

## **Private Hire Operator Licence Guidance for applicants**

Please ensure that you complete every question on the application form. Incomplete applications cannot be processed and will be returned to you. If there are any questions that you do not understand, please contact a member of the licensing team to ask for assistance, rather than leave the question blank.

Before granting an application, the Council must be satisfied that the applicant(s) is a fit and proper person to hold a licence, and the information you give in the form will help us to make this decision.

Giving incorrect information in connection with your application or omitting key details, may affect your chances of being granted a licence. You may also be prosecuted for the offence of knowingly or recklessly making a false statement.

If an application is granted, a licence will be issued to the applicant(s) and are valid for up to 5 years. Licences are non-transferrable.

Applicants have a right of appeal to a magistrates' court against any decision to refuse an application, or if aggrieved by any condition attached to a licence.

### **Section 1**

Please indicate if you are applying for a new licence or applying to renew an existing operator licence giving the existing licence number.

### **Section 2**

You can apply for an operator licence as an individual, as a partnership of multiple individuals or as a limited company. Please indicate which of these capacities you are applying in and complete the appropriate section(s).

This section asks for the driver's badge number of any applicant who is currently licensed by the Council as a hackney carriage or private hire driver. As these applicants have already completed enhanced criminal records checks during their previous applications, basic disclosures will not be required from these individuals (see below for further information about basic disclosures).

### **Section 3**

Please give details about how people will contact you to book journeys, including the trading names of your business which you intend to advertise under, any telephone numbers used to receive bookings, the address(es) at which telephone bookings are received, details of any public booking offices you provide, freephones, and details of your website / app based services, if you have any.

Include as much detail as possible in your answers to this section, as this helps us to identify which operators are responsible for certain premises or telephone numbers, if we receive enquiries. The addresses you provide here will be listed on the licence as places where you

are authorised to operate from – if you miss any, you will not be legally able to operate from those locations.

#### **Section 4**

All operators must keep certain records of every booking they accept, and every vehicle and driver they operate, and details of the information to be kept is set out in our Hackney Carriage and Private Hire Licensing Policy. This question asks for details about how the operator is, or intends, to fulfil this requirement.

#### **Section 5**

We strongly advise all operators, irrespective of the size of their business, to maintain liability insurance policies, to protect against any injuries, losses or other legal claims which may arise in the course of running the business. A public liability insurance policy will cover claims from any member of the public who suffers damages arising from the business, including while they are present on any premises you operate. An employer's liability insurance policy covers claims from the people you employ or engage within your business, such as drivers, telephone operators and office managers and any major illness or injury they suffer as a result of their work. An insurance adviser will be able to give you advice on the most appropriate type of policy and level of cover.

#### **Section 6**

You may need to obtain other authorisations for your business, in addition to the operator's licence.

Any premises you operate (car depots, booking offices, call centres, etc) may require planning permission for that usage. Even if you are operating from your home address, you may need to obtain permission and we suggest that you confirm whether any permission will be required before making your application for a licence.

Although storing details of your bookings and your employees will not generally require you to register under the Data Protection Act, if you are recording or processing data that goes beyond this basic function, you may need to register with the Information Commissioner as a data handler. In particular, if you maintain a CCTV system within your premises, or within some of the vehicles you provide, you will need to register. For further details about registering, visit [www.ico.org.uk](http://www.ico.org.uk)

#### **Section 7**

These questions focus on the main reasons why we may decide that an applicant is not a 'fit and proper person' to hold an operator licence. They are some of the most important questions in the application form and it is vital that they are answered correctly.

All of the questions apply to every applicant or director of a limited company applicant – so if the application is being made by a company with 4 directors and 1 has a criminal conviction, that question must be answered yes, even if the other 3 directors have no

convictions. Details of the conviction (including the name of the relevant person) should be given.

All applicants or directors of a limited company applying for a licence, will be required to submit basic disclosure certificates with the application, which show any unspent criminal convictions. If an applicant (or a director) is currently licensed by the Council as a hackney carriage or private hire driver, they will be exempted from this requirement, as they will have obtained a more detailed certificate showing a wider range of offences when applying for that licence. Where there are multiple applicants (or directors), each must provide a certificate or hold a driver licence.

As private hire operators are not specified in legislation as being a profession exempt from the provisions of the Rehabilitation of Offenders Act, we will only take into account convictions and cautions which are not deemed to be 'spent'. The Act provides that convictions may be disregarded and do not have to be declared in certain types of application, after a certain period of time has elapsed, dependent upon the type of sentence received. Some examples of these periods are set out below:

<b>Sentence</b>	<b>Rehabilitation period</b>
Imprisonment – 4 years or more	Never spent
Imprisonment – 2½ years to 4 years	Sentence + 7 years
Imprisonment – 6 months to 2½ years	Sentence + 4 years
Imprisonment – less than 6 months	Sentence + 2 years
Fine	1 year
Community Order	Period specified in Order + 1 year
Disqualification, Conditional Discharge, Bind-over	End of period specified in the Order
Absolute Discharge, Simple Caution	Spent immediately

The questions in this section will also apply to convictions, charges, insolvency proceedings or disqualification in any country, not just the UK. This means that any of these proceedings which occurred overseas must also be declared. If an applicant has been living overseas for a substantial period of time, or has only recently moved to the UK, we may ask for a certificate of good character to be produced by that applicant. These are typically obtained from civic offices in the country in question, or from the country's embassy or consulate in the UK and confirm that no legal proceedings were instituted against that person while resident in that country.

We will undertake searches of public registers, including the Individual Insolvency register and the Companies House disqualified directors register, so as to ensure that the applicant has not been affected by insolvency or disqualification proceedings and by making an application you are deemed to have given your consent for these searches.

Refusals of applications, or revocations or suspensions of licences, must be declared within the application, regardless of how much time has elapsed. This question is not just limited to Hertsmere but applies to decisions made by any Council in the UK.

### **Section 8**

Please indicate if you are currently licensed as an operator in any Council area.

If you are currently licensed elsewhere, we will expect you to set out how you will ensure that your businesses in other areas are kept separate from your Hertsmere business. You will only be permitted to operate vehicles and drivers licensed by Hertsmere Borough Council under our operator licence, or to sub-contract bookings to other licensed operators. It is against the law to give bookings directly to drivers or vehicles licensed by other councils, even if they work for you in another area.

### **Section 9**

This question asks you to provide any other information that you think the Council should be made aware of. This is your opportunity to declare anything else not covered in the application form but you feel may be relevant to the application.

### **Section 10**

How many private hire vehicles you intend to operate under the licence, if it is granted.

### **Section 11**

The fee for the grant of a Hertsmere private hire operator licence is £300 plus £30 per vehicle operated.

### **Section 12**

Please read these paragraphs carefully, and ensure that every applicant signs the form. If the application is made by a limited company, the company secretary or another officer of the company may sign the form on its behalf.

### **Additional documents**

You will need to provide a number of additional documents with your application, as listed within the declaration. These include:

- Annex A of the application form, completed with details of every driver and vehicle you intend to operate under the licence (even if this is just one). We will also accept a printout or copy of your records in this respect, showing the information required;
- You will also need to provide basic disclosure certificates for the following:
  - If the application is being made by a single individual, that individual;
  - If the application is being made by multiple individuals, regardless of whether they have formed a partnership or not, each of those individuals;
  - If the application is being made by a limited company, every current director of that company.

### **Basic disclosures**

We will only accept basic disclosure certificates which have been issued in the name of the relevant individual and shall not be older than 2 months at the time of the grant of any licence.

Basic disclosures can be obtained from the Disclosure and Barring Service. A fee (currently £25) is payable for each disclosure application. Please bear in mind that disclosure certificates can take several weeks to issue, so apply in good time before you need to make your operator licence application. However, disclosures will not be required in respect of any individual who is currently licensed by the Council as a hackney carriage or private hire driver. The reason for this is that we will have already assessed that individual's fitness while they were applying for that licence, by requiring an enhanced disclosure, which contains a much greater amount of information and involves more thorough checks.

You can contact the Disclosure and Barring Service using the following details:

Apply online: <https://www.gov.uk/request-copy-criminal-record>

By phone: 03000 200 190

### **Hackney Carriage and Private Hire Licensing Policy**

Our Licensing Policy sets out in greater detail how we will consider applications for licences and the matters that we will take into consideration. We strongly advise all applicants to read and familiarise themselves with this document, before making an application. You can find the latest version of the policy on our website at:

[www.hertsmere.gov.uk/hcphlicensingpolicy2017-2022](http://www.hertsmere.gov.uk/hcphlicensingpolicy2017-2022)

### **Conditions and enforcement actions**

If your application is granted you will be issued with a licence document. This licence will be subject to a number of conditions, including standard conditions which attach to every licence unless you have requested and been granted an exemption from one or more of them. If specific issues emerged during your application, we may also add further conditions to your licence.

If you fail to adhere to the terms and conditions of your licence, we may suspend or revoke the licence. We may also refuse future applications from you, including for the renewal of the licence.

Operator's licences may also be revoked or suspended as a result of:

- any offence under or non-compliance with the Local Government (Miscellaneous Provisions) Act 1976,
- any conduct on the part of the operator which appears to the Council to render them unfit to hold an operator's licence,
- any material change in any of the circumstances of the operator on the basis of which the licence was granted, or
- any other reasonable cause.

Certain breaches may also result in prosecution for offences under the relevant Acts.