



Mansfield
District Council

Application for a Private Hire Operator's Licence
Local Government (Miscellaneous Provisions)
Act 1976

| | |
|---|-------------|
| <u>FOR OFFICE USE ONLY</u> | |
| FEE: | |
| REC. NO: | |
| DATE: | |
| LIC. NO: | |
| EXPIRY DATE: | |
| NO OF YEARS | |
| 1 - £395.00 | 2 - £480.00 |
| 3 - £569.00 | 4 - £657.00 |
| 5 - £745.00 | |
| Additional Charge Per Vehicle £32.00 per year | |



the boxes

PLEASE USE CAPITAL LETTERS

Your Details

1. Name and address in which licence is to be held
(individual or partnership)

| |
|--|
| |
| |
| |
| |

2. If a partnership, give the full names and addresses of each partner *(continue on a separate sheet if necessary)*

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| |

3. Trading Name

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4. Operating name and address (Base)

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|----------|
| |
| |
| |
| postcode |

5. Telephone Number

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|--|
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6. Email Address

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7. Is there current planning permission for the use of these premises for this purpose?

YES NO

Registered companies only, please fill in this section

8. Company No.

| |
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| |
|--|

9. Registered office address
(If same as 4. write 'as above')

| |
|----------|
| |
| |
| |
| postcode |

Please attach a list of names and addresses of directors
Please attach your Certificate of incorporation

10. (a) Has a Private Hire Operator's Licence been previously held by you or your partners or by any company of which you have been a Director or Secretary in this or any other Area?

| | |
|-----|----|
| YES | NO |
|-----|----|

If **YES** please give details

(b) Is this application for the renewal of a Private Hire Operator's Licence?

Please note that for the application to be considered for the renewal of the licence it must be submitted before the expiration of the previous licence

| | |
|-----|----|
| YES | NO |
|-----|----|

If **YES** give details of the licence number

Expiry Date

(c) Do you, your partners or your company currently hold a PSV Operator's Licence in this or any other Area?

| | |
|-----|----|
| YES | NO |
|-----|----|

If **YES**, which area(s)?

11. Has any previous Private Hire Operator's Licence, Hackney Carriage/Private Hire Vehicle Licence or Hackney Carriage/ Private Hire Drivers Licence held by you, your partner(s) or by any company of which you have been a Director or Secretary been refused or revoked or suspended? suspended

| | |
|-----|----|
| YES | NO |
|-----|----|

If **YES**, give details

12. Please provide details of two referees who are prepared to support your application.

N.B. The referees should have known you for two to three years and not be a member of your family. One reference should be from a business Proprietor or person of similar standing.

References are not required if the application is for the renewal of a licence.

| |
|--------------|
| Name |
| Home Address |
| |
| |
| postcode |
| Occupation |
| |

| |
|--------------|
| Name |
| Home Address |
| |
| |
| postcode |
| Occupation |
| |

13. In the table below put the number and type of vehicle (either Hackney Carriage or Private Hire) you want to operate in this District. Also give the number of vehicles for which off-street parking is available.

The vehicle types shown are: A - Private Hire Vehicles B - Hackney Carriage

| | No. of spaces available for off-street spaces | How many vehicles do you own now? | | How many vehicles will operate under the licence (including vehicles you do not own)? | | Length of Licence Required? |
|--------------------------|---|-----------------------------------|---|---|---|-----------------------------|
| | | A | B | A | B | Year(s) |
| <input type="checkbox"/> | | | | | | |

During the last two years:

14. Have you or your partners ever been made bankrupt? YES NO
15. Have you, or your partners or directors been involved with a company which has gone into insolvent liquidation? YES NO
16. Have you or any of your directors been disqualified acting as a director or taking part in the management of a company? YES NO

If **yes** to any of the above questions, please give details on a separate sheet of paper.

17. Have you, your partner(s), the Company Directors or Secretary any convictions, which under the terms of the Rehabilitation of Offenders Act 1974, are not spent?

| | | | | YES | | NO | |
|---|--------------------|---------|---------------|-----------------|--|----|--|
| If yes , please fill in the box below <input type="checkbox"/> | | | | | | | |
| Name | Date of Conviction | Offence | Name of Court | Penalty imposed | | | |
| | | | | | | | |

Checklist

Have you enclosed the following items?

- List of Directors (Companies only)
- Certificate of Incorporation (Companies only)
- Licence Fee
- Have you completed a Safeguarding Course
- Copy of Public Liability Insurance
- Basic DBS Check (Disclosure & Barring Service)
<https://www.gov.uk/request-copy-criminal-record>
- Right To Work Entitlement
(acceptable documents to include: Passport or national identity card, residence card, biometric immigration document, DVLA UK driving licence)

Information

Privacy Notice

We will use the information provided by you for assessing the application. The basis under which the Council uses personal data for this purpose is Public Task. **The information provided by you includes the following special categories of personal data:**

- **physical or mental health**
- **genetic/biometric data**
- **criminal history**

Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public interest, and in accordance with the provisions of the Data Protection Act 2018.

The information that you have provided will be kept in accordance with the Council's retention schedule which can be found at <https://www.mansfield.gov.uk/privacy>

The information provided by you may also be used for the purpose of any other function carried out by the Council. Information about these functions and the legal basis on which information is used by them, your rights and the Council's Data Protection Officer (DPO) can be found on the Council's detailed privacy notice which can be found at <https://www.mansfield.gov.uk/privacy> or requesting a copy by writing to:

Data Protection Officer,
Mansfield District Council,
Chesterfield Road South,
Mansfield,
Notts.
NG19 7BH.

Declaration

I have read and understood the attached notes for guidance and the conditions of licence currently in force. (Note: If you do not already hold a current copy of the conditions of licence, further copies may be obtained from Environmental Health.)

I declare that the statements made in this application are true.

I understand that the licence may be suspended or revoked if any of the statements are false, or I do not fulfil the statement of intent made below and I understand that I may be liable for prosecution if I knowingly or recklessly make a false statement or omit any material particular from this application.

I declare that neither I nor any partners, nor any or the Directors of the Company (to the best of my knowledge) is disqualified from holding a Private Hire Operator's Licence and/or Hackney Carriage Vehicle Licence

I will

- Notify the Council of any changes of operating address, convictions incurred, criminal or driving, during the period of the licence within 7 days of the conviction, or County Court Judgements i.e. in the case of bankruptcy etc. which affect the licence;

Signature

To be signed by the applicant and in the case of a partnership, by each partner)

Name in Capitals

Position in Business

Date

Note:

If a Private Hire Operator licence application is refused, following the determination of a panel, the application fee will not be refunded. (Decision of Licensing Committee on 23 June 2011)

Guidance notes for the application

Private Hire Operators (Taken from the Hackney Carriage & Private Hire Licensing Policy)

8.1. Introduction

Vehicles and drivers may only lawfully carry out bookings made through an operator who is licensed by the same authority. When an Operator is unable to fulfil a booking due to unforeseen circumstances, it may pass that booking to another Operator to fulfil the commitment providing it is done so in accordance with the law.

The term 'operate' is defined at section 80 of the 1976 Act as meaning, in the course of a business, to make provision for the invitation or acceptance of bookings for private hire vehicles.

Operators play a key role in ensuring that the public are kept safe, that drivers are suitably trained, experienced, supported to deliver a high quality service, ensure that vehicles are kept in a clean, safe and sound condition at all times.

Whilst it is accepted that operators will have less direct contact with the public than drivers (with the exception of receiving bookings for journeys), to ensure the safety of the public the Licensing Authority must apply similar checks when considering applications for licences. The Licensing Authority must be satisfied that prospective operators are fit and proper persons.

A licensed private hire vehicle must only be despatched to a customer by a Private Hire Operator who holds an operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a licensed hire vehicle in line with the law.

8.2. Application process

Applications for Operator's licences must be made in writing using the approved application form in line with the application procedure detailed in Appendix J.

- Where the application is being made by a single individual, the questions on the application form should be answered by that individual.
- Where the application is being made by multiple individuals (whether in a formal partnership or not), the questions should be answered jointly by the applicants.
- Where a limited company is applying for a licence, the questions should be answered in respect of both the company and its directors.

This is necessary and particularly relevant to the questions relating to conviction, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of each and every applicant. Before an application will be accepted the applicant must include the following:

- A Standard DBS certificate;
- A certificate of good conduct (if applicable –);

- Proof that the applicant is legally permitted to work in the UK –a licence will not be issued for a period longer than that period the applicant is permitted to work;
- The safeguarding vulnerable people course certificate;
- The application fee (non-refundable);
- Any other documentation required to progress your application e.g. relevant insurance documents.

If any issues arise during the processing of the application, in the first instance the applicant will be given an opportunity to provide clarification, or if appropriate to amend the application form. When all required documents and other information have been received, the application will be determined.

In accordance with the Interpretation Act, the term ‘person’ may apply to both individuals and bodies corporate and un-incorporate. Where an application is made by one or more individuals, the provisions herein shall be applied to each individual so specified in the application. Where an application is made by a partnership or limited company, the provisions herein shall be applied to each partner or director, as the case may be, and to the company secretary.

Completed application forms (including any information in annexes required as part of the application) should be returned to the Licensing Authority along with the applicable fee.

Operator’s licences are non-transferrable. In the event of the control of a licensed business passing to a different person, it will be necessary for the new owner of the business to apply for a licence.

Determination

Applications can be refused at Officer level, in line with the scheme of delegation. Where an application is to be heard by the Licensing Sub-Committee, the applicant will be given an opportunity to make representations, either in writing or orally at a meeting. All representations will be given full consideration prior to a decision being made in respect of the application.

The Licensing Authority will consider information from other sources such as the Police, Children and Adult Safeguarding Boards, other licensing authorities and statutory/non-statutory bodies.

Where an application is granted, a licence document will be issued to the applicant, which confirms their right to operate private hire vehicles. Licences will usually be granted for a period of 5 years. The Council does however reserve the right to grant licences for a shorter duration if deemed necessary in the circumstances.

Where an application is refused, suspended and/or revoked by the Licensing Authority, and the operator is aggrieved by the decision there is a right of appeal to a magistrates’ court. Further details will be provided where applicable.

8.3. Fitness and propriety of applicants

In determining applications, the statutory test set out at section 55 of the 1976 Act is applicable, namely that the Licensing Authority “*shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator’s licence*”.

The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business.

In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is ‘fit and proper’ to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality
- Right to work
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards.

All Operators are required to undertake and maintain evidence of checks that satisfy them that their drivers and/or vehicles are suitable, fit and proper to be used in the course of their business. Failure to ensure that appropriate checks are in place may have an adverse impact the operator’s licence.

Examples of checks include:

- Ensuring vehicles are roadworthy;
- Monitoring the conduct of drivers;
- Good Record keeping
- Driver hours
- Vehicle maintenance
- Vehicle checks
- Training records
- Appropriate complaints handling
- Records of any public safety issues/concerns involving drivers and/or vehicles and the reporting of such concerns to the Licensing Authority.

8.4. Convictions

Whilst Operators come into contact with the public less frequently than drivers, they still play a critical role in ensuring the safety of public. In assessing an applicant’s fitness and propriety, the Council will take into account any convictions or cautions for criminal offences when determining an application.

The effect of any convictions or cautions which are not considered to be 'spent' under the provisions of the Rehabilitation of Offenders Act will all be considered. A serious view will be taken where there are offences relating to dishonesty, financial impropriety, violence, substance misuse, abuse of a person with a protected characteristic, safeguarding offences or misconduct under taxi and private hire legislation. The convictions policy applicable to drivers will be used as a guideline when considering offences for Operators.

It shall be the duty of the Operator to inform the Licensing Authority of the following:

(a) Any convictions incurred by them or any partner, director or company secretary during the period of the licence for any offence. They must be reported to the Council in writing within 7 days

(b) Change of address, in writing within 7 days

(c) Any other changes that could affect the licence

Private hire operators are not identified as an exempt profession under the Rehabilitation of Offenders Act 1974, and therefore the provisions of that Act relating to convictions becoming spent after a certain amount of time will apply in full.

8.5. Licences

Any relevant licensing history relating to an applicant or operator will be considered by the Licensing Authority. Where appropriate, further information may be sought from any other relevant body. Consent from the applicant should not be unreasonably withheld. Where consent is refused a licence will normally be refused.

It shall be the duty of the licensed Operator to ensure that the licences of all vehicles and drivers are valid and current. The Licensing Authority will normally issue a Operators licence for a five-year period. The Licensing Authority does have the discretion to issue licences for a shorter period, if it considers this to be necessary in the circumstances.

8.6. Safeguarding Training

All new applicants will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

Current licence holders will also be required to undertake the training prior to their licence being renewed.

Failure to do so may request in immediate suspension, revocation and/or another course of action deemed appropriate by the Licensing Authority.

The training will involve attending a session at a location approved by the Licensing Authority. At the end of the session all applicants will be required to pass a test.

Failure to pass the test will result in the licensee re-taking the training session and exam at their own cost and within a specified amount of time.

The initial test fee is included in the application fee. All re-tests will be charged in accordance with the fees set by the Council.

If an applicant is unable to pass the test after three attempts:

2. New applications and renewals will be refused;
3. Current Licences will be revoked.

8.7 Conditions

Under section 55(3) of the 1976 Act, the Council may attach such conditions to an operator's licence as are believed necessary.

The Council has adopted a schedule of conditions which will be attached to all licences issued. Additional conditions can be attached where deemed appropriate. These conditions available on the Councils website or upon request.

Failure to comply with the conditions set out in this document may result in enforcement action (see paragraph 10.)

8.8 Right to work in the UK

Proof that the applicant is legally permitted to work in the UK – a licence will not be issued for a period longer than that period the applicant is permitted to work.

8.9 Operators Responsibility

The Operator shall at all reasonable times provide a prompt, efficient and reliable service to members of the public and shall in particular ensure that:

- a. when a vehicle has been hired to attend at an appointed time and place the vehicle shall unless delayed or prevented by sufficient cause attend punctually;
- b. premises provided by the Operator will be within the District or approved by the Licensing Authority and any waiting areas shall be kept clean, heated, ventilated, well-lit with adequate seating;
- c. any telephone facilities and dispatch equipment are maintained in an effective working order
- d. any complaints received by the Operator that could undermine public safety shall be referred in writing to the Licensing Authority, together with any action taken.
- e. all vehicles operated shall be maintained in a satisfactory and road worthy condition; and they shall ensure that any defects to vehicles are recorded and corrected as soon as possible.
- f. the Operator shall ensure, without prejudice to any other liabilities imposed under the Act, that all vehicles and drivers owned, controlled or operated in association with the Operator shall observe and perform the conditions of their licence.
- g. the Operator will monitor drivers working hours to ensure they are safe to transport the public. Although there is no legal framework for taxi drivers hours, it is incumbent upon the Operator to ensure drivers do not work excessive hours and that they are fit to drive and thus will not put the public at risk. Guidance relating to driver hours can be found on the Councils website or is available upon request.

8.10 Planning

Any premises maintained by the operator (e.g. vehicle depots, booking offices, call centres, etc) may require planning permission for that usage, irrespective of how many vehicles are to be operated from that location. It is advised that applicants

seek advice from the planning authority prior to making an application for a licence or commencing the use of premises under a licence, as to whether any permission will be required.

Planning officers can be contacted during normal working hours on 01623 463259, or by email to Planning&BuildingControl@Mansfield.gov.uk.

Applicants must note that both planning and licensing requirements must be satisfied prior to the commencement of any operation.

8.11. Insurance

Operators are required to have the relevant insurance policies in place:

- Vehicle;
- Public Liability;
- Employers Liability (where applicable)

8.12. Trading names

Operators will be asked to declare their (proposed) trading name(s) within their application. This is the name by which the business will typically be known by customers and the public, and which will appear on advertising placed by the Operator.

While trading names are a matter for an Operator to determine, the Licensing Authority will, as part of its licensing process, seek to prevent names which may offend or cause confusion from being used in connection with the provision of private hire services in the area.

In particular, applications will not be granted where the proposed trading name is the same or substantially similar, either phonetically or visually, as:

- An expletive, derogatory or offensive term
- A term associated with inequality
- A term with political implications
- A registered trademark (unless the applicant can demonstrate a right to use that mark)
- The trading name of an existing Private Hire Operator, either licensed in the Mansfield area, or trading in a neighbouring area
- The trading name used by a Mansfield hackney carriage proprietor, where the proprietor has previously notified the Council of the use of that name and the name has been used regularly since
- A name which implies official recognition or endorsement by the Council or another regulatory body
- A term in any language other than English which when translated would fall within any of the preceding categories.

Legally, only hackney carriages may display the words 'taxi' or 'cab' on their vehicles. For this reason, trading names which include the words 'taxi', 'cab', 'hackney' or 'public hire', or which are phonetically or visually similar, will not be permitted by private hire operators.

If, however, the operator also provides bookings to hackney carriages, a variation of the permitted trading name including one of these terms may be displayed on advertising specifically in respect of those vehicles, but not in respect of any matter

relating to the wider business or to private hire vehicles. Should concerns arise about the suitability of a trading name, in the first instance these concerns will be discussed with the applicant, who will be given an opportunity to respond or to amend his application.

Where an operator licence is revoked by the Licensing Authority, the name (or a similar name) of the Private Hire company associated with that licence cannot be used by another operator until such time as six months has elapsed since the date of revocation or the date on which all appeal processes have been concluded (whichever is the longer).

This section of the policy will not be retrospectively applied to any operator's trading name which has been continuously in use since before the 1st August 2016 (and where an operator's licence has been continually maintained in respect of this), but will apply to any new operator (including new applications made following the lapse of a previous licence) or new trading name applied by an existing operator.

8.13. Door signs and advertising

Under the council's standard conditions applying to vehicle licences, vehicles which are operated by an operator must display that operator's door signs in prescribed positions, at all times. The door signs must be of a design and colour scheme approved by the Council.

A sample or proof of the proposed door sign should accompany an initial application for an operator's licence, or if this is not possible, should be supplied to the Licensing Authority as soon as practicable following the confirmation of grant of the licence.

A door sign that has not been approved cannot be used on a vehicle. Proofs may be supplied either on paper or electronically. Approval of a design will not be unreasonably withheld, so long as the signage includes the required wording, is of a suitable size, and relates to the operating company's services only, and not to any other product or service.

8.14. Complaints / Records

Each Operator shall keep a record of complaints made to them, their agents or employees in relation to any aspects of the business. The records shall be maintained for the duration of the Licence and should be available at all times for inspection by a Police or authorised Officer.

8.15. Exemptions

The Licensing Authority has considered requests from certain operators for their businesses or part thereof to be exempted.

Exemptions are only granted in exceptional circumstances and for specialist businesses, for example, those providing novelty vehicles such as stretch limousines and/or executive chauffeur businesses.