



Operator Application Pack

PROCEDURE FOR LICENSING A PRIVATE HIRE OPERATOR

GENERAL

Anyone who makes provision for the invitation or acceptance of bookings must hold an operators licence, (with the exception of those who only operate vehicles covered by section 75 of the Act of 1976). This means that any individual, (group or company), which advertises the services of any vehicle with the services of a driver for hire and reward will be required to hold a private hire operators licence. The driver of any licensed vehicle which has a mobile telephone, radio, data head or digital device, or pager, which is carried within the vehicle, to make provision for the acceptance of bookings for hire and reward will be required to hold a private hire operators licence.

Any journey which is subcontracted to another operator in relation to the ~~the~~ Deregulation Act 2015 must be entered as an original booking with the operator who ~~accepte-d~~ the booking. The responsibility of this booking remains with this operator.

THE OPERATOR

- (i) An application form must be completed and returned to the Hackney Carriage office with the appropriate fee
- (ii) Any applicants and directors of any company will be checked to ensure that they are a 'fit and proper' person to hold a private hire operators licence by way of a basic Disclosure Barring Service check.
- ~~(iii)~~ The applicant is required to provide proof of planning permission for the address where the business is to operate from if the licence to be granted. In relation to residential addresses it will be the leaseholder/homeowners responsibility to show they have permission to operate from the address. is for three or more vehicles.
- ~~(iv)~~ The applicant is required to provide proof of holding a radio transmission licence, (and planning permission for any aerial), if such radios are used by the operator.
- ~~(v)~~(iii) In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following:
 - (a) clean, adequately heated, ventilated and lit, both for bookings and waiting
—waiting area has adequate seating facilities
 - (b) ~~The operator premises to be licensed must be situated within the Borough of Welwyn Hatfield~~The office must be located within the Welwyn Hatfield Borough to enable any authorised officer access to the premises or any records as required by statutes or conditions.
- ~~(vi)~~(iv) The operator may only utilise drivers and vehicles licensed by the Borough of Welwyn Hatfield ~~unless subcontracted to another licensed operator under in relation to the Deregulation Act 2015.~~
- ~~(viii)~~(vi) No licence will be issued until all licence requirements are met to the satisfaction of the authorised officer and the appropriate fee has been paid.
- ~~(ix)~~(vii) All operators' premises to which the public have access must be covered by public liability insurance to cover all risks.
- ~~(x)~~(viii) The applicant is required to provide proof of planning permission for the address where the business is to operate from if the licence to be granted. In relation to residential addresses, it will be the leaseholder/homeowner's responsibility to show they have permission to operate from the address. Planning permission for operating purposes maybe required and it is the operators liability to ensure any permission required is granted and produced to the authorised officer at the time of application. It is also the operators responsibility to ensure that his business complies with current health and safety legislation.

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.4 cm + Tab after: 1 cm + Indent at: 1 cm

NOTES

Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 STANDARD CONDITIONS FOR PRIVATE HIRE OPERATOR'S LICENCES

INTERPRETATION

In these conditions;

"The Council" means Welwyn Hatfield Borough Council

"The operator" means the person to whom the Council has granted the Private Hire Operators Licence to which these conditions apply. In the case of a partnership to each of the partners and in the case of a company, to each of the company directors. Any obligation in these conditions not to do any act or thing shall be deemed to include an obligation not to cause or permit that act or thing to be done. Any reference to any statute or subordinate legislation shall be deemed to include a reference to any amendment or enactment.

THE RECORDS TO BE KEPT BY THE OPERATOR

The records required to be kept by the operator under Section 56(2) of the Local Government (Miscellaneous Provisions) Act 1976 shall be kept in a suitable book, folder or other means approved by the Authorised Officer, and produced for his examination on demand. The operator shall enter in the record book, before the commencement of each journey, the following particulars of every booking of a private hire vehicle invited or accepted by him the following information as a minimum;

- (a) the time and date of the booking
- (b) the name and pick up point of the hirer
- (c) the time and date of pick up and call sign of the vehicle used
- (d) how the booking was made (i.e., by telephone, personal call, etc)
- (e) the destination
- (f) the driver used

Formatted: Indent: Left: -1.5 cm

- (a) the name of the passenger
- (b) the time of the request;
- (c) the pick-up point;
- (d) the destination;
- (e) the name of the driver;
- (f) the driver's licence number;
- (g) the vehicle registration number of the vehicle;
- (h) the name of any individual that responded to the booking request;

Formatted: Font: (Default) Arial, 11 pt, Font color: Red

- (i) the name of any individual that dispatched the vehicle.

Formatted: Font: (Default) Arial, 11 pt, Font color: Red

- (i)

Formatted: Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 1.27 cm

The operator shall keep records of the particulars of all private hire vehicles operated by him, including those records subcontracted out to another licensed operator, which particulars will include details of the owner, registration numbers and drivers of such vehicles, together with any radio call signed used. The operator shall keep all records for a period of not less than twelve six months following the date of last entry.

Formatted: Left, Indent: Left: 1.9 cm, Pattern: Clear (White)

The operator shall keep a register and record of all booking and dispatch staff employed by him. -Records will also be required to show that all booking and dispatch staff have undergone a basic disclosure barring service check annually.

[All records must be produced upon request of a Police Constable or other Authorised Officer.](#)

THE STANDARD OF SERVICE

The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times, and for this purpose shall in particular;

- (i) Ensure that when a private hire vehicle has been booked that the driver attends at the appointed time and place punctually unless delayed or prevented by sufficient cause.
- (ii) Keep clean, adequately heated, ~~ventilated~~ventilated, and lit premises which the operator provides and to which the public have access, whether for the purpose of booking or waiting.
- (iii) Ensure that any waiting area provided has adequate seating facilities
- ~~(iv)~~ (iv) The premises comply with health and safety legislation-

Formatted: No bullets or numbering, Tab stops: Not at 1.27 cm

Formatted: Tab stops: Not at 1.27 cm

PROVISIONS REGULATING SIGNS ON VEHICLES

The proprietor of a private hire business shall not cause any advertisement in respect of his business or the vehicles used for that purpose to include the words taxi or “cab”, whether in the singular or plural, or those words of similar meaning or appearance to either of those words, whether alone or as part of another word. Only licensed vehicles may carry any advertisement in relation to any Hackney Carriage or Private Hire Operator. ~~Appropriate livery must be displayed on the vehicle~~

PROVISIONS REGULATING THE CONDUCT OF THE OPERATOR

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle or any complaint against a driver, the operator or member of staff.

~~The operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.~~

No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met. Planning permission or a Certificate of Lawfulness under the Town and Country Planning Act 1990, for operating purposes maybe required and it is the operator’s liability to ensure any permission required is granted and produced to the authorised officer at the time of application.
(NB: Permission cannot be unreasonably withheld from an individual).

DISCLOSURE OF CRIMINAL CONVICTIONS AND CRIMINALITY CHECKS

The operator shall within seven days disclose to the Council in writing details of any convictions (motoring or otherwise) imposed upon him (or if the operator is a company or partnership, on any of the directors or partners during the period of the licence).

The operator shall provide the Council with his policy on employing ex-offenders in the role of booking or dispatch staff and policy on convictions received during employment, other than those related to driving.

All applicants will complete a Basic Barring and Disclosure check upon application. The applicant(s) will then be required to complete a basic check on an annual basis.

The operator shall be required to confirm that they have had sight of a Basic DBS check on all individuals listed on their register of booking and dispatch staff. This requirement also applies where booking and dispatch is outsourced operators are required to evidence that the outsourced staff are vetted to the same level above, as if they worked directly for the operator.

OPERATOR OFFICE LOCATION

~~The office must be located within the Welwyn Hatfield Borough to enable any authorised officer access to the premises or any records as required by statutes or conditions.~~

~~Planning permission or a Certificate of Lawfulness under the Town and Country Planning Act 1990, for operating purposes maybe required and it is the operator’s liability to ensure any permission required is granted and produced to the authorised officer at the time of application. It is also the operator’s responsibility to ensure that his business complies with current health and safety legislation.~~

~~The operator is required to provide proof of holding a radio transmission licence, (and planning permission for any aerial), if such radios are used by the operator.~~

Formatted: Font: Bold, Underline

Formatted: Font: Bold, Underline, Font color: Red

Formatted: Font: 11 pt, Font color: Red

Formatted: Font: (Default) Arial, 11 pt, Not Bold, Not Italic, Font color: Red

Formatted: Font: 11 pt, Font color: Red

Formatted: Font: (Default) Arial, 11 pt, Font color: Red

Formatted: Font: (Default) Arial, 11 pt, Font color: Red

~~In the case of operators who invite the public to make bookings in person at a premise, the prospective premises will be inspected to ensure compliance with the following;~~

- ~~(a) clean, adequately heated, ventilated and lit, both for bookings and waiting~~
- ~~(b) waiting area has adequate seating facilities~~

~~The operator may only utilise drivers and vehicles licensed by the Borough of Welwyn Hatfield. No licence will be issued until all licence requirements are met to the satisfaction of the authorised officer and the appropriate fee has been paid. All operator premises to which the public have access must be covered by public liability insurance to cover all risks.~~

DEPOSIT OF DRIVER AND VEHICLE LICENSES

Any operator who employs or permits anyone to drive any licensed vehicle owned by them will ensure that the drivers licence is deposited with him during the period that the driver is employed or permitted to drive, the licence must be returned to the driver at the end of that period. Any vehicle employed or used by an operator must be licensed and the proprietor of the vehicle shall deposit his vehicle licence with the operator during the period that his vehicle is so employed. The operator must return the licence to the vehicle proprietor at the end of the period.

GENERAL ADVICE

Operators must be licensed in the same borough as the borough in which they have the office, and only make use of drivers and vehicles that are also licensed in the same borough for which they hold a licence. [Unless the booking is subcontracted to another licensed operator in regard to regarding the Deregulation Act 2015, however the responsibility of this booking remains with the operator which accepted the booking.](#)

Once licensed the vehicle becomes a Hackney Carriage or Private Hire vehicle and can only be driven by a person who holds a licence to drive that type of vehicle i.e. A Hackney carriage is always a Hackney Carriage and can only be driven by a Hackney Carriage Driver Licence holder (Yates v Gates, 1970, and Thain v Darlington, 1995) and Private Hire has similar cases in respect of drivers and vehicles (Mahmood v Leeds, 1995 and Benson v Boyce, (Copland), 1997).

If the vehicle does not comply with the requirements of the law or the licence conditions in any respect it may not be used until complies in all respects.

Touting or plying for hire by Private Hire Drivers or Operators are serious offences which could not only see the offender being arrested but also liable to a fine of up to £2,500, (plus the revocation of any licenses held). [Any gathering of more than 2 private hire vehicles could be perceived as forming a rank and lead to prosecution for plying for hire.](#)

No unlicensed driver or vehicle may be used at anytime for the fulfilling of any hire and reward booking which falls within the licensing requirements of the 1847 or 1976 Acts.

AUTHORISED OFFICERS

It is an offence to obstruct, not give assistance or information, to any such Officer or Police Constable in relation to the performance of his duties, for the purpose of the licensing of Private Hire or Hackney Carriages.

APPEALS

You may appeal against all of any of these conditions.

Any appeals must be made within 21 days of the grant of the licence to you.

Appeals must be made to the Magistrates Court – you should contact the Clerk to the Justices, The Law Courts, [LutonSt.Albans](#).

PART

ADVICE TO OPERATORS

Within the Conditions of your ~~licence~~ licence, you are responsible for many items in relation to your business, the drivers working through your circuit and the vehicles used. You may be required to display or produce various items to various Officers visiting your premises, on demand.

They include:

DTI Radio licence	Fire Extinguishers
Public Liability Insurance	First Aid Kit
Health and Safety Policy	Operators Licence
Health and Safety Notices	Adequate Lighting
Shops and Factories Offices Notice	Booking Records
Fire Evacuation Notice	Planning Permission
Advice on Lifting Notice	Vehicle Licenses
Company Register Certificate	Copy of Vehicle Licenses
List of Vehicles with details	List of Drivers with details
Diary of Advanced Bookings	Accident Book
<u>Record of staff/and dispatchers</u>	<u>DBS records for staff / dispatchers</u> <u>records of staff and dispatchers</u>

Formatted: Indent: Left: 0 cm, Hanging: 9.84 cm

The Records of Bookings MUST show:

Date and Time made	Name and Address of hirer
Destination	Personal or Telephone booking
Time of Pick-Up	Point of Pick-Up
Time allocated to driver	allocated to which Vehicle

The Records of Vehicles MUST show:

Registration of Vehicle	Council Plate Number
Name and Address of Owner	Any Radio Call Sign
Number Licensed to Carry	Name and Address of ALL Drivers
Date Commenced using vehicle	Date cease using vehicle

The Standards required of an Operator include:

Punctual Attendance for Bookings	Clean Premises with Public Access
Premises Heated to standard	Premises Ventilated to standard
Premises well lit	Seating if public access
Radio equipment in working order	Correct radio procedures used
Check PH Driver Licence valid	Ensure vehicle licenses are valid
Check vehicles clean and safe	Ensure insurance is valid
Check road fund licence valid	Check vehicle for damage
Report any driver offences	Ensure plates displayed correctly
Report any accidents	Report any lost property
Maintain driver standards	Report any changes of address
Keep all records for <u>126</u> months	Give fixed price quote if requested
Telephone in working order	Report any changes of Director

~~Ensure only licensed drivers are used to drive licensed vehicles.~~
~~Only use the services of drivers and vehicles licensed within Welwyn Hatfield Borough.~~
~~Compliance with current health and safety legislation relevant to operator~~

Failure to comply with certain items above can carry a fine of up to £2,500.
This list is for advice only and is not exhaustive.

PROCEDURE FOR LICENSING A PRIVATE HIRE OPERATOR

GENERAL

Anyone who makes provision for the invitation or acceptance of bookings must hold an operators licence, which advertises the services of any vehicle with the services of a driver for hire and reward will be required to hold a private hire operators licence. The driver of any licensed vehicle which has a mobile telephone or pager, which is carried within the vehicle, to make provision for the acceptance of bookings for hire and reward will be required to hold a private hire operators licence.

THE OPERATOR

- (xi) An application form must be completed and returned to the hackney carriage office
- (xii) Any applicants will be checked to ensure that they are a fit and proper person to hold a private hire operators licence.
- (xiii) The applicant is required to provide proof of planning permission for the address where the business is to operate from if the licence to be granted is for three or more vehicles.
- (xiv) The applicant is required to provide proof of holding a radio transmission licence, (and planning permission for any aerial), if such radios are used by the operator.
- (xv) In the case of operators who invite the public to make bookings in person at a premises, the prospective premises will be inspected to ensure compliance with the following:
 - (a) clean, adequately heated, ventilated and lit, both for bookings and waiting
 - (b) waiting area has adequate seating facilities
- (xvi) The operator premises to be licensed must be situated within the Borough of Welwyn Hatfield
- (xvii) The operator may only utilise drivers and vehicles licensed by the Borough of Welwyn Hatfield
- (xviii) No licence will be issued until all licence requirements are met to the satisfaction of the authorised officer and the appropriate fee has been paid.
- (xix) All operators' premises to which the public have access must be covered by public liability insurance to cover all risks.
- (xx) Planning permission for operating purposes maybe required and it is the operators liability to ensure any permission required is granted and produced to the authorised officer at the time of application. It is also the operators responsibility to ensure that his business complies with current health and safety legislation.

NOTES

Any requirements of legislation which effect the operations being carried out under the terms of this licence shall be regarded as if they are conditions of this licence.

Formatted: No bullets or numbering

Formatted: No bullets or numbering

Formatted: No bullets or numbering

Formatted: Justified, Tab stops: 1.27 cm, Left

Formatted: Left

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
Application for a Private Hire Operators Licence

Surname/Family Name

Forename/Given Name

Date of Birth Place of Birth

Current Address

.....

.....

.....

.....

Telephone number

All Names under which the

Business is to be known

.....

.....

.....

Address at which business is to

be carried on

.....

.....

.....

Telephone number

Names and Addresses of any

other person with whom the

applicant proposes to operate

any vehicle partnership

.....

.....

If applicant is a Company -

Full names and addresses of all

the Directors and the

Secretary of the Company

.....

.....



Number of licensed Private Hire Vehicles applicant intends to operate

Number of Private Hire Drivers Applicant intends to employ Full time
Part time

Answer the following questions on behalf of (i) yourself AND (ii) any Company of which you are or have been a Director or Secretary AND (iii) any other person with whom you propose to operate any vehicle in partnership AND (iv) if the applicant is a Company) all Directors and Secretaries of the applicant company:-

(a) Have you made any previous applicant for a Private Hire Operator's Licence to this or any other Licensing Authority.

YES/NO (delete as applicable)

If so give the name and address of that Licensing Authority and the result of the Application.

.....
.....
.....

(b) Has any Private Hire Operator's Licence previously held by you been revoked or suspended by this or any other Licensing Authority?

YES/NO (delete as applicable)

If so given details of the name and address of the Licensing Authority.

.....
.....
.....

Is there any other information of which you consider the Council should be aware?

.....
.....
.....

I, the undersigned, hereby apply for a
Private Hire Operators Licence to operate Private Hire Vehicles within the Borough of Welwyn Hatfield.

I have answered all the questions above and on the reverse hereof and to the best of my knowledge and belief the answers are correct.

Date: Signature:

Note: This application must be signed by the applicant personally or, in the case of a Company, by the Director or other duly authorised agent of the

company.

FOR OFFICE USE ONLY

Receipt No: _____ £

Operator Number:

Expiry date:

Issue date:

Basic DBS Check done: