

Executive Travel or Chauffeuring Licensing Requirements in St Helens



St. Helens
Council

The provision of executive travel or chauffeuring can sometimes cause confusion, especially for those who are starting a new business. This policy has been developed to help such businesses understand their legal obligations under the existing licensing law.

Any person who runs a business which hires out vehicles with a driver, carrying up to 8 passengers per vehicle, is considered to be a private hire operator. As such, their drivers and vehicles are private hire drivers and private hire vehicles.

Some examples of this are chauffeur-driven executive cars, airport and station shuttle car services, car services provided by hotels and retail businesses (including courtesy cars for customers), stretch limousines, prom car services, arty buses and other novelty party vehicles (e.g. ice cream vans, fire engines, small vehicles used for guided tours, excursions or holidays).

For the purposes of the legislation, it does not make any difference if you will be receiving immediate payment for the hire of the vehicle, or on account for later payment, or as part of an ongoing contract.

Businesses which only provide car services at weddings or funerals are exempt from licensing.

Licences you will require

To run this type of business you will need to hold three types of licences to ensure that you comply with the law:

1. A private hire operator licence which allows your business to receive and negotiate bookings.
2. A private hire vehicle licence, for every vehicle used in the course of the business.
3. A private hire driver licence, for every individual who will be driving the licensed vehicles.

The location at which you intend to receive bookings for the hire of vehicles will determine which local council you will need to obtain the licences from. If you will be receiving bookings at an address within St Helens, then all 3 of your licences will need to be issued by St Helens Council.

While the law now allows licensed operators to sub-contract bookings to other licensed operators both within and outside of St Helens, operators cannot legally give bookings directly to any private hire vehicles or drivers who are not licensed by the same council as the operator.

Getting Started

In certain circumstances, we may agree to grant limited exemptions from some of our requirements if a genuine business need can be demonstrated and if we are satisfied that public safety will not be compromised by granting the exemption. The most common exemptions sought are:

- Drivers not required to pass the local knowledge sections of our knowledge test, if it can be demonstrated (by means of expressions of interest from customers and contractual agreements) that drivers will be wholly or mainly undertaking journeys outside of St Helens (N.B. we may require exempted drivers to complete an alternate test, i.e. looking at the national road network instead. Having a sat-nav in a car is not sufficient justification for granting an exemption, as they can go wrong or misdirect drivers).
- Vehicles not being required to display identifying signage i.e. licence plates and door signs on the outside of the vehicle (this exemption will only be granted to high-quality prestige and luxury vehicles undertaking executive contract work – alternate signage will be issued to be displayed within the vehicle).

Each request for an exemption from one or more of our standard requirements will be considered on its own merits. Requests should be made in writing at the same time an application for an operator's licence is submitted and should be accompanied by appropriate evidence that justifies the request for exemption (e.g. letters and contracts from customers demonstrating a business need for a particular exemption). There is no automatic right to any exemption, and our duty to ensure public safety will be our primary concern.

Other things to consider

If you are planning on running a private hire business from your home or a commercial unit, you may need to obtain planning permission for this, particularly if you intend to run multiple vehicles. You may also be liable for business rates at your property.

Your drivers and vehicles will need to be covered by special 'private hire' motor insurance policies, which cover them while carrying paying passengers. Ordinary motor insurance policies do not allow this.

Under the conditions of our private hire operator licences, you will need to keep records of all bookings you receive and of every driver and vehicle working for you. Smaller companies may be able to satisfy this requirement with a paper-based system but bigger companies will typically need a specialist computer system.

As your business grows, you may need a public liability insurance policy to provide security against any damages claims made against you. If you employ any other drivers or staff, you are also likely to need employer's liability insurance.

You will be responsible for your own income tax and national insurance assessments and payments therefore you may wish to consider engaging the services of an accountant to assist you with this.

Some operators, particularly stretch limo and party vehicle operators, may wish to supply alcohol as part of their hire agreements. In order to do this, you will need to obtain alcohol licences from the Licensing Authority who can be contacted at generallicensing@sthelens.gov.uk

If you decide to use larger vehicles (9+ passengers) in your business, these cannot be licensed by local councils and instead must be licensed as public service vehicles by the Office of the Traffic Commissioner.

Crucial differences between taxis and private hire vehicles

If you are licensed for private hire work, you are only allowed to collect fares which have been booked in advance of the journey. A private hire vehicle cannot 'ply for hire' i.e. wait at a rank or be 'flagged down'. Hackney carriages (otherwise known as black cabs or taxis) can carry out pre-booked journeys but they can also wait on taxi ranks for fares or accept fares from people who flag them down in the street.

It is a criminal offence for a private hire driver to accept a fare without a prior booking and it is also highly likely that this would invalidate any motor insurance policy in force for the vehicle. The Council regularly carries out enforcement operations to detect drivers who are operating illegally, which could result in a prosecution and/or suspension or revocation of the driver's licence.

Further information

Please contact us by email in the first instance at taxilicensing@sthelens.gov.uk.

You will then be given an initial appointment to discuss your requirements.

Relevant Legislation

Local Government (Miscellaneous Provisions) Act 1976
Town and Police Clauses 1847
Deregulation Act 2015