

# Private Hire Operator Licence Pack

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**PRIVATE HIRE OPERATOR LICENCE APPLICATION PACK**

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## **Introduction**

**Please ensure that you read, and understand, this application pack in full before applying for a Private Hire Operator Licence. You should keep this pack for future reference on order that you are fully aware of all procedures involved in obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.**

Woking Borough Council licences Hackney Carriage and Private Hire drivers, vehicles and Private Hire Operators. Woking Borough Council has the authority for issuing said licences under the adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847, and the Public Health Act 1875.

The objective in licensing Private Hire Operators is the safety of the public who will be using Operators premises and vehicles, and drivers arranged through them.

The application for a new or renewal of a Private Hire Operators licence can be completed online at [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)

## **Licence**

Operator licences are issued for a maximum duration of 1 year. In all cases the licence will only be granted subject to the Licensing Authority being satisfied that the applicant is “fit and proper” to be issued with the licence.

**Fit and Proper Person:** A person who is deemed to be of no threat to the general public, has a good character and is therefore deemed fit and able to hold a licence. Legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper - **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

## **Renewal of Licence**

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Licence renewals will not be granted until any relevant checks have been completed. To avoid delay, applicants are advised to submit an application 2 - 3 weeks before the expiry of their current licence.

## **Suitability**

**The Council reserves the right to require any applicant or existing licence holder to provide additional information if the Licensing Department has reason to believe that circumstances have changed since the application was made.**

The Licensing Authority may obtain information about you from third parties, or provide them with information so as to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other Local Authorities and Government departments.

### **Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence**

A Private Hire Operators Licence is issued in good faith on the basis of information provided and, should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. Any cautions, convictions or pending prosecutions **of any nature** must be reported to the Licensing Department, regardless of nature, penalty or outcome, **immediately**. The Council reserves the right to take into consideration any other information that is likely to be relevant concerning an applicant being deemed fit and proper person to hold a licence. These considerations apply to both new **and** renewal applications

Having previous convictions, for either criminal or motoring offences, will not necessarily prevent a person from obtaining a licence. The nature and time of said offences are of significance in the considerations of the Council. **It is an offence to not declare such matters on your application to the Council.**

### **Ability to Work in the UK**

From 1 December 2016, the Immigration Act 2016 has introduced legislation that requires any person applying for the following to provide evidence of their right to work in the UK.

Woking Borough Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence to drive a licensed vehicle.

Hackney Carriage or Private Hire drivers who have previously renewed their licences must provide evidence of their right to work in the UK on the first occasion when they submit a renewal application.

Applications for Hackney Carriage or Private Hire drivers' licences requiring evidence of the applicant's right to work in the UK, must be seen at a pre-booked appointment with the Licensing Department. All relevant documentation will be checked in the applicant's presence, copied and returned during the appointment.

If the Home Office grants an applicant full entitlement to work for 12 months at a time, the applicant will be required to resubmit documents every 12 months demonstrating that the entitlement has been renewed / extended. If, at any point, the entitlement is removed, the licence will be revoked.

Further information regarding what documents can be submitted with an application to show entitlement to work in the UK can be found later in this pack, or from the following websites:

[www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi) or [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk)

**Nothing in this document shall be interpreted as over riding the provisions of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985 and the byelaws made thereunder.**

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936

### **Licensing Department Contact Details:**

**Woking Borough Council Licensing Department**  
Civic Offices, Gloucester Square, Woking, Surrey, GU21 6YL.

**Tel:** 01483 755855 / 01483 763823

**Email:** [licensing@woking.gov.uk](mailto:licensing@woking.gov.uk)

**Website:** [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)

### **Fees and Charges**

<b>Private Hire Operator Licence (for 1 year)</b>	£280
<b>Disclosure and Barring Service Check (if required)</b>	£44
<b>Amendment to Existing Licence</b>	£10.50
<b>Duplicate / Replacement Paper Licence</b>	£10.50

### **Private Hire Operator Licence Criteria**

Through the completion of a Basic Disclosure & Barring Services (DBS) Check the applicant shall provide evidence that they are of good character.

If the applicant is already a Woking Borough Council licensed driver, the current DBS Check can be used.

Should an application for a Private Hire Operator licence propose the use of a home address, or alternative office space, applicants are advised to contact Woking Borough Council's Planning Department to ascertain as to whether or not any restrictions exist with regard to taxi-related business use.

## **How to Apply for a New Private Hire Operator Licence**

This procedure relates to a person or persons who have never before held a Private Hire Operators Licence within Woking Borough, or who have held such a licence longer than 12 months ago.

1. If you **do not have** a current Disclosure and Barring Service Check (as a result of being a currently licensed driver with Woking Borough Council), you will need to book an appointment with the Licensing Department at the Council offices. To this appointment you must bring:

- **Evidence that you are entitled to work in the UK (unrestricted) - usually passport or visa**
- **Driving Licence**
- **National Insurance card (or something else with your National Insurance Number on)**

If you do have a current Disclosure and Barring Service Check, go straight to step 2.

2. Access the application and payment form at [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)

## **Grant of a New Private Hire Operator Licence**

Upon receipt of a satisfactory Application Form, Basic Disclosure & Barring Services Check, any Planning Permissions and full fee, you will be issued with a licence (posted to your registered address).

If any information that you have not previously declared on your application form is discovered through the Basic Disclosure & Barring Services Check, you may be refused a licence.

### **What happens if I have not completed my application 3 months after starting it?**

You will have to apply for another Basic Disclosure & Barring Services Report at your own expense.

### **What happens if I have not completed my application 6 months after starting it?**

Your application will be null and void and you will need to reapply.

## **How to Renew a Private Hire Operator Licence**

This procedure applies where the application is for the renewal of an existing Operators Licence.

1. Woking Borough endeavours to send '**Reminder Letters**' approximately 1 month before the expiry of your current Operators licence, by the Licensing Department. The letter will include instructions regarding how to renew the licence. However, it is ultimately the responsibility of the licence holder to ensure the licence is renewed in time.

2. Access the application and payment form at [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)

3. Upon receipt of a satisfactory Application Form, and full payment, you will be issued with a licence (posted to your registered address).

## **How to Amend a Private Hire Operator Licence**

This procedure applies should you need to amend any details or records relevant to an existing Private Hire Operator Licence.

1. You will need to put your request in writing it to the Licensing Department, and make the required payment of £10.50 at [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)

2. Upon receipt and approval of the requested amendment(s), and the fee, your amended licence will be sent to your registered address.

## **Private Hire Operator Licence Conditions**

### **1. STANDARDS OF SERVICE**

**1. The Operator shall keep (in permanent and easily legible form) a record of the following particulars in respect of every booking of a Private Hire vehicle operated by him, whether the booking is effected directly with the hirer or undertaken at the request of another Operator:**

- (a) the date and time of the booking;
- (b) the date and time of commencement of the journey;
- (c) the name of the hirer;
- (d) the place or places at which the passenger or passengers were collected;
- (e) the place or places at which the passenger or passengers were set down;
- (f) the Private Hire vehicle licence number of the vehicle used;
- (g) the name and licence number of the driver;
- (h) the fare charged and whether or not calculated by means of a meter.

**2. The Operator shall keep (in permanent and easily legible form) a record of the following particulars of every Private Hire vehicle operated by him:**

- (a) the make;
- (b) the model;
- (c) the registration mark;
- (d) the Private Hire vehicle licence number;
- (e) the expiry date of the Private Hire vehicle;
- (f) the District Council who issued the Private Hire vehicle licence;
- (g) the proprietor of the vehicle;
- (h) a service history of each vehicle including details of any modifications thereto and details of all accident repairs.

3. **The Operator shall notify Woking Borough Council of any material change in the circumstances on the basis of which the licence was granted. In particular the Operator must inform the Council of:**
- (a) any change of place of business or any additional place of business;
  - (b) if the Operator is a Company, any change in the address of the registered office;
  - (c) any change in the nature of the business carried on by him;
  - (d) any change in the composition of the firm if a partnership;
  - (e) any convictions recorded against the Operator or a partner of his;
  - (f) any other change in the information given by the Operator to the Council at the time of granting the current licence;
  - (g) details of all staff connected with running of Operator's licence.

**Notification must be given in writing within fourteen days of the event.**

- 4. No advertising material, letter headings or other stationery, or any business name used by the Operator, shall include the words 'Taxi' or 'Cab' whether in the singular or plural and whether they form part of another word or not.
- 5. When a booking is accepted for a Private Hire vehicle to be present at a particular time and place, the Operator shall take all reasonable steps to ensure that such a vehicle is so present.
- 6. The Operator shall ensure that all vehicles used by him and all drivers employed by or contracted to him are properly licensed, and the conditions attached to those licences are complied with at all times.
- 7. The Operator shall keep a copy of driver and vehicle licences and insurance details.

**Important note**

**The above conditions are additional to the requirements of the LGMPA Act 1976. Licence holders are required to be fully conversant with the relevant requirements of this Act, but the most important are summarised below:**

- (i) no Operator shall operate any vehicle in a controlled district as a Private Hire vehicle unless both vehicle and driver are correctly licensed under the Act. (Section 46)
- (ii) an Operator who accepts a booking for a Private Hire vehicle is liable under the contract for its hire whether or not he himself provides the vehicle. (Section 56(1))
- (iii) the particulars required to be kept under conditions 1 and 2 must be produced to an Authorised Officer of the Council or to a Police Officer when required (Section 56(2) and (3), as must this licence. Section 56(4))



## **2. Conditions attached to the display of door signs on Private Hire vehicles**

**It shall be the responsibility of the Operator to ensure that all Private Hire vehicles under his control display the door signs in accordance with the conditions below:**

- (i) the sign shall be displayed on the front doors of the Private Hire vehicle only.
- (ii) the sign shall only give details of the name, address and telephone number of the Private Hire company from which the licensee obtains his clients.
- (iii) the word 'Taxi' or 'cab' whether in the singular or the plural should not form part of the sign.
- (iv) the proprietor should be able to easily remove the sign should the vehicle's licence be suspended, revoked or not renewed, and he shall be responsible for its removal.
- (v) the proprietor shall submit for the approval of the Council the proposals for the sign prior to its display.
- (vi) these signs are compulsory.

### **You are further advised that:**

- (a) to operate a Private Hire vehicle is to make provision in the course of business for the invitation or acceptance of bookings for it.
- (b) this licence is granted to a particular person and cannot be sold or transferred. Therefore, for example, a new owner of the business must apply for a new licence.
- (c) the carrying on of a business may need planning permission. Operators must comply with all relevant legislation.

### **Audio and Visual Recording Equipment in Licensed Vehicles**

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice.

**Woking Borough Council has no mandatory scheme in relation to such equipment.**

If you do fit such a system to your vehicle, please notify the Licensing Authority (either in writing or by email) to enable the Licensing Department to update licence records. The information provided below is intended to assist you should you consider fitting any system to your vehicle.

1. **Should you wish to fit such equipment you should ensure that any system fitted to your vehicle complies with the Information Commissioners Office "CCTV Code of Practice", which states:**
  - a. CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way. There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:
    - i. Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.
    - ii. Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.
    - iii. Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite.
    - iv. Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.
2. **In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.**
3. **Transport for London has adopted the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles, and we recommend that, should you wish to fit such a system with audio recording enabled, you follow the Transport for London model which states:**
  - a. Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.
  - b. The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.

## **Notification to the Information Commissioner's Office**

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed. The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a TPH licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the TPH at any time during the term of the TPH vehicle licence.

The Notification requires renewal on an annual basis, and payment of the appropriate fee.

## **Using a Third Party Service Provider (Data Processor)**

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

## **Signage for Internal Audio and Visual Recording Equipment**

All Taxis and Private Hire Vehicles fitted with Audio and Visual Recording Equipment must display signage informing passengers that the vehicle is equipped with such a system. The driver may also wish to verbally bring to the attention of the passengers that such equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out. The name and the contact telephone number of the Data Controller must be included on the sign.

## **Signage for External Facing Audio and Visual Recording Systems**

Where a system is installed in order to record incidents outside the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

## **Dispensation Discs - Criteria, Procedure and Conditions**

Some customers prefer to be driven in executive vehicles that are low profile and represent their organisation, especially when meeting a client. Many chauffeur companies, and some Private Hire Operators, employ section 75(3) of the Act. Using this section of the law, allows for **specific vehicles** to be granted dispensation from displaying their Private Hire plate and door stickers. The work undertaken **must not be conventional Private Hire work** but regarded as **specific 'chauffeur-driven' work**, and the vehicle to be used for such work must be an **“executive and prestigious” type vehicle** of a higher standard than that of a 'normal' vehicle used for private hire work.

1. Dispensation from displaying vehicle licence plates can only be applied for by the holder of a Private Hire Operators Licence, for a vehicle that currently carries out work on behalf of that Operator.
2. Exemptions from displaying external identification plates (vehicle licence plates) may be in respect of individual vehicles only. Applications for exemptions relating to a fleet of vehicles will not be allowed.
3. Each application will be assessed on its own merit, and each vehicle may be inspected by an authorised Council Officer to ensure that it is fit for purpose.
4. Applications for exemption from the requirement to display an external identification plate will only be considered where **at least 90%** of the work undertaken are hiring's, where the driver and vehicle are specifically hired to provide transport to a company or person by corporate or account holders only and where the safety of the public is not compromised. The operator will be required to satisfy the Licensing Department, prior to licensing, that the use of the vehicle is by corporate and account holders and must be able to provide evidence to enable the Licensing Department to determine the genuine requirement for plate exemption. This will typically be through reference to the three most recent months of operator records, showing the account and corporate work carried out. **At least 90% of this work must be Account work**, i.e. it must be contracted work, not cash jobs or school runs. Details of what the Operator records should contain are included as a Condition on the Operators Licence.
5. The vehicle will benefit executive status (i.e. a high range or top end of the market vehicles). Vehicles must be in pristine condition with no visible defects, dents or blemishes to the external bodywork, wheels or internal trim and seating. They must comply with the current Woking Borough Council conditions relating to Private Hire vehicles.
6. The Council will require, as evidence, a recent letter from a company, or companies, who wish to use that particular vehicle. Necessary information within the letter includes:
  - a. **Why exemption from display is necessary**
  - b. **The frequency of intended use**
  - c. **Details of the vehicle(s) that relate to the application**

The company, or companies, may be contacted to confirm these details as reasonably necessary to allow the Council to make an informed decision. A decision will then be made as to whether the dispensation is granted. Where such documentation is not provided to the satisfaction of the Council the application will be refused. The Council will maintain commercial confidentiality.

7. Only Operators who have a good compliance record, including a good complaints record of their drivers, will be considered.
8. It is both the Operator and the holder of the Dispensation Discs duty to notify the Licensing Authority if the holder of the Dispensation Disc ceases to work for the Operator, or carries out work for other operators.
9. The proprietor shall not use the vehicle for more than 10% of their work where the work is for Private Hire purposes other than for contract use (i.e. for routine airport journeys, school runs or daily Private Hire use).
10. The exemption will cease to have effect on selling or transferring the vehicle to another party. The person to whom the exemption is granted must inform the Council of the sale / transfer of ownership immediately, and in writing, and provide details of the new owner. The Dispensation Discs must be removed and returned to the Council within 48 hours of sale or transfer.

## **Enforcement**

It is Woking Borough Council's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, Legal Services Manager, Head of Legal and Democratic Services, the Licensing Committee and the Courts.

The expectation of the Licensing Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person.

Hackney Carriage and Private Hire drivers maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **bring the integrity of the Council in to disrepute for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

## **Enforcement Statement**

1. It is the practice of Woking Borough Council to ensure that Taxi drivers and Operators are licensed correctly, and carry out their trade in accordance with both the relevant Law and the conditions attached to the licences.
2. All enforcement action, be it the issue of verbal warnings, written warnings, statutory notices, appearance before the Sub-Committee or prosecution, will primarily be based upon the seriousness of the breach and the possible consequences arising from it. Enforcement action will not be used as a punitive response to minor technical contraventions of legislation, but will be used as a means of ensuring the safety and protection of the travelling public and others affected by the licensee's actions.
3. Specific advice on the issue of licences and enforcement action where the applicant or licensee has convictions or cautions for specific offences is contained elsewhere in this guidance.
4. Authorised Officers, when making enforcement decisions, will abide by this policy. Any departure from the policy must be exceptional, capable of justification, fully considered and agreed by the Senior Licensing Officer or above before the decision is taken (unless it is considered that there is significant risk to the public in delaying the decision).
5. Authorised Officers must be fully acquainted with the requirements of the policy and appropriate training will be provided where required.
6. Officers will be authorised by the Legal Services Manager to take enforcement action relevant and appropriate to their level of competence. Competency will be assessed individually by reference to qualifications and experience.

## **Enforcement Options**

Achieving and maintaining a consistency of approach in the making of all decisions that concern Taxi Licensing and enforcement action, including prosecution, is of paramount importance. To achieve and maintain consistency, it is vital that the policy guidelines are always considered and followed where appropriate.

1. Licence application and enforcement decisions must always be consistent, balanced and fair, and relate to common standards, which ensure that the public are adequately protected. In reaching any decision many criteria must be considered including the:

- seriousness of any offences;
- driver or Operator's past history;
- consequence(s) of non-compliance;
- likely effectiveness of the various enforcement options;
- danger to the public.

2. Having considered all relevant information and evidence, the choices for action are:-

### **2.1 Taxi and Private Hire Licence Applications:**

- grant a licence subject to the Council's Standard Conditions;
- grant a licence subject to additional conditions;
- refuse to grant a licence.

### **2.2 Enforcement Action:**

- take no action;
- take informal action;
- use statutory notices, (stop notices etc.);
- suspend a licence;
- revoke a licence;
- prosecution

Any complaints or enforcement measures are dealt with, in the first instance, by the Licensing Department by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to their Licence Conditions may result in any of the following actions:

- **the issue of a warning appropriate to the incident reported**
- **the issue of a higher level of warning appropriate to the incident reported and taking the history of the licence holder into consideration**
- **the request for an Interview Under Caution to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the referral of the matter to the Legal Services Manager and / or Head of Legal and Democratic Services**
- **the referral of the matter to the Licensing Committee**
- **the referral of the matter to the Legal Services Department for consideration of prosecution**

**More details of the Hackney Carriage and Private Hire Licensing Enforcement Policy are contained within Woking Borough Council's Hackney Carriage and Private Hire Licensing Handbook, accessible at [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)**

## **Offences**

### **Offences Under Local Government (Miscellaneous Provisions) Act**

1. Owning unlicensed vehicle used as Private Hire vehicle.
2. Driving a Private Hire vehicle without a Private Hire driver's licence.
3. Owning licensed Private Hire vehicle driven by unlicensed driver.
4. Operating Private Hire vehicles without operator licence.
5. Operating unlicensed Private Hire vehicles.
6. Operating unlicensed Private Hire vehicles driven by unlicensed drivers.
7. Failure to exhibit vehicle licence plate.
8. Failure to notify (in writing within 14 days) transfer of Hackney Carriage or Private Hire vehicle.
9. Failure to produce Hackney Carriage or Private Hire vehicle for testing when required.
10. Failure to report (within 72 hours) accident involving Hackney Carriage or Private Hire vehicle.
11. Failure to produce Hackney Carriage or Private Hire vehicle licence and insurance when requested.
12. Failure to produce Hackney Carriage or Private Hire driver's licence when requested.
13. Failure to wear Private Hire driver's badge.
14. Failure of Private Hire operator to keep record of bookings.
15. Failure to produce such record when requested.
16. Failure of Private Hire operator to keep records required by local authority.
17. Failure to produce such records when requested.
18. Failure to produce Private Hire operator's licence when requested.
19. Making of false statement or omission of material information in application for any licence.
20. Failure to return, after due notice, licence plate issued in respect of revoked, expired or suspended Hackney Carriage or Private Hire vehicle licence.
21. Failure to return, after due notice, driver's badge issued in respect of suspended or revoked Hackney Carriage or Private Hire drivers licence.
22. Unauthorised parking on Hackney Carriage stand.
23. Unreasonable prolongation of journeys.
24. Misuse of taximeters.
25. Obstruction of authorised officers.



## **Safeguarding - Child Sexual Exploitation and Human Trafficking**

Everyone is becoming more aware of issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country. These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited.

We need the help of Taxi and Private Hire Trade, including Private Hire Operators to identify those who commit these crimes, and protect those who most need our help.

However, there is always more that can be done by everyone to help promote a better understanding of this subject. This page and our website will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

### **It is of vital importance that a Private Hire Operator:**

- is aware of what good safeguarding practice looks like
- is able to recognise and report a vulnerable child/person at risk
- understands how Child Sexual Exploitation (CSE) and Human Trafficking relates to the business
- knows how to protect their employees and demonstrate due diligence

### **Who can be vulnerable passengers?**

- Under the influence of alcohol and or drugs
- Age (very old or young)
- Disability (physical or learning)
- Illness (mental/physical)
- Unfamiliar with the area
- If they become separated from carer, friend or travel companion
- Communication issues (deaf, blind, speak a different language, stroke)
- Vulnerable adults can be any age from 18 years upwards and also need safeguarding. This may include someone with learning or physical disability, mental health, substance dependence or an older person who might be frail or have dementia.

It is important to be aware that some people make unwise choices but they may have **'capacity'** to do this. In these cases social care might not be able to assist, but it is important that you still report your concerns to professionals who can help; it is not safe for you or your passenger if you attempt to make an assessment yourself – always report your concerns to the authorities.

### **What are your responsibilities to a vulnerable child/person?**

- A Private Hire Operator, and their drivers, have a duty of care to passengers using their service
- A Private Hire Operator, and their drivers, have a moral/social responsibility to report a concern about a vulnerable child
- You are the eyes and ears of the local community
- Reporting a concern could save a life; you are a public service, ambassadors of the Borough.
- You need to know who to contact if you have a concern.
- Police 101 or 999 in an emergency.

### **What does Safeguarding mean?**

- Safeguarding is the action that is taken to promote the welfare of children and protect them from harm.
- Safeguarding means:
  - i. protecting children from abuse and maltreatment
  - ii. preventing harm to children's health or development
  - iii. ensuring children grow up with the provision of safe and effective care
  - iv. taking action to enable all children and young people to have the best outcomes.
- Safeguarding children means to safeguard anybody under the age of 18 years.

### **What is Child Sexual Exploitation (CSE)?**

- CSE is a form of child abuse
- It occurs if somebody manipulates or deceives a child under the age of 18 into sexual activity
  - In exchange for something the victim needs or wants and/or
  - For the financial advantage or increases status of the perpetrator or facilitator
- CSE can appear consensual, but it never is
- CSE does not always involve physical contact - it can occur through the use of technology (internet, mobiles)
- Manipulation / deception is described as **grooming** (this can take place over a short or longer time period)

### **How are children targeted?**

- Befriended by the offender
- By being vulnerable and less able to protect themselves
- Grooming process
- Blackmail
- Threats
- Isolation from support
- Lonely and without a support network
- Has a learning or physical disability
- Have low self esteem
- Have problems at home

### **Signs of CSE for a Private Hire Operator and their Drivers to look out for**

- Passenger
  - Child/young person being afraid
  - Child/young person being under the influence
  - Child/young person being controlled by an adult
  - Child/young person making a long journey that is pre-paid
- Location
  - Any concerns about the location you pick/up drop off a child/young person
  - Child/young person regularly using taxi to go to same location
- Time of day
  - Child/young person entering taxi late at night
  - Child/young person entering taxi during school hours

## What is Human Trafficking?

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability. Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.

There are three main elements involved with Human Trafficking:

- **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
- **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

## How can you spot if someone may be vulnerable and being exploited and trafficked?

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- Does not know their home or work address
- Allows others to speak for them when addressed directly
- Live or travel in a group, sometimes with other persons who do not speak the same language
- They are collected very early and/or returned late at night on a regular basis
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- Their physical appearance may show signs of injury, malnourishment, unkempt
- They may be isolated from the local community and/or appear to be under the control or influence of others
- Have no cash of their own
- Be known to work at a brothel and be frequently moved from one site to another

## Reporting a Concern

- Pass on any information / concerns you have by:
  - Contacting **Police 101** and explaining your concerns. Quote '**Makesafe**' as this will help identify the concerns and protect children from exploitation.
  - In an emergency call **Police 999**.
  - Contacting **Woking Borough Council** or **Surrey County Council Licensing Departments**
  - Contacting the **Multi-agency Safeguarding Hub (MASH)** on **0300 470 9100**, or the out of hours service on **01483 517898**.
- If you feel very strongly about not giving your name you need not do so. Your concerns about a child will still be investigated.
- You are a public service and the eyes and ears of the local community.
- Reporting a concern could save a life, protect a child from abuse or stop abuse.
- Be aware of risk indicators.
- **Always keep a record**, either in your vehicle or at your control, of **ANY** incidents or situations you were not happy with - the record should include a description of what happened and what you did to keep yourself and your passenger safe.
- Ensure that your drivers **always keep a record**, either in their vehicle or at control, of **ANY** incidents or situations they were not happy with.

### **Allegations**

- Any allegation of abuse made against you is likely to cause a great deal of anxiety and concern.
- Information regarding allegations against adults who work with children can be obtained at [www.surreyscb.org.uk/professionals/dealing-with-allegations-against-people-who-work-with-children/](http://www.surreyscb.org.uk/professionals/dealing-with-allegations-against-people-who-work-with-children/)
- If you are concerned that another driver or escort may be acting in an inappropriate way towards a child they transport you must immediately make a referral to the appropriate person.

**For more detailed information on Woking Borough Council's Safeguarding and Child and Sexual Exploitation Policy visit [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)**

## **Right to Work Documentation**

The Immigration Act 2016 requires any person who is applying for a Taxi or Private Hire Drivers' Licence (either for the first time or for a renewal) to provide evidence of his/her right to work in the UK. As such, any applicants who do not hold a current valid UK or EU passport will be required to provide evidence of their leave to remain and/or right to work in the UK.

### **LIST A - ONGOING RIGHT TO WORK IN THE UK**

**Any documents provided from List A demonstrate that an individual has the right to work in the UK with no restrictions. If documents from List A are presented, no further checks relating to that person's eligibility to work in the UK need to be carried out.**

- i) A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
- ii) A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- iii) A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office, to a national of a European Economic Area country or Switzerland.
- iv) A Permanent Residence Card issued by the Home Office, to the family member of a national of a European Economic Area country or Switzerland.
- v) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- vi) A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- vii) A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- viii) A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- ix) A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- x) A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- xi) A certificate of registration or naturalisation as a British citizen, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

## **LIST B - TIME LIMITED RIGHT TO WORK IN THE UK**

**Documents from List B indicate that the person has limitations on their eligibility to work in the UK (normally time limits).**

**If documents from List B are presented, then further Evidence and Enquiry Checks will be carried out in line with Home Office Guidance.**

(Complete **either Group1 OR Group 2**. If the individual cannot provide any of the documents listed in Group 1 then one of the combinations of documents listed in Group 2 can be provided as alternatives)

### **Group 1 – Documents where a time-limited statutory excuse lasts until the expiry date of leave**

- i) A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
- ii) A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
- iii) A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
- iv) A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

### **Group 2 – Documents where a time-limited statutory excuse lasts for 6 months**

- i) A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with a Positive Verification Notice from the Home Office Employer Checking Service. The licence may be granted for six months from the date of the Certificate of Application.
- ii) A Verification issued by the Home Office Evidence and Enquiry Unit to the Licensing Authority, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

## **Woking Borough Council Taxi and Private Hire Licensing Criminal Conviction Policy 2016**

***Adopted by Council 14<sup>th</sup> of July 2016***

### **1. Introduction**

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a Hackney Carriage and/or Private Hire driver or Operator licence.
- 1.2 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:
- that a person is a fit and proper person
  - that the person does not pose a threat to the public
  - that the public are safeguarded from dishonest persons
  - the safeguarding of children and young persons
- 1.3 This policy provides guidance to any person with an interest in Taxi and Private Hire licensing. In particular, but not exclusively:
- Applicants for drivers' licences
  - Existing licensed drivers whose licences are being reviewed
  - Licensing Officers
  - Members of the Licensing Committee/panel (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions
- 1.4 Officers exercising delegated powers, and the Taxi Licensing Sub-Committee, will have regard to the guidelines contained in this Policy when
- (i) determining applications for licences, and
  - (ii) deciding whether to suspend or revoke a licence.

**However, each case will be considered on its individual merits and, where the circumstances justify, the Officer/Sub-Committee may depart from the guidelines.**

### **2. General policy**

- 2.1 There may be occasions where it is appropriate to depart from the guidelines. For example, where the offence is a one-off occasion or there are mitigating circumstances, or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 **Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction** [Nottingham City Council v. Mohammed Farooq (1998)]
- 2.4 The Council is also prohibited from issuing a licence to an applicant who has not held a full UK or EU driving licence for at least one year, and at the date of the application being made.

2.5 The Council will not normally grant a licence to an applicant who has previously been disqualified from holding a driving licence (whether for a single offence or under the "totting up" provisions) unless he has subsequently held a full driving licence for a period of three years without incurring any further convictions.

### **3. Appeals**

3.1 Any applicant refused a driver's licence on the grounds that the Licensing Authority is not satisfied he is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].

### **4. Powers**

4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the Licensing Authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a Private Hire vehicle or Hackney Carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

4.3 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

### **5. Consideration of Disclosed Criminal History**

5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire vehicle drivers' licence and/or Private Hire vehicle Operators licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Licensing Authority will look into:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of conviction
- Circumstances of the individual concerned
- Sentence imposed by the court
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- Any other factors that might be relevant

5.2 Existing holders of drivers' licences are required to notify the Licensing Authority in writing within twenty-eight days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

5.3 Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Department, in confidence, for advice.



- 5.4 The Licensing Authority conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver licence. The Licensing Authority follows the DBS's Code of Practice on the fair use of disclosure information. A copy is available on request.
- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their own expense. The Licensing Authority abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 More information about the DBS can be found on their website at <https://www.gov.uk/government/organisations/disclosure-and-barring-service>
- 5.7 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications, or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.8 It is an offence for any person, knowingly or recklessly, to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

**For more detailed information on, and to view a full copy of, the Woking Borough Council Taxi and Private Hire Licensing Criminal Conviction Policy 2016 visit [www.woking.gov.uk/taxi](http://www.woking.gov.uk/taxi)**



**New / Renewal Application for Private Hire Operator's Licence**  
S.45 Town Police Clauses Act 1847/Local Government (Miscellaneous Provisions) Act 1976

**Proprietors Details**

Surname.....First Name.....

Address.....  
.....

Telephone number and/or Mobile.....

**Business Details**

Trading name(s).....

Address.....  
.....

**Telephone number(s)**

Land Line.....Others.....

Are there any additional proprietors involved in this application?	<b>Yes / No</b>
Have you previously applied for an Operator's licence?	<b>Yes / No</b>
Have you ever previously held an Operator's Licence?	<b>Yes / No</b>
Have you ever had your Operator's Licence suspended or revoked?	<b>Yes / No</b>
Have you ever been convicted of a criminal offence?	<b>Yes / No</b>

If **yes** to any of the above, give full details on a separate sheet, a DBS check will be performed. Some offences may result in an application being rejected. Providing false information and/or documents, not informing WBC of changes in operation, convictions or ownership in writing, may lead to a licence being immediately revoked.

**Non payment of yearly renewal fee immediately revokes a licence and you will be operating illegally**

I confirm that the information attached is complete and correct. I am aware of, and will comply with, the WBC Byelaws, Regulations, Terms and Conditions as laid down by the above Act.

**I understand that I am unable to operate without a current licence. Acceptance of this form, other documents or fees is not a guarantee that a licence will be issued.**

I understand that **any** licensed vehicle used or provided, whether on duty or not, whether occupied or not, is classed as a public place and therefore becomes **smoke free** i.e. No one (including driver) can smoke in said vehicle **at any time**. If I operate an office open to the public or workers, this must also be smoke free and the necessary signage displayed.

An officer is unable to give advice or recommendations on vehicles or premises that fall outside current WBC policy.

Applications are dealt with as promptly as possible. WBC are not responsible for delays caused by DVLA, Royal Mail, Testing Centres, DBS or any body separate to WBC.

**I am aware that those entering the U.K on Student visas or those whose visa restricts their type of work to that authorised by the Secretary of State, can not legally be self employed.**

**Applicant's Signature**..... **Date**.....

*(This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information please refer to the National Fraud Initiative page on the Council's website ([www.woking.gov.uk](http://www.woking.gov.uk)) or phone the Council on 01483 755855)*

The points below are a **minimum** statement of understanding of the rules governing an operator and are not intended to replace all the relevant laws in place at the time.

- As a Woking licensed Operator I understand I can only use / employ Woking licensed drivers using Woking licensed vehicles and any sub-contracts can only be passed to other Operators, NOT to vehicles licenced by other boroughs.
- I will ensure vehicles under my control/employ will display their Vehicle Licence identification plates in clear view externally and internally at all times.
- The drivers I use/employ will display their drivers badge at all times.
- I will ensure vehicles are clean, inside and out, and drivers are dressed in a manner fitting a licensed company.
- I understand touting/plying for hire is illegal. I will not allow drivers to park in busy areas without a pre-booked fare. I will provide drivers with a named passenger, destination and fare to charge for each booking.
- I understand drivers can not book for a passenger by phone, radio or by handing their phone to a prospective passenger nor can drivers arrange return journeys as the continuation of a previous booking.
- Any office or workspace I operate will remain smoke free at all times.
- Where applicable I will provide all vehicles I use/employ with a minimum of two door stickers as prescribed to be used at all times.
- I understand these rules apply to me as the applicant and all those I give responsibility to in my absence as if I had made any decision (made in my absence) myself.
- I understand any breach of rules and regulations may result in revocation of this Operators Licence and subsequent refusal of future applications, with no further warnings if the Council sees fit.

I have marked the 10 boxes above to indicate my understanding and compliance by my company and those I use/employ.

**Applicant's Signature**.....**Date**.....

**Please Note:**

Vehicles that require a 6 month check must not exceed the anniversary of that test date as this invalidates the licence and automatically suspends the vehicles' use for taxi/private hire work regardless of expiry date, until the vehicle attends and passes an inspection. A vehicle test certificate **is not** a vehicle licence.

Currently vehicles presented to WBC for licensing must have an engine that complies with Euro Emission Standard V (five) and it must have achieved a minimum Euro NCAP crash rating of 5 stars. Changes to these standards will apply as per the dates below.

Euro Emission Standard VI (six) was applied to manufactures of new vehicles from September 2014 and they were given 12 months to comply. This means from September 2015 no new vehicle (passenger car) will be produced that is not Euro VI. As previously agreed with the trade, a further 3 years (minimum) is then to be added to this date (09/15) to allow sufficient compliant second hand vehicles to enter the market, though drivers will be able to source Euro VI vehicles from September 2014 if they wish. **Therefore the date for applying Euro standard VI to all new and renewal vehicles has been set at 20th January 2022 (to allow for seasonal office closures).**

**Similarly and using the same rationale and ruling, When Euro Emission Standard VII (seven) is to be applied to manufacturers from September it will be applied to new and renewal vehicles in a similar timeframe.**

*(This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information please refer to the National Fraud Initiative page on the Council's website (www.woking.gov.uk) or phone the Council on 01483 755855)*