



**SOUTH DERBYSHIRE DISTRICT COUNCIL**

**PRIVATE HIRE LICENSING POLICY**

**LOCAL GOVERNMENT (MISCELLANEOUS  
PROVISIONS) ACT 1976**

**Issue 4: October 2015**

# **1 INTRODUCTION**

## **Powers and Duties**

- 1.1 This Statement of Licensing Policy (“the Policy”) is written pursuant to the powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 (“the Act”), as amended, which places on South Derbyshire District Council (“the Council”) the duty to carry out its licensing functions in respect of private hire vehicles, drivers, and operators.

## **Objectives**

- 1.2 The private hire trade has a specific role to play in an integrated transport system. The trade are able to provide services in situations where public transport is either not available (for example in rural areas, or outside “normal” hours of operation such as in the evenings or on Sundays), or for those with mobility difficulties.
- 1.3 In setting out this Policy, the Council seeks to promote the following objectives:
- the protection of the health and safety of the public;
  - the maintenance of a professional and respected private hire trade;
  - access to an efficient and effective local transport service;
  - the protection of our local environment.
- 1.4 It is the aim of the Council in this context, to use the licensing powers available to ensure that licensed vehicles in the district are safe, comfortable, properly insured and available where and when required, and that the drivers of these vehicles have been sufficiently vetted so as to be considered “fit and proper”.
- 1.5 The Council in composing this Policy has been mindful of the need to justify each requirement against the risk it seeks to address, or objective it seeks to promote. Where the cost of implementing a proposed requirement was not commensurate with the perceived benefit in either of these areas, the introduction of the requirement was not pursued.
- 1.6 In carrying out their regulatory functions, the Council will have regard to this Policy and in particular, the objectives set out above. Notwithstanding the existence of this Policy, each application or enforcement measure will be considered on its own merits. Where it is necessary for the Council to depart substantially from this Policy, clear and compelling reasons will be given for doing so.
- 1.7 The Policy refers to guidance that is available to applicants, drivers and operators to assist them with the application processes and the running of the service. This Policy, relevant application forms and the current fees are available on the Council’s website.

## **Background to Policy**

- 1.8 The Council gave a commitment to subject the Policy to regular review. Best Practice Guidance (“the Guidance”) has been re-issued by the Department for Transport and internal procedures have been further revised.
- 1.9 There is recognition within the Guidance that unduly stringent licensing requirements are likely to unreasonably restrict the supply of private hire vehicles by increasing the

cost of their operation, or by restricting access to the trade. The Council is aware, therefore, that a too restrictive approach may be detrimental to the public interest and could have adverse safety implications.

- 1.10 In light of this and in order for the Council to maintain a modern, forward thinking licensing function, a full review of the Policy has been undertaken. This new Policy is intended to ensure that both the trade, public and Officers have a document that fully explains the licensing procedures in a clear and transparent manner.

### **Policy Duration**

- 1.11 This Policy will take effect from # for a period of three years.
- 1.12 Prior to the end of the three year period, a full consultation will be undertaken with a view to publishing a new Policy to take effect no later than the date of expiry of the existing Policy.
- 1.13 The Policy will be kept under constant review and amended as and when necessary to reflect changes in legislation and case law.
- 1.14 The Policy was updated in October 2015 to incorporate the changes introduced by the Deregulation Act 2015 as well as some minor changes to the Policy.

## **2 VEHICLES**

### **Specifications and Conditions**

- 2.1 The Council has a wide range of discretion over the types of vehicle that they can license as private hire vehicles.
- 2.2 The Council is empowered to impose such conditions, as it considers reasonably necessary, in relation to the grant of a private hire vehicle licence. Private hire vehicles provide a necessary service to the public, however, it is appropriate to set standards for the external and internal condition of the vehicle and the mechanical fitness of the vehicle.
- 2.3 All private hire vehicles must meet the standards as laid down by the Council with regard to standard of appearance. Vehicles shall be right hand drive, be able to carry no more than 8 passengers, have a minimum of 4 doors and shall not have an engine capacity of less than 1250cc. Vehicles with any unrepaired accident damage, panels of a different colour to the rest of the vehicle, missing trims, dirty or damaged upholstery or generally shabby appearance will not be licensed.

### **Appearance of the Vehicles**

- 2.4 The exterior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the exterior of the vehicle shall:
- (i) be free of dents;
  - (ii) be free of visible rust;
  - (iii) be free of any scratches over 10cm in length;
  - (iv) be free of unrepaired accident damage;
  - (v) have uniform paintwork equivalent to that applied by the manufacturer;
  - (vi) not be missing any exterior trim;

- (vii) have all 4 hub caps (if part of the original specification) present, matching and scuff free; and
  - (viii) be maintained in an acceptable state of cleanliness.
- 2.5 The interior of all licensed vehicles shall be maintained in a clean, safe and proper manner at all times. In particular, the interior of the vehicle shall:
- (i) be free of stains to the upholstery including carpets, and door trim;
  - (ii) be free of splits and tears to the passenger seats;
  - (iii) be maintained in an acceptable state of cleanliness;
  - (iv) have no edges or damaged items likely to cause injury to a passenger;
  - (v) be free from damp and odour that may cause passenger discomfort; and
  - (vi) provide seats functioning in accordance with the manufacturers' specification.

### **Liquid Petroleum Gas (LPG)**

- 2.6 An applicant for a licence involving a vehicle that has been converted to run on LPG is required to produce, prior to a licence being issued, a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with the LPG Association's Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector.
- 2.7 Any licence holder wishing to convert their licensed vehicle to run on LPG must notify the Council prior to any conversion taking place. Once the conversion has taken place, the licence holder must provide the Council with a certificate issued by a member of the LPG Association confirming satisfactory installation, examination and testing of the vehicle in accordance with LPG Association Code of Practice. This certification is required to ensure that the vehicle is considered safe by an approved inspector. The licence will be suspended until the changes have been made. The licence plate must be returned to the Council.
- 2.8 If an LPG conversion involves installation of an LPG fuel tank in a vehicle's boot space (and possible relocation of the spare wheel) it shall be a requirement that an amount of space shall remain free for the stowage of a reasonable amount of luggage and any spare wheel displaced as a result must be stowed in a location that does not impinge on the passenger carrying area of a vehicle.

### **Wheelchair Accessible**

- 2.9 The Council is committed to social inclusion and ensuring a wide variety of opportunities is available to those with mobility difficulties in order to enjoy a high quality of life. It fully supports the view of the Equality and Human Rights Commission that:
- "Making successful journeys is critical to the social inclusion of disabled people. Without the ability to travel, disabled people are denied access to life opportunities. Their access to education, shopping, employment, healthcare, as well as social and family life is significantly improved when journeys become accessible."*
- 2.10 The private hire trade should be aware of a good practice guide produced by the Equality and Human Rights Commission, as private hire operators also have a duty under the Equality Act 2010 to ensure disabled people are not discriminated against or treated less favourably.

- 2.11 The licence holder and all other drivers of wheelchair accessible vehicles must be suitably trained on how to use the equipment in the licensed vehicle and how to handle a person in a wheelchair. The DVSA Wheelchair Test Assessment pass certificate will be required for all drivers of the wheelchair accessible vehicle. The pass certificates must be provided to the Council on application.
- 2.12 Any equipment fitted to the vehicle for the purpose of lifting a wheelchair into the vehicle must be tested every 6 months in accordance with the requirements of the relevant legislation. Any such equipment must be maintained in good working order and be available for use at all times. The certificate must be provided to the Council. Failure to provide an updated certificate before the expiry of the current document will result in the licence being suspended until such a time as a new satisfactory document has been received.

### **Age of Vehicles**

- 2.13 On the initial grant of a private hire vehicle licence, all vehicles must be less than 8 years old from the date of first registration. The date will be taken from the V5C logbook.
- 2.14 A licensed vehicle may continue to be licensed until it reaches ten years of age from the date of first registration provided that it:
- (i) is mechanically tested by the Council Depot every 6 months,
  - (ii) obtains an MOT pass certificate; and
  - (iii) is compliant with the standards of appearance for a private hire vehicle (detailed at 2.3, 2.4 and 2.5 above).
- 2.15 Once a licensed vehicle reaches ten years old, the licence will not be renewed.

### **Vehicle Testing**

- 2.16 All vehicles over 3 years of age must have a valid MOT pass certificate upon first application and annually thereafter.
- 2.17 In addition to the MOT testing, the vehicle must also be mechanically tested and inspected by the Council's depot every 6 months.
- 2.18 A valid MOT certificate and compliance test pass sheet must continuously be in place throughout the course of the licence. Failure to provide an updated MOT certificate or compliance test pass sheet before the expiry of the current documents will result in the licence being suspended until such a time as new satisfactory documents have been received.
- 2.19 The licence of any vehicle which fails its inspection requirements will be immediately suspended on public safety grounds until such time as the vehicle has been re-examined and the necessary pass certificates obtained. The licence plate must be returned to the Authorised Officer within 7 days of receipt of the suspension notice. The licence holder must not use the vehicle after they have been served this suspension notice until such time as the inspection requirements are met and the suspension is lifted by an Authorised Officer.
- 2.20 In addition to the above testing requirements, all licensed vehicles shall be liable to be randomly inspected and tested by an Authorised Officer. These tests will be undertaken at the Council Offices, or any other location. The tests may be conducted

in conjunction with the Police and/or VOSA inspectors. If it is discovered during an inspection that a vehicle is not being properly maintained, a suspension notice may be served under section 68 of the Act on public safety grounds. This notice will specify the defects and the action required to remedy the problem. The vehicle may not be used for private hire work until an Authorised Officer lifts the suspension. The licence plate must be returned to the Authorised Officer within 7 days of receipt of the suspension notice.

- 2.21 Failure to comply with the requirements of a section 68 notice will be considered a serious breach of licensing requirements and dealt with accordingly. If the requirements of a section 68 notice are not rectified within two months, the vehicle licence will be revoked in accordance with the Act.
- 2.22 A re-test fee is payable if the vehicle fails the compliance test at the Depot. A test fee is payable if any test is carried out at the Depot in addition to the two tests included in the vehicle licence fee.

### **Alteration of Vehicle**

- 2.23 If a licence holder wishes to make any material alteration or change in the specification, design, condition or appearance of the vehicle then they must notify the Council in writing before any changes are made.
- 2.24 If the vehicle is already licensed, the licence will be suspended while the changes to the vehicle are being made. The licence plate must be returned to the Council.
- 2.25 Once any changes have been made, the licence holder will need to provide the Council with a Confirmation of Compliance notification from the Driver and Vehicle Standards Agency (DVSA).

### **Insurance**

- 2.26 A valid insurance certificate must continuously be in place throughout the course of the licence. The insurance policy must cover the licence holder for hire and reward purposes and all drivers of the vehicle for that purpose. Failure to provide an updated insurance certificate before the expiry of the current documents will result in the licence being suspended until such a time as new satisfactory documents have been received.
- 2.27 Any person named on an insurance certificate should be a licensed private hire driver with this Council. The Council will not accept any insurance certificates that name any person other than a licensed private hire driver.

### **Taximeters**

- 2.28 It is not compulsory to have a taximeter installed in a private hire vehicle. Where a taximeter is fitted, the licence holder must provide the Council with:
  - (i) a calibration certificate;
  - (ii) details of the fare that the meter is set to.
- 2.29 A tariff card must be displayed in the vehicle showing the current fares payable.

- 2.30 The Council will require a new calibration certificate and new fare details each time a licence holder changes the private hire operator that they work for or the fare table changes.

### **Accidents**

- 2.31 With the safety of the public being a predominate factor of this Policy, all vehicles involved in an accident, however minor, will be required to complete the Council's accident report form and submit to the Council within 72 hours of the accident. On receipt of an accident report form, the Authorised Officer will carry out an inspection of the damaged vehicle and decide the course of action to be taken in respect of the vehicle.

### **Signage and Advertising**

- 2.32 No licensed vehicle will be permitted to have a roof sign or any other kind of fixing on the roof.
- 2.33 All licensed vehicles must display signs stating the name of the private hire operator, their telephone number, and the statement, "Advanced Bookings Only" on both sides of the vehicle. The signs should be legible for members of the public to read easily. The signs must be displayed on the licensed vehicle at all times during the period of the licence.
- 2.34 For any signage in addition to the above, approval must first be obtained from the Council in writing.
- 2.35 Where a licensed vehicle is used by more than one operator the licence holder must ensure that the correct identifying signs are attached to the vehicle when fulfilling any booking.
- 2.36 No signage shall include the word "TAXI", "CAB" or the words "FOR HIRE" or combinations of the above, or any other words that are likely to cause a person to believe that the vehicle is a hackney carriage and available for instant hire.
- 2.37 Written permission must be obtained from the Council prior to any commercial advertising being placed on or in the vehicle.
- 2.38 No signage must be placed in or on the rear window of the licensed vehicle so as to avoid the driver's view from being obscured.

### **Plate exemption**

- 2.39 Licensed vehicles are required to display licence plates externally on the rear of the vehicle and a dual sided plate in the front windscreen. Exemptions may be given for certain types of private hire vehicle not to display the rear plate, however, a letter of exemption from the Council and the licence plate must be carried in the boot of the vehicle at all times.
- 2.40 Exemption requests must be submitted in writing. Exemptions will only be granted to licensed vehicles used for executive hire, corporate contracts, or work of a similar nature. Evidence will be required before any exemption is granted by the Council. Vehicles that are used for a combination of 'exempt' work and normal private hire work will be required to display the licence plate at all times when the exemption does not apply.

## **Trailers**

- 2.41 The Council permits the use of trailers for private hire vehicles. The trailer must meet the requirements set out in the private hire vehicle licence conditions. An application form must be submitted to the Council with the required documentation. The trailer must be tested by the depot. A fee is payable.
- 2.42 Once the application has been received, a plate and licence will be issued. The plate must be displayed on the rear of the trailer at all times that the trailer is in use. The trailer must only be used with the licensed vehicle that it was presented with at the Depot.

## **Application Procedures**

- 2.43 The application procedures for a private hire vehicle licence are prescribed by the Council. Applications must be made on the specified application form in accordance with the application procedure set out in Appendix 1.
- 2.44 The Council will consider all applications on their own merits once it is satisfied that the appropriate criteria have been met and the application form and supporting documents are complete.
- 2.45 Private hire vehicle licences will be issued for a maximum one year period from the date of grant, subject to the power to grant a licence for a shorter period, should this be appropriate in the circumstances.
- 2.46 A private hire vehicle licence is issued to a specific vehicle, and proprietor, therefore, any change of vehicle or proprietor during the period of the licence would require the relevant application process to be completed.
- 2.47 The Council will undertake to send a renewal reminder to a licence holder's registered address 1 month prior to the expiry date. However, licence holders are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.
- 2.48 An application will not be validated until all of the relevant documentation and the fee have been received. Once a valid application has been received, the Council will determine the application within **five** working days.
- 2.49 If the renewal application has not been determined when the existing licence expires, the licence holder must not use the vehicle for private hire purposes until the new licence has been received.
- 2.50 Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

## **Conditions of Licence**

- 2.51 The Council is empowered to attach such conditions to a private hire vehicle licence as are considered reasonably necessary. All private hire vehicle licences will be issued with the private hire vehicle licence conditions attached.



## **Non-Standard Private Hire Vehicles (Limousines, Novelty Vehicles and Vintage and Classic Cars)**

- 2.52 Stretched limousines are elongated saloon cars that have been increasingly used for mainstream private hire work. The number of stretched limousines being imported, particularly from the United States, has been increasing. Their use generally includes all private hire work plus special occasions such as days at the races, stag/hen parties and children's birthday parties.
- 2.53 A novelty vehicle is a vehicle that has been specially adapted, or converted by a low volume specialist vehicle manufacturer or modifier, and has been specially modified from its original design or specification. For the avoidance of doubt, any vehicle capable of being licensed as a standard private hire vehicle would not be considered a novelty vehicle.
- 2.54 Due to the nature of the work undertaken by limousines and novelty vehicles, both can be licensed for private hire work providing they carry no more than eight passengers and meet the requirements of the Act. This Council requires that all limousines and novelty cars are licensed if they undertake private hire work. In addition to the requirements for a standard private hire vehicle, the Council will require the following:
- (i) there are no more than 8 seats provided for customers and there is no facility for seats to be added after the licence has been granted;
  - (ii) proof of an Individual Vehicle Type Approval (IVA) test;
  - (iii) MOT certificate every 6 months.
- 2.55 All applications to license stretched limousines, or novelty vehicles as private hire vehicles will be treated on their own merits. It is, however, proposed that imported stretched limousines, and novelty type vehicles be granted an exemption from the requirement to be right hand drive and from the age restrictions relating to standard private hire vehicles.
- 2.56 Classic and vintage cars will be exempt from the age restrictions relating to standard private hire vehicles so long as they meet the relevant criteria to be licensed as a private hire vehicle.
- 2.57 Once granted, limousines, novelty vehicles, classic and vintage cars will automatically receive an exemption from displaying the external plate. The letter of exemption and plate should be carried in the vehicle at all times. The internal badge should be displayed in the interior of the vehicle at all times.
- 2.58 It would be an offence under the Licensing Act 2003 to provide facilities for the sale of alcohol within a limousine, or novelty vehicle. If a limousine is to be provided whereby part of the booking includes "free alcohol", the premises which accepts the booking and supplies the alcohol within the vehicle would need an appropriate licence under the Licensing Act 2003, otherwise a criminal offence would be committed. Further information on this matter can be obtained from the Licensing Department.

## **Dual Plating**

- 2.59 The Council will not grant a private hire vehicle licence for any vehicle already licensed by another licensing authority.

### **3 DRIVERS**

#### **Licences**

- 3.1 Under the Act, the Council must be satisfied that an applicant is a fit and proper person to hold a private hire driver's licence.
- 3.2 All private hire driver licences will be issued for a period of three years.

#### **Age and Experience**

- 3.3 A licence will not be granted to anyone who has not held a full DVLA driving licence for a period of at least twelve months immediately prior to the application.
- 3.4 Driving licences issued by another Member State of the European Community (EC) or one of the countries in the European Economic Area (EEA) are acceptable providing the applicant has held the licence for at least 12 months. An applicant who meets the licensing requirements by virtue of an acceptable non-UK driving licence must obtain a counterpart from the DVLA prior to the issue of the private hire driver's licence, which can be attached to the non-UK driving licence and used by the DVLA to monitor penalty points obtained whilst driving in the UK.

#### **Driver Knowledge Tests**

- 3.5 The Council recognises that private hire drivers require a working knowledge of the District as a whole, and an understanding of the laws and conditions they are required to comply with. To this extent, the Council requires all applicants to undertake a knowledge test.
- 3.6 The knowledge test will consist of:
- (i) Writing a receipt;
  - (ii) Questions on the Council's private hire conditions;
  - (iii) Questions on the highway code;
  - (iv) Questions on the legislation relating to private hire;
  - (v) Shortest route questions;
  - (vi) Identifying the location of places of interest.
- 3.7 A fee will be payable for each test taken. The test fee will be non-refundable and subject to regular review.
- 3.8 An applicant must achieve an 80% pass rate. An applicant will have 3 attempts to pass the knowledge test. Failure to pass the test on the 3<sup>rd</sup> attempt will result in the application for a private hire driver's licence being rejected and the applicant will not be permitted to sit the knowledge test for one year from the date of the 3<sup>rd</sup> failure.
- 3.9 Any person found to be cheating on the knowledge test will be disqualified from that test and the test paper will not be marked. However, the test will count towards the total of 3 attempts.
- 3.9 The Senior Licensing Officer, in consultation with the Legal and Democratic Services Manager, shall be authorised to amend the administration of the knowledge test and

to add/delete questions to reflect any changes in legislation or local issues. The administration of the knowledge test will be transparent and all applicants will be made aware of the current criteria and applicable fees on application.

### **Driving Practical Test**

- 3.10 All applicants must complete and pass a DVSA taxi/private hire assessment course prior to application to ensure they are aware of the hazards of driving. The requirement to take a driving course helps raise the standard of driving and ensure persons are aware of other road users. The applicant must provide a signed copy of the assessment pass certificate before their application can be considered. The DVSA certificate must be less than 12 months old when submitted to the Council.
- 3.11 With regards to existing licensed drivers, there is no requirement to pass the DVSA test. However, where a driver obtains 6 points or more in a two year period on their DVLA driving licence, there will be the requirement to pass the DVSA test. A maximum time limit of 6 months is allowed to pass the test. A copy of the DVSA pass certificate must be provided to the Council. Failure to pass the DVSA test within the 6 month period will result in the immediate suspension of the private hire driver's licence until a DVSA certificate has been submitted.

### **Disability Awareness Training**

- 3.12 To ensure compliance with the Equality Act 2010, the Council requires all drivers to undertake disability awareness training. The training will be provided by an external provider and will be arranged by the Council. A fee will be payable by the licensed driver. If a driver has undertaken an equivalent training course, they will not need to complete the training as long as a certificate has been provided to the Council.
- 3.13 Existing drivers will have until 1<sup>st</sup> November 2016 to complete the disability awareness training. If a driver has not completed the training by this date, the application for a renewal of the driver's licence will not be determined until the training has been completed.
- 3.14 For all new applicants, the training must be completed within the first year of being licensed as a private hire driver. If a driver has not completed the training within the first year, the application for a renewal of the driver's licence will not be determined until the training has been completed.

### **Medical and Eyesight Examination**

- 3.15 All drivers are required to provide a prescribed certificate signed by a registered medical practitioner, and a registered ophthalmic practitioner to the effect that they are physically fit to be the driver of a private hire vehicle:
- (i) on initial application;
  - (ii) for medicals, every 5 years\* until the age of 65, and every 12 months thereafter;
  - (ii) for eye tests, every 2 years\* until the age of 65, and every 12 months thereafter.

\* unless the driver is restricted to a shorter period for medical reasons.

- 3.16 The applicant is responsible for the payment of all fees required for any medical or eye examination.

- 3.17 The Council will follow the DVLA Group 2 medical standards when considering the medical fitness of new applicants with insulin dependent diabetes and other illnesses or existing licence holders diagnosed with insulin dependent diabetes or other illnesses during the period of their licence.
- 3.18 A medical and eye test document required under section 3.15 above must be no older than 3 months at the time a valid new driver or renewal application is submitted.
- 3.19 Where there is reasonable doubt over a driver's fitness, the Council may direct the driver for a medical examination by a specified registered medical practitioner at any time. The licence holder will be responsible for the payment of all fees required for any medical examination.
- 3.20 The Council requires all licence holders, who have an illness or injury that affects their fitness to drive, to notify the Council of this fact in writing within 72 hours.

#### **Medical Exemption Certificates**

- 3.21 Private hire drivers must allow assistance dogs to be carried in their vehicles. However, it is possible to apply for an exemption from carrying assistance dogs on medical grounds. Any request for an exemption must be submitted in writing to the Council. Medical evidence will be required to support the exemption request.
- 3.22 Once an exemption has been granted, the driver will be issued with a medical exemption certificate. The driver must display a notice of exemption, which will include a photograph of the driver, on the windscreen of their private hire vehicle facing outwards.
- 3.23 In the absence of a medical exemption certificate from the Council, it would be a criminal offence for a private hire driver to refuse to carry an assistance dog, to refuse to allow the assistance dog to remain with the passenger throughout the journey, or to make any additional charge for the carriage of the assistance dog.

#### **Disclosure and Barring Service (DBS) Disclosures**

- 3.24 Under the Rehabilitation of Offenders Act 1974, private hire drivers are an exempt occupation therefore all convictions even if they are considered spent can be taken into consideration when determining an applicant's fitness and propriety. All convictions must be declared on the application form and failure to do so will be treated as a dishonest act.
- 3.25 All applicants are required to obtain a Disclosure and Barring Service (DBS) Enhanced Disclosure upon first application and every three years throughout the period of their licence. The applicant or licence holder will be responsible for any associated fees. Please note that the Council will not receive a copy of the DBS certificate therefore the applicant must submit their copy to the Council. No application will be granted until a DBS reply has been received.
- 3.26 Any applicant who has not been registered in the UK for at least 5 years at the point of application will be required to submit a certificate of good conduct or similar document from the relevant embassy before an application will be considered valid. This certificate must be in English and the applicant will be responsible for any fees incurred in obtaining the certificate.

- 3.27 If a driver has paid a yearly fee to the DBS for the facility of online checking the Council will still require the following:
- (i) confirmation of ID in line with a DBS check;
  - (ii) original DBS certificate to an enhanced level and checked to the required workforce;
  - (iii) consent form signed by the driver permitting the Council to carry out an online check.
- 3.28 A new DBS certificate will be required every 3 years in line with the renewal of the private hire driver's licence. Notification of the expiry of the DBS certificate will be sent to licence holders 3 months prior to the expiry date along with the renewal paperwork. It is advised that the DBS application form is submitted at least 8 weeks prior to the expiry of the licence. If the new DBS certificate is not received back prior to the expiry of the licence then the renewal application will not be determined until the DBS certificate is received and the licence holder will not be permitted to work as a private hire driver until their application has been determined.

#### **Relevance of Convictions and Cautions upon initial application**

- 3.29 Any application containing convictions, cautions, or information considered relevant to the application by the Police will be considered at the time of application in accordance with the Relevance of Convictions section of this Policy in Appendix 2.
- 3.30 In assessing whether the applicant is a 'fit and proper person' to hold a licence, the Council will consider each case on its own merits.
- 3.31 All applications will be referred to the Licensing and Appeals Sub-Committee for determination if an applicant has any convictions.

#### **Convictions during any period of licence**

- 3.32 The Council requires all licence holders who are arrested to report this fact to the Council within 72 hours. A representative may fulfil this requirement if the licence holder is unable to.
- 3.33 The Council requires all licence holders who are subsequently convicted or cautioned for any criminal or motoring offence during the period covered by their existing licence to report this information to the Council within 7 days of being convicted, or cautioned, or receiving a fixed penalty notice.
- 3.34 In the case of a deferred sentence, the penalty must be disclosed to the Council within seven days of sentencing. Any fixed penalty notice should be reported to the Council upon acceptance of the notice as opposed to when the driving licence has been updated.

#### **Right to work**

- 3.35 All applicants will be required to submit proof of right to work on initial application. The proof should be submitted along with the identification at the DBS appointment. A list of acceptable documents can be found on the Council's website. If an applicant is not able to provide proof of right to work then they will not be permitted to apply for a private hire driver's licence.

- 3.36 If the right to work is for a limited period then the licence holder must submit further proof of right to work prior to the expiry of the existing documentation. If the proof is not received then the private hire driver's licence will be suspended until satisfactory documentation has been received.
- 3.37 If a licence holder's right to work is withdrawn at any time, the licence holder is required to notify the Council immediately. The private hire driver's licence will then be suspended until satisfactory documentation has been received to prove the right to work.

### **DVLA Licence Checking**

- 3.38 It will be necessary for a DVLA mandate to be signed which enables the Council to obtain a driver's complete driving history from the DVLA upon initial application and annually during the period of the licence. The cost of this check is included in the application fee.

### **Application Procedure**

- 3.39 The application procedures for a private hire driver's licence are prescribed by the Council. Applications must be made on the specified application form in accordance with the application procedure set out in Appendix 1.
- 3.40 The Council will undertake to send a renewal reminder to a licence holder's registered address 3 months prior to the expiry date. However, licence holders are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.
- 3.41 An application will not be validated until all of the relevant documentation and the fee have been received. Once a valid application has been received, the Council will determine the application within **ten** working days.
- 3.42 If the renewal application has not been determined when the existing licence expires, the licence holder must not work as a private hire driver until the new licence has been received.
- 3.43 Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

### **Conditions of Licence**

- 3.44 The Council is empowered to attach such conditions to a private hire driver's licence as are considered reasonably necessary. All private hire driver's licences will be issued with the private hire driver's licence conditions attached.

## **4 PRIVATE HIRE OPERATORS**

### **Requirements and Obligations**

- 4.1 Any person who operates a private hire service utilising one or more private hire vehicles must apply to the Council for a private hire operator's licence.
- 4.2 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.

- 4.3 A private hire operator must ensure that every private hire vehicle has a current private hire vehicle licence and is driven by a person who holds a current private hire driver's licence, and that the vehicle is fit for purpose before being used to fulfil a booking.
- 4.4 All three licences; private hire operator's licence, private hire driver's licence and private hire vehicle licence must be issued by the same Council.
- 4.5 Sub-contracting to other operators licensed by this Council and other Councils is permitted under the Act. It is advised that an operator takes steps to ensure that the operator is licensed along with the driver and vehicle dispatched to carry out the sub-contracted booking.
- 4.6 Applications for a private hire operator's licence must be made on the prescribed form, together with the appropriate fee. The Council will decide whether the applicant is a fit and proper person to hold an operator's licence.
- 4.7 Applicants for an operator licence must provide proof that planning permission has been obtained, or that it is not required for the location they wish to license before an application will be considered.
- 4.8 All private hire operator's licences will be issued for a period of five years.

#### **Criminal Record Checks**

- 4.9 Private hire operators, that are not licensed drivers, cannot be required to produce an enhanced DBS disclosure. In order to satisfy the public safety objective, the Council will require a basic disclosure certificate from Disclosure Scotland and a certificate of good conduct from the relevant embassy where the applicant has lived in the UK for less than 5 years. The certificate must be less than one month old and be submitted with the application form. References may be requested depending upon the applicant's specific circumstances. Applicants that hold a current private hire driver's licence with the Council will be exempt from this requirement.
- 4.10 A basic disclosure certificate will be required annually from any operator who is not a licensed private hire driver.

#### **Insurance**

- 4.11 Where an applicant has indicated that members of the public will be allowed to enter the bookings office/waiting area, the applicant must produce evidence that they have taken out appropriate public liability insurance for the premises to be licensed before a private hire operator's licence can be granted.
- 4.12 Adequate employee liability insurance must be taken out for any operator who will employ any licensed driver or any other member of staff prior to any application being determined.

#### **Address from which an operator may operate**

- 4.13 Upon the grant of a private hire operator's licence, the Council will specify on the licence the address from which the operator may operate. This address will be the address stated on the application form.
- 4.14 The operator must notify the Council in writing of any change of trading or home address during the period of the licence by submitting the necessary form within 7 days of such a change taking place. The operator must also provide proof of public liability insurance for the new premises, if members of the public will be allowed to enter, as well as proof of planning permission status within 7 days of such a change taking place. A fee will be payable for the change of address.

Note: Operators are reminded that it is their responsibility to obtain appropriate planning, building control or any other relevant permissions in respect of the premises.

#### **Bases outside the South Derbyshire District Council Area**

- 4.15 The Council will not grant a private hire operator's licence for an operator with an operating base that is outside the South Derbyshire District. This is to ensure that proper regulation and enforcement measures may be taken by the Council.

#### **Renewal of Operator's Licence**

- 4.16 The Council will undertake to send a renewal reminder to an operators' registered address 2 months prior to the expiry date. However, operators are reminded that the responsibility to renew a licence in accordance with this Policy remains their responsibility.
- 4.17 An application will not be validated until all of the relevant documentation and the fee have been received. Once a valid application has been received, the Council will determine the application within **five** working days.
- 4.18 If the renewal application has not been determined when the existing licence expires, the licence holder must not work as a private hire driver until the new licence has been received.
- 4.19 Once the date of expiry of an existing licence has passed and a valid renewal application has not been received, the licence automatically expires. Expired licences cannot be re-instated. A new licence application will be required.

#### **Conditions**

- 4.20 The Council has power to impose such conditions on a private hire operator's licence as is reasonably necessary. All private hire operators' licences will be issued with the private hire operator's licence conditions attached.

### **5 ENFORCEMENT**

- 5.1 It is recognised that well-directed enforcement activity by the Council benefits not only the public but also the responsible members of the private hire trade.
- 5.2 The Council will adhere to the Licensing Enforcement Policy and Associated Guidance to ensure that its enforcement is reasonable, transparent and proportionate.



## **6**     **FEES**

### **Fee Structure**

- 6.1     The legislation provides that the fees charged should only cover the cost of administering the private hire licence scheme. This will include the cost of determining and issuing the licences and ensuring compliance with the relevant legislation and conditions attached to the relevant licences.
- 6.2     The fees currently payable for the grant and renewal of private hire licences are set out on the Council's website. The fee structure is reviewed annually as part of the Council's budgetary process.
- 6.3     The setting of fees is the responsibility of the Finance and Management Committee or its equivalent Committee.

### **Refunds and Duplicate Copies**

- 6.4     In the case of any licence where the licence holder voluntarily surrenders their licence prior to the expiry date, the Council may make a refund in respect of the whole months of the unexpired portion of the licence fee less an appropriate administrative charge.
- 6.5     Any request for a refund must be made in writing and the licence, plate and badge returned to the Council.
- 6.6     In the case of a licence that has been suspended, refused or revoked, no refund will be made by the Council.
- 6.7     Where the Council receives a request for a duplicate copy of any previously issued licence, an appropriate fee will be paid to cover the associated administrative costs.

## **7**     **AMENDMENTS TO THE POLICY**

- 7.1     Any substantial amendment to this Policy will only be implemented after further consultation with the trade and the public. All substantial amendments must be authorised by the Elected Members of the Environmental and Developmental Services Committee, or its equivalent Policy Committee.

For the purpose of this section, any substantial amendment is defined as one that:

- will have a significant financial impact on licence holders or the public, or
  - will have a significant procedural impact on licence holders or the public, or
  - may not be perceived by the trade or the public to be consistent with the published objectives detailed in this Policy.
- 7.2     Any minor amendment to this Policy may be authorised by the Legal and Democratic Services Manager and approved by the Chairman of the Environmental and Developmental Services Committee or its equivalent Policy Committee and the Chairman of the Licensing Committee. For the purpose of this section, any minor amendment is an amendment not defined as substantial in section 7.1 of this Policy.

## **8**     **RIGHTS OF APPEAL**

- 8.1 The Local Government (Miscellaneous Provisions) Act 1976 details an applicant's right of appeal.
- 8.2 In general terms, where an applicant is aggrieved by the Council's decision to refuse to grant, or refuse to renew a licence, or the Council's decision to suspend or revoke a licence, the applicant has a right of appeal to the local Magistrates' Court.
- 8.3 Any appeal must be lodged at the Magistrates Court within twenty-one days of the applicant receiving written notification of the Council's decision. The appeal must state the grounds upon which the appeal is based.

## **9 CONTACT DETAILS**

The Licensing Department can be contacted on the following details:

**In writing:** South Derbyshire District Council  
 Council Offices  
 Civic Way  
 Swadlincote  
 Derbyshire  
 DE11 0AH

**Telephone:** 01283 595 716 / 890 / 724

**Email:** [licensing@south-derbys.gov.uk](mailto:licensing@south-derbys.gov.uk)

## **DOCUMENT HISTORY**

<b>Issue No</b>	<b>Issue Date</b>	<b>Approved by</b>
1	January 2009	Council
2	April 2012	Council
3	November 2014	Council
4	October 2015	Council

## **APPENDIX 1**

### **APPLICATION PROCEDURES**

#### **PRIVATE HIRE DRIVERS**

##### **1 New Drivers**

- 1.1 An application for a private hire driver's licence may be made at any time of the year.
- 1.2 Applications must be made on the form called New Drivers Licence Application Form.

- 1.3 In support of a completed application form, the applicant must provide the following original documentation:
- (i) a current full UK or EU driving licence;
  - (ii) proof of right to work
  - (iii) an enhanced DBS disclosure application form, obtained via the Council;
  - (iv) identification for the completion of the DBS form (3 required);
  - (v) the specified fee;
  - (vi) a medical certificate (no older than 3 months);
  - (vii) an eye examination certificate (no older than 3 months);
  - (viii) a completed DVLA mandate form;
  - (ix) a passport style colour photo which must reflect your current image;
  - (x) a DVSA driving assessment certificate;
  - (xi) a local knowledge test pass, arranged through the Council.
- 1.4 In order to apply for a private hire driver's licence, an appointment must be made with the Licensing Department to submit the DBS application form. The application form will be provided by the Licensing Department at the appointment. The applicant must provide three pieces of identification and the fee for the DBS. At the appointment, the applicant will be provided with details of the next available knowledge test date.
- 1.5 Once the DBS has been returned to the applicant and the knowledge test has been passed, the application form with all the remaining documentation and fee can be submitted to the Licensing Authority.
- 1.6 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 10 working days.

## **2 Renewals**

- 2.1 Applicants are advised to submit their renewal no less than 28 days before the expiry date to ensure continuity. Any applicant with new adverse information on their application form may have their renewal application referred to the Licensing and Appeals Sub-Committee for determination, therefore, the applicant is advised to apply for their renewal at least two months prior to their expiry date.
- 2.2 Applications must be made on the form called Renewal of a Driver's Licence Application Form.
- 2.3 In support of a completed renewal application form, the applicant must provide the following original documentation:
- (i) a current full UK or EU driving licence
  - (ii) the specified fee;
  - (iii) a completed DVLA mandate form;
  - (iv) a Passport style colour photo which must reflect your current image;
  - (v) an enhanced DBS disclosure application form, obtained via the Council;
- 2.4

It is advised to submit the DBS application form at least 8 weeks before the expiry of the licence. If the DBS certificate is not received back prior to the expiry of the licence then the renewal application will not be determined and the driver will not be permitted to work for private hire purposes.

- 2.5 A new medical certificate and eye examination certificate (no older than 3 months) will be required prior to the expiry of the current documents. Reminders will be sent out 2 months prior to the expiry of the documents. If the documents are not received then the private hire driver's licence will be suspended until satisfactory documents have been received by the Council.
- 2.6 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 10 working days.
- 2.7 A private hire driver will still be able to act as a private hire driver whilst their application is being determined as long as their current licence is in force. If the private hire driver's licence has expired and the renewal application has not been determined, the applicant is not permitted to act as a private hire driver until he is in possession of the new licence and badge.

## **PRIVATE HIRE VEHICLES**

### **3 New Vehicles**

- 3.1 An application for a private hire vehicle licence may be made at any time of the year.
- 3.2 Applications must be made on the relevant form called New Private Hire Vehicle Licence Application Form.
- 3.3 In support of a completed application form, the applicant must provide the following **original** documentation:
  - (i) the full V5C registration document. (If the vehicle is not registered in the applicant's name, proof of proprietorship for the proposed vehicle will be required);
  - (ii) insurance certificate for hire and reward purposes for all proposed drivers;
  - (iii) depot pass certificate;
  - (iv) the specified fee;
  - (v) SVA or IVA certificate (limousines and novelty vehicles only);
  - (vi) MOT certificate (if more than 3 years old);
  - (vii) Meter certificate (if applicable);
  - (viii) LPG certificate (if applicable);
  - (ix) Tailgate certificate (if applicable);
  - (x) Wheelchair Test Assessment pass certificate for all drivers (if applicable).
- 3.4 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 5 working days.

### **4 Renewals**

- 4.1 Applicants are advised to submit their renewal application at least 28 days before the expiry date to ensure the new licence will be ready before your old licence expires, in order to ensure continuity.
- 4.2 Applications must be made on the form called Renewal Private Hire Vehicle Licence Application Form.
- 4.3 In support of a completed renewal application form, the applicant must provide the following **original** documentation:
- (i) the specified fee;
  - (ii) depot pass certificate;
  - (iii) insurance certificate for hire and reward purposes for all proposed drivers;
  - (iv) MOT certificate (if more than 3 years old).
- 4.4 No faxes or emails from the applicant will be accepted in place of original documents. Faxes and emails will be accepted for insurance if sent direct from the insurance company.
- 4.5 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 5 working days.
- 4.6 With regards to the expiry of any documents during the term of the licence, the Council will notify the licence holder 5 days before the date of expiry via text message. The licence holder must then submit up to date documents to the Council within 5 days of this notification. Failure to submit the documents within this period will result in the vehicle licence being suspended until the documents are received.
- 4.7 A vehicle will still be able to be used as a private hire vehicle whilst the renewal application is being determined as long as their current licence is in force. If the private hire vehicle licence has expired and the renewal application has not been determined, the applicant is not permitted to use the vehicle as a private hire vehicle until he is in possession of the new licence and plate.

## **5 Transfer of Vehicle Ownership**

- 5.1 Applications must be made on the form called Transfer of Vehicle Ownership Application Form.
- 5.2 In support of a completed transfer application form, the applicant must provide the same documentation as per a new vehicle application.
- 5.3 The full V5 will need to be submitted with the transfer application.
- 5.4 A fee is payable.
- 5.5 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 5 working days.

## **6 Replacing a vehicle**

- 6.1 If you wish to replace the existing vehicle with a new vehicle, you must surrender the old vehicle licence. This must be in writing and the old plate returned to the Council.
- 6.2 A refund will be issued for the remaining full months remaining on the licence minus administration costs incurred in granting the licence.
- 6.3 A new vehicle application will be required with all the supporting documentation and relevant fee.

## **PRIVATE HIRE OPERATORS**

### **7 New Operators**

- 7.1 An application for a private hire operator's licence may be made at any time of the year.
- 7.2 Applications must be made on the form called New Private Hire Operator Licence.
- 7.3 In support of a completed application form, the applicant must provide the following original documentation:
  - (i) Basic disclosure certificate from Disclosure Scotland (if not a private hire driver. The certificate must be less than one month old);
  - (ii) the specified fee;
  - (iii) a passport style colour photo for each person named on the application;
  - (iv) proof of planning permission for the proposed operator base;
  - (v) public liability insurance (if applicable);
  - (vi) employees liability insurance (if applicable).
- 7.4 An application will not be validated until all of the above documents have been received. Once a valid application has been received, the Licensing Department will determine the application within 5 working days.

### **8 Renewals**

- 8.1 Applicants are advised to submit their renewal no less than 28 days before the expiry date to ensure continuity. Any applicant with new adverse information on their application form may have their renewal application referred to the Licensing and Appeals Sub-Committee for determination, therefore, the applicant is advised to apply for their renewal at least two months prior to their expiry date.
- 8.2 Applications must be made on the form called Renewal of a Private Hire Operator Licence.
- 8.3 In support of a completed renewal application form, the applicant must provide the following original documentation:
  - (i) Basic disclosure certificate from Disclosure Scotland (if not a private hire driver. The certificate must be less than one month old);
  - (ii) the specified fee;
  - (iii) a passport style colour photo which must reflect your current image;
  - (iv) public liability insurance (if applicable);
  - (v) employees liability insurance (if applicable).
- 8.4 An operator will still be able to take private hire bookings whilst the renewal application is being determined, as long as their current licence is in force. If the

private hire operator licence has expired and the renewal application has not been determined, the applicant is not permitted to act as a private hire operator until he is in possession of the new licence.

## **9 GENERAL PROCEDURES**

- 9.1 All required paperwork with the exception of DBS application forms must be provided to the Council either by post or by hand at the Council Offices.
- 9.2 An appointment must be made with the Licensing Department to submit all DBS application forms as the original documentation must be checked and copies taken.
- 9.3 If a driver has paid a yearly fee to the DBS for the facility of online checking, the Council will still require the following:
- (i) confirmation of ID in line with a DBS check;
  - (ii) original DBS certificate to an enhanced level and checked to the required workforce;
  - (iii) consent form signed by the driver permitting the Council to carry out an online check.
- 9.4 Local knowledge tests are run on a monthly basis and all new applicants must contact the Licensing Department to book a place. A fee is payable.
- 9.5 Depot tests are completed on an appointment basis. Prior to submitting vehicles for testing at the depot, applicants must obtain an appointment and ensure that the vehicle is clean enough to be inspected and is mechanically sound. The initial test and the six monthly inspection is included in the application fee but any further re-inspections i.e. re-test following failure or test after an accident will be charged at the specified fee. Appointments are booked directly with the depot on 01283 595991 or by calling the Licensing Department at any time during normal office hours. A fee may be chargeable if the appointment is cancelled with less than 24 hours' notice or if the appointment is missed.
- 9.6 Plates, badges and licences may be collected from the Council Offices during office hours. All licence holders will be notified by phone or text once their documents are ready to collect. Existing licence holders must return their old plates and/or badges to collect their new ones.

## **10 CONSIDERING APPLICATIONS**

- 10.1 The Council will only consider complete applications with all the necessary documentation and fee.
- 10.2 When submitting applications, applicants should be aware that it may take up to **ten** working days to process and issue a licence.
- 10.3 Renewal applications must be submitted before the existing licence expires. Failure to do so will result in the old licence expiring and the applicant will need to comply with the entry requirements for a new application.

### GUIDANCE ON THE RELEVANCE OF CONVICTIONS AND CAUTIONS FOR NEW APPLICANTS AND EXISTING LICENCE HOLDERS

#### 1 General

1.1 For the purposes of this Policy, a conviction is defined as:

- A sentence imposed by a Court;
- A formal caution;
- A fixed Penalty Notice.

1.2 Each case will be considered on its own merits.

1.3 Where it is necessary for the Council to depart substantially from this Guidance, clear and compelling reasons will be given for doing so. The purpose of this Guidance is to formulate guidelines, consistent with national guidance, which detail the Council's position on the relevance of convictions and cautions in respect of applications for the grant of new licences, and the renewal of existing licences, for private hire driver and operator licences.

1.4 The legislation states that the Council may grant a licence only if it is satisfied that the applicant is a 'fit and proper' person.

#### 2 Minor motoring offences

2.1 Convictions for minor traffic offences should not prevent a person from applying to be a driver. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a driver's licence may be granted 12 months after its restoration but a warning should be issued as to future conduct.

#### 3 Major traffic offences

3.1 An isolated conviction for driving without due care and attention or dangerous driving etc. (depending on the circumstances of the individual case) should normally merit a warning as to future driving and advice on the standard expected of private hire drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from conviction has elapsed.

3.2 An applicant with a conviction for any of the following motoring offences should be refused and no further application should be considered until a period of 3 to 5 years free from conviction has elapsed. A period of 12 months must also have elapsed since the end of any disqualification period:

- Using a vehicle uninsured against third party risks,
- Reckless driving;
- Causing death by dangerous driving;
- Driving whilst disqualified;
- Driving or attempting to drive whilst under the influence of drugs or drink.



#### **4 Drug offences**

- 4.1 A serious view is taken of any drug related offence.
- 4.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years. A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 4.3 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be considered for a licence.

#### **5 Sexual / Indecency offences**

- 5.1 Applicants with one or more convictions at any time for indecent exposure, indecent assault, or any sexual offence, will generally not be granted a private hire driver's licence.

#### **6 Violence Offences**

- 6.1 A licence will generally not be granted to any applicant convicted of an offence involving violence, for a period of five years from date of conviction or, if a term of imprisonment was imposed, ten years free of convictions from the end of the term of imprisonment (meaning the date when the offender would have been released from custody had he/she served the full term of imprisonment imposed by the Court) whichever is the latter.

#### **7 Dishonesty**

- 7.1 A licence will generally not be granted to any applicant convicted of an offence involving dishonesty for a period of five years from date of conviction or, if a term of imprisonment was imposed, five years free of convictions from the end of the term of imprisonment (meaning the date when the offender would have been released from custody had he/she served the full term of imprisonment imposed by the Court) whichever is the latter.