

Application for Private Hire Operators Licence

Local Government (Miscellaneous Provisions) Act 1976



Culture And Environmental Protection
Environmental Health & Licensing
Council Offices, Market Street, Newbury
Berkshire RG14 5LD
Tel: (01635) 519184 Fax (01635) 519172

I/We hereby apply to West Berkshire District Council for the * **grant / renewal** of a licence to operate Private Hire Vehicles.

* **You must delete as appropriate** Please refer to guidance notes

SECTION A – Particulars of Applicant(s)

1. <input type="checkbox"/>	<p>To be completed if the application is from an individual or a partnership or other unincorporated organisation. Names and addresses of each partner or member of organisation to be given.</p> <p>1. Surname (IN BLOCK CAPITALS) Other Names</p> <p>Home Address:</p> <p>..... Postcode</p> <p>Home / Contact Telephone Number /</p> <p>2. Surname (IN BLOCK CAPITALS): Other Names.....</p> <p>Home Address:</p> <p>..... Postcode</p> <p>Home / Contact Telephone Number /</p> <p>3. Surname (IN BLOCK CAPITALS) Other Names</p> <p>Home Address:</p> <p>..... Postcode</p> <p>Home / Contact Telephone Number /</p> <p>Trading name and address to which all correspondence is to be sent:</p> <p>.....</p> <p>.....</p> <p>(Continue on a separate sheet if necessary)</p> <p>E Mail address (optional).....</p>
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2.
 To be completed if application is from a Limited Company:

Name of Company:

Address of Registered Office.....
 Postcode

Telephone Number.....

Name of Managing Director or Company Secretary (state which)

Home Address:

..... Postcode

Home Telephone Number

Trading Name (if different from above)

E Mail address (optional)

3.

Has any previous application for an operator's licence been made by or on behalf of the applicant(s), Company?
***YES / NO.**

If **YES**, please give details of where and when and the outcome

.....

.....

Has any previous Operator's licence held by the applicant/s, Company been revoked or suspended? ***YES / NO.**

If **YES**, please give details

.....

SECTION B – Previous Convictions

1.
 Has the applicant/s or any Director or Secretary of the applicant/s company been convicted of any offence in the last five years for which any court has ordered disqualification from driving or an endorsement of the driving licence?
***YES / NO**

If **YES**, please give details:

Date	Name	Court	Offence	Sentence/Fine

(Continue on a separate sheet if necessary)

2.
 Has the applicant(s) or any Director or Secretary of the applicant(s) Company been convicted of any criminal offence whatsoever which has not become spent under the Rehabilitation of Offenders Act 1974? ***YES / NO**

If **YES**, please give details

Date	Name	Court	Offence	Sentence/Fine

(Continue on a separate sheet if necessary)

SECTION C – Details of Business

1.
 Please state the address from which business will be operated

.....

.....Postcode.....

Is current planning permission necessary in respect of the use of this address as a private hire booking office?
***YES / NO**

If **YES**, give planning permission reference number

How many private hire vehicles do you intend to operate if a licence is granted?

Please state the address where the Private Hire Vehicles will be parked, if different from the above address

.....

.....Postcode

How many drivers do you intend to employ? (This includes part-time drivers, 'self employed' drivers, owner drivers etc)

SECTION D – Declaration

1.	<input type="checkbox"/> I/ We confirm that the information I/ We have given is correct to the best of my/ our knowledge and belief. We have read the Explanatory Guide and Licence Conditions and undertake in the event of a licence being granted to observe and comply with such conditions. I/ We understand that I/ We shall be liable to prosecution if I/ We have knowingly or recklessly made a false statement or omitted any relevant information. All applicants, partners/directors, etc. to sign Signed..... Date Signed..... Date Signed..... Date Signed..... Date
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**This Form should be returned to:
 Culture And Environmental Protection, Environmental Health & Licensing,
 Council Offices, Market Street, Newbury, Berkshire RG14 5LD
 with the items listed below:**

Disclosure & Barring check for each applicant (see explanatory note 3 d)	
The Appropriate Fee	

PLEASE NOTE WITHOUT ANY OF THE ABOVE ITEMS THE APPLICATION CANNOT BE ACCEPTED

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.

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NOTES FOR APPLICANTS

SECTION A – Particulars of Applicant(s)

1. & 2	A private hire operator is a person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle and requires a licence from the West Berkshire District Council (“the Council”) before he/ she can operate.
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SECTION B– Previous Convictions

1. & 2.	All criminal offences whether spent or current must be declared on the application form. Failure to declare may result in the refusal of a licence. Do not rely on not declaring convictions which you believe are spent as the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 permits a council to consider all convictions regardless of when the offences were committed.
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SECTION C – Details of Business

1.	It is important that this section is completed in full and truthfully as a failure to disclose information or provide misleading information may jeopardise the issue of a licence or if issued may lead to revocation of the licence.
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SECTION D– Declaration

1.	When Signing the declaration, you are confirming that all information given is correct to the best of your knowledge and that you have read and understood the appropriate licence conditions. Falsifying information, omitting any relevant information or not reading the conditions may jeopardise the issue of a licence or if issued, may result in the revocation of the licence.
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A. Explanatory Guidance Note

1. The licensing provisions relating to a private hire operator are contained in Part II of the Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 Act') and every applicant should be aware and become familiar with these provisions. Every applicant is advised to seek his/her own legal advice on the statutory requirements of the 1976 Act.
2. A private hire operator is a person who in the course of business makes provision for the invitation or acceptance of bookings for a private hire vehicle and requires a licence from the West Berkshire District Council ("the Council") before he/she can operate.
3. A Licence may be obtained by making an application to the Council. Each applicant must submit to the Council:-
 - a) a completed application form;
 - b) a valid licence under the Wireless Telegraphy Acts (if appropriate);
 - c) the appropriate licence fee;
 - d) if the applicant / s is not a licensed West Berkshire private hire , hackney carriage or dual driver, a basic or higher Disclosure & Barring Certificate for each named applicant.

Note: The disclosure & barring check may be accessed through Mygov.scot at:
<https://www.mygov.scot/disclosure-types/?via=http://www.disclosurescotland.co.uk/>

4. Under the Deregulation Act 2015 Private Hire Operator licence will be issued for a period of 5 years. A licence may be issued for a lesser period in special circumstances.
5. The Council has the power to attach conditions to a private hire operator's licence by virtue of section 55 of the Act. The standard conditions approved at present are set out below. The Council may attach additional conditions in appropriate circumstances. Applicants are advised to study the conditions and ensure that they comply with them.
6. If an operator is aggrieved by any of the conditions attached to his/her licence or the refusal of a licence he/she may appeal to a Magistrates Court within twenty-one days of the issue of a licence, by virtue of section 55 of the Act. Where any applicant is aggrieved at either a refusal to licence or the attachment of any condition to a licence they are advised to seek independent legal advice.
7. In these Guidance Notes and in the conditions set out below the masculine shall include the feminine and the singular shall include the plural and vice-versa.
8. The Council has the power under the 1976 Act to revoke or suspend an Operator's Licence for any offence under, or non-compliance with the 1976 Act, any conduct on the part of the operator which appears to the Council to render him/her unfit to hold an operator's licence, any material change, if any, of the circumstances of the operator on the basis of which the licence was granted which has not been declared, or for any other reasonable cause.
9. The administration and enforcement of the 1976 Act and the standard conditions set out below, is carried out by the Council's Licensing Team and any application form or correspondence should be sent to the Senior Licensing Officer, Culture And Environmental Protection, Environmental Health & Licensing, Council Offices, Market Street, Newbury, Berkshire RG14 5LD.

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B. Standard Licence Conditions

1. Records

1.1 The records required to be kept by the operator under Section 56(2) of the 1976 Act shall be kept in a suitable book or ledger, the pages of which are numbered consecutively to facilitate inspection by any authorised Officer of the Council or by any Police Officer. The operator shall record in writing, before the commencement of each journey and keep the following particulars of every booking of a private hire vehicle invited or accepted by him:-

- a) the time and date of the booking;
- b) the name of the hirer/passenger;
- c) the time and point of the pick-up;
- d) the destination;
- e) identification of the vehicle allocated for the booking;
- f) the agreed fare, if not calculated by means of a taximeter in the allocated vehicle;

1.2 The records required to be kept by the operator under Section 56(3) of the 1976 Act shall be kept in a suitable book or ledger, the pages of which are numbered consecutively to facilitate inspection by any authorised Officer of the Council or by any Police Officer, and shall show the following particulars with respect to each private hire vehicle operated by him:-

- a) the registration number of the vehicle;
- b) the number of the identification plate provided by the Council under Section 48(5) of the 1976 Act;
- c) the name and address of all the proprietors of the vehicle in respect of which the licence is granted, or who is concerned, either solely or in partnership with any other person, in the keeping, employing or letting on hire of the private hire vehicle;
- d) the name and address of all the drivers of the vehicle;
- e) the number of passengers permitted to be carried in the vehicle;
- f) any radio call sign used in connection with the vehicle;
- g) the date on which he/she commenced operating the vehicle and if appropriate the date on which he/she ceased operating the vehicle;
- h) details of the Certificate of Motor Insurance covering the vehicle, including the date the insurance expires;
- i) remarks (if any).

(2) All records kept by the operator shall be preserved for a period of not less than twelve months following the date of the last entry.

(3) The operator may keep the above records on a suitable computer with printout facilities in addition to or instead of the books or ledgers referred to above.

C. Standard of Service

- (1) The operator shall provide a prompt, efficient and reliable service to members of the public at all reasonable times.
- (2) Without prejudice to the generality of the previous condition, the operator shall, in particular:-
 - a) ensure that when a private hire vehicle has been hired to be in attendance at an appointed time and place, the vehicle shall, unless delayed or prevented by sufficient cause, punctually attend at that appointed time and place;
 - b) keep clean, adequately heated, ventilated and lit any premises which the operator provides and to which the public have access, whether for the purposes of booking or waiting;
 - c) ensure that any waiting area provided by the operator has adequate seating facilities;
 - d) ensure that any telephone facilities and radio equipment provided are maintained in a sound condition and that any defects are repaired promptly.

D. Complaints

- (1) The operator shall keep a complaints book or ledger, the pages of which are numbered consecutively and shall produce the complaints' book or ledger on request to any authorised Officer of the Council, or any Police Officer for inspection.
- (2) The operator shall on receipt of any complaint from a member of the public (whether received personally, on the telephone or in writing) relating to any one or more of the following:-
 - a) the operator's business premises;
 - b) facilities within the premises under the operators control;
 - c) the state or cleanliness of any of his/her vehicles or drivers;
 - d) the terms and conditions of any contract or purported contract for hire;
 - e) any other matter relating to any contract or purported contract for hire;
 - f) any other matter relating to his/her business; immediately notify the complainant of his/her right to forward the complaint to the Council.
- (3) The operator shall on receipt of any complaint enter the following particulars of every complaint received by him/her in the complaints book or ledger: -
 - a) the date and time the complaint was received;
 - b) the name and address of the complainant;
 - c) how the complaint was made (i.e. personally, by telephone or in writing);
 - d) the nature of the complaint;
 - e) the details of any relevant booking relating to the complaint;
 - f) remarks (if any).
- (4) The operator shall with due diligence investigate any complaint received and notify the complainant in writing of the outcome of his/her investigations and any measures he/she proposes to take to remedy the complaint. The operator shall also note any measures taken to remedy the complaint in the complaint's book, or ledger.
- (5) When a complaint is received by the Council and is investigated by the authorised Officer, the operator shall comply with all reasonable directions of the Officer in respect of that complaint.

E. Planning Requirements and Premises:-

- (1) The Council will only issue a licence for Private Hire Operator's to those applicants whose operating premises are situated wholly within the area boundaries of West Berkshire. Such Premises shall be the place at which bookings for journeys are taken and records kept available for inspection by an authorised officer in accordance with Local Government (Miscellaneous Provisions) Act 1976 section 56.
- (2) The operator shall ensure that all his/her premises have (where planning legislation requires it) a valid planning permission authorising the carrying out of his/her business from the premises.
- (3) The operator shall notify the Council in writing of any change of his/her addresses (including his/her home address, his/her business address). Any anticipated change of booking office or any other address from which he/she operates or otherwise conducts his/her business as an operator during the period of the licence shall be notified to the Council prior to the change taking place. Where the latter sentence above applies, a new licence will be issued.
- (4) The operator shall clearly display on all his/her premises his/her licence to operate private hire vehicles or a copy of the same and also clearly display a copy of these licence conditions.

F. Advertising

- (1) The operator shall ensure that all vehicles operated by him/her do not display any roof signs, whether illuminated or not.
- (2) The operator shall not use any advertising or promotion material, letter heading or other stationary or any business name which includes the words "taxi" or "cab" whether used in the singular or plural, or in conjunction with another word or forming part of a word making up the said business name.
- (3) The operator shall ensure that all vehicles operated by him/her do not display any advertising or promotion material, unless the said material has been approved by the Council.

G. Vehicles

- (1) The operator shall ensure that all vehicles operated by him/her comply with the conditions of the vehicle licence and shall immediately notify the Council of any damage to vehicles, howsoever occurring as soon as he /she becomes aware of such damage.
- (2) The operator shall notify the Council in writing within seven days of the operation of any additional private hire vehicle, or termination of the operation of any private hire vehicle.
- (3) The operator shall ensure that every private hire vehicle operated by him/her is covered by a Certificate of Insurance indemnifying the proprietor of the said vehicle for the carriage of passengers for hire or reward in accordance with Part IV of the Road Traffic Act 1972.

H. Staff

- (1) The operator shall ensure that a Basic Disclosure & Barring certificate has been received for all persons employed in the taking of, or recording of bookings for private hire, whether taken electronically or by telephone. He/she must maintain a record of such disclosures notwithstanding any requirements of the Data Protection Act 1998
- (2) The operator shall ensure that all drivers are licensed and shall at all times retain in his/her possession the licence of any driver engaged by him/her and ensure that such driver is in possession, at all times, of his/her driver's badge issued by the Council.
- (3) The operator shall ensure that all drivers comply with the conditions of their driver's licences.
- (4) The operator shall notify the Council in writing within seven days of the employment of a private hire vehicle driver and the termination of employment of any such driver.

I. Taximeters

- (1) The operator must ensure that all vehicles operated by him/her which are fitted with a taximeter have meters which have been sealed by a person authorised by the Council.
- (2) The proprietor must ensure that the driver of any vehicle fitted with a sealed taximeter, charges a fare or charge calculated from the point in the District from which the hirer commences his/her journey and shall not charge a fare or charge which exceeds that displayed on the taximeter at the completion of the journey, except for any additional charges as specified in the scale of fares approved by the Council.

J. Causing or Permitting

The operator shall not cause, permit or allow any other person employed by him/her to commit an offence under, or in non-compliance with the 1976 Act, or contravene any of the above conditions.