seek to use tactile medical exemption certificates so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request.
- c) Only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

Wheelchair Accessible Vehicles and the carriage of disabled passengers

The licensing authority maintains a 'designated vehicle' list in accordance with the section 167 of the Equality Act 2010, as such drivers are subject the following duties.

The Equality Act 2010 imposes duties on all drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. This section is applicable to a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle. The duties are:

- To carry the passenger
- If the passenger is in or has with them a wheelchair, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps, as are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or to propose to make, any additional charge for complying with these duties

*Mobility assistance is defined as assistance:

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Disabled passengers in wheelchairs: duties of drivers of designated vehicles

The licensing authority maintains a 'designated vehicle' list in accordance with the section 167 of the Equality Act 2010, as such drivers are subject the following additional duties.:

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair.

Disabled passengers: assistance to identify and find vehicle

There is a duty on the driver of a private hire vehicle or pre-booked taxi where:

- the vehicle has been booked by or for a disabled person or by another person who wishes to be accompanied by a disabled person, and;
- the driver of the vehicle has been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle.

The duties are:

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired;
- Not to make, or propose to make, any additional charge with the above duty.

The High Court has confirmed that switching on your taximeter or charging extra before you assist a disabled person – **even if you do not actually charge them** – is an offence under the Equality Act 2010.

The case confirming this was McNutt v TfL on (2019). This confirms it is an offence under the Equality Act 2010 to charge a wheelchair user extra. This means that, a meter should not be left running whilst the driver performs duties required by the Act (above), or for private hire no addition charge is made.

To ensure that the Equality Act 2010 is upheld, the Licensing Authority will:

- a) Have a zero-tolerance policy to access refusals - investigating all reported violations of the Act with a view to pursuing a conviction;
and may
- b) Undertake periodic test purchasing with assistance dog owners or wheelchair users on licensed vehicles to ensure that licensing requirements are being complied with.

Medical Exemption Certificates – Disabled Passengers

Section 166 of the Equality Act 2010 allows the Licensing Authority to exempt drivers from the mobility assistance duties if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

The exemption only applies to the duties at section 164A(5)(e) and 165(4)(e), which is on the duty to give passengers such mobility assistance as is reasonable required. All other duties must be upheld.

Any driver of a hackney carriage or private hire vehicle on the designated list may submit a request for an exemption from the mobility assistance duties by completing the relevant application form. Medical evidence will be required in support of the application. To ensure transparency and fairness, the licensing authority will normally grant an exemption certificate where the applicant driver can provide suitable medical evidence (at their own expense).

Appeals - A person who is aggrieved by the refusal of a licensing authority in England and Wales to issue an exemption certificate under section 166, 169 or 171 of the Equality Act 2010 may appeal to a Magistrates' Court before the end of the period of 28 days beginning with the date of the refusal.

(vi) HACKNEY CARRIAGE STANDS

The following stands have been appointed for hackney carriages within the Borough of Runnymede:

Name/area	Number of stands	Location
Virginia Water Station Approach	2	Adjoining Public car park provided by the Borough Council
Egham Railway Station	6	Egham Station car park (SWR)
Chertsey Railway Station	2	Chertsey Station car park (SWR)
Addlestone Station	2	Addlestone Station car park (SWR)
Thorpe Park	3	Car park

SWR = South Western Railways land

The provision of taxi ranks is subject to regular review during engagement with the taxi trade on such occasions as Forums organised by the Licensing Authority.

APPENDIX H

AUTHORISED PLATE DESIGNS

Private hire and hackney carriages



HACKNEY CARRIAGE

EXPIRY DATE

LICENSED TO CARRY

PASSENGERS

08 JUL 2015 JP2531



HACKNEY CARRIAGE VEHICLE

EXPIRY DATE

LICENSED TO CARRY

PASSENGERS

If you have any comment about this vehicle or its driver please contact

Runnymede Borough Council
Licensing Department
01932 425711
licensing@runnymede.gov.uk

Quoting the number below

© 2014 Runnymede Borough Council



PRIVATE HIRE VEHICLE

EXPIRY DATE

LICENSED TO CARRY

PASSENGERS

If you have any comment about this vehicle or its driver please contact

Runnymede Borough Council
Licensing Department
01932 425711
licensing@runnymede.gov.uk

Quoting the number below

© 2014 Runnymede Borough Council



PRIVATE HIRE VEHICLE

EXPIRY DATE

LICENSED TO CARRY

PASSENGERS

30 JUL 2014 IP2531

APPENDIX J

PRIVATE HIRE VEHICLE PLATE EXEMPTIONS

All exempt vehicles and operators must comply with the following policy requirements in addition to those for plated private hire vehicles.

1. Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
2. Each application will be assessed on its own merit and each vehicle will be inspected by an authorised Council officer to ensure that it is fit for purpose.
3. Applications for exemption from the requirement to display an external identification plate will only be considered where the work undertaken is exclusively where the driver and vehicle are specifically hired to provide transport to a company or person by corporate or account holders only, and where the safety of the public is not compromised. The operator will be required to satisfy the licensing officer prior to licensing that the use of the vehicle is by corporate and account holders and must be able to provide evidence to enable the licensing officer to determine the genuine requirement for plate exemption. This will typically be by reference to the operator's records showing the account and corporate work carried out.
4. Vehicles must be in pristine condition with no visible defects, dents or blemishes to the external bodywork, wheels or internal trim and seating. They must comply with the current Runnymede conditions relating to private hire vehicles. Additional requirements for plate exemption will centre on the luxury aspect of the vehicle; this will be expected to have increased legroom over a standard vehicle coupled with increased seat support and seat width (from the current standard of 41 cm), a lower level of noise when travelling and superior internal accessories for the passenger and driver. It is not intended that the Council has a definitive prescriptive list of what is and what is not luxury. The aforementioned items are examples, but other equipment or designs can exist which also fit the luxury definition. It is for the licensing officer to make the decision as to whether a vehicle meets the exempt plate requirements in each case.
5. Age limits - these will be in line with our current licensing requirements for private hire vehicles in that no age limit is in place and the condition of the vehicle is considered the prime factor.
6. An application for a vehicle to be exempted from displaying an external identification plate must be made by the vehicle proprietor using the appropriate application form.

7. Additional documentation may be requested as reasonably necessary to allow the Council to make an informed decision. Where such documentation is not provided to the satisfaction of the Council the application will be refused. The Council will maintain commercial confidentiality.
8. Where an application is granted and a vehicle is exempted from displaying its external identification plate, an exemption notice will be issued as soon as practical after the decision is made.
9. Where a vehicle is exempted from the requirement to display an external identification plate, the vehicle will be required to display a window disc identifying the vehicle as a licensed vehicle, positioned on the top nearside of the front windscreen and facing outwards.
10. Irrespective of when an exemption notice is granted, the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption notice will last for a period of time that is coterminous with that vehicle's private hire licence unless either the licence or notice is otherwise surrendered or revoked.
11. Exemption notices may be renewed annually subject to the vehicle undergoing a re-inspection by a licensing officer to ensure that it continues to be fit for purpose.
12. The exemption notice issued by the Council must be carried in the vehicle at all times and will be produced upon request to an authorised officer of the Council or any Police Officer.
13. During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge. However this must be in the possession of the driver at all times and produced upon request to an authorised officer of the Council or any Police Officer.
14. The proprietor may use the vehicle for private hire purposes other than for contract use when demand arises and on those occasions a magnetic plate is to be displayed. At these times the driver must also display their driver's badge.
15. The windscreen and front windows must meet current legislation while the rear side windows and screen can be fitted with tinted glass to any degree of tint including privacy glass.
16. In the event of an applicant being dissatisfied with the decision of the officer, the applicant may make a written application for a review of the decision by the Regulatory Committee.
17. The Regulatory Committee, when considering a review of the Officer's decision, may hear oral or written representation made by the proprietor of the vehicle.

18. If the Regulatory Committee is satisfied a genuine operational business need exists and the vehicle is suitable for its purported purpose, a plate exemption notice may be issued for the specified vehicle. The Regulatory Committee can specify the dates and times the exemption will apply or exempt the vehicle for the whole period the vehicle licence is in force, and attach any conditions to the exemption.
19. If the Regulatory Committee considers no genuine operational business need exists for a plate exemption, the vehicle proprietor will be notified of the refusal and advised there is no statutory right of appeal against the decision.
20. The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale/transfer of ownership immediately and in writing, and provide details of the new owner. The exemption notice must be returned to the Council along with the window disc within 48 hours of sale or transfer.

APPENDIX K

PRIVATE HIRE OPERATOR'S LICENCE CONDITIONS

(i) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II **Section 55(3)**

The conditions that the licensing authority generally considers reasonably necessary and will normally be applied in respect of private hire operators are detailed below.

In these conditions unless the subject or context otherwise requires:

- "the Council" means the Council of the Borough of Runnymede.
- "Operator" means the holder of a Private Hire Vehicle Operator's Licence granted by the Council.
- "Vehicle" means a private hire vehicle licensed by the Council.
- "Driver" means a person holding and acting in accordance with a private hire driver's licence issued by the Council.

1. Prohibition on the Transfer of Licence

The Operator shall not assign or in any way part with the benefit of this licence.

2. Hiring Records

The Operator shall keep a record of particulars of every hiring, invited or accepted by them. These records shall be constructed in such a way that enables licensing officers and Police officers to easily determine the details. This information should be contained on one spreadsheet or similar record (i.e. paper) and shall not be cross referred to any other records for the purpose of identifying drivers or vehicles. For example, a record which contains information simply as vehicle 1 or driver 1 where the details of the vehicle or driver are held on a different record or elsewhere will not be acceptable. The hiring record must be started before any hiring is commenced and completed as soon after as possible. The following details must be entered:

- i. the day, date and time on which the booking/hiring was made;
- ii. the name of the hirer and the person taking the journey (if different);
- iii. the fare quoted;
- iv. The time and date the driver was allocated the booking;
- v. the date and time the journey began;
- vi. the location the journey began from;
- vii. the date and time the journey ended;
- viii. the location the journey ended;
- ix. the full name of the driver and their hackney carriage or private hire drivers licence number;

- x. The make, model, registration number and hackney carriage or private hire licence number of the vehicle used for the journey;
- xi. whether the request for the hiring was made by the hirer or another operator;
- xii. where a booking is sub contracted **from** another operator, the name and address of that operator must be entered on the booking record and it must be clearly marked to indicate this is a cross border hiring. The booking record must include the information in i) to x) and must be included on the same record as other bookings.
- xiii. whether the booking is a sub-contract booking from another operator and/or is to be sub-contracted by this operator; and
- xiv. the name and address of any operator to which the booking may be sub-contracted;
- xv. if the booking is being sub-contracted **to** another operator i) to iii) above must be recorded.

Operators must keep records in respect of all bookings including cross border hire, for vehicles and drivers for a period of one year.

3. Vehicle Records

The Operator shall keep a record of any private hire vehicle or hackney carriage operated by them, showing the following details:

- i. make, model and registration number of the vehicle;
- ii. private hire or hackney carriage vehicle licence number;
- iii. the dates of any MOT, whether this be the yearly MOT or 6 monthly vehicle requirement;
- iv. the name of the licensing authority which granted the vehicle licence;
- v. the date of expiry of the vehicle licence;
- vi. the name and address of the proprietor of every vehicle operated by them;
- vii. the date upon which the vehicle commenced to be operated by them;
- viii. the vehicles excise licence expiry date;
- ix. the vehicles insurance details including expiry date.

4. Driver records

The Operator shall keep a record of any private hire or hackney carriage driver operating with them by them holding the following details:-

- a copy of their private hire/hackney carriage drivers licence;
- a copy of their DVLA drivers licence.

5. Notification of Change of Address

In the event of the operator changing their address they shall within 14 days give notice, in writing, thereof to the Council's Licensing Authority.

6. Vehicle Insurance

The Operator shall ensure that all vehicles operated by them are satisfactorily insured for private hire work and shall keep a copy of the insurance certificate relating to drivers/vehicles.

7. Quality of Service

The Operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and for this purpose shall in particular ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place.

8. Compliance with Licence Conditions

The Operator shall ensure that the licence conditions in respect of any vehicles used by them, and drivers employed or contracted to them are complied with at all times.

9. Disclosures and Convictions

It is a condition of licensing that all operators (including all directors or partners of any company or partnership) have a basic DBS check on application, and an annual basic DBS check which is due each year on the anniversary of the grant of their licence.

The Operator shall within 48 hours disclose to the Council in writing (via email) details of any conviction imposed on them (or if the operator is a company or partnership, on any other directors or partners) during the period of the licence.

10. Operators office location

In keeping with the provisions of the LGMPA section 46(1)(d) and the definition of operate in section 80(1) all Operators must normally carry out their business from a premises located within the Borough of Runnymede.

If they do not have an office address within the Borough, then an Operator must:

- provide records, or anything else requested electronically by the licensing authority, within 48 hours of such a request; and/or
- attend in person at the Council Offices within 2 working days of such a request.

11. Complaints

The Operator shall immediately notify the police of any complaint received which suggests or alleges that a criminal offence has been committed in relation to their business as an Operator, or by any driver or vehicle attached to their business. The Operator shall also upon receipt of any complaint, unless of a minor nature, notify the Council in writing/email of the complaint and what action (if any) they have taken or propose to take in respect thereof. The Operator shall keep a written record of all complaints received and indicate what action (if any) was taken.

12. Business advertising

No notice, sign, name of business or advertisement seeking to advertise or promote the business of a private hire operator shall consist of, or include, the words "CAB" or "For Hire", whether in the singular or plural, or any words or devices which give any indication that the service to which the notice, sign or advertisement relates is that which can only be provided by a licensed Hackney Carriage. The word 'Taxi' alone would be allowed.

13. Booking and dispatch staff

It is a condition of licensing that requires Operators to keep a register of all staff who will take bookings and/or dispatch vehicles.

Operators must have had presented to them basic DBS checks on all booking and dispatch staff.

The register should be a 'living document' that maintains records of all those in these roles for the same duration as booking records are required to be kept, this will enable cross-referencing between the two records. A record that the Operator has had sight of a basic DBS check certificate (although the certificate itself should not be retained) should be retained for the duration that the individual remains on the register. Should an employee cease to be on the register and later re-entered, a new basic DBS certificate should be requested and sight of this recorded.

14. Use of Passenger Carrying Vehicles (PCV) licensed drivers

The use of a driver who holds a PCV licence and the use of a public service vehicle (PSV), such as a minibus, to undertake a private hire vehicle booking will not be permitted, as a condition of the private hire vehicle operator's licence, without the informed consent of the booker.

Where a private hire vehicle is unsuitable, for example where a larger vehicle is needed because more than eight passenger seats are required, or to accommodate luggage, the booker should be informed that a public service vehicle (PSV) is necessary, and that a public service vehicle (PSV) licensed driver will be used, who is subject to different checks and not required to have an enhanced DBS check. The operator must record the fact that the booker has been informed that the driver is the holder of a Public Service Vehicle (PSV) Licence and consents to this.

(ii) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976, PART II

PRIVATE HIRE OPERATORS LICENCE – STATUTORY PROVISIONS

In addition to the aforementioned conditions, Operators must also comply with the statutory requirements set out in the Local Government (Miscellaneous Provisions) Act 1976.

A summary of the principal requirements contained in the above legislation is set out below, and unless specified otherwise the requirements of the Act apply only to the "controlled district", which in this case is the Borough of Runnymede.

Operators of private hire vehicles – Section 56

- (1) For the purposes of this Part of this Act every contract for the hire of a private hire vehicle licensed under this Part of this Act shall be deemed to be made with the operator who accepted the booking for that vehicle, whether or not he himself provided the vehicle.
- (2) Every person to whom a licence, in force under section 55 of this Act, has been granted by a district council shall keep a record in such form as the council may, by condition attached to the grant of the licence, prescribe and shall enter therein, before the commencement of each journey, such particulars of every booking of a private hire vehicle invited or accepted by them, whether by accepting the same from the hirer or by undertaking it at the request of another operator, as the district council may by condition prescribe, and shall produce such record on request to any authorised officer of the council or to any constable for inspection.
- (3) Every person to whom a licence, in force under section 55 of this Act, has been granted by a district council shall keep such records as the council may, by conditions attached to the grant of the licence, prescribe of the particulars of any private hire vehicle operated by them, and shall produce the same on request to any authorised officer of the council or to any constable for inspection.
- (4) A person to whom a licence, in force under section 55 of this Act, has been granted by a district council shall produce the licence on request to any authorised officer of the council or any constable for inspection.
- (5) If any person without reasonable excuse contravenes the provisions of this section, they shall be guilty of an offence.

(iii) EQUALITY ACT 2010 GUIDANCE

All drivers and PHV Operators are reminded of the law in relation to the carrying of assistance dogs and disabled persons; this is legislated by the **Equality Act 2010**.

While it is not the Councils intention to replicate the Equality Act 2010 within this policy, certain information is included below for the information of drivers and operators to highlight this important area of legislation.

It is the duty and responsibility of drivers and operators to make themselves familiar with their duties under the Equality Act 2010.

Any driver or operator who has difficulty understanding the meaning of this act is welcome to contact the licensing section for advice.

Specific PHV Operator duty

Operators commit an offence (section 167A) if they fail or refuse to accept a booking where the booking is requested by or on behalf of a disabled person, or a person who wishes to be accompanied by a disabled person, and the reason for the failure or refusal is that the passenger has a disability, or to prevent the driver of the private hire vehicle being made subject to a duty which would otherwise be imposed on the driver by section 164A, 165 or 165A.

It is a defence for a person charged with an offence under subsection (1) to show that it was reasonable not to have accepted the booking due to a lack of suitable vehicles.

No additional charge can be made for carrying out any additional duties under the Equality Act 2010.

Assistance Dogs

Under the Equality Act 2010, licensed drivers of taxis and private hire vehicles are under a duty to carry passengers with guide, hearing and other assistance dogs without additional charge. When carrying such passengers, drivers have a duty to:

- a) Convey the disabled passenger's dog and allow it to remain under the physical control of the owner; and
- b) Not to make any additional charge for doing so.

Under the Equality Act 2010, it is an offence for any operator or driver to refuse to carry assistance dogs or to charge more for the fare or booking. On conviction for such an offence, drivers can be fined up to £1,000 and have their licence removed.

Medical Exemption Certificates – assistance dogs

Drivers who have a certifiable medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If no exemption has been applied for and subsequently granted, then drivers are still required to carry assistance dogs.

The Licencing Authority will:

- a) Make it a condition to the licence that the notice of exemption must be exhibited in the vehicle by fixing it in an easily accessible place, for example on the windscreen or in a prominent position on the dashboard.
- b) Seek to use tactile medical exemption certificates so that guide dog owners are able to identify the certificate, which should be presented to the guide dog owner upon request.
- c) Only issue an exemption certificate when it is authorised by the driver's GP and is accompanied by medical evidence, for example a blood test, a skin prick test or clinical history.

Wheelchair Accessible Vehicles and the carriage of disabled passengers

The licensing authority maintains a 'designated vehicle' list in accordance with the section 167 of the Equality Act 2010, as such drivers are subject the following duties.

The Equality Act 2010 imposes duties on all drivers of taxis or private hire vehicles which have been hired by or for a disabled person or by another person who wishes to be accompanied by a disabled person. This section is applicable to a disabled person who is able and wants to travel in a non-wheelchair accessible vehicle. The duties are:

- To carry the passenger
- If the passenger is in or has with them a wheelchair, to carry the wheelchair
- If the passenger has with them any mobility aids, to carry the mobility aids
- To take such steps, as are reasonable to ensure that the passenger is carried in safety and reasonable comfort
- To give the passenger such mobility assistance* as is reasonably required
- Not to make, or to propose to make, any additional charge for complying with these duties

*Mobility assistance is defined as assistance:

- To enable the passenger to get into or out of the vehicle
- If the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair
- To load the passenger's luggage into or out of the vehicle
- If the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.

Disabled passengers in wheelchairs: duties of drivers of designated vehicles

The licensing authority maintains a 'designated vehicle' list in accordance with the section 167 of the Equality Act 2010, as such drivers are subject the following additional duties;

- To carry the passenger while in the wheelchair
- If the passenger chooses to sit in a passenger seat, to carry the wheelchair.

Disabled passengers: assistance to identify and find vehicle

There is a duty on the driver of a private hire vehicle or pre-booked taxi where:

- the vehicle has been booked by or for a disabled person or by another person who wishes to be accompanied by a disabled person, and;
- the driver of the vehicle has been made aware before the start of the passenger's journey in the vehicle that the passenger requires assistance to identify or find that vehicle.

The duties are:

- To take such steps as are reasonable to assist the passenger to identify and find the vehicle which has been hired;
- Not to make, or propose to make, any additional charge with the above duty.

The High Court has confirmed that switching on your taximeter or charging extra before you assist a disabled person – **even if you do not actually charge them** – is an offence under the Equality Act 2010.

The case confirming this was McNutt v TfL on (2019). This confirms it is an offence under the Equality Act 2010 to charge a wheelchair user extra. This means that, a meter should not be left running whilst the driver performs duties required by the Act (above), or for private hire no addition charge is made.

To ensure that the Equality Act 2010 is upheld, the Licensing Authority will:

- a) Have a zero-tolerance policy to access refusals - investigating all reported violations of the Act with a view to pursuing a conviction;
and may
- b) Undertake periodic test purchasing with assistance dog owners or wheelchair users on licensed vehicles to ensure that licensing requirements are being complied with.

Medical Exemption Certificates – Disabled Passengers

Section 166 of the Equality Act 2010 allows the Licensing Authority to exempt drivers from the mobility assistance duties if they are satisfied that it is appropriate to do so on medical grounds or because the driver's physical condition makes it impossible or unreasonably difficult for him or her to comply with the duties.

The exemption only applies to the duties at section 164A(5)(e) and 165(4)(e), which is on the duty to give passengers such mobility assistance as is reasonable required. All other duties must be upheld.

Any driver of a hackney carriage or private hire vehicle on the designated list may submit a request for an exemption from the mobility assistance duties by completing the relevant application form. Medical evidence will be required in support of the application. To ensure transparency and fairness, the licensing authority will normally grant an exemption certificate where the applicant driver can provide suitable medical evidence (at their own expense).

Appeals

A person who is aggrieved by the refusal of a licensing authority in England and Wales to issue an exemption certificate under section 166, 169 or 171 of the Equality Act 2010 may appeal to a Magistrates' Court before the end of the period of 28 days beginning with the date of the refusal.

APPENDIX L

TABLE OF HACKNEY CARRIAGE FARES (April 2024)

TABLE OF HACKNEY CARRIAGE FARES (With effect April 2024)
IMPORTANT NOTE: The tariff in place at the time the hiring commences shall be the tariff for the whole of the hiring; taximeters are not to be calibrated to change rate mid-hire.

RATE 1	Daytime Rate - between 6 am & 10 pm (unless rates 2, 3, or 4)
1 st mile set charge £5.00 2 nd mile £3.30	Any distance not exceeding 1609m (1 mile) For each subsequent 97.5m (106.7yds) or part thereof:
Then £2.80 per mile (20p increments)	If the total distance exceeds 3217m (2 miles) xx for each subsequent 115m (125.7yds) or part thereof.
Waiting Time 20p	For each period of 35.3 seconds or part thereof
RATE 2 1.25 x Rate 1	Sunday & Late Evening - Sundays or between 10 pm and midnight from Mondays to Saturdays inclusive (unless rate 3 or 4)
1 st mile set charge £6.25 2 nd mile £4.12	Any distance not exceeding 1609m (1 mile). If the distance exceeds 1609m but not 3217m, xx for each subsequent 78m (85yds) or part thereof.
Then £3.50 per mile (20p increments)	If the total distance exceeds 3217m (2 miles) xx for each subsequent 92m (100.6yds) or part thereof.
Waiting Time 20p	For each period of 28.2 seconds or part thereof
RATE 3 1.5 x Rate 1	Night & Holiday - between midnight and 6 am and Bank Holiday. <u>Also</u> between 6 pm and midnight on Christmas Eve and New Years Eve (unless rate 4).
1 st mile set charge £7.50 2 nd mile £4.95	Any distance not exceeding 1609m (1 mile) If the distance exceeds 1609m but not 3217m, xx for each subsequent 65m (71yds) or part thereof.
Then £4.20 per mile (20p increments)	If the total distance exceeds 3217m (2 miles) xx for each subsequent 76.6m (83.8yds) or part thereof.
Waiting Time 20p	For each period of 23.5 seconds or part thereof
RATE 4 2 x Rate 1	Double Time Rate – Christmas Day, Boxing Day & New Years Day (<u>from:</u> Midnight on 24 Dec to midnight on 26 Dec and Midnight on 31 Dec to midnight on 1 st Jan.
1 st mile set charge £10.00 2 nd mile £6.60	Any distance not exceeding 1609m (1 mile). If the distance exceeds 1609m but not 3217m, xx for each subsequent 97.5m (106.7yds) or part thereof.
Then £5.60 per mile (40p increments)	If the total distance exceeds 3217m (2 miles) xx for each subsequent 115m (125.7yds) or part thereof.
Waiting Time 40p	For each period of 35.3 seconds or part thereof
Supplementary Charges	
30p	For each person <u>in excess of</u> two
30p	For each package, or article of luggage conveyed outside the passenger compartment.
30p	For each animal (there are <u>no</u> charges for assistance dogs)
£50.00	Discretionary Soiling Charge

Important: If the journey takes the cab outside the Borough of Runnymede, the driver MUST still charge in accordance with the above scales unless they have agreed otherwise with the hirer before the journey has started.