



**HEREFORDSHIRE
COUNCIL**

THE COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**GUIDANCE NOTES FOR
PRIVATE HIRE OPERATORS LICENCE**

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1. THE LEGISLATION

The law relating to Private Hire Operator licences is contained primarily in the Local Government (Miscellaneous Provisions) Act 1976. When an applicant signs an application form for the grant of any licence, this signifies that they will comply with all the conditions attached to the licence. The word “operate” is defined as “in the course of business to make provision for the invitation of acceptance of bookings for private hire vehicle/s”. The licence for the operator, the vehicle and the driver must all be issued by the same authority. Therefore, a Herefordshire Council Licensed private hire vehicle must be registered with an Operator licensed by the Herefordshire Council.

2. WHO SHOULD USE THIS FORM

This form should be used by anyone wishing to obtain a private hire operator licence, which will enable them make provision for the acceptance of bookings.

3. DO I QUALIFY FOR A LICENCE?

To qualify for a licence you must be able to demonstrate:-

- You are a ‘fit and proper’ proper person to hold an Operator’s licence. A basic Criminal Record Bureau Check (CRB) will be carried out to assist in this decision. The application may be referred to the Council’s Regulatory Committee for determination if the report contains information regarding unspent criminal convictions. (see note 4.)
- Planning consent may be necessary for the premises where the business is being run. You should obtain advice from the planning department and request they notify you in writing of their decision. You will be required to show evidence from the Planning department before we can issue your licence.
- Before the licensed vehicle is used such insurance or securities as are required under Part V1 of the Road Traffic Act 1972 shall be obtained in respect of the vehicle and the certificate in respect of the policy of insurance shall be produced to the Licensing Section for inspection.

4. DISCLOSURE BARRING SERVICE CHECK

Section 55 (1) of The Local Government (Miscellaneous Provisions) Act 1976 states that a Local Authority must grant an application for a licence to operate private hire vehicles provided they are satisfied the applicant is a fit and proper person.

A basic DBS check is carried out on all applicants applying for an operator licence, and every 3 years after that. The DBS shows details of Police Records of Convictions, Cautions, Reprimands and Final Warnings. Basic disclosures contain details of all current convictions, cautions, reprimands or final warnings.

The criteria for spent convictions as defined by Rehabilitation of Offenders Act 1974 has the effect of removing a convicted persons criminal record, certain offences are removed after a stipulated time. The application form outlines when convictions would under the

usual circumstances become spent (Appendix 1). Unspent convictions can be considered for applications in relation to determining whether they are a 'fit and proper persons'.

A basic disclosure can be obtained from Disclosure Scotland at a fee. It may be applied for online at www.disclosurescotland.co.uk. Alternatively you can contact Disclosure Scotland direct,

By phone:

Helpline 0870 609 6006 **or Fax** 0870 609 6996

Or write to:

Disclosure Scotland, PO BOX 250, Glasgow, GS1 1YU

Once your DBs certificate is received submit it with your application, the information will be used to assist the Authority in determining if the applicant is fit and proper. Such decisions will be made subject to the policy guidelines adopted by the Council (a copy of the Policy is available upon request). If you have previous convictions your application may be referred to the Councils Regulatory Committee for determination. You will be invited to attend the meeting to speak in support of your application, alternatively you may have legal representation.

5. WHAT DO I DO FIRST?

When you first contact the Information or Call Centre to make an application for an operator licence you will be given the following:-

- An application form for an operator licence.
- A copy of these guidance notes.
- A copy of the operator licence conditions.

Please ensure that you read the above documents thoroughly and answer all questions on the application form. Any missing information will inevitably delay the processing of the application. When you have completed all the forms you will need to take them to an Information Centre, your paperwork will then be passed to the Taxi Licensing Section.

All operator licences will be subject to the following checks before the licence is issued

- A satisfactory DBS return
- Appropriate insurance
- Planning consent if necessary.

6. WHAT HAPPENS NEXT?

Making the application

Take your application form, basic DBS certificate, forms of identity and appropriate fee to one of the Herefordshire Customer Service Centres where they will check your forms of identity. Please note it may be necessary to produce these documents again to the licensing staff.

Insurance

Before your operator licence can be issued we must have an insurance certificate showing that the applicant is appropriately insured for the purposes of operating a private hire business.

Information

When all the checks are received back a member of the licensing team will contact you either by telephone or by letter to request further information or inform you when your licence will be issued.

Refunds

No refunds will be given either in full or part if the licence is refused, revoked or suspended.

7. CHANGES IN CIRCUMSTANCES

You must disclose any change in your circumstances to the Licensing Officer immediately. It may affect your application.

8. CONDITIONS

If you are granted a licence it will be subject to the conditions given to you with the Guidance Notes. If you breach any of these conditions the Council could issue penalty points, suspend or revoke your licence.

9. RENEWAL APPLICATIONS

The operators licence lasts for three years.

Renewal application forms will be sent to you at your last recorded address, if you change address during the term of your licence it is vital that you let us know. Only one renewal application pack will be sent, the responsibility to renew the licence before expiry is with the applicant. No licence will be issued until all the necessary checks have been returned and are deemed to be satisfactory.

You will be notified with your renewal pack if you are required to undertake a CRB. If you are required to have a CRB we will need to receive the renewal forms promptly as the process can take up to 12 weeks.

10. FURTHER INFORMATION

If you require further information or advice about your application please contact the Licensing Section, Environmental Health and Trading Standards, County Offices, PO Box 233, Blue School House, Hereford HR1 2ZB

Data Protection Act 1998

This policy covers the treatment of personal data that Herefordshire Council may collect when you e-mail us, complete an application form, or when you complete and submit an online form on our web site.

When completing forms you may be asked for personal information such as name, address, postcode etc. It is only when you supply this type of information that you can be personally identified.

Herefordshire Council is registered with the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the principles set out in the Act.

Further information relating to the Data Protection Act 1998 can be sent to you on request.

If you have concerns about the processing of your personal data by the Council you may contact the Council's Data Protection Officer:

Data Protection Officer,
Herefordshire Council, County Secretary and Solicitor, Brockington, 35 Hafod Road, Hereford HR1 1SH