
Isle of Wight Council

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY 2022

Document Information

| | |
|--------------------------|--|
| Title: | Hackney Carriage and Private Hire Licensing Policy |
| Status: | Initial Draft for Consideration |
| Current Version: | 3 |
| Author: | Kevin Winchcombe Team Manager – Licensing & Business Support Regulatory Services, Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH kevin.winchcombe@iow.gov.uk (01983) 823159 |
| Sponsor: | Amanda Gregory Strategic Manager for Regulatory and Community Safety Services |
| Consultation: | Licence Holders and Public |
| Approved by: | |
| Approval Date: | |
| Review Frequency: | Every 5 Years |
| Next Review: | |

| Version History | | |
|-----------------|---------------|---------------------------------|
| Version | Date | Description |
| 1 | October 2021 | Initial Draft for Consideration |
| 2 | November 2021 | After Consultation – Changes |
| 3 | December 21 | For Approval |

Contents

Page

| | |
|--|----|
| Document Information | 2 |
| 1. Introduction | 4 |
| 2. Definitions | 4 |
| 3. Applications..... | 5 |
| 4. Fit and Proper Test | 6 |
| 5. All Hackney Carriage and Private Hire Vehicles | 7 |
| 6. Hackney Carriage Proprietor Licence (Hackney Carriage Vehicles) ... | 8 |
| 7. Private Hire Vehicle Licence..... | 9 |
| 8. Tuk Tuks and Non-Motorised Vehicles | 9 |
| 9. Replacement Vehicles..... | 11 |
| 10. Private Hire Operator Licence | 12 |
| 11. Hackney Carriage and Private Hire Driver Licence..... | 13 |
| 12. Transfer of Interest (New Owners of Licensed Vehicles)..... | 15 |
| 13. Determination of Applications and Appeals | 15 |
| 14. Fees..... | 16 |
| 15. Conditions | 16 |
| 16. Enforcement..... | 16 |

Introduction

- 1.1 This policy will become effective on 31 January 2022.
 - 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 It also takes account of the Statutory Taxi and Private Hire Vehicle Standards (“the Standards”) issued under the Policing and Crime Act 2017 that were published in July 2020. Whilst the focus of the standards is on protecting children and vulnerable adults, all passengers will benefit from the recommendations contained in it.
 - 1.4 There is a consensus that common core minimum standards are required to better regulate the taxi and private hire vehicle sector, and the recommendations in the standards are the result of detailed discussion with the trade, regulators and safety campaign groups.
 - 1.5 The Department of Transport expects the recommendations contained in the standards to be implemented unless there is a compelling local reason not to. On this basis regard will now be had to the standards across all areas of the taxi and private hire licensing regime.
 - 1.6 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.
 - 1.7 The aim of this policy is to ensure there is consistency in the application processes and the enforcement of licences relating to:
 - Hackney Carriage Vehicles (including pedicabs and horse drawn vehicles)
 - Private Hire Vehicles
 - Replacement Hackney Carriage or Private Hire Vehicles
 - Drivers of licensed vehicles
 - Private Hire Operators
 - 1.8 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.
- 2.2 Any departure from this Policy must be justified in writing and approved by a member of the Regulatory Services’ Management Team.
- 1.9 This policy will be reviewed every five years. All legislative amendments will be made automatically. All other changes will be subject 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.

Definitions

The following definitions will provide clarification for the purposes of this policy:

- 2.1 **The Policy** refers to the Isle of Wight Council’s Hackney Carriage and Private Hire Licensing Policy.

-
- 2.2 **The Council or Licensing Authority** means the 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 **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.
- 2.6 **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.
- 2.7 **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.
- 2.8 **Taxi Proprietor** means the holder of a Hackney Carriage Proprietor Licence granted by the Council under Section 37, Town Police Clauses Act 1847.
- 2.9 **Licensed Vehicle** means either a Hackney Carriage Vehicle (taxi) or a Private Hire Vehicle.
- 2.10 **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.
- 2.11 **DFT** means Department for Transport.
- 2.12 **DBS** means Disclosure and Barring Service.
- 2.13 **Appeal** is the means by which a decision made by the Licensing Authority can be reconsidered by the Magistrates' or the Crown Court.

■ Applications

- 3.1 Applications for licences must meet the criteria outlined in the relevant section in this policy.
- 3.2 It is recommended that applicants contact the Licensing Department prior to making their application to ensure they understand the requirements.
- 3.3 In respect of renewal applications, 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.

Fit and Proper Test

- 4.1 Safeguarding the public is paramount and licensing authorities have a duty under the Standards to ensure that Drivers, Operators and Proprietors of vehicles are 'fit and proper' before a licence is granted or renewed. It may be helpful to think of this term as also meaning 'safe and suitable'.
- 4.2 In assessing if an individual is fit and proper, their criminal record is taken into account in line with the Council's Relevance of Convictions Policy. Motoring and criminal convictions must be disclosed in the application forms and criminal record disclosures from DBS are also required to be provided as part of the application processes (Enhanced disclosure for Drivers and Basic for Operators and Proprietors of vehicles).
- 4.3 Applicants who have had periods living or working outside of the UK (after reaching the age of 18), may be asked to produce criminal record information or a 'Certificate of Good Character' from overseas. Further information on obtaining this information from other countries can be found here: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>
- 4.4 Licence holders are also required under the conditions of their licence to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence.
- 4.5 Applicants must disclose in their application if they have had a licence refused, suspended or revoked by another licensing authority.
- 4.6 In relation to drivers, the licensing authority will also take into account their medical fitness to ensure they are safe to fulfil the duties of the role (please see the medical test requirements in the Hackney Carriage and Private Hire Driver Licence section of this policy). Such considerations may include mental health and drivers may be requested to attend an assessment in this regard if deemed necessary to ensure that they and the public are safe. Drivers may also be requested to attend random drug testing appointments at the licensing authority's request.
- 4.7 If an applicant withholds information or provides false or misleading information at any time, this may also bring into question whether they are fit and proper.
- 4.8 In determining whether an individual is fit and proper, the licensing authority can consider the conduct of an individual when they are not in their licensee role or that has not resulted in a criminal conviction. Such conduct may become known to the authority due to complaints or information received from other agencies such as police or another authority. A single incident or an accumulation of material may indicate characteristics, attitudes or temperaments or a pattern of behaviour that raise doubts over a person's suitability to hold a licence.
- 4.9 As the licensing authority are continually assessing if licensees are fit and proper, this could lead to enforcement action being taken, such as suspension or revocation of a licence, which would be taken in accordance with the Neighbourhoods' Enforcement Policy.
- 4.10 Each case will be considered on its merits and all decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction (that being beyond reasonable doubt).

- 4.11 It is suggested that it may be helpful for licensing authorities to consider the following question in determining their assessment overall:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?

- 4.12 If, on the balance of probability the answer to this question is 'no', the Standards require licensing authorities to refuse a licence.
- 4.13 The licensing authority may engage with the police to ensure that, when they believe a licensee presents a risk to the travelling public, they use their Common Law Police Disclosure powers to share information.
- 4.14 Information may also be shared with other internal departments such as School Transport or Adult Social Care as well as other licensing authorities in the interests of ensuring public safety.

All Hackney Carriage and Private Hire Vehicles

New Applications

- 5.1 New applications and Renewals for vehicle licences must be submitted to the Council's Licensing Department using the prescribed form and accompanied by the following:
- The relevant fee
 - The vehicle's registration document (V5/'Log Book')
 - A valid certificate of insurance
 - A Certificate of Compliance inspection sheet dated no more than seven days prior to the application date (if the vehicle is more than one year old)
 - any other information deemed necessary to assist with the determination of an application
- 5.2 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.
- 5.3 Anyone who is the owner or involved with the keeping, employing, or letting to hire of the vehicle must be included as an applicant.
- 5.4 The number of passengers that the vehicle will be licensed to carry will be determined by the licensing authority taking into account the amount of general space, luggage space and the proposed use of the vehicle along with any other factors that may be relevant. This number may therefore be less than the number of seats it has.
- 5.5 When considering licensing a new vehicle or replacing an existing vehicle the Trade is encouraged to seriously consider using a 100% electric or other green energy powered vehicles. By using these vehicles not only will this help reduce fuel and servicing costs, it will contribute towards both the national and local Climate Change agendas.

Renewals

- 5.6 All vehicle licences must be renewed annually.
- 5.7 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.

- 5.8 There is no upper age limit for vehicles, however all vehicles must be kept in good order both mechanically and visually to the acceptance of the Licensing Authority.

Vehicle Requirements

- 5.9 Vehicles must comply with the following requirements as well as the criteria outlined in the relevant vehicle specific section of the policy when presented to be licensed on application, renewal and during the period of any licences issued (some items may not be applicable to vintage Private Hire vehicles and/or Non-Motorised vehicles with prior agreement):
- a) The vehicle must be less than 3 years old or 5 years for 100% electrically powered vehicles.
 - b) 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.
 - c) CCTV may only be installed with the written permission of the licensing authority and in accordance with data control requirements.
 - d) No smoking signs must be fitted in a prominent position in full view of all passengers.
 - e) Signage must also be displayed in a prominent position informing the passenger how to raise a concern or make a complaint to the licensing authority.
 - f) The vehicle must have sufficient means for any passenger to communicate with the driver.
 - g) A suitable amount of storage for passenger luggage must be provided, and, ideally, separated from the passenger compartment. Estate type vehicles must have a guard fitted between the passenger and the luggage compartments.
 - h) Written approval must be obtained in writing from the Licensing Authority before any advertisements, signs, notices, illuminations or other marks appear on a vehicle.
 - i) All vehicles during the licence period and on presentation for renewal must have fixed to the outside rear of the vehicle, in full view of the driver of a vehicle behind, the licence plate provided by the Isle of Wight Council.
- 5.10 Failure to comply with the standards set for vehicle in this section and the relevant specific section of the policy for the vehicle may result in a licence being refused or suspended until such time as compliance is achieved.
- 5.11 Proprietors may be requested to present their vehicles for an inspection or Compliance Test at any time during the licence period and if issues are identified, the licence may be suspended until these are resolved.
- 5.12 Applications for non-motorised vehicles will be determined individually – please refer to the relevant section in this policy for further details.

Hackney Carriage Proprietor Licence (Hackney Carriage Vehicles)

- 6.1 Hackney Carriage vehicles must also meet the following criteria on application, renewal and whilst the vehicle is licensed:
- a) The vehicle must be wheelchair accessible on initial application
 - b) The bodywork of all vehicles must be silver in colour
 - c) 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.

- d) 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
- e) The vehicle must be designed to carry at least four passengers
- f) The vehicle must be right hand drive
- g) A copy of the most up to date Table of Fares must be fixed in a prominent position in full view of all passengers.

Private Hire Vehicle Licence

- 7.1 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.
- 7.2 Private Hire vehicles must also meet the following criteria on application, renewal and whilst the vehicle is licensed:
 - a) All vehicles must have fixed to each front door of the vehicle private hire door stickers provided by the Isle of Wight Council.
 - b) 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.
- 7.3 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 along with an exemption from displaying the Council's door stickers. The Council may require additional information from the applicant in order to grant such an exemption.
- 7.4 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 to continue applying such an exemption.

Tuk Tuks and Non-Motorised Vehicles

- 8.1 Nothing in these requirements shall detract from the Council's duty to consider each case on its merits and the conditions shall be applied accordingly.
- 8.2 In addition to the standard documentation required for a Hackney Carriage Proprietor or Private Hire Vehicle licence application, the applicant must provide the following with their application:
 - a) Public Liability Insurance (minimum £5,000,000)
 - b) Risk Assessment for the operation (template available to assist with this)
 - c) An operating plan with details of the proposed business including:
 - i the areas and routes that the vehicle(s) will be operating,
 - ii written approval from the Isle of Wight Highways Authority for any routes and pick-up and drop-off points that are proposed
 - iii the proposed fares to be charged
 - d) any other information deemed necessary to assist with the determination of an application

Additional requirements for Tuk Tuk/Pedicab/Rickshaw vehicles

-
- 8.3 All vehicles must have either Individual Vehicle Approval or European Certificate of Conformity.
- 8.4 All vehicles must comply with all current statutory requirements for road vehicles and any other legislation that affects the construction and use of Tuk Tuk or pedal cycle style vehicles.
- 8.5 A vehicle proposed to be licensed will be subject to a mechanical examination by inspectors appointed by the Council.
- 8.6 Vehicles must also meet the following criteria on application, renewal and whilst the vehicle is licensed:
- a) The bodywork of the vehicle is in good condition and the paint work is clean and well maintained.
 - b) Any roof covering is watertight.
 - c) The condition, fixing and routing or positioning of electric cables and fittings, if any, are such that there is no risk of electrical fire or other incident.
 - d) The vehicle is provided with an audible warning device such as a bell or a horn,
 - e) Any door hinges, locks and handrails and any grab handles fitted to the vehicle are secure and sound, and not liable to injure any passengers or damage or soil their clothing or luggage.
 - f) A suitable spare wheel and tyre is provided and readily available for use or an alternative temporary repair system is provided, together with the tools and equipment required to carry out any emergency replacement or repairs required to the vehicle.
 - g) The vehicle is fitted with seatbelts to each seat. The seat belts shall be readily accessible for use by all passengers.
 - h) The fittings and furniture of the vehicle are clean, well maintained and, in every way, fit and safe for public use.
 - i) Any internal linings of the vehicle are sound, clean and not liable to damage or soil passengers clothing or luggage, and the floor is provided with a carpet, mat or other suitable, non-slip floor covering which is sound and clean.
 - j) The seats are properly cushioned and covered by a water-resistant material and covers are in a sound and clean condition, which may be easily cleaned and dried.
 - k) Any entry and exit steps are made of or fitted with non-slip material.
 - l) The vehicle must be fitted with retractable rain coverings that cover both sides and the rear of the vehicle and are secured to ensure the vehicle remains watertight. The covers must be transparent to allow the driver unrestricted views out of the vehicle.

Additional requirements for Horse and Carriage Omnibus Hackney Carriage

- 8.7 All vehicles must comply with all current statutory requirements for road vehicles and any other legislation that affects the construction and use of carriage style vehicles.
- 8.8 Any horse proposed to be used in connection with the service must:
- be at least 6 years of age
 - be free from lameness
 - not be employed whilst under any veterinary treatment
 - be regularly and competently shod; their shoes must be properly fitted by a registered farrier
- 8.9 Any proposed carriage should also have:
- a) Fixed seating with a carrying capacity of 16 inches (40 cm) per person conveyed, measured along the front edge of the seat, excluding wheel arch or similar restrictions,

-
- b) Sufficient harnesses and tack to ensure that the driver at all times is able to effectively control the horse and steer the carriage as required,
- c) Sufficient access steps, doors and sides, designed so as to ensure safe access for and carriage of, the passengers to be conveyed in the vehicle,
- d) Sufficient means of securing the carriage against adverse weather conditions to ensure the comfort of passengers conveyed therein in inclement weather,
- e) An independent, efficient and effective braking system. In the case of a horse and carriage omnibus, this shall be fitted with a sufficient drag-chain and slipper, or other sufficient brake and the braking machinery shall at all times be maintained in an efficient condition.
- f) Sufficient working front and rear obligatory lamps and reflectors so as to warn other road users of the presence of the omnibus and horse in conditions of poor lighting and restricted visibility.
- g) The seats of the vehicle must be properly cushioned or covered, fittings and furniture must be kept clean and adequate for the convenience of persons traveling in the vehicle.
- 8.10 Any proposed horse and carriage service must provide the following with their application:
- a) Details of their Harness Horse Groom and confirmation of their competence (they must hold a Level 2 Diploma from British Driving Society or equivalent)
- b) Inspection report from British Driving Society to verify that the carriage to be used is safe and fit for purpose
- c) Inspection report from a registered equine veterinary surgeon to verify that the horse(s) are fit to be used for the proposed activity including:
- i horse passport and microchip details
 - ii proposed working schedule for each horse and confirmation from the surgeon that this is appropriate for the relevant horse (in any case a working period must not exceed 6 hours in a day with no more than 3 consecutive hours spent working without the horse being allowed at least 1 hour's rest, which will include the provision of food and water)
 - iii photographs (from each side and head on) of each horse. The surgeon must certify the photographs as being true representations of the horse that is the subject of each certificate of fitness
- 8.11 Any proposed drivers of a horse and carriage must hold the Code of Practice Assessment qualification from the British Driving Society.

Replacement Vehicles

- 9.1 Owners of licensed Hackney Carriage and Private Hire Vehicles can request to replace their existing licensed vehicles at any time.
- 9.2 An application will need to be submitted to the Council's Licensing Department using the prescribed form along with the relevant fee.
- 9.3 A replacement vehicle will only be considered if it is:
- A substantial improvement on the existing licensed vehicle and
 - Available for a full inspection by the Licensing Department.
 - The vehicle must be a 'like for like' replacement i.e., if previous vehicle was wheelchair accessible, then the replacement vehicle must be tec.
- 9.4 The replacement vehicle must comply with all relevant standards and criteria detailed within this policy.
- 9.5 If the existing licensed vehicle has been licensed as a wheelchair accessible vehicle the replacement vehicle must also be wheelchair accessible.

- 9.6 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:
- A valid insurance certificate
 - A valid Certificate of Compliance inspection sheet dated no more than seven days prior to the application date
 - Any other relevant documentation as detailed in the previous sections
- 9.7 From January 2025, no vehicle more than 10 years old will be licensed as a replacement vehicle (the only exceptions being vintage vehicles licensed for Private Hire as referred to above).

Private Hire Operator Licence

New Applications

- 10.1 An application for a Private Hire Operator licence must be submitted to the Council's Licensing Department using the prescribed form and accompanied by:
- the relevant fee
 - A Basic criminal record disclosure certificate from DBS (dated within the previous 28 days of the application submission) unless the individual is a driver licensed with the Council
 - Any other information the Licensing Department may require on request
- 10.2 A Private Hire Operator's licence will be issued for a period of five years, although applicants may if they wish apply for any whole year period between one and five years.
- 10.3 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.
- 10.4 Licensing authorities will assess whether an applicant for a Private Hire Operator licence or the existing holder of a Private Hire Operator licence meets the 'fit and proper' test.
- 10.5 Private Hire Operators who at the time of their application are also licensed drivers will not be required to submit a basic DBS certificate as part of their application for an operator's licence. If the individual ceases to hold a driver licence, then a basic certificate will be required immediately.
- 10.6 In the case of an application being made for a Private Hire Operator licence by a company or partnership; the licensing authority will apply the 'fit and proper' test to each of the directors or partners in that company or partnership. A basic DBS certificate will be required from each individual.
- 10.7 If, during the licence period, the directors or partners of the company or partnership change, the licence holder must notify the licensing authority as additional DBS disclosures may be required.

Renewals

- 10.8 Operators must renew their licence by completing the prescribed application form which must be accompanied by the following:
- The relevant fee

- A Basic criminal record disclosure certificate from DBS (dated within the previous 28 days of the application submission) unless the individual is a driver licensed with the Council
- A copy of the last three months' booking records
- Any other information the Licensing Department may require on request

Operator Requirements

- 10.9 All licensed operators must comply with the following criteria on application, renewal and whilst they are licensed:
- a) A register must be maintained of all booking and dispatch staff who have contact with the public, and/or oversee the dispatching of vehicles.
 - b) A policy must be in force regarding employment of ex-offenders in roles that would require them to be on the register and this policy must be produced on request to the licensing authority.
 - c) Operators must be able to evidence that they have had sight of a Basic DBS certificate (dated less than 28 days prior to viewing) on all individuals listed on their register of booking and dispatch staff and ensure that Basic DBS checks are conducted on any individuals added to the register. Such checks and employment must be compatible with their policy on employing ex-offenders.
 - d) It must be a condition of employment for any booking and dispatch staff to advise the operator of any convictions while they are employed in this role.

Hackney Carriage and Private Hire Driver Licence

New Applications

- 11.1 The Council will only issue joint Hackney Carriage and Private Hire Driver licences (unless the vehicle to be driven is not motorised).
- 11.2 A Hackney Carriage and Private Hire Driver's licence will be issued for a period of three years. Applicants may apply for a one or two year licence if they wish and separate fees will be published for a one, two, and three year licence. The total fee for each licence period must be submitted with the application.
- 11.3 Applicants must have held a full driving licence for at least one year before an application will be accepted.
- 11.4 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
 - Evidence confirming the applicant's right to live and work in the UK (where applicable)
 - If applicable, a request for an exemption certificate under section 166 of the Equality Act 2010 (see below)
 - Any other information the Licensing Department may require on request
- 11.5 Applications for drivers of non-motorised vehicles may be required to submit alternative or additional documents depending on the vehicle they will be operating.
- 11.6 A DVLA D796 Driving Entitlement Consent form must be signed. The consent provides the Licensing Department with authority to check the applicant's driving licence at any time during the licence period.

- 11.7 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.
- 11.8 Drivers who are not able to assist passengers as required under section 165 of the Equality Act 2010 due to an illness or disability must request an exemption certificate from these duties. Any request under this legislation must be supported by a letter from a doctor stating that the driver is not fit 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.
- 11.9 An application for an exemption certificate under section 166 of the Equality Act 2010 can be made at any time, but the driver must provide a new letter on renewal of their licence.
- 11.10 Once an application is submitted to the Licensing Department, the following will also be required as part of the application process:
- Enhanced DBS criminal record disclosure
 - Group 2 Medical check
 - Safeguarding training
 - An oral and written knowledge and topography test
- 11.11 An Enhanced disclosure from DBS must be provided as part of the application and renewal process. DBS offer an Update Service allowing applicants to give their consent for the licensing authority to check the status of a certificate online at any time. Subscription to this service removes the need for new certificates to be requested during the licence period and on renewal which lessens potential delays in relicensing.
- 11.12 All applicants must pass a test to confirm they have the knowledge required to fulfil the duties of being a licensed driver. If the applicant fails this test, they 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.
- 11.13 All applicants must also be able to demonstrate oral and written English language skills as part of the knowledge test. A lack of language proficiency could impact on a driver's ability to understand written documents, such as policies and guidance relating to the protection of children and vulnerable adults and applying this to identify and act on signs of exploitation.

Renewals

- 11.14 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 along with the following:
- The relevant application fee
 - If applicable, a request for an exemption certificate under section 166 of the Equality Act 2010
 - Enhanced DBS criminal record disclosure
 - Safeguarding training
 - Any other information the Licensing Department may require on request
- 11.15 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.

Driver Requirements

- 11.16 All licensed drivers must comply with the following criteria on application, renewal and whilst they are licensed:
- 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.
 - From the age of 65 years, drivers must have a Group 2 medical examination annually.
- 11.17 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 Neighbourhoods' Enforcement Policy.
- 11.18 The licensing authority may at any time request that a driver retake the knowledge and/or topography test at their discretion. If the driver fails the test, they can retake it up to a maximum of five times 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.
- 11.19 Failure to comply with the standards set for Hackney Carriage/Private Hire Drivers in this policy may result in the driver not being licensed or their licence being suspended until such time as compliance is achieved.

Transfer of Interest (New Owners of Licensed Vehicles)

- 12.1 If the owner of a licensed vehicle changes during the licence period, the owner must notify the Licensing Department that they no longer have an interest in the vehicle and the new owner must submit a new licence application for the vehicle.

Determination of Applications and Appeals

- 13.1 In normal circumstances the Licensing Department will determine each application taking into account this policy along with the documentation supplied by the applicant including the results of the DBS check and the Council's Policy Relating to the Relevance of Convictions.
- 13.2 The licensing authority will usually aim to process and determine applications within the following timescales:
- 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
- 13.3 In some circumstances officers may refer an application to a panel of senior officers or to the Licensing Committee for a decision, in which case, the above timescales will be not be applicable as the determination period will be longer.
- 13.4 The applicant will be informed in writing that their application has been referred and at least 10 working days' notice will be given to the applicant of such a hearing or panel meeting.
- 13.5 In this instance, the applicant and the licensing authority may invite any persons who support their case to attend the hearing and these persons will be given the opportunity to address the panel or committee during the meeting.

-
- 13.6 Hackney Carriage and Private Hire related licences will normally be issued for one year. However, the licensing authority may issue a licence for a shorter period.
- 13.7 If a licence application is refused the applicant will be given written confirmation detailing the reasons for refusal, along with any right of appeal. Provisions to appeal against licence application decisions are contained in the relevant legislation.

Fees

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

Conditions

- 15.1 The Licensing Authority may attach licence conditions to any licence relating to Hackney Carriage or Private Hire activities that are considered reasonably necessary.
- 15.2 Additional conditions may be applicable to non-motorised vehicles.

Enforcement

- 16.1 Where offences occur, conditions are breached or a complaint has been received, the Council will investigate and take appropriate action in accordance with the Neighbourhoods' Enforcement Policy.
- 16.2 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.
- 16.3 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 Neighbourhoods' Enforcement Policy.
- 16.4 The licensing authority has a duty (outlined in section 4 of the standards) to refer an individual to the DBS if that person has harmed or poses a risk of harm to a child or vulnerable adult or received a caution or conviction for a relevant offence. Where a decision is made to refuse or revoke a licence, the licensing authority may also make a referral to the DBS. The DBS may then consider it appropriate for the person to be added to a Barred List preventing them from undertaking various paid or voluntary roles in future.

Licensing Department
Jubilee Stores, The Quay, Newport, Isle of Wight, PO30 2EH
01983 823159
licensing@iow.gov.uk