

ISLE OF WIGHT COUNCIL

**HACKNEY CARRIAGE AND PRIVATE HIRE
LICENSING POLICY**

Document Information

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1. INTRODUCTION

- 1.1. This policy will become effective on 1 April 2015.
- 1.2. This policy has been written after considering the provisions of the Local Government (Miscellaneous Provisions) Act 1976 (LGMPA), which provides Isle of Wight Council (the “Council”) with the powers to carry out licensing functions in respect of Hackney Carriage and Private Hire vehicles, drivers and operators.
- 1.3. In setting out its policy, the Council seeks to promote the following objectives:
 - The protection of public health and safety;
 - The maintenance of a professional and respected hackney carriage and private hire trade; and
 - Access to an efficient and effective transport service.
- 1.4. The aim of this policy is to ensure there is consistency in the application process and the enforcement of:
 - Hackney Carriage vehicles, including pedicabs and horse drawn vehicles;
 - Private hire vehicles;
 - Replacement Vehicles;
 - Drivers; and
 - Private Hire Operators.
- 1.5. The council does not limit the number of Hackney Carriage, Private Hire Vehicle or Driver Licences. The Council believes that public demand will dictate the number required to serve the island's community.
- 1.6. Any departure from this Policy must be justified in writing and approved by a member of the Regulatory Services Management Team.
- 1.7. This Policy will be reviewed every five years. All legislative amendments will be made automatically. All other changes will be subjected to a twenty eight day public consultation period. Any representations will be considered and determined by the Executive and if none are received, the Policy will automatically be updated.

2. DEFINITIONS

- 2.1. **The Council** means Isle of Wight Council.
- 2.2. **The Licensing Authority** means Isle of Wight Council.
- 2.3. **Driver** means a person who has been granted a licence by the Council to drive a Taxi or a Private Hire Vehicle under Section 46, Town Police Clauses Act 1847 or Section 51, Local Government (Miscellaneous Provisions) Act 1976 respectively.

- 2.4 **Licence** means an authorisation that is granted by the Council to give permission for a person to carry out activities under the Town Police Clauses Act 1847 and/or Local Government (Miscellaneous Provisions) Act 1976.
- 2.5 **Licensing Officer** and **Authorised Officer** are the officers appointed from time to time by the Council to administer the statutory provisions relating to the licensing of Taxis and Private Hire Vehicles and Operators and Drivers.
- 2.6 **Operator** is the holder of a Private Hire Operator Licence granted by the Council under Section 55 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.7 **Private Hire Vehicle** is as defined in Section 80(1) of the Local Government (Miscellaneous Provisions) Act 1976 as a car which must be pre-booked with a private hire operator. This type of vehicle cannot stand on a rank or ply for hire.
- 2.8 **Taxi** means a hackney carriage (HC) as defined in the Town Police Clauses Act 1847. A vehicle that can carry passengers for hire and reward can be hailed by a prospective passenger and can park on a rank to await the approach of passengers; a car available for public hire. Pedicabs and horse drawn vehicles may also be licensed as Hackney Carriage Vehicles.
- 2.9 **Taxi Proprietor** means the holder of a Hackney Carriage Proprietor Licence granted by the Council under Section 37, Town Police Clauses Act 1847.
- 2.10 **Licensed Vehicle** means either a Hackney Carriage Vehicle (taxi) or a Private Hire Vehicle.
- 2.11 **Non- Motorised Vehicle** means a vehicle which is required to be licensed as a Hackney Carriage Vehicle but is not mechanically powered; these include horse drawn vehicles and pedicabs.
- 2.12 **DFT** means Department for Transport.
- 2.13 **DBS** means Disclosure and Barring Service.
- 2.14 **Appeal** is the means by which a decision made by the Licensing Authority can be reconsidered by the Magistrates or the Crown Court.

3 APPLICATIONS and RENEWALS

3.1 Hackney Carriage Proprietor Licence (Hackney Carriage Vehicles)

New Applications

- 3.1.1 Applications for non-motorised vehicles (pedicabs or horse drawn vehicles) must be submitted on the prescribed form to the Licensing Department and accompanied with the following:
- The relevant fee;

- A valid public liability insurance certificate for a minimum of £5 million;
- Proof of ownership of vehicle;
- A relevant inspection certificate to demonstrate the vehicle is fit for purpose. If the proposed vehicle is a horse drawn carriage, it will need to be inspected by the British Driving Society and a veterinary surgeon must provide a report regarding any horses to be used;
- Risk assessment for the proposed use of the vehicles;
- In the case of a horse drawn carriage, a qualification from the British Driving Society to demonstrate the driver's competence;
- Maps detailing any proposed routes to be used in the operation; and
- Any other information reasonably required by the Licensing Authority

3.1.2 Each non-motorised vehicle application will be determined individually.

3.1.3 A new application for a motorised Hackney Carriage Vehicle licence must be submitted to the Council's Licensing Department using the prescribed form and accompanied by the following documents:

- The relevant fee;
- A valid insurance certificate;
- The vehicle's registration document; and
- A Certificate of Compliance inspection sheet dated no more than seven days prior to the application date (only if the vehicle is more than one year old).

3.1.4 Where a vehicle registration document cannot be provided at the time of application, it must be provided within one month of the vehicle licence being granted.

3.1.5 The Licensing Department will only consider the application if the following criteria have been complied with:

- The vehicle is less than 3 years of age from date of first registration;
- The vehicle meets the criteria required to obtain a Certificate of Compliance (if the vehicle is more than one year old);
- The vehicle has at least 4 side opening doors, which may be opened from the inside and the outside. Minibuses and people carrier type vehicles must have at least 3 doors not including any tailgate or rear doors;
- The vehicle must be wheelchair accessible;
- The body work of all vehicles must be silver in colour;
- The vehicle has an electronic taximeter of a type approved by the Council which is securely fixed in the hackney carriage in a position which is satisfactory to the Council. The taximeter must be set to charge in accordance with the most up to date approved table of fares;
- The vehicle must have a roof light or another method approved by the Council to indicate to the public that the vehicle is available for hire;
- The vehicle must be designed to carry at least four passengers;
- The vehicle must be right hand drive;

- The vehicle must have a sufficient means by which any person in the carriage may communicate with the driver;
- The vehicle must comply with the general criteria outlined in paragraph 3.1.10 and 3.1.11.

Renewals

3.1.6 All vehicle licences must be renewed annually.

3.1.7 If the vehicle licence is not renewed within 7 days after the expiry date, any subsequent renewal application will be treated as a new vehicle application.

3.1.8 An application for a non-motorised vehicle is only valid if an application has been submitted to the Council's Licensing Department using the prescribed form and it is accompanied with the following documents;

- The relevant fee;
- A valid public liability insurance certificate for a minimum of £5 million;
- A relevant inspection certificate to demonstrate the vehicle is fit for purpose.
- A relevant inspection certificate to demonstrate the vehicle is fit for purpose. If the proposed vehicle is a horse drawn carriage, it will need to be inspected by the British Driving Society and a veterinary surgeon must provide a report regarding any horses to be used;
- Risk assessment for the proposed use of the vehicles;
- In the case of a horse drawn carriage, a qualification from the British Driving Society to demonstrate the driver's competence; and
- Any other information reasonably required by the Licensing Authority

3.1.9 An application for a motorised vehicle is only valid if an application has been submitted to the Council's Licensing Department using the prescribed form and it is accompanied with the following documents

- The relevant fee;
- A valid insurance certificate;
- A valid Certificate of Compliance inspection sheet dated no more than seven days prior to the renewal of the Vehicle Licence;
- The vehicle must comply with the general criteria outlined in paragraph 3.1.10 and 3.1.11.

General Criteria

3.1.10 All motorised Hackney Carriage Vehicles must comply with the following general criteria on application, renewal and whilst the vehicle is licenced:

- All vehicles must have fixed to the outside rear of the car, in full view of the driver of a vehicle behind, the licence plate provided by the Isle of Wight Council.
- Written approval must be obtained in writing from the Licensing Authority before any advertisements, signs, notices, illuminations or other marks appear on a licensed vehicle.

- A copy of the most up to date table of fares must be fixed in a prominent position in full view of all passengers.
- No smoking signs must be fitted in a prominent position in full view of all passengers.
- The vehicle must have sufficient means for any passenger to communicate with the driver.
- Suitable storage for passenger luggage and ideally separated from the passenger compartment should be provided. Estate type vehicles must have a guard fitted between the passenger and the luggage compartments.

3.1.11 Failure to comply with the standards set for Hackney Carriage Vehicles in this section of the Policy may result in the vehicle not being licensed or being suspended until such time as compliance is achieved.

3.2 Private Hire Vehicle Licence

New Applications

3.2.2 An application for a Private Hire Vehicle licence must be submitted to the Council's Licensing Department using the prescribed form and accompanied with the following:

- The relevant fee;
- A valid insurance certificate;
- The vehicle's registration document;
- A valid Certificate of Compliance inspection sheet dated no more than seven days prior to the application date (only if the vehicle is more than one year old).

3.2.3 Where a vehicle registration document cannot be provided at the time of application, it must be provided within one month of the vehicle licence being granted.

3.2.4 The Licensing Department will consider the application and in doing so will only grant a vehicle licence if the following criteria have been complied with:

- The vehicle is less than 3 years of age;
- The vehicle is not silver;
- The vehicle meets the criteria required to obtain a Certificate of Compliance (if the vehicle is more than one year old);
- The vehicle must comply with the general criteria outlined in paragraph 3.2.11

3.2.5 In some cases the licensing department will consider licensing a vehicle which is more than 3 years old or is silver in colour, i.e. vintage and luxury vehicles. In these cases additional information and tests may be required to determine its suitability as a private hire vehicle.

3.2.6 The applicant may apply to the Licensing Authority for exemption from the requirement to display the Council's standard Private Hire plate on the vehicle.

Such an exemption will only be granted for vehicles that are deemed 'executive' by virtue of the work they undertake, such as, but not exclusively, contracts with businesses where unmarked vehicles are required for transporting VIPs and dignitaries. In such circumstances a less conspicuous plate will be issued and exemption from displaying the Council's door stickers will also be applied.

3.2.7 The Council may require additional information from the applicant in order to grant such an exemption.

Renewal

3.2.8 All Private Hire Vehicle licences must be renewed annually.

3.2.9 If the vehicle licence is not renewed within seven days after the expiry date, any future application will be treated as a new application.

3.2.10 A renewal application for a Private Hire vehicle is only valid if an application has been submitted to the Council's Licensing Department using the prescribed form and the form is accompanied by the following:

- The relevant fee;
- A valid insurance certificate;
- A valid Certificate of Compliance inspection sheet dated no more than seven days prior to the renewal of the Vehicle Licence; and

General Criteria

3.2.11 All private hire vehicles must comply with the following general criteria on application, renewal and whilst the vehicle is licensed:

- All vehicles must have fixed to the rear of the car, in full view of the driver of a vehicle behind, the licence plate provided by the Isle of Wight Council;
- All vehicles must have fixed to each front door of the vehicle private hire door stickers provided by the Isle of Wight Council;
- Approval must be obtained in writing from the Licensing Authority before any advertisements, signs, notices, illuminations or other marks appear on a licensed vehicle;
- No smoking signs must be fitted in a prominent position in full view of all passengers;
- The vehicle must have sufficient means for any passenger to communicate with the driver;
- Suitable storage for passenger luggage must be provided, and, ideally, separated from the passenger compartment should be provided. Estate type vehicles must have a guard fitted between the passenger and the luggage compartments;
- If a taximeter is fitted it must be an accurate electronic type approved by the Council and must be fixed in the vehicle in a safe manner and in a position which is satisfactory to the Council. It must be set to charge in accordance with the most up to date approved table of fares.

- 3.2.12 Failure to comply with the standards set for Private Hire Vehicles in this section of the Policy may result in the vehicle not being licensed or the licence being suspended until such time as compliance is achieved.
- 3.2.13 Where the Council has granted an exemption from displaying the Council's standard Private Hire plate and door stickers, the applicant for renewal must submit a request for this exemption to continue. The Council may require additional information from the applicant in order to continue applying such an exemption.

3.3 Hackney Carriage and Private Hire Driver Licence

New Applications

- 3.3.1 The Council will only issue joint Hackney Carriage and Private Hire Driver licences.
- 3.3.2 A Hackney Carriage and Private Hire Driver's licence will be issued for a period of three years. Applications will be considered for shorter periods; however the applicant must supply with the application the reasons why. These will be considered prior to issuing the licence.
- 3.3.3 Separate fees will be published for a one, two and three licence. The total fee for each licence period must be submitted on application.
- 3.3.4 An application for a Hackney Carriage/Private Hire Driver Licence must be submitted to the Council's Licensing Department using the prescribed form and must be accompanied by the following:
- The relevant application fee;
 - A completed DVLA D796 Driving Entitlement Consent Form;
 - Evidence confirming the applicant's right to live and work in the UK (where applicable); and
 - Applicable, a request for exemption under section 166 of the Equality Act 2010.
 - Evidence on completion of the on line safeguarding training.
- 3.3.5 Applicants must have held a full driving licence for at least one year before an application will be accepted.
- 3.3.6 The applicant must comply with the general criteria outlined in paragraphs 3.3.20 to 3.3.27.
- 3.3.7 Applications for drivers of non-motorised vehicles may be required to submit alternative or additional documents depending on the vehicle they will be operating.
- 3.3.8 All Hackney Carriage/Private Hire licensed drivers must provide an enhanced disclosure of criminal convictions on their first application and thereafter every three years.

- 3.3.9 A DVLA D796 Driving Entitlement Consent must be signed. The consent lasts for three years and provides the Licensing Department with authority to check the applicant's driving licence at any time during the three year period. Every three years the mandate will need to be renewed.
- 3.3.10 All applicants must undertake safeguarding training as prescribed by the Licensing Department. This training must be renewed every three years at the same time as the enhanced disclosure of criminal convictions as outlined in paragraph 3.3.8 of this Policy.
- 3.3.11 All applicants must undertake and pass a knowledge and topography test. If the applicant fails this test he/she can retake the test up to a maximum of five times until the pass mark is obtained. Each additional knowledge and topography test will be at the applicant's expense. If the applicant fails five tests a licence will not be granted.
- 3.3.12 If an application is being made under section 166 of the Equality Act 2010, a statement from a doctor will be necessary to indicate that the applicant is not able to assist passengers due to;
- Medical grounds, or
 - The person's physical condition which makes it impossible or unreasonably difficult for the person to comply with those duties.
- 3.3.13 All applicants who have lived in the UK for less than five years must provide documentary evidence confirming their right to live and work in the UK. The provision of a National Insurance number in isolation is not sufficient for the purposes of establishing the right to live and work in the UK.
- 3.3.14 All drivers, regardless of age, must have a Group 2 medical check on initial application.
- 3.3.15 Unsuccessful applicants will be informed in writing detailing the reasons for refusal. They will also be informed of their statutory right of appeal.

Renewals

- 3.3.16 If a driver does not renew their licence within seven days after the expiry date, any future application will be treated as a new application.
- 3.3.17 An application for a renewal of Hackney Carriage/Private Hire Driver Licence must be submitted to the Council's Licensing Department using the prescribed form and accompanied with the following:
- The relevant application fee;
 - A completed DVLA D796 Driving Entitlement Consent Form (if required); and
 - If applicable, a request for exemption under section 166 of the Equality Act 2010:
- 3.3.18 The applicant must comply with the general criteria outlined in paragraphs 3.3.20 to 3.3.27.

- 3.3.19 Renewal applications for non-motorised drivers will be required to submit updated documents of the type requested at the time of their original licence application.

General Criteria

- 3.3.20 All licensed drivers must comply with the following general criteria on application, renewal and whilst they are licensed.
- 3.3.21 Group 2 medical examination must be carried out every five years up to age 65 years unless restricted to a shorter period for medical reasons.
- 3.3.22 From the age of 65 years, drivers must have a group 2 medical examination annually.
- 3.3.23 To complete a disclosure of criminal convictions every three years and undertake safeguarding training as outlined at paragraph 3.3.10 at the same time as the renewal of the disclosure. If the safeguarding training has been undertaken within three years, it must be re-taken to ensure that these two requirements run concurrently thereafter.
- 3.3.24 The Licensing Authority may request a driver at any reasonable time to have a group 2 medical check. The Licensing authority will explain to the driver why the medical check is required. If the medical examination is not completed the driver's licence may be suspended or revoked in line with the Regulatory Services Enforcement Policy.
- 3.3.25 Drivers who are not able to assist passengers due to an illness or disability must make an application under section 166 of The Equality Act 2010. Any application under this legislation must be supported by a letter from a doctor stating that the driver is not fit to assist passengers due to an illness or disability. An application for an exemption can be made at any time, but the driver must provide a new letter on renewal of their licence.
- 3.3.26 The licensing authority may from time to time request that a driver, on renewal of their driver licence, retake the knowledge and/or topography test at their discretion. If the driver fails the test(s) he/she can retake the test (up to a maximum of five tests) until a pass mark is obtained. The new licence will not be granted until the required pass mark has been obtained. If the applicant fails five tests a licence will not be granted or the licence will be revoked.
- 3.3.27 Failure to comply with the standards set for Hackney Carriage/Private Hire Drivers in this section of the Policy may result in the driver not being licensed or their licence being suspended until such time as compliance is achieved.

3.4 Private Hire Operator Licence

New Applications

- 3.4.1 An application for a Private Hire Operator licence must be submitted to the Council's Licensing Department using the prescribed form which must be accompanied by the relevant fee.
- 3.4.2 A Private Hire Operator's licence will be issued for a period of five years. Applications will be considered for shorter periods; however the applicant must supply at the time of application the reasons why. These will be considered prior to issuing the licence.
- 3.4.3 Separate fees will be published for a one, two, three, four and five year licences in the event the Council agrees to issue a Private Hire Operator's licence for a shorter period. The total fee for each licence period must be submitted with the application.

Renewals

- 3.4.4 Operators must renew their licence annually and must do so by completing the prescribed application form which must be accompanied with the following:
- The relevant fee; and
 - A copy of the last three months of bookings.
- 3.4.5 Failure to submit the application form and fee within 7 days after the renewal date will mean that any future application will be treated as a new application

4. REPLACEMENT VEHICLES

- 4.1 Owners of licensed Hackney Carriage and Private Hire Vehicles can request to replace their existing licensed vehicles at any time.
- 4.2 An application will need to be submitted to the Council's Licensing Department using the prescribed form which must be accompanied by the relevant fee.
- 4.3 A replacement vehicle will only be considered if it is;
- A substantial improvement on the existing licensed vehicle;
 - Available for a full inspection by the Licensing Department.
- 4.4 The replacement vehicle must comply with all relevant standards and criteria detailed within this policy.
- 4.5 If the existing licensed vehicle has been licensed as a wheelchair accessible vehicle the replacement vehicle must also be wheelchair accessible.
- 4.6 If the vehicle is approved as a suitable replacement the Licensing Department will provide provisional approval. The vehicle will then only be licensed when the following documents are supplied with the prescribed application form:
- A valid insurance certificate;

- A valid Certificate of Compliance inspection sheet dated no more than seven days prior to the application date.

4.7 Where a vehicle registration document cannot be provided at the time of application, it must be provided within one month of the vehicle licence being granted

5.0 DETERMINATION

5.1 In normal circumstances the Licensing Department will determine each application after considering the documentation supplied; the results of the DBS check (where applicable) and the Council's Policy Relating to the Relevance of Convictions.

5.2 In some circumstances officers may refer an application to a panel of senior officers or to the Licensing Committee for a decision.

5.3 In these circumstances the applicant and the Council may invite any persons who support their case to attend the Panel or Licensing Committee. These persons will be given the opportunity to address the Committee during the hearing.

5.4 Prior notice will be given to both the applicant and those persons who will be attending the hearing at least 10 working days prior to the date of the hearing.

5.5 In normal circumstances applications will be processed, considered and determined within the following time scales:

- Vehicle licence applications – within 14 days;
- Replacement vehicle applications – within 14 days;
- Private Hire Operator Licence – 14 days;
- New driver applications – within 28 days; (DBS returns may cause a delay).
- Renewal driver applications – within 14 days.

5.6 Where the matter is referred to the Licensing Committee the determination will be longer. The applicant will be informed in writing that their application has been referred to the Licensing Committee and the date that the hearing will be held.

5.7 Hackney Carriage and Private Hire related licences will normally be issued for one year. However the Licensing Authority may, if they feel it necessary issue a licence for a shorter period.

5.8 If a licence application is refused the applicant will be given written confirmation detailing the reasons for refusal, along with the right of appeal.

6.0 ENFORCEMENT

- 6.1 Where offences occur, conditions are breached or a complaint has been received, the Council will investigate and take appropriate action in accordance with the Regulatory Services' Enforcement Policy.
- 6.2 Failure of a driver or operator to comply with the conditions of a licence may give rise to suspension or revocation of the licence and/or to the prosecution of a licence holder.
- 6.3 The Council can suspend or revoke a licence at any time that it is in the interest of public safety to do so. Any action taken will be in accordance with the Regulatory Services' Enforcement Policy.

7.0 CONDITIONS

- 7.1 The Licensing Authority may attach licence conditions to any Hackney Carriage or Private Hire driver, vehicle or proprietor's licence that are considered reasonably necessary.

8.0 FEES

- 8.1 A list of fees relating to Hackney Carriage and Private Hire licences is available from the Licensing Department or from the Council's website.
- 8.2 Applications submitted without the appropriate fee will be deemed invalid until the fee has been received.
- 8.3 The Council will not return any part of the fee if the licence is not granted or if the applicant withdraws their application.