

# *Guidance Notes*

## Applications for Private Hire Operators Licences

***Please read the following guidance notes carefully before  
completing the relevant application form***

## 1. General information

These notes are intended to assist persons in making applications for private hire operators licences. The Council has agreed a Taxi Licensing Policy and these notes set out the main points contained within that policy. These notes are not intended to be an interpretation of the law relating to the issue of private hire operators licences and reference should be made to the applicable legislation as required.

## 2. Operator's role and responsibilities

A private hire vehicle can only be hired through a person or company holding a private hire operators licence. The role of the licensed operator therefore is one of making provisions for the receipt of hiring private hire vehicles and the dispatch of such vehicles to customers. Private hire operators licences are required by all persons taking private hire bookings and this will include single vehicle operators. The only exception is that an operator of a Hackney Carriage can legally take private hire bookings without the need to hold an operator's licence.

## 3. The application process

Applicants should complete a private hire operators licence application form and present it to the Licensing office with the following documents:

1. Birth certificate or passport
2. A CRB Disclosure application form with relevant supporting information
3. A business reference from a bank or similar financial institution as to the financial standing of the applicant(s)
4. Certificate of public liability insurance (where public have access to premises)
5. The licence fee – see **Appendix 1** for the current fees.

Applications should be made to the Licensing Office between the hours of 10:00am – 12 noon and 2:00pm – 4:00pm Monday to Friday.

Applicants are reminded that a person who knowingly or recklessly makes a false statement or omits any relevant information is guilty of an offence and could face a fine of up to £400.

### ***Please Note:***

- 1. Postal applications will not be accepted for first time grant applications.**
- 2. Applicants should allow 6 - 8 weeks for the licensing process to be completed.**
- 3. Documents such as non-UK birth certificates will need to be translated into English at the applicant's own expense by a source approved by the Council.**

On receipt of a Criminal Records Bureau Disclosure and a business reference a private hire operators licence will be issued.

Licensees will need to consider the order in which they complete the various application processes. Depending on individual circumstances, the recommended order for completing the process is to submit an application to the Council with a CRB Disclosure request. The CRB Disclosure check takes approximately four weeks and therefore time can be saved by submitting all the documents and forms with the completed application form. If you need further advice on making an application, please contact the Licensing Team who will be pleased to advise you.

## 4. The licence approval process

Licence applications are approved by either officers on a delegated basis, or by the Licensing Sub-Committee. Delegated decisions are made for applications where the applicant is considered to be a fit and proper person to hold a licence. In circumstances where such a decision cannot be made e.g. the existence of relevant criminal convictions or a failure to declare criminal convictions, then the application will be determined by the Council's Licensing Sub-Committee.

When an application is referred to the Licensing Sub-Committee the applicant will be informed of this decision and will be invited to attend the meeting where the application will be considered. When sensitive matters are to be considered e.g. criminal convictions the meeting will not normally be held in public and only officers and councillors will be present.

An officer report will be produced prior to the hearing setting out the details of the application made. This report will be made available to an applicant prior to the hearing taking place. At the committee hearing an applicant can be represented by him or her self, by a solicitor or be accompanied by a friend. Witnesses can be used by the applicant provided that advance notice is given to the Council. Applicants at licensing hearings are given the opportunity to make a presentation to the Committee in support of their application and are able to ask questions of the officers and members present. The Committee will consider the evidence presented to them and will make a decision on the application made. The decision is normally announced on the day of the hearing, reasons for the decision made will be given and these will be confirmed in writing to the applicant.

## 5. Record keeping

Conditions are attached to private hire licences issued by the Council which includes the requirement for licensees to keep and retain records of private hire bookings they have fulfilled.

The recording of bookings can be either be in a bound book, or by a computer. In either case the records must be kept for a minimum of one year and be available for inspection by an authorised officer of the Council.

The following details have to be recorded for each hiring undertaken:

(a) Details of the vehicle fulfilling the hiring:

- Vehicle type (hackney carriage or private hire vehicle):
- Make of the vehicle
- Vehicle registration
- Details of the owner of the vehicle
- Licence number of the vehicle

(b) Details of the hiring:

- Date and time of the hiring
- The destination
- Name of the hirer
- Name of the driver of the vehicle

## 6. Public areas

If a waiting area is to be provided for members of the public the following requirements will need to be complied with:

- The public area should be kept in a clean and tidy condition.
- Any seating or furniture should be kept in good condition.
- Adequate ventilation and heating must be provided.
- The public area should have adequate lighting.
- No smoking should take place in either the public or staff areas and no smoking signage should be present.

## 7. Planning permission

Prior to any premises being used in connection with a private hire business advice should be sought from North Somerset Council regarding the need to obtain planning permission. This includes both commercial and domestic premises. Advice on the planning requirements can be obtained from the Council's Development Control Group on 01934 426359.

Please note that the granting of a private hire operators licence does not constitute the grant of any permission under the Town & Country Planning Act 1990 or any other legislation for the use of the land for that purpose.

## 8. Complaints made by members of the public

A licensed operator who has reasonable knowledge of any allegation which concerns the behaviour of any driver under his control or where the safety of passengers may have been compromised by the condition of a licensed vehicle is required to notify the Licensing Authority as soon as practicable. The licensee is also required to produce information in relation to the alleged complaint and co-operate with officers of the Council so that a full investigation can take place.

## 8. Code of good conduct for licensed drivers

The Council has an agreed and agreed code of good conduct for licensed drivers. The code is shown at **Appendix 2** and provides guidance on the standards expected from licensed drivers. Failure to comply with the requirements of the code may result in formal action being taken by the Council against a licensed driver. Licensed private hire operators are therefore recommended to familiarise themselves with the code and compliance with the requirements in relation to persons under their control.

## 9. Location of the operating base

The licensing authority will not grant an operator's licence for an operator with an operating base outside the authority's area. This is to ensure that the proper regulation and enforcement measures may be taken by the authority and is in no way intended to be a restraint of trade.

## 10. Data Protection Act

Under the Data Protection Act 1998 the personal data you provide as part of the application process will be used by North Somerset Council to administer your licence. In order to protect public safety, this may include the use of sensitive personal data (criminal offences) to help assess whether you are a fit and proper person to hold a licence.

We may occasionally share your personal data with other Council departments and with other bodies (notably Housing Benefits, the Police, Inland Revenue) for the purposes of protecting public money, preventing and detecting crime and/or fraud and ensuring public safety. Such sharing will only occur on a case-by-case basis where a justifiable purpose in line with legislation has been demonstrated. The information may also be used for internal training.


## 11. Change of Address

If you change address whilst in possession of a private hire operators licence you must notify the Licensing Office of your new address. Failure to notify a change of address is a breach of the licence and could result in formal action being taken against a licensee.

## 12. Contact information

If you require any more information or assistance in applying for a licence, please contact the Licensing Team as follows:

The Licensing Office  
Warne Road Depot  
Warne Road  
Weston-super-Mare  
BS23 3ND

 01934 426 800  
Fax: 01934 426 230  
Email: [licensing@n-somerset.gov.uk](mailto:licensing@n-somerset.gov.uk)

## PRIVATE HIRE OPERATOR LICENCE FEES FOR 2011

Service	Three Year Fee	Optional Yearly Instalment
Private Hire Operator Licences (three year fees)		
Up to 2 vehicles	<b>£519</b>	<b>£173</b>
3 - 5 vehicles	<b>£987</b>	<b>£329</b>
6 - 10 vehicles	<b>£1,953</b>	<b>£651</b>
11 vehicles & over	<b>£2,922</b>	<b>£974</b>
Non returnable application deposit fee	<b>10% of fee</b>	

**Notes to Fees**

1. Private Hire Operator Licences are now issued for a three year period only.
2. The above fees can be paid by either:
  - (a) A single fee for the whole of the three year period, or
  - (b) On an annual instalment basis i.e. a third of the total fee paid on a yearly basis.
3. If payment is made on an instalment basis, failure to pay an instalment due will result in the Private Hire Operators Licence being revoked by the Council.
4. No refunds will be given for a licence that is surrendered or revoked before its expiry date.

## LICENSED DRIVER CODE OF GOOD CONDUCT

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, North Somerset Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements produced by the Council.

### 1. Responsibility to the Trade

Licence holders shall endeavor to promote the image of the Hackney Carriage and Private Hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence, Hackney Carriage Byelaws and the Councils Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly, non-discriminatory and responsible manner at all times

### 2. Responsibility to Clients

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage and other personal effects
- (f) when requested provide receipts to passengers

### 3. Responsibility to Residents

3.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally;
- (b) keep the volume of radio/cassette player and VHF radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood

3.2 At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in the vehicle.

3.3 At private hire offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles;
- (b) not allow their radio/cassette players or VHF radios to cause disturbance to residents of the neighbourhood;

- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business

#### 4. General

##### Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) wear the badge provided by the Council on his person at all times when in charge of a licensed vehicle, such badge to be worn in a position and manner as to be plainly visible;
- (c) be polite, helpful and fair to passengers;
- (d) unless otherwise directed by the hirer the driver shall proceed to the destination by the shortest possible route;
- (e) not without the express consent of the hirer drink or eat in the vehicle;
- (f) not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- (g) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (h) obey all Traffic Regulation Orders and directions at all time;
- (i) not to smoke in the vehicle or to allow fare paying passengers to smoke in the vehicle;
- (k) not to carry more passengers in a vehicle than it is licensed to carry.
- (l) not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (m) not drive while having misused legal or illegal drugs;

##### **PLEASE NOTE:**

**The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.**