



Horsham
District
Council

**Hackney Carriage and
Private Hire
Licensing Policy & Guidance**

Hackney Carriage and Private Hire Licensing Policy

Horsham District Council licences hackney carriage (taxi) and private hire drivers, vehicles and operators. It has adopted the Local Government (Miscellaneous Provisions) Act 1976 together with the Town Police Clauses Act 1847 and the Public Health Act 1875

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1. Introduction

The Council has a responsibility for licensing hackney carriages and private hire drivers, vehicles and operators within the District. The hackney carriage and private hire trade are vital when other means of public transport are not available especially in the more rural parts of the District.

Hackney carriages (taxis) and private hire vehicles, drivers and operators must hold the appropriate licence to work. Horsham District Council issues these licences within the Horsham District.

In setting out this policy, the Licensing Authority seeks to carry out its licensing functions with a view to promoting the following objectives:

- The safety and protection of the public;
- Vehicle safety, comfort and access;
- The prevention of crime and disorder;
- The promotion of environmental sustainability
- Protection of children and adults at risk from harm

The aim of the Policy is primarily to protect the public as well as to ensure that the public have reasonable access to services. The Licensing Authority shall seek to use its licensing powers to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required.

This policy aims to protect the safety of the public, whether they are a fare paying passenger or other road users, by ensuring that only fit and proper persons hold licences to work as hackney carriage/private hire drivers and operators. Hackney carriage and private hire vehicles are safe, roadworthy and fit for purpose, thereby upholding the high standards expected of the trade.

This policy will not deal with fees or fare setting process

The two main pieces of legislation surrounding taxis and private hire are the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The 1976 Act introduced private hire licensing and amended and updated parts of the 1847 Act.

The Department for Transport (DFT) has national responsibility for hackney carriage and private hire legislation in England and Wales. In formulating this policy, advice contained in the Statutory taxi and private hire vehicle standards (July 2020).

The policy will remain effective for a maximum period of 5 years but the Authority will keep the policy under review and will consult where appropriate on proposed revisions, to reflect changes in case law and legislation. The Licensing Committee may make any amendments to the policy.

Information Sharing

Information which is given to or obtained by the Council in processing a driver/vehicle or operator licence or whilst carrying out the licensing function, may be shared with others. This may include the Police, Immigration, DEFRA (air quality data), DBS, DVLA, DWP, Home office, other Councils, National Anti-Fraud Network (NAFN) and others to prevent and detect crime.

Decision Making

Day to day decisions on the grant or renewal of licences are delegated to the Licensing Officer and the Head of Environmental Health & Licensing.

Data Protection

When an individual or an organisation provides information to the Council, this data is held in accordance with the Data Protection Act 2018. Data that is provided to the Council is used for processing applications, recording details of successful applicants and for enforcement and crime prevention purposes.

The Council may share data with other services and with partners of the Council where required by licensing procedures and for enforcement and crime prevention purposes.

Difference between a hackney carriage and a private hire vehicle

Hackney carriage (taxi)

Hackney carriages are licensed to 'ply for hire' within the Horsham District.

They can:

- Carry passengers for hire and reward
- Be hailed by prospective passengers in the street
- Park on a designated rank within the Horsham District and await the approach of passengers.

Hackney carriage vehicles can be found at designated ranks or can be hailed in the street. These vehicles have a roof sign with the words TAXI on them. All taxis have a licence plate attached to the rear of the vehicle and a smaller version in the windscreen which carries details of the expiry date, licence number and vehicle registration.

Private hire vehicles (minicabs)

Private hire vehicles cannot ply for hire or stand and wait on a taxi rank. All private hire vehicles must be pre booked through a private hire operator this can normally be done by telephone, on line or app booking.

All private hire vehicles have a licence plate attached to the rear of the vehicle and a smaller version in the windscreen which carries details of the expiry date, licence number and vehicle registration.

Table below highlights some of the key differences between hackney carriage and private hire vehicles

	Hackney Carriage Vehicle	Private Hire Vehicle
Can stand and be hired at a taxi rank	✓	✗
Can be hailed in the street	✓	✗
Can be pre-booked	✓	✓
Must display a fare meter in vehicle	✓	✗
Must work for a private hire operator	✗	✓
When advertising permitted must display Pre-booking only on top of doors	✗	✓

Application Form

Failure to complete in full the appropriate application form could result in an application being delayed, declined or rejected.

Anyone knowingly or recklessly making a false declaration or omitting material information required when applying for a licence is an offence. Where an applicant has knowingly made a false statement or declaration the applicant will normally mean the application is refused and considered for prosecution.

Fee

Failure to pay the full fee at time of application could result in the application being delayed or declined. A list of fees is available on the Council's website.

Area of Primary Use of Licensed Vehicles

Licensed vehicles and drivers by Horsham District Council are expected to operate within the Horsham District.

When the Council considers hackney carriage licence applications it will have regard to where the vehicle licensed will be used. The Council may, in the proper exercise of its statutory discretion conferred upon them by section 37 of the Town Police Clauses Act 1847, refuse to grant or renew a hackney carriage vehicle licence where that vehicle is not intended to be used within the Horsham District, or is used predominantly in another area.

Hackney carriage and private hire drivers

Anyone wishing to drive a licensed hackney carriage (taxi) or private hire vehicle must themselves be licensed with the Council. Applicants for drivers licenses must undergo background checks which are designed to ensure the applicant is a 'Fit and proper Person' to hold a licence as stated in the legislation. The Council's primary objective is to ensure the safety of the public.

Once all relevant paperwork has been submitted and the fee paid, the new applicant will book for an appointment for interview/test with officers to clarify and advise on how a licensed driver should act and what the licences involve. At the interview/test there is a local knowledge test with local landmarks and byelaw test and a knowledge and conditions test of licence for hackney carriage and private hire. The knowledge test is more detailed for taxi applicants who must be able to carry passengers by the shortest and most direct route to their destination.

Applicants with criminal or other convictions may also need to be interviewed by officers of the Council before a decision can be made on the application. We would advise all applicants to read the Councils convictions policy before making any application. When there is sufficient reason, it is the Councils right to refuse the grant of a licence. In such a case the applicant has the right of appeal to the Magistrates Court.

2. HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS

Licences

We issue three types of driver licence: Hackney Carriage, Private Hire and Dual (combined Hackney Carriage and Private Hire)

Licences are normally granted for a period of three years. A licence may be granted for a shorter period where appropriate. For example, where a driver has a limited right to work period. Note: A driver cannot receive a licence for a period longer than their “right to work”. Shorter licences will not be granted on a “probationary” basis.

Before granting a drivers licence, the council must be satisfied that the applicant is a ‘fit and proper person’ to hold a licence

Age and Experience

Department for Transport (DFT) Guidance recommends that maximum age limits for drivers should not be set, providing that regular medical checks are undertaken. It also considers minimum age limits (beyond the statutory age for holding a full drivers licence) as inappropriate. Therefore the council will not set minimum or maximum age limits for drivers. However, in accordance with legal requirements, applicants must hold a valid full UK driving licence for a minimum of 12 months prior to their application.

Driver & Vehicle Licensing Agency Disclosure

The grant of a licence is subject to a check being made with the DVLA in respect of any relevant convictions. The check is carried out annually or at other times if the council believes that there is reason to do so. Each applicant must complete a mandate to enable the check to be made or give consent for officers to make appropriate checks.

Driving Proficiency

New applicants will be required to provide evidence that they have passed a Driving Standards Assessment (DSA) specifically designed for Hackney Carriage and Private Hire drivers.

The assessment must be carried out by one of the Council’s nominated providers.

Where there is any doubt as to the driving ability of the licence holder, or any significant changes to the driver’s circumstances, since the grant of the licence, the Authority may require the applicant to pass a further assessment driving test. Any fees must be met by the applicant.

The Knowledge Test

All new applicants must pass the Horsham District Council Knowledge/Conditions test. This is to test the driver’s knowledge of the local area, Highway Code, aspects of taxi licensing law and our policy.

English Assessment

Applicants must have a reasonably adequate standard of spoken English to be a hackney carriage or private hire driver. This will be assessed throughout the application process and during the knowledge test.

Disclosure and Barring Service (DBS) check

A DBS check on a driver is an essential measure in determining whether an applicant is a suitable person to hold a licence. An enhanced disclosure with barred list check provided by the Disclosure and Barring Service is required for all applicants. Enhanced disclosures include details of spent convictions, police cautions and other information.

The Rehabilitation of Offenders Act 1974 **does not apply** to applicants for drivers licences. They are required to disclose all convictions, including those that would normally be regarded as spent.

DBS checks are carried out at the applicant's expense.

As part of our policy, we will require licensed drivers to maintain an online certificate through the DBS update service. This is (<https://www.gov.uk/dbs-update-service>) and enable the Council to access this certificate on renewal or at other times as reasonably necessary. Drivers must pay an annual fee to the DBS for the on-line update facility.

The advantage of the online update service is:

- Drivers maintaining an up to date online certificate will not need to apply for and submit a paper DBS certificate when renewing their licence. (providing that the information on the online DBS is up to date) This will result in a quicker process.
- The Online Certificate can be checked by the licensing authority at renewal and as required during the term of the licence.
- Maintaining an online certificate through annual subscription may cost the driver less than obtaining a paper certificate every 3 years.

Drivers who already hold a licence on the date that this policy comes into effect and have not already signed up to the update service, will be required to provide a paper DBS certificate at their next renewal then sign up to the online update service.

If an applicant has lived or stayed outside the UK for a continuous period of 6 months or more, a certificate of good conduct from the relevant embassy or equivalent document, issued and authenticated by the relevant embassy will also be required. This must either be in English or translated by an approved translator at the applicant's expense.

If an officer has any doubt to the validity, completeness or accuracy of the document, then an applicant may not proceed to the next steps of the process. The burden to establish validity lies with the applicant.

Medical Assessment

The DfT guidance states that it is clearly good practice for drivers to undergo medical checks prior to grant or renewal of a licence. The Group 2 Medical Standards adopted by the DVLA for lorry and bus drivers are considered best practice for Hackney Carriage and Private Hire Drivers.

All applicants must undergo a medical examination to assess their fitness to work as a Hackney Carriage / Private Hire Driver; a group 2 medical will be required. A medical form will either be sent as part of an application pack or can be obtained from the Council. The assessment must be carried out either by the applicant's General Practitioner or by a suitably qualified GMB registered medical practitioner who has access to the applicant's medical records and approved by the Council. The completed form must be submitted as part of the application.

The applicant is responsible for paying the fee for the assessment.

A medical assessment is required for all new driver applications. A new medical assessment is required every 5 years for drivers aged up to 65. Drivers aged 65 or over are required to undergo a medical assessment annually. More frequent checks will be required if considered necessary by the Medical Practitioner. Certificates provided must be less than 3 months old.

The Group 2 standards preclude the licensing of drivers with insulin treated diabetes. However, exceptional arrangements do exist for drivers with insulin treated diabetes, who can meet a series of medical criteria, to obtain a licence to drive category C1 vehicles (i.e. 3500-7500 KG lorries). As suggested best practice, This authority will also apply criteria based on the C1 standards to taxi and PHV drivers with insulin treated diabetes.

Licence holders must advise the Council of any deterioration in their health that may affect their driving capabilities. Licence holders may be required to undergo a further medical assessment to confirm their fitness to drive a licensed vehicle.

Should concerns arise regarding the health of a licensed driver, the council at any time may request further information or a further medical examination to be carried out and certificate submitted.

The council reserves the right to revoke or suspend a licence if requested information is not submitted within 4 weeks of the request and a satisfactory explanation is not given for the failure to provide such information or where the information provided raises further concerns as to the applicants fitness to carry out his/her duties as a licensed driver.

Safeguarding Training

People working in the taxi trade may have a role to play in spotting and reporting the abuse, exploitation or neglect of children or vulnerable adults. However, this is only possible if they are aware of and alert to the signs of abuse and who they should contact if they suspect a child or vulnerable adult is at risk of harm or in immediate danger.

Therefore, the DfT expect local authorities to require Hackney Carriage and Private Hire drivers to undertake appropriate safeguarding awareness training.

New applicants for driver licences will be required to provide evidence that they have completed a safeguarding training course approved by Horsham District Council.

Existing licensed drivers will be required to undertake approved training within 12 months from the date that this policy comes into effect and provide evidence they have completed the training.

The council will look to promote awareness of safeguarding issues among all licence holders through other information and education campaigns

Immigration Checks – Right to Work

The council has a duty to carry out immigration checks to ensure applicants have a right to work in the UK. A licence will not be granted unless sufficient proof of right to work in the UK has been provided. Licences will not be granted for a longer period than the applicant's right to work.

The Immigration Act does not permit the issue of licences to self-employed persons who are in the country on a student visa.

Convictions and Cautions

In assessing whether an applicant or licence holder is a fit and proper person, the council will consider convictions, cautions and other information that has been disclosed, so far as they are relevant to a licence and in accordance with the Council's conviction policy.

Fit and Proper

- a) This Licensing Authority will only license drivers that it considers are 'fit and proper' to hold a licence, and that are not disqualified by reason of their immigration status. 'Fit and proper' is given its widest interpretation and includes physical fitness, character, behaviour etc.
- b) Applicants must be aware that this Local Authority does not allow any member of staff to be subjected to rude, threatening, abusive, intimidating or violent behaviour either directly, by telephone or other methods of communication.
- c) In any of these circumstances staff members have the right to refuse to process the application.
- d) Any person exhibiting any of the above behaviours will be subject to enforcement and may have their application refused or licence revoked.
- e) This Licensing Authority will require applicants and licence holders to undertake several checks and tests to establish their suitability to be considered 'fit and proper' to either be or remain licensed.
- f) Applicants and existing licence holders are required to share information held about them by various bodies e.g. DVLA, police, home office etc.
- g) This Licensing Authority can request any information on an applicant that it deems to be relevant to determine their 'fit and proper' status and may include checking a driver's prior history with this or any other Local Authority, using intelligence from the police or any other regulatory authority as appears relevant.

- h) Consideration of suitability includes character and patterns of behaviour and is not limited to incidents which occur whilst the driver is on duty. Conduct or behaviour which may indicate that the safety and welfare of the public may be at risk will also be considered when assessing their 'fit and proper' status. Any matters that occur whilst the person is using their licence (driving, operating or in connection with their vehicle) will be considered as aggravating factors, and the fact that they did not occur in this way will not be regarded as mitigating factors.
- i) The onus is on the applicant or licensed driver to satisfy this Licensing Authority that they are and remain 'fit and proper'.
- j) Applicants will be required to undertake and provide an enhanced DBS, (including a check of both the Adult and Children's barred lists), statutory declaration listing all criminal convictions and other matters detailed on the application form, medical health check to the DVLA group 2 standard as a minimum, and share information held by DVLA, upon new and renewal applications.
- k) Additional information may be sought as part of the application process if considered appropriate in individual circumstances.
- l) Applicants for both new licences and renewals, who fail to report or declare an offence, or other relevant matters, will bring in to question their suitability to hold a licence. Failure to report or declare an offence prevents this Licensing Authority from considering that information in protecting public safety. It is also a breach of this Licensing Authority's Code of Conduct and will be taken into account as part of the consideration of the applicant's suitability and their 'fit and proper' status.

Data Request/ NR3

- a) When an application is made to this authority for the grant of a new, or renewal of, a taxi driver's licence, this Local Authority will check the NR3.
- b) NR3 was commissioned by the LGA as a voluntary register. Licensing authorities will be responsible for adding basic details of drivers who have had applications for a licence either refused, revoked or suspended.
- c) Details contained on the register will be limited to information that will help to identify an individual to a certain degree of accuracy but will not give a reason why actions were taken. It will be up to individual authorities to follow up on any searches they make which come back with a match.
- d) This Authority will make and then retain a clear written record of every search that is made of the register. This will detail: -
 - i) the date of the search;
 - ii) the name or names searched;
 - iii) the reason for the search (new application or renewal);
 - iv) the results of the search; and
 - v) the use made of the results of the search (this information will be entered to the register at a later date)
- e) If any match is discovered (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will

also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.

- f) When this authority receives a request for further information from another authority, a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.
- g) This Authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request and therefore we will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.
- h) For this database to serve its purpose of protecting the public and the trade from unacceptable drivers obtaining licences in other districts, unscrupulous drivers will not be allowed to circumvent the provisions by surrendering their licence ahead of any revocation or non-renewal decision being made.

Applications and Renewals

Applications must be made with the appropriate fee, forms and supporting documents. Whilst reminders will be sent, it is the responsibility of the licence holder to ensure a renewal application is submitted in time, failure to do so will result in the lapse of the licence which would mean a new application.

It is important that hackney carriage and private hire drivers notify this Licensing Authority of any significant changes which occur after their licence has been granted. This includes but is not limited to changes in name, address, email address or telephone number, change of immigration status etc. This also includes any health changes which may affect their driving ability, all convictions, cautions, reprimands, warnings and DVLA penalty points currently shown on the licence or any other matter which may bring in to question their 'fit and proper' status.

3. PRIVATE HIRE OPERATORS

Any person that takes bookings for private hire vehicles in the Horsham District must be licensed as a Private Hire Operator.

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle

The objective in licensing Private Hire Operators is the safety of the public, who will be using operator's premises and vehicles and drivers arranged through them. The council must be satisfied that an applicant is a "fit and proper" person to hold a licence. They must be assured that they will pose no threat to the public and have no links to serious criminal activity.

Applications for operator's licences must be made on the prescribed form, together with the appropriate fee.

Licences are normally issued for a period of 5 years. This is consistent with best practice guidance and is the maximum length of licence permitted. Shorter licences may be issued in specific circumstances where the council considers this appropriate. However, shorter licences will not be used on a "probationary" basis.

Fees for private hire operator licences are based on the number of vehicles operated.

Applicants will be required to give details of the number of vehicles they intend to operate.

Should an operator wish to increase the number of vehicles then they must notify the council in order that the licence can be amended. An additional fee may be charged to account for the increase in vehicles.

Disclosure and Barring Service (DBS) Checks

In order to help determine whether a person is a fit and proper person to hold a licence, the DfT Statutory Standards require Licensing Authorities to request a Basic DBS Check and that a check is undertaken annually. Private Hire Operators (that are not licensed drivers) are not exempt from the Rehabilitation of Offenders Act 1974. As such they will not be subject to an Enhanced DBS check. A Basic disclosure will be required.

Where an operator is a Ltd Company or partnership, a DBS will be required for each director/partner. If a partner / director changes during the term of the licence, the council must be notified. A Basic DBS for new directors/ partners will be required.

Where an individual has lived or stayed outside the UK for a continuous period of 6 months or more, a Certificate of Good Conduct will be required.

Basic DBS checks are not currently eligible for the update service. Operators will be required to submit a paper certificate annually and on renewal of a licence.

Operators that are also drivers licensed by this authority, will be required to provide an enhanced DBS as part of their drivers' application and maintain an online certificate through the update service. In such cases operators, will not be required to submit an additional basic DBS. However, should an operator cease to be a licensed driver, then a basic DBS will be required immediately.

Disclosure of convictions will be taken into consideration when determining whether an operator is a fit and proper person to hold a licence. This will include a review of existing licence holders, where DBS checks of directors/ partners or individuals discloses convictions that have not previously been considered.

The staff that operators employ may have direct contact with the public. Those dispatching vehicles will determine which driver to send to fulfil a booking. Therefore, they may be in a position to exploit children and vulnerable adults. The DfT statutory standards expect Private Hire Operators to be able to demonstrate that their staff present no risk to the public.

Operators will be required to keep a register of all staff they employ to take bookings or dispatch drivers. They must have sight of a Basic DBS for all such staff. A record of having carried out this check must be maintained. Operators licensed at the time this policy comes into effect will be required to have the register in place within 1 month of the date of the policy. The DBS checks on existing staff must be viewed and recorded within 6 months of the policy coming into effect.

Private Hire Operators will be required to have a documented policy setting out their approach to employment of staff with convictions. As a minimum, it is expected that booking/dispatch staff will have remained free of conviction for the time periods set out in convictions policy. Motoring convictions are not considered relevant. This will be required to be provided with all new applications, from the date this policy comes into effect. Licensed Operators, will be required to supply a copy of the policy to the Council within 6 months of this policy coming into effect.

Address from which Operator based

The Operator's base must be located within the Horsham District. If it is not, the council will not grant a licence. This is to ensure that proper regulation and enforcement measures may be taken by the council and is in no way intended as a restraint of trade.

It will be the responsibility of the operator to ensure that appropriate planning permission exists for the operational address to be used for that purpose, prior to starting operating. The grant of a private hire operator's licence does not override the need for planning permission nor does it imply that such planning permission is or isn't required or likely to be granted, as such determination will be subject to the appropriate planning process. The Licensing Team may provide the Council's planning team with names and addresses of licensed operators.

Applicants are advised to check with the planning team regarding the need for planning permission.

Insurance

If the operator's premises is open to the public, suitable Public Liability Insurance must be in place. Evidence of insurance must be provided before a licence is issued.

Use of Vehicles and Drivers

As a result of the Deregulation Act 2015, Private Hire Operators are allowed to sub-contract work to other licensed Private Hire Operators who hold licences with a different Licensing Authority.

A private hire operator must ensure that every private hire vehicle has a valid private hire vehicle licence and is driven by a person who holds a private hire driver's licence.

Some private hire operators may use Public Service Vehicles (PSV) (vehicles with more than 8 seats, e.g. minibuses) in order to fulfil a booking. These vehicles and their drivers are covered by a different licensing regime. Drivers of PSVs are subject to different checks, as the work normally undertaken, e.g. driving a bus, does not present the same risk to passengers. Checks do not include an Enhanced DBS check.

This policy will therefore prohibit the use of PSV and Drivers by a licensed private hire operator unless it is necessary (due to the number of passengers or luggage requirements) and the informed consent of the hirer is given. The operator must be clear that a Passenger Carrying Vehicle (PSV) driver will be used and that they are subject to different checks and may not have an Enhanced DBS check.

4. VEHICLES

Limitation on Numbers

No powers exist for licensing authorities to limit the number of private hire vehicles that they licence.

Section 16 of the Transport Act 1985 made provision for the grant of a hackney carriage licence may be refused, for the purpose of limiting the number of licensed hackney carriages “if, but only if, the local authority is satisfied that there is no significant demand for the services of hackney carriages (within the area to which the licence would apply) which is unmet”. In the event of a challenge to a decision to refuse a licence on these grounds, it would, therefore, have to be established that the Council had been reasonably satisfied that there was no significant unmet demand.

Most local authorities do not impose quantity restrictions. The Department for Transport regards this as best practice.

The council does not intend to set a limit on the number of hackney carriages that it licences.

Vehicle Specifications

Local Authorities have a wide range of discretion over the types of vehicles that they can licence as Hackney Carriage or Private Hire Vehicles. Best Practice Guidance is that local authorities should adopt the principle of specifying as many different types of vehicles as possible. This could be done, for example by specifying general criteria, and allowing the Hackney and Private Hire Trades to put forward vehicle that meet those criteria

The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a hackney carriage or private hire vehicle licence. Hackney carriages and private hire vehicles provide a necessary service to the public, so it is appropriate to set standards for the external and internal condition of the vehicles, provided that the standards are reasonable and proportionate.

Case law has determined that licensed vehicles remain licensed at all times, even when not being used for hackney carriage/private hire work. Licensed vehicles must comply with legal requirements and conditions at all times

Specifications and licence conditions for vehicles are attached in .

The council will not licence a vehicle which is already licensed with another council or Transport for London. If the council becomes aware that a vehicle is dual licensed, then the licence is likely to be revoked.

Stretch limousines are sometimes used for private hire bookings and special events. These are often imported vehicles, and due to their nature may not meet standard vehicle specifications set out in licensing policy (for example, to be right hand drive).

Imported vehicles may not have certification to EU Whole Vehicle Standards. Such vehicles would normally require certification under the Individual Vehicle Approval (IVA) Scheme to demonstrate that they meet appropriate safety standards.

The Department of Transport view is that it is not a legitimate course of action for licensing authorities to adopt policies that exclude limousines as a matter of principle. A policy of

excluding limousines creates an unacceptable risk to the travelling public, as it may lead to higher levels of unlawful operation.

Applications for stretch limousines to be licensed as private hire vehicles will be considered on their merits provided they have no more than 8 passenger seats.

Additional Specifications and Conditions relating to stretch limousines are set out in.

All bookings for a stretch limousine licensed as a private hire vehicle by the council must be booked through a private hire operator licensed by Horsham District Council in accordance with S55 of the Local Government (Miscellaneous Provisions) Act 1976.

Funeral and Wedding Vehicles

There is no requirement for a vehicle to be licensed when it is being used in connection with a funeral, or is being wholly or mainly used by a person carrying out the business of a Funeral Director for the purposes of funerals.

A vehicle does not need to be licensed whilst it is being used in connection with a wedding. For clarification, the exemption only applies to journeys directly relating to the wedding service itself for example transporting the bride/and or groom to the wedding service, from the service to the reception and from the service/reception to home. Transport to other locations such as the airport would be considered a licensable activity.

Accessibility

The council is committed to supporting and promoting equality and diversity.

The Equality Act 2010 has made provision for the assistance of taxi and private hire vehicle passengers in wheelchairs and to those who have guide dogs and other assistance dogs. The sections relating to wheelchair users (sections 165 and 167) came into force on 06 April 2017 and the provisions relating to assistance dogs (sections 168 – 173) came into force in October 2010. In accordance with sections 168 – 173 taxi and private hire vehicle drivers are under a duty to carry guide, hearing and assistance dogs without additional charge. Drivers must convey a disabled passenger's dog and allow it to remain with the passenger.

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. When carrying such passengers, drivers have a duty to:

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

Drivers who, for medical reasons are unable to accept assistance dogs are able to apply to the Council for an exemption certificate. Such a certificate will only be issued on production of sufficient medical evidence. Exemption certificates must be displayed in the vehicle at all times the driver is working.

The Secretary of State has the power to impose accessibility requirements on large operators. In particular, the power could permit the setting of quotas of accessible vehicles which must be available to such operator

This policy does not currently mandate vehicles to be a wheelchair accessible design. However, such vehicles are encouraged and will be reviewed annually.

The council will maintain a list of Designated Wheelchair Accessible Vehicles in accordance with S167 of the Equality Act 2010. A designated wheelchair accessible vehicle is a licensed hackney carriage or private hire vehicle which can carry a passenger whilst they remain in their wheelchair. This list will be published on the council website. It will be updated when information becomes available following issue of licences

Drivers of designated wheelchair accessible hackney carriage and private hire vehicles have a legal duty under Section 165 of The Equalities Act 2010 to:

- to carry the passenger while in a wheelchair
- not to make any additional charge for doing so
- if the passenger chooses to sit in a passenger seat, to carry the wheelchair
- to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
- to give the passenger such mobility assistance as is reasonably required.

Mobility assistance is 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.

It is accepted that there will be some specialist or motorised wheelchairs which due to their dimensions may not be able to be loaded or conveyed safely in all designated vehicles and it is not practicable to require vehicles to be able do so. It may be a reasonable defence if a driver is not able to fulfil duties under the Act due to the size/ design of the wheelchair. However, it is expected that if passengers cannot be accommodated for this reason, that it is dealt with sensitively and clearly explained to the passenger.

DfT guidance states that fare meters should not be left running whilst a driver is fulfilling these duties (e.g. loading / unloading wheelchairs, providing assistance to the passenger,) as this would constitute making an extra charge for doing so. Meters left running under these circumstances would be treated as a breach of the Act and this policy.

Drivers who for medical reasons or due to their physical condition make it impossible or unreasonably difficult for them to carry out duties to passengers in wheelchairs, may apply to the council for an exemption certificate. Such certificate will only be issued on production of medical evidence. Exemption Certificates must be displayed in the vehicle at all times the driver is working

Environmental Considerations

The Best Practice Guidance asks licensing authorities to consider how far their vehicle licensing policies can and should support any local environmental policies that they have adopted, bearing in mind the need to ensure that the benefits outweigh costs (in whatever form). They suggest that authorities may, for example, wish to consider setting vehicle emissions standards, perhaps by promoting cleaner fuels.

Horsham District Council is supporting the take up of electric vehicles working with other Councils across the County to install a new network of charging points over the next 15 years, some of these locations will be in HDC car parks and numbers in this scheme increasing over time.

The Council will look to have a 50% proportion of taxi/private hire vehicles to be ULEV compliant by 1st January 2030 and the remaining vehicles by 1st January 2035.

The age criteria for vehicles within this policy will ensure that over time the fleet will benefit from general improvements in environmental performance.

The Government does have grant funding for plug in taxis/private hire vehicles subject to certain criteria.

There are financial incentives to purchase a low emission vehicle e.g. 100% of purchase price against corporation tax.

Vehicle Specifications enable Electric, Hybrid and Hydrogen powered as well as LPG converted vehicles to be licensed.

Local licensing authorities are encouraged to consider how they can support any local air quality management policies that the local authority may have adopted, particularly where Air Quality Management Areas (AQMAs) or Clean Air Zones have been introduced. At present Horsham District Council has two Air Quality Management Areas and the vehicle emissions standards for hackney carriage and private hire vehicles could be incorporated into that policy. We currently offer a discount on licence fees for any fully electric vehicle licensed as a hackney carriage or private hire.

Emissions from hackney carriages and private hire vehicles could be reduced further, by encouraging better maintenance of vehicles and by switching off engines when stationary or idling, particularly at hackney carriage ranks. It is proposed that this aspect be tackled through education and promotion. All new vehicles licensed to be best in class for carbon emissions and move to low and ultra-low emission vehicles.

Age of Vehicles

This policy sets maximum age for vehicles when licensed for the first time and on renewal. The age restrictions contribute to ensure vehicles within the licensed fleet are of a high standard and benefit from general improvements in safety features and emission standards over time.

Vehicle Testing & Inspection

Vehicles must be mechanically tested and inspected at a garage nominated by the council. Vehicles meeting required standard will be issued with a licence. Vehicles must not be used unless they have a valid licence.

Owners of new vehicles with less than 10,000 miles and under 12 months old from its first registration will not be required to provide a mechanical inspection form until the first renewal of the vehicle's licence, unless on inspection an officer requires one, e.g. after inspecting accident damage.

Newly licensed vehicles will be subject to a check by council licensing officers to ensure that it meets specifications and conditions set out in this policy.

Further checks may be undertaken by officers from time to time to ensure that exterior and interior standards are maintained,

Insurance and Road Tax

Vehicles must be taxed and have valid insurance which covers the vehicle for carriage of passengers for hire or reward. Insurance will be checked as part of the application process. The certificate of insurance must be provided on request. On renewal of the policy, a copy of the insurance certificate should be provided to the council at the earliest opportunity.

Given the importance of maintaining valid insurance which covers the vehicle for carriage of passengers for hire or reward, licensed vehicles found to have no valid insurance cover or where evidence of valid insurance cover is not provided, will be suspended.

Vehicles will be checked to ensure they have paid road fund licence (road tax). Any vehicle found not to have a current up to date road fund licence (road tax) will be suspended.

Damage to Vehicles

Any damage to a licensed vehicle materially affecting the safety, performance or appearance of the vehicle or the comfort and convenience of passengers, must be notified to the council as soon as possible and in any case within 72 hours. Unless the vehicle is so severely damaged that it will never again be serviceable as a licensed vehicle, an appointment will be made for the vehicle to be inspected by a licensing officer and a decision will be made as to whether or not the vehicle is in such condition to continue in service.

If the Licensing Officer considers the damage to the vehicle to be extensive enough to seriously affect the general appearance and/ or use of the vehicle, it will be suspended from use until such time as satisfactory permanent repairs are completed. During this time, plates must be removed from the vehicle.

If the damage to the vehicle is minor, such that the Licensing Officer considers it still to be in a fit condition to continue in service, a notice will be issued requiring the vehicle to be repaired. The vehicle will not be suspended.

When such notice is given, repairs must be made to the vehicle and the vehicle presented for re-inspection within the time given in the notice. In some cases the council may require its compliance inspection garage to certify that the vehicle is fit to return to service.

Failure to carry out repairs or to present the vehicle for re-inspection within such time may result in further action including automatic revocation of the licence, as set out in S68 Local Government Miscellaneous Provisions Act 1976

Where due to accident damage a vehicle cannot be used, there is a process enabling proprietors to licence a replacement vehicle.

Vehicle Identification

Signage is a key measure in ensuring that licensed vehicles can be easily identified.

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 able to be hailed in the street. It is, therefore, important that the public are able to easily distinguish each type of vehicle.

“London” style Cabs will not be licensed as private hire vehicles.

A hackney carriage will be white in colour and a private hire will not be white in colour.

All licensed Hackney Carriage and Private Hire Vehicles are required to permanently display licence plates on the rear of the vehicle. The plates include the registration number, licence number and expiry date of the licence. Different colour plates are issued for Hackney Carriage and Private Hire Vehicles.

Hackney Carriage Vehicles must display an approved illuminated roof mounted sign bearing the word “TAXI”. The word Taxi must be plainly and distinctly visible from the front and rear of the vehicle.

Private Hire vehicles must not bear any roof mounted or other sign on the vehicle bearing the word “TAXI” or “Cab” or any words of a similar meaning or appearance whether alone or as part of another word.

All vehicles will be required to display information on how to make a complaint to the licensing authority. For vehicles holding a licence at the time this policy came into effect, information must be displayed within 3 months of this policy coming into effect.

Advertising/Signs

- (a) No signs, notices, plates, marks, numbers, letters, figures, symbols, emblems or devices whatsoever shall be displayed on, in or from the vehicle except as may be required by any statutory provision or these conditions.
- (b) Every hackney carriage shall at all times be fitted with an approved roof sign on the roof of the vehicle which shall be illuminated and bear the word 'Taxi' on both sides of that sign and which is displayed in such a position that it does not contravene the Road Traffic Acts or regulations thereunder, or any other relevant statutory provision.
- (c) Limited advertising on the inside and outside of the vehicle will be permitted provided it has first been approved by the Council. No advertising to be religious or political in nature or anything likely to cause offence.
- (d) Private hire vehicles must have the wording PRE-BOOKINGS ONLY or ADVANCED BOOKINGS ONLY with any approved advertising on the vehicle.
- (e) There shall be displayed within the vehicle in a position so as to be clearly visible to any passenger the current table of fares in a form and printing approved by the Council.

CCTV and Security

The DfT guidance recommends that licensing authorities look sympathetically on the installation of security measures, such as a screen between driver and passengers or CCTV systems. Such measure can act as a deterrent to would be troublemakers. It may also protect drivers from unjustified complaints and provide a source of evidence in the event of dispute between passenger and driver.

This policy does not require mandatory installation of CCTV systems. Currently it is left to the judgement of the owners and drivers themselves. However, the council will keep the need for requirement of CCTV under review.

The hackney carriage and private hire vehicle trade is, however encouraged to consider the installation of CCTV cameras in their vehicles on a voluntary basis. It will be the responsibility of the operator to handle relevant data gathered in an appropriate and secure manner. For information and guidance on data protection see Information Commissioners Office (ICO) website <https://ico.org.uk/>

Vehicle Proprietors must notify the Licensing Authority in writing if they have a CCTV system fitted. They must register with the ICO and obtain documented evidence of that registration.

DBS Checks on Vehicle Proprietors

As required by the DfT Statutory Standards, applicants for a vehicle licence will be required to submit a basic DBS check. This will be required annually. If the applicant is a Ltd Company or partnership, it is important that the fit and proper person test is applied to each director/ partner. A DBS check will be required for each director/ partner. Any disclosed convictions will be taken into account when considering the suitability of a person to hold a licence as stated in the convictions policy.

Applicants that also hold a drivers licence with this Council, will not be required to provide the Basic DBS, as they will already provide the Enhanced DBS as required by this policy. However, should they cease to hold a drivers licence then a Basic DBS will be immediately required.

Where an applicant has lived or stayed outside of the UK for a continuous period of 6 months or more, a certificate of good conduct will be required from the relevant embassy.

If a director / partner changes during the term of the licence, the Council must be notified. Further DBS check may be required

5. FEES

Applicants must pay the fees for their application as set out in the policy. Applications will not be progressed until the appropriate fee has been paid.

A schedule of fees is available on the council's website. The schedule is reviewed as part of the budget process. Fees reflect the cost of the administrative costs of the licensing regime, processing applications, compliance and enforcement of licenced drivers and vehicles etc.

This policy does not deal with the fee setting process.

Refunds

There is no statutory requirement to issue refunds following surrender of a licence. Historically, the council has received requests for refunds for licences that have been surrendered, for example, due to ill health or the licence holder moving away from the area. These have and will continue to be considered, subject to the paragraphs below.

Licence holders should think carefully before surrendering a licence. If they decide to reapply in future, then their application will be considered as a new application and subject to the Refunds will not be issued on licences issued for 12 months or less.

Refunds on surrendered driver and operator licences will be considered on written request. Requests will not be considered unless badges and paper licences have been returned to the licensing authority. The refund amount will be pro-rata based on the amount of whole months remaining on the licence. The pro-rata amount for the first 12 months of the licence period will not be refunded. An administrative charge for dealing with the refund application will also be deducted.

Same conditions as for all new applicants (e.g. knowledge tests, driver assessments, for new drivers)

Refunds will not be issued for licences which have been revoked or surrendered following suspension.

6. FARES

The council has set Hackney Carriage fares (Tariff) for journeys within its District. This sets the maximum fare that can be charged by Hackney Carriage Drivers.

There is no provision to set fares for private hire vehicles.

Current fare rates are shown on the council website. The council's official table of fares (tariff card) must be displayed in all vehicles with meters fitted.

A taxi driver is allowed to charge more than the metered fare for journeys starting inside the licensing area and ending beyond the district **only if this is agreed in advance**. In the case of a pre-booked journey starting outside the district, the price/estimate should be given on request by the passenger, and, if so, recorded.

The council will review fare rates from time to time as necessary or in response to a bona fide request. Proposed changes will be introduced in accordance with Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

7. TAXI STANDS (RANKS)

Hackney Carriage Stands (Ranks) are designated areas where Hackney Carriage Vehicles may wait and ply for hire. They are usually located in strategic areas, such as near stations or town centre areas.

Comments are welcome from either the hackney carriage trade or the public on the need for additional ranks in specific locations, the potential for re-locating or extending existing ranks or the removal of ranks which no longer fulfil a useful purpose.

It is an offence for any person to cause or permit any vehicle other than a Hackney

Carriage to wait on any rank or stand for Hackney Carriages. Drivers of Hackney Carriages may only wait on a rank or stand whilst plying for hire or waiting for a fare; drivers who park on a rank or stand and leave their vehicle unattended are committing an offence.