



**PRIVATE HIRE OPERATOR LICENSING**

**APPLICATION PACK**

Commenced: 8<sup>th</sup> January 2021



## **PRIVATE HIRE OPERATOR LICENCE APPLICATION PACK**

**CONTAINED WITHIN THIS APPLICATION PACK YOU WILL FIND:**

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## INTRODUCTION

**It is important that you read this application pack in full before applying for a Private Hire Operator Licence. This application pack should be kept for future reference so that you are fully aware of the procedures in obtaining or renewing your licence, and the guidelines, criteria, conditions and regulations of the licence.**

The Council licences Hackney Carriage and Private Hire drivers, Hackney Carriage vehicles and Private Hire vehicles, and Private Hire Operators. The authority for doing so was adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847 and 1889, and the Deregulation Act 2015.

Private Hire 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, and to ensure that vehicles are kept in a clean, safe and sound condition at all times.

Whilst it is accepted that Private Hire Operators will have less direct contact with the public than drivers, to ensure the safety of the public the Licensing Authority must apply similar checks when considering applications for licences.

### **Appointments**

Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain or renew a licence must be made by a **pre-booked “virtual appointment” only** with the Licensing Team. You will be required to submit your application electronically.

### **Licence**

Licences are issued for a maximum duration of either 5 years, or a lesser period of time if adjudged on a case by case basis. In all cases the licence will only be granted subject to the Licensing Authority being satisfied that the applicant is “fit and proper” to be issued with the licence.

**Fit and Proper Person:** A person who poses no threat to the general public, has a good knowledge of the City, is healthy, and is of a good character (including driving record) will be deemed fit and able to hold a licence.

### **Renewal of Licence**

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Licence renewals will not be granted until all of the relevant checks have been completed. To avoid potential delays, applicants are advised to submit an application 1 - 2 months before the expiry of their current licence.

### **Suitability**

**The Council reserves the right to require any applicant or existing licence holder to provide additional information if the Licensing Officer has reason to believe that circumstances have changed since the application was made.**

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation.

These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

### **Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence**

It must be clearly understood that the Private Hire Operator Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended.

Any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately. The Council reserves the right to consider other matters which do not amount to a conviction but which they feel are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Having previous convictions for either criminal or motoring offences will not necessarily bar you from obtaining a licence, it will depend upon what the offences are, and how long ago they occurred. You should note that it is an offence to not declare such matters on your application to the Council.

### **Ability to Work in the UK**

The Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a licence as a Private Hire Operator. For this reason all applicants (new and those applying to renew their existing licence) must provide evidence to show that they are entitled to work in the UK (without restriction; those persons who have restricted ability to work in the UK will NOT be granted a licence).

If you are granted full entitlement to work for 12 months at a time, you will be required to resubmit your documents every 12 months to show that your entitlement has been renewed/extended.

If, at any time, your entitlement is removed, your licence will be revoked. Further information regarding what documents you can submit with your application to show your entitlement are given later in this document, 'Prevention of Illegal Working', and can be obtained from the website: [www.bia.homeoffice.gov.uk](http://www.bia.homeoffice.gov.uk).

**Nothing in this document shall be interpreted as over-riding the provisions of the Part II of the Local Government (Miscellaneous Provisions) Act 1976 or the Town Police Clauses Act 1847, The Transport Act 1985, the Deregulation Act 2015 and the byelaws made thereunder.**

### **CONTACT DETAILS:**

**Licensing Team, Ashfield District Council, Council Offices, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA.**

**Telephone: 01623 457589   Email: [licensing@ashfield.gov.uk](mailto:licensing@ashfield.gov.uk)**

**Ashfield District Council Transport Department, Northern Depot, Station Road, Sutton-in-Ashfield, Nottinghamshire, NG17 5HB.**

**Telephone: 01623 457885**

## FEES AND CHARGES

Fees once paid will on no account be refunded. Fees and charges may also be amended from time to time to meet the reasonable cost of issue and administration.

**All fees and charges are to be paid via our online payment facility.**

**Information is provided within the “procedures” listed in this application pack as to how to access the online payment facility, and which specific option to choose.**

<b>FEES &amp; CHARGES: PAYABLE TO ASHFIELD DISTRICT COUNCIL</b>	
<b>PRIVATE HIRE OPERATOR LICENCE FEES</b>	
<b>NEW / RENEWAL: PRIVATE HIRE OPERATOR LICENCE (5 YEARS)</b>	<b>£600.14</b>
<b>PRIVATE HIRE OPERATOR ADMINISTRATION CHARGES</b>	
ANNUAL CHARGE PER ASHFIELD DISTRICT COUNCIL LICENSED HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE*	<b>£30.00</b>
CHANGE OF NAME OR ADDRESS / AMENDMENTS ON LICENCE	<b>£15.00</b>
SAFEGUARDING VULNERABLE PASSENGERS RE-TEST	<b>£30.00</b>
COPY OF PAPER PRIVATE HIRE OPERATOR LICENCE	<b>£5.00</b>

\*An annual charge of £30.00 per Hackney Carriage or Private Hire Vehicle that receives bookings from the Private Hire Operator is payable to Ashfield District Council. Such a charge is payable initially at the time of making a new or renewal Private Hire Operator Licence application.

You will be sent a **Vehicle Declaration Form** in April of each subsequent year, and this form must be completed and returned to the Licensing Officer within 14 days of receipt.

Upon you returning the completed form, an invoice will be sent to you in order for you to pay the annual charge for the licensed vehicles working through your company.

The Licensing Enforcement Officer will (when carrying out compliance checks of all Private Hire Operators) undertake additional checks to ensure that the details of all Hackney Carriage and Private Hire Vehicles that are allocated bookings by your company are accurate and up-to-date.

A **Vehicle Declaration Form** is appended to this Application Pack at **Appendix Two**.

## **GUIDANCE RELATING TO THE SUITABILITY OF NEW APPLICANTS AND EXISTING LICENCED PRIVATE HIRE OPERATORS**

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 convictions, cautions, insolvency or disqualification, where the Licensing Authority must be satisfied as to the fitness and propriety of each and every applicant.

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 Private Hire 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); and**
- **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 of driver hours, vehicle maintenance, vehicle checks, training records, etc.;**
- **Appropriate complaints handling; and**
- **Records of any public safety issues/concerns involving drivers and/or vehicles and the reporting of such concerns to the Licensing Authority.**



## **DETERMINING THE SUITABILITY OF APPLICANTS AND EXISTING LICENSED PRIVATE HIRE OPERATORS**

Applications can be refused by Officers, in line with the Council's 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 applicant / operator is aggrieved by the decision there is a right of appeal to a magistrates' court. Further details will be provided where applicable.

## **WARNINGS, OFFENCES, CAUTIONS & CONVICTIONS POLICY**

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 Warnings Offences, Cautions & Convictions Policy applicable to drivers will be used as a guideline when considering offences for Operators. A copy of the Policy can be obtained from our offices, and can be found on the Council website: <https://www.ashfield.gov.uk/taxilicensing>

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

- (a) Any convictions (including cautions) incurred by them or any partner, director or company secretary during the period of the licence for any offence. These 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.

## **CRITERIA APPLICABLE TO NEW PRIVATE HIRE OPERATOR APPLICANTS**

Detailed below are the relevant criteria that all new applicants must meet in order for the Licensing Authority to determine an application.

- **A satisfactory Disclosure and Barring Services certificate;**
- **A Certificate of Good Conduct (if applicable);**
- **Proof that Planning Permission has been obtained or is not required;**
- **Proof that all necessary Company Insurance Policies are in force;**
- **The Business Trading Name conforms to the Council's requirements;**
- **Any Door Signs and Advertising Livery meet with the Council's requirements;**
- **To take and pass the Council's Safeguarding Vulnerable Passengers Test;**
- **Proof that the applicant is legally permitted to work in the UK; and**
- **A declaration stating the Private Hire Vehicles that will be allocated bookings by your company.**

### **Disclosure and Barring Services (DBS) Certificate**

A Basic Disclosure certificate must be provided for each applicant. This means that a certificate must be obtained and supplied in respect of the sole individual applicant, or each individual applicant where the application is made by multiple individuals, or each director of a limited company applicant.

Certificates must be issued in the full name of the relevant individual, and must have been issued no earlier than 3 months before the date on which the application was made. A Basic Disclosure can be obtained online at:

**[https://www.gov.uk/government/organisations/disclosure-and-barring-service+](https://www.gov.uk/government/organisations/disclosure-and-barring-service)**

The requirement to provide a Basic Disclosure certificate will not apply to any applicant (or director) who holds a current Hackney Carriage & Private Hire (Dual) Driver licence issued by Ashfield District Council, as these individuals have already been assessed for their fitness and propriety during their application for that licence, and as such no further checks of any criminal record history for that particular applicant will be considered necessary.

Applicants who have applied simultaneously for a Hackney Carriage & Private Hire (Dual) Driver licence will also be exempted from the Basic Disclosure requirement, as they will be obtaining a higher level of disclosure certificate as part of that application.

### **Certificate of Good Conduct**

Where an applicant has been absent from the UK, a Disclosure and Barring Service (DBS) check would not be sufficient evidence of his/her criminal record. All applicants/drivers (including those renewing a licence) must complete as part of the application form a questionnaire in order to ascertain what time, if any, the applicant has spent resident outside of the UK since the age of 10.

Applicants who have been resident in any other country or countries for 6 months or more will be required to provide a Certificate of Good Conduct from each country (unless previously seen by this Authority). For these purposes, a "Certificate of Good Conduct" means an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority in the relevant country testifying to good conduct or to any criminal convictions recorded against the individual.

The Licensing Authority may wish to approach the relevant Embassy or appropriate Body directly to verify the documents provided. The applicant will be advised of any costs to be incurred and these costs must be met by the applicant. Consent should not be unreasonably withheld.

Where necessary documents must be translated into English or another language by a translator approved by the Licensing Authority. The cost of obtaining an appropriate translation must be met by the applicant.

All applicants who have been resident in the UK will be required to obtain a Basic DBS check for the period of time they have been resident in the UK.

Applicants who are unable to provide the necessary DBS check or Certificates of Good Conduct to the satisfaction of the Licensing Authority, may be unable to satisfy the Licensing Authority that they are a fit and proper person to hold a driver's licence and the application may be refused or any existing licence may be suspended or revoked.

### **Planning Permission**

Any premises maintained by the Operator (e.g. vehicle depots, booking offices, call centres, satellite offices, etc.) may require planning permission for such usage, irrespective of whether any or how many vehicles are to be operated from that location.

Applicants must write to or email the Ashfield District Council Planning Authority (**dutyplanner@ashfield.gov.uk**) prior to making an application for an Operator licence, describing the nature of their proposed business.

The Planning Authority will then provide a written response as to whether planning permission is necessary or not, which the applicant will need to bring to his / her pre-booked appointment with the Licensing Officer when submitting the Private Hire Operator Licence application.

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

### **Company Insurance Policies**

Private Hire Operators are required to have the following insurance policies in place:

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

### **Business Trading Name(s)**

Applicants for a Private Hire Operator Licence 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.

Whilst 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 Ashfield area, or trading in a neighbouring area;**
- **The trading name used by a Ashfield Hackney Carriage Vehicle 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; and**
- **A term in any language other than English which when translated would fall within any of the preceding categories.**

Legally, only Hackney Carriage Vehicles 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 for use by a Private Hire Operator.

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.

### **Door Signs and Advertising Livery**

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.

### **Safeguarding Vulnerable Passengers Test**

All new applicants (with the exception of an applicant who currently holds a Hackney Carriage & Private Hire (Dual) Driver Licence with the Authority) will be required to attend and pass a Safeguarding Vulnerable Passengers training course prior to a licence being granted.

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 Test at their own cost.

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.

## **Vehicle Declaration Form**

All new applicants are required to complete the Vehicle Declaration Form appended to this Application Pack, and list all of the Hackney Carriage and Private Hire Vehicles that will be used by the Private Hire Operator.

A fee of £30.00 per vehicle is also payable at the time that you submit your completed application for a Private Hire Operator Licence to the Licensing Officer.

You will be sent a Vehicle Declaration Form annually, which must be completed and returned to the Licensing Officer within 30 days of it being sent to you, and an annual invoice will be raised to you for payment of the annual charge of £30.00 per vehicle.

Vehicles deemed to meet the relevant “**low emission**” criteria based on their date of first registration will be exempt the £30.00 charge, but do still listing on your Declaration.

The Licensing Enforcement Officer will review your records when carrying out compliance visits of your company to ensure that the Licensing Authority has up-to-date records of which vehicles are being provided with bookings by your company.

Should vehicles commence or finish working through your company, you must provide details of such in writing to the Licensing Officer within 7 days of the vehicle commencing or ceasing to be provided with bookings by your company.

## **Grant of Licence to New Applicant(s)**

Upon receipt of the fully completed application form, vehicle declaration form and payment of the full fees due at your appointment with the Licensing Officer, and evidence that your application has met with all of the criteria relating to New Private Hire Operator Licence applicants, you will be issued with a licence (posted to your registered company address).

If any information that you have not previously declared on your application form is found to have come to light upon receipt of the above checks, you may be refused a licence.

Should you wish to proceed with your application to become a licensed Private Hire Operator, you should refer to the section “**Procedure for New Private Hire Operator Licence**” which will give further information on what to do next.

## **GUIDANCE RELATING TO TIMESCALES FOR APPLICATIONS**

### **What happens if a licence has not been issued 6 months after I apply?**

You will have to apply for another Basic Disclosure & Barring Services Certificate at your own expense.

### **What happens if a licence hasn't been issued 12 months after I apply?**

Your application will be null and void and you will need to reapply.

## **GUIDANCE RELATING TO CHANGING THE OWNER OF A PRIVATE HIRE OPERATOR COMPANY**

Private Hire Operator 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 new Private Hire Operator licence.

## PROCEDURE FOR THE GRANT OF A NEW PRIVATE HIRE OPERATOR LICENCE

This procedure relates to a person or persons who have never before held a Private Hire Operator Licence with Ashfield District Council.

1. You will need to book a **“virtual appointment”** with the Licensing Team by telephoning **01623 457589**.
2. Ahead of the **“virtual appointment”**, you will need to email the following to: **[licensing@ashfield.gov.uk](mailto:licensing@ashfield.gov.uk)** – and clearly state as the subject of your email **“PHOP APPLICATION”** – and state the time and date of the pre-booked virtual appointment.
  - The completed application form;
  - The Basic Disclosure & Barring Services Certificate (must have been obtained no earlier than 3 months prior to your appointment with the Licensing Officer) if you are not already licensed with Ashfield District Council as a Hackney Carriage & Private Hire Driver;
  - A Certificate of Good Conduct (if applicable);
  - Evidence that you are entitled to work in the UK (unrestricted) usually passport or visa;
  - Proof of the planning permission (or confirmation no such permission is required) for the use of your premises as a Private Hire Operator;
  - Proof of your valid public liability insurance;
  - Proof of your valid company vehicle insurance (if applicable);
  - Proof of your employer liability insurance (if applicable);
  - Proof of your online payment\* of the licence fee; and
  - Proof of the Door Signs and Advertising Livery you intend to affix to vehicles operating through your company (these can be submitted at a later date, however, no licence will be issued until all such signage has been approved by the Licensing Manager).
3. If all of the above are satisfactory, you will be booked on the next available Safeguarding Vulnerable Passengers Course. You will be provided with confirmation of the time and date for the Course.
4. Upon the passing of the Safeguarding Vulnerable Passengers Test, and any other requirements that the Licensing Officer may have relating to you fulfilling the criteria for Private Hire Operators your licence will be granted for a maximum period of five years and posted to your home address.
5. Should the Licensing Officer have any concerns over your suitability to hold a licence, the matter will be referred to a Hearing for the application to be determined.

\* To make your online payment, please visit our web based payment facility at:

**<https://www.civicaepay.co.uk/AshfieldEstore/estore/default/Catalog/Index?Area=>**

Then under **Products & Services Catalogue** change the **“filter”** from **Ashfield District Council** to **Licensing Taxis**. A new page will load, and scroll down to select **Taxis – Private Hire Operator Licence**. Then follow the online prompts.

## PROCEDURE FOR THE RENEWAL OF A PRIVATE HIRE OPERATOR LICENCE

1. You will be sent a “**Reminder Letter**” and Application Form approximately 2 months before the expiry of your current Operator licence.
2. You will need to book a “**virtual appointment**” with the Licensing Team by telephoning **01623 457589**.
3. Ahead of the “**virtual appointment**”, you will need to email the completed application form and proof of your online payment\* of the licence fee to: **licensing@ashfield.gov.uk** – and clearly state as the subject of your email “**PHOP RENEWAL APPLICATION**” – and state the time and date of the pre-booked virtual appointment.
4. If you are not a licensed driver with this Authority, then at every renewal of your Private Hire Operator Licence, you must also submit a new Basic DBS Disclosure.
5. If you are granted a licence, your licence will be posted to your home address.

\* **To make your online payment**, please visit our web based payment facility at:

**<https://www.civicaepay.co.uk/AshfieldEstore/estore/default/Catalog/Index?Area=>**

Then under **Products & Services Catalogue** change the “**filter**” from **Ashfield District Council** to **Licensing Taxis**. A new page will load, and scroll down to select **Taxis – Private Hire Operator Licence**. Then follow the online prompts.

## PROCEDURE TO AMEND DETAILS OF AN EXISTING OPERATOR LICENCE

This procedure applies should you need to amend any details or records relevant to an existing Private Hire Operator Licence.

1. You will need to submit your request by email to **licensing@ashfield.gov.uk**, and the Licensing Officer will be able to amend the existing records accordingly. When submitting your email, please state your **PHOP Licence Number**.
2. When submitting your email, please also provide proof that you have made the required payment of the fee associated.

\* **To make your online payment**, please visit our web based payment facility at:

**<https://www.civicaepay.co.uk/AshfieldEstore/estore/default/Catalog/Index?Area=>**

Then under **Products & Services Catalogue** change the “**filter**” from **Ashfield District Council** to **Licensing Taxis**. A new page will load, and scroll down to select **Taxi – Change of Name/Address on Licence**. Then follow the online prompts.

## PROCEDURE TO SUBMIT AN ANNUAL VEHICLE DECLARATION FORM

1. You will be sent a Vehicle Declaration Form to complete and return to the Licensing Team, who will raise an invoice to you, which must be paid online\* within 30 days of receipt.

\* **To make your online payment** visit our web based payment facility located at:

**<https://www.civicaepay.co.uk/AshfieldEstore/estore/default/Catalog/Index?Area=>**

Then under **Products & Services Catalogue** change the “**filter**” from **Ashfield District Council** to **Invoices**. A new page will load, and scroll down to select **Invoices**. Then follow the online prompts.

## **RESPONSIBILITIES OF PRIVATE HIRE OPERATORS**

A Private Hire 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 owned and or operated in association with the Operator and drivers controlled, shall observe and perform in accordance with 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.
- h. The Operator must maintain a register of all staff whose work consists of taking bookings and dispatching vehicles, and those staff must provide the Operator with a Basic DBS Disclosure which the Operator must review annually, and prior to a new employee commencing work.
- i. The Operator must put in place and maintain a Policy relating to the employment of ex-offenders who work for the Operator or who undertake work on behalf of the Operator.
- j. The Operator must ensure that his / her company maintains a Safeguarding Policy that addresses the needs of the protection of children and vulnerable adults for whom the Operator provides transport services.
- k. The Operator must ascertain and be able to evidence that any other Operator to whom he / she sub-contracts bookings, has similar levels of protection in place for the safeguarding of children and vulnerable adults (i.e. a similar Safeguarding Policy).
- l. All persons named on the Operator Licence must undergo an Annual Basic DBS Check and assist the Licensing Authority complete these checks in a timely manner.



## **CONDITIONS ATTACHED TO A PRIVATE HIRE OPERATOR LICENCE**

In these conditions “the Council” means the Ashfield District Council. “Operator means the holder of a Private Hire Operator Licence issued by the Council. Any requirements of legislation, which affect the operations carried out under the terms of a licence, shall be regarded as if they were conditions of that licence.

1. The Operator shall keep a record and maintain such a record at his/her premises detailing the particulars of all vehicles operated by him or her, which shall include the following:
  - the licence plate numbers;
  - the registration numbers;
  - the names and addresses of the proprietors;
  - the names and addresses of drivers;
  - the licence (badge) numbers of drivers;
  - copies of licences for all licensed vehicles and drivers; and
  - copies of insurance certificates for all licensed vehicles.
2. The Operator shall, before a hiring starts, record in a suitable book the pages of which are numbered consecutively, or by use of a suitable computer programme the following particulars:
  - a. the date and time of the booking;
  - b. the name and contact telephone number / email address (if either are available) of the hirer and, where the booking is received from another operator, the name of that operator;
  - c. the manner in which the booking was made (i.e. whether by telephone, in person, or by electronic means);
  - d. the time and place at which it is intended that the passenger shall be collected;
  - e. the destination (which may be recorded electronically at the conclusion of the journey using GPS tracking);
  - f. the time at which the driver was allocated the booking;
  - g. the registration number and licence plate number of the vehicle allocated to the booking;
  - h. the licence number of the driver who will attend the booking; and
  - i. where the booking is passed onto another operator by way of “sub-contracting”, the name and address of that operator.
3. The Operator shall keep the records referred to in the above conditions and make available for inspection on request by an authorised Officer of the Council or a Police Officer for a period of not less than 12 months. If the records are maintained by the use of a computer, the operator shall ensure that a print-out of any record kept can be provided at any time the business is in operation, on request by an authorised officer of the Council or a Police Officer for a period of not less than 12 months.
4. The Operator shall within 7 days of any request made by any Authorised Officer, make available any records or other information that would reasonably assist with an investigation. Any failure to comply with the reasonable request of the Licensing Officer will be considered relevant when assessing the suitability of the applicant to continue to hold a Private Hire Operator licence.

5. The Operator shall within 7 days of receipt, notify the Council in writing of any complaints concerning the cleanliness or condition of a vehicle, or of a complaint against a driver, in the employ of the Operator, made by any person or organisation.
6. The Operator shall not invite or accept a booking for a Licensed Vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, or by means of electronic communication to the person making the booking information as to the basis of charge for the hire of the vehicle.
7. The Operator shall not charge a higher price for any journey, for a person who requires "mobility assistance" than would otherwise be charged for a person without such a need for "mobility assistance" for the same journey.
8. The Operator shall not accept a booking for a vehicle to carry more passengers than the vehicle is licensed to carry.
9. The Operator shall not take any bookings requested directly by the driver of any licensed vehicle.
10. The Operator shall, when accepting a booking for a vehicle to attend at an appointed time and place, ensure that unless delayed or prevented by some sufficient cause, a suitable vehicle attends at that appointed time and place.
11. The Operator shall provide, and ensure that any vehicle in his employ that is fitted with a taxi-meter carries and displays upon request a list of the tariffs charged by the Operator.
12. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer to prevent vehicles in its employment, from parking or congregating in such a manner as to cause a nuisance to any reasonable person.
13. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent drivers of Private Hire Vehicles in his or her employ from parking in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near or on taxi ranks) and being in attendance of the vehicle without a prior booking for that location having been provided to the driver, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.
14. The Operator shall take all necessary measures, including those requested by the Licensing Officer, Police Officer or other Authorised Officer, so as to prevent drivers of Hackney Carriage and / or Private Hire Vehicles in his or her employ when such vehicles are utilised outside of the Ashfield District Council area from parking in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near or on taxi ranks) and being in attendance of the vehicle without a prior booking for that location having been provided to the driver, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate hire.

- 15.** The Operator shall maintain an adequate supply of livery, and provide such livery upon request to the driver of a Licensed Vehicle in his or her employ should such livery be found to be absent, deteriorated or perished.
- 16.** The Operator shall not, knowingly or without the prior written consent of the Council, engage in partnership with, or allow or suffer any involvement in the management of the Operator hereby licensed by:
- any person who has been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976 or any other legislation relating to Private Hire and Hackney Carriage licensing; and
  - any person who, for the purposes of Part II of the said Act, has been found by any Licensing Authority not to be a fit and proper person to hold a Hackney Carriage & Private Hire (Dual) Driver Licence or Private Hire Operator Licence.
- 17.** The Operator shall inform the Council in writing, and within 14 days of him / her having been:
- Arrested;
  - Released on Police Bail
  - Reported for an offence
  - Summoned for an offence
  - Charged with an offence
  - Convicted of an offence
  - Summoned for an offence
  - Cautioned by a Police Officer
  - Received a County Court judgment;
  - The subject of any bankruptcy proceedings, individual voluntary arrangements and composition agreements with creditors.
- 18.** The Operator shall be responsible for the actions of any manager, supervisor or any other person appointed to run the Private Hire Operator business on his / her behalf.
- 19.** If provision is made by the Operator on his or her premises for the reception of members of the public proposing to hire a vehicle, the Operator shall ensure that the premises are in a clean and tidy condition at all times, and that adequate arrangements are made for the seating of customers within the premises.
- 20.** The Operator shall not permit any person who is behaving in a manner likely to give rise to concerns regarding the safety of other members of the public, to remain upon the premises in respect of which this licence is in force.
- 21.** The Operator shall understand that Private Hire Operator licence is not transferable.
- 22.** The Operator shall notify the Council immediately (and in any case within 7 days) of any change in the Operator's business address, in the vehicles operated by the Operator or in the drivers employed to drive them; and make payment of any associated fee for the maintenance of the licence following such amendments being made.

- 23.** The Operator shall ensure that every driver employed to drive the vehicles operated by the Operator holds a Hackney Carriage & Private Hire (Dual) Driver Licence and is acquainted with the conditions attached to such a driver licence.
- 24.** The Operator shall ensure that the holder of any Hackney Carriage Vehicle Licence or Private Hire Vehicle Licence relating to a licensed vehicle operating under his / her Operator licence is acquainted with the conditions attached to such a vehicle licence.
- 25.** The Operator shall maintain a register of all staff whose work consists of taking bookings and dispatching vehicles, and that such staff provide the Operator with a Basic DBS Disclosure; and that such checks are reviewed annually, and prior to a new employee commencing work. The register shall be made available to an Authorised Officer upon request.
- 26.** The Operator shall implement and maintain a Policy relating to the employment of ex-offenders that may work for the Operator or undertake work on behalf of the Operator. The Policy shall be made available to an Authorised Officer upon request.
- 27.** The Operator shall ensure that his / her company maintains a Safeguarding Policy that addresses the needs of the protection of children and vulnerable adults for whom the Operator provides transport services.
- 28.** The Operator shall seek and be able to evidence that any other Operator to whom he / she sub-contracts bookings, has necessary comparable protections in place for the safeguarding of children and vulnerable adults.

*A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.*

## AUDIO AND VISUAL RECORDING EQUIPMENT IN LICENSED VEHICLES

Should you wish to fit Audio and Visual Recording Equipment in your licensed vehicle, such a decision will be of your own choice.

Ashfield District Council has no mandatory scheme in relation to such equipment.

If you do fit such a system to your vehicle, please notify the Licensing Authority (either in writing or by email to **licensing@ashfield.gov.uk**) in order that we can update our records. The information provided below is simply to assist you should you consider fitting any system to your vehicle.

Should you wish to fit such equipment, you should ensure that any system fitted to your vehicle complies with the Information Commissioners Office "CCTV Code of Practice", which states that:

**CCTV must not be used to record conversations between members of the public as this is highly intrusive and unlikely to be justified. You should choose a system without this facility if possible. If your system comes equipped with a sound recording facility then you should turn this off or disable it in some other way. There are limited circumstances in which audio recording may be justified, subject to sufficient safeguards. These could include:**

- **Audio based alert systems (such as those triggered by changes in noise patterns such as sudden shouting). Conversations must not be recorded, and operators should not listen in.**
- **Two-way audio feeds from 'help points' covered by CCTV cameras, where these are activated by the person requiring assistance.**
- **Conversations between staff and particular individuals where a reliable record is needed of what was said, such as in the charging area of a police custody suite.**
- **Where recording is triggered due to a specific threat, e.g. a 'panic button' in a taxi cab.**
- **In the limited circumstances where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out.**

Transport for London have adopted the ICO's advice in relation to audio recording in its Guidelines for CCTV Systems in Licensed London Taxis and Private Hire Vehicles, and we recommend that should you wish to fit such a system with audio recording enabled, that you follow the Transport for London model which states that:

- **Where recording is triggered due to a specific threat, e.g. a 'panic button' is utilised. Where this audio recording facility is utilised a reset function must be installed which automatically disables audio recording and returns the system to normal default operation after a specified time period has elapsed.**
- **The time period that audio recording may be active should be the minimum possible and should be declared at the time of submission for approval of the equipment.**

## NOTIFICATION TO THE INFORMATION COMMISSIONER'S OFFICE

The Information Commissioner's Office (ICO) is the official regulator for all matters relating to the use of personal data.

The ICO defines a "data controller" as the body which has legal responsibility under the Data Protection Act (DPA) 1998 for all matters concerning the use of personal data. For the purpose of the installation and operation of in-vehicle CCTV, **the "data controller" is the specified company, organisation or individual which has decided to have CCTV installed.** The data controller has the final decision on how the images are stored and used and determines in what circumstances the images should be disclosed.

Notification is the process by which a data controller informs the ICO of certain details about their processing of personal information. These details are used to make an entry in the public register of data controllers.

This means that any specified company, organisation or individual vehicle owner who has a CCTV system installed in a TPH licensed vehicle must register with the ICO (Notification) and obtain documented evidence of that registration. This documentary evidence may be required to be presented to an official of the TPH at any time during the term of the TPH vehicle licence. The Notification requires renewal on an annual basis, and payment of the appropriate fee.

## USING A THIRD PARTY SERVICE PROVIDER (DATA PROCESSOR)

Where a service provider is used for the remote storage of CCTV data they will act as a 'data processor'. A data processor, in relation to personal data, means any person (other than an employee of the data controller) who processes data on behalf of the data controller, in response to specific instructions. The data controller retains full responsibility for the actions of the data processor.

## SIGNAGE FOR INTERNAL AUDIO AND VISUAL RECORDING EQUIPMENT

All Taxis and Private Hire Vehicles fitted with Audio and Visual Recording Equipment must display signage informing passengers that the vehicle is equipped with such a system. The driver may also wish to verbally bring to the attention of the passengers that such equipment is in operation within the vehicle, if it is felt appropriate.

The signage must be displayed in such positions so as to minimise obstruction of vision and to make it as visible as possible to passengers, before and after entering the vehicle. In the limited circumstance where audio recording is justified, signs must make it very clear that audio recording is being or may be carried out. **The name and the contact telephone number of the Data Controller must be included on the sign.**

## SIGNAGE FOR EXTERNAL FACING AUDIO AND VISUAL RECORDING SYSTEMS

Where a system is installed in order to record incidents *outside* the vehicle, it will not be practical to display a sign. Instead, when the system is activated in response to an incident, the driver of the vehicle must inform the person(s) recorded that their personal data was captured - as soon as practicable after the incident. They should also be informed the purpose for which the device has been installed, for example to facilitate their insurance company's investigation of insurance claims.

## EXEMPTION FROM DISPLAYING PLATES & STICKERS: PRIVATE HIRE VEHICLES

Some customers prefer to be driven in executive vehicles that are low profile and represent their organisation - especially when meeting a client.

Many chauffer companies and some Private Hire Operators employ section 75(3) of the Act. Using this section of the law, allows for specific vehicles to be granted dispensation from displaying their Private Hire plate and door stickers.

**Criteria:** The work undertaken must not be conventional Private Hire work but regarded as specific 'chauffeur-driven' work, and that the vehicle to be used for such work is an "executive and prestigious" type vehicle of a higher standard than that of a 'normal' vehicle used for private hire work. This must be proved through the procedures detailed below.

**Renewal of Exemption:** Such an exemption must be reapplied for at the time of each vehicle licence renewal application. This exemption does not include school contracts or similar work for which a fully signed vehicle must be used.

**Revocation of Exemption:** Exempt vehicles that undertake standard private hire work without an invoiced contract in place may have their Exempt status withdrawn.

## PROCEDURE TO OBTAIN EXEMPTION FROM DISPLAYING PLATES & STICKERS

The procedure below relates to the application for Private Hire Vehicle licence holders seeking to be granted exemption from displaying livery and licence plates; and the procedure for the renewal of the exemption:

1. You will need to submit to the Licensing Team the following:
  - **A letter from the vehicle proprietor detailing the following information:**
    - **The Private Hire Vehicle licence number issued by the Council**
    - **Make, model, colour, registration number, passenger seating capacity of the vehicle**
    - **that the nature of the work to be carried out will be solely by way of "Contracted Account" with the business users**
    - **The name of the Private Hire Operator through whom the bookings are provided**
2. The decision to grant or refuse an exemption for the display of identification plates and any Council required livery will be delegated to the Licensing Team Leader.
3. If granted, an Exemption Notice will be sent to the proprietor granting the exemption request, detailing the proprietor and vehicle to which the exemption is granted.
4. This letter must be kept in the vehicle at all times, and produced at the request of an Authorised Officer.

## **CONDITIONS APPLICABLE TO THE GRANT OF AN EXEMPTION NOTICE**

- a)** The vehicle shall not undertake standard private hire bookings.
- b)** All bookings undertaken by the vehicle shall be by means of a written contract between the Private Hire Operator and the business user.
- c)** The vehicle shall be of an “executive and prestigious” type of a higher standard than that of a ‘normal’ vehicle used for private hire work.

## **CONDITIONS ATTACHED TO AN EXEMPTION NOTICE**

- 1.** A copy of the Exemption Notice is kept in the vehicle at all times
- 2.** The standard rear bumper fitted licence plate once issued is to be kept inside the vehicle and must be produced on demand to an Authorised Officer.
- 3.** The vehicle is not used on conventional private hire work but is operated only on ‘chauffeur-driven’ work
- 4.** There is no change as to who the proprietor of the vehicle is.
- 5.** The vehicle is only operated through the Private Hire Operator named at the time of application.
- 6.** Exempt vehicles shall not display any Operator details in the vehicle.
- 7.** The display of ‘No Smoking’ stickers inside the vehicle is still a condition of any exemption granted.



## **SAFEGUARDING: VULNERABLE CHILDREN AND ADULTS**

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.

Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.

Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have, and if you are able to spot the signs of human trafficking and know how to report this crime, you can be a major force in tackling this terrible activity.

There are three main elements involved with Human Trafficking:

- **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
- **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

## **HOW CAN YOU SPOT IF SOMEONE MAY BE VULNERABLE AND BEING EXPLOITED AND TRAFFICKED?**

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern. Perhaps the person shows signs of the following:

- Does not know their home or work address
- Allows others to speak for them when addressed directly
- Live or travel in a group, sometimes with other persons who do not speak the same language
- They are collected very early and/or returned late at night on a regular basis
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- Their physical appearance may show signs of injury, malnourishment, unkempt
- They may be isolated from the local community and/or appear to be under the control or influence of others
- Have no cash of their own

## HOW TO REPORT YOUR CONCERNS?

If you suspect that a person (adult or child) is vulnerable and may be the victim of abuse, exploitation and/or trafficking, you can report your concerns in confidence by telephoning:

- **Nottinghamshire Police:** 101 (or if an emergency 999)
- **Crimestoppers:** 0800 555 111
- **Nottinghamshire Multi-Agency Safeguarding Hub:** 0300 500 8090

## WHY DO I NEED TO KNOW ABOUT SAFEGUARDING?

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country.

These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited.

We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

This page and our website are devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited.

Questions relating to this subject are posed within the Local Knowledge & Safeguarding Tests that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject.

We hope that this page and our website will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

## WHERE CAN I FIND MORE INFORMATION ON SAFEGUARDING?

A full page devoted to Safeguarding, designed with help from the National Working Group and many of the Nottinghamshire district councils can be found on the Council website: <http://www.ashfield.gov.uk/taxilicensing>

If you are a new applicant, many of the questions posed in the Local Knowledge & Safeguarding Test will be more familiar to you if you have studied our online Safeguarding page.

## ANNUAL BASIC DBS CHECK FOR ALL OPERATORS

The Licensing Authority requires all Operators to fund, obtain and produce a Basic DBS check every year and the details contained within this will be retained by the Licensing Authority. Licence holders are advised to subscribe to the DBS Update Service in order for these checks to be carried out. The Update Service can also be used if an application is made for the renewal of the Operator Licence.

## TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service.

Many disabled people have at some time experienced well-intentioned but clumsy assistance that has caused them discomfort and pain.

The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. **Always** ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. **Ask the customer if they are all right before you start the journey.**

If the passenger is in a wheelchair you should always:

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture. In the case of a London type cab this position will be facing the rear of the vehicle. **The wrong travelling position is unsafe;**
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- **Always secure** the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same time, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps; two people are needed for safety. There are a number of wheelchair designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a licensed vehicle.

However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it. It is against the law and the conditions attached to a drivers licence to refuse a wheelchair passenger. It could lead to prosecution and your Hackney Carriage & Private Hire (Dual) Driver licence being revoked.

As a Private Hire Operator, you should consider the possible impact on your Licence should you not make wheelchair accessible vehicles available to provide transport services to wheelchair users, if such vehicles are provided with bookings by you.

## HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

Both the restraint system for the wheelchair and the safety belt for the passenger **must be used on every occasion**. Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must **never** travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the “off” position before the journey begins. If it is left in the “on” position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided. Unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.

## PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK. For this reason the following documentation must be provided at your licence renewal appointment.

Because a licence has a time limit applied to it (i.e. an expiry date), these checks must be carried out for all New Licence applications and Renewal Licence applications, in order for the Licensing Authority to have complied with any legal requirements placed on it. Under no circumstances will a licence be granted with an expiry date that is beyond the expiry date of a person's right to work in the UK.

LIST "A"	
Acceptable documents which show an ongoing right to work.	
1.	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
3.	A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
5.	A <b>current</b> Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6.	A <b>current</b> passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
7.	A <b>current</b> Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
8.	A birth or adoption certificate issued in the UK, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
9.	A birth (short or long) or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
10.	A certificate of registration or naturalisation as a British citizen, <b>together with</b> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

LIST “B”	
Group 1: Acceptable documents where a time-limited right to work lasts until the expiry date of the leave to remain in the UK.	
1.	A <b>current</b> passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.
2.	A <b>current</b> Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A <b>current</b> Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.
4.	A <b>current</b> Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, <b>together with</b> an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
Group 2: Acceptable documents where a time-limited right to work lasts for 6 months.	
1.	A Certificate of Application issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is <b>less than 6 months old together with a Positive Verification Notice</b> from the Home Office Employer Checking Service.
2.	An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, <b>together with a Positive Verification Notice</b> from the Home Office Employer Checking Service.
3.	A <b>Positive Verification Notice</b> issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

## RIGHT TO WORK ADVICE FOR EEA & SWISS NATIONALS

If you are an EEA or Swiss national and **were lawfully resident in the UK as of 31<sup>st</sup> December 2020** then you automatically have a right to work in the UK. As such, **you only need to provide us with either your passport or national identity card** as evidence to support a licence application. Other acceptable documentation is detailed in **List “A”** on the previous page.

EEA & Swiss nationals who have the right to work in the UK under the **EU Settlement Scheme**, or a right to work in the UK under the **points-based immigration system**, can choose to evidence their right to work using the Home Office online service.

From **1<sup>st</sup> July 2021**, EEA and Swiss nationals who held or obtained a right to work in the UK prior to this date, can continue to use the same documents when making a licence application. However, from **1<sup>st</sup> July 2021 new EEA or new Swiss nationals** applying for a licence will need to evidence their right to work in the UK under either the **EU Settlement Scheme** or the **new points-based immigration system**.

# APPENDIX ONE:

## APPLICATION FORM: PRIVATE HIRE OPERATOR LICENCE

The default position under Section 56 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Section 10 of the Deregulation Act 2015) is for the Council to issue a Private Hire Operator Licence for a maximum period of five years.

The Council does have the discretion to grant a licence for a lesser period than 5 years if it is appropriate in the circumstances of the case. Should you feel that this is appropriate, you will need to provide the necessary mitigation/evidence.

**This application form should be completed in full and legibly.**

**TYPE OF APPLICATION:**    **NEW**                      **RENEWAL**                      (tick as applicable)

### APPLICANT DETAILS (please complete all sections)

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**POSTCODE:** \_\_\_\_\_ **TELEPHONE NO.:** \_\_\_\_\_

### If more than one applicant, please complete second applicant's details below:

**NAME:** \_\_\_\_\_

**ADDRESS:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**POSTCODE:** \_\_\_\_\_ **TELEPHONE NO.:** \_\_\_\_\_

### If more than two applicants, please continue on a separate sheet

**HAVE YOU, OR ANY OF YOUR BUSINESS PARTNERS, EVER HAD A LICENCE REFUSED, SUSPENDED OR REVOKED PREVIOUSLY?**    **YES**                      **NO**                      (tick as applicable)

**IF YES, PLEASE PROVIDE DETAILS:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

---

**BUSINESS DETAILS** (please complete all sections)

---

CURRENT PRIVATE HIRE OPERATOR LICENCE NO.: \_\_\_\_\_

EXPIRY DATE OF CURRENT OPERATOR LICENCE: \_\_\_\_\_

TRADING NAME: \_\_\_\_\_

OPERATING ADDRESS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

POSTCODE: \_\_\_\_\_ TEL. NO.: \_\_\_\_\_

EMAIL: \_\_\_\_\_ WEBSITE: \_\_\_\_\_

REGISTERED COMPANY NO.: \_\_\_\_\_

HAS PLANNING CONSENT BEEN OBTAINED? YES NO (tick as applicable)

NUMBER OF PRIVATE HIRE VEHICLES OPERATED? \_\_\_\_\_

NUMBER OF HACKNEY CARRIAGES OPERATED? \_\_\_\_\_

VEHICLE DECLARATION FORM COMPLETED? YES NO (tick as applicable)

---

**CONVICTIONS** (all applicants)

---

Applicants must disclose all criminal convictions (which under the terms of the Rehabilitation of Offenders Act 1974 are not “spent”), and any pending prosecutions.

---

DO YOU HAVE ANY CRIMINAL CONVICTIONS? YES NO (tick as applicable)

DO YOU HAVE ANY PENDING PROSECUTIONS? YES NO (tick as applicable)

---

IF YOU HAVE ANSWERED “YES” TO EITHER OF THE ABOVE QUESTIONS PLEASE PROVIDE FURTHER INFORMATION BELOW:

---

DATE OF OFFENCE: \_\_\_\_\_

NATURE OF OFFENCE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAME AND PLACE OF COURT: \_\_\_\_\_

SENTENCE OR ORDER: \_\_\_\_\_

REASON FOR OFFENCE: \_\_\_\_\_

\_\_\_\_\_

---

Please continue on a separate sheet if there are further declarations to declare.





## **General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice.**

Under the GDPR and DPA, Ashfield District Council, Urban Road, Kirkby in Ashfield, Nottingham. NG17 8DA is a Data Controller for the information it holds about you. The Council will hold the information above provided by you for assessing your application. The lawful 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 (including motoring offences)**

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.

Your data will be held for a period of 6 years. Subject to some legal exceptions, you have the right to request a copy of the personal information the Council holds about you; to have any inaccuracies corrected; to have your personal data erased; to place a restriction on our processing of your data; to object to processing; and to request your data to be ported (data portability). The information provided by you may also be used for other functions carried out by the Council in accordance with GDPR and DPA. For more information about how the Council may use your data and to learn more about your rights please see the Council's Privacy Statement: [\*\*www.ashfield.gov.uk/privacy\*\*](http://www.ashfield.gov.uk/privacy)

If you have any concerns or questions about how your personal data is processed, please contact the Council's Data Protection Officer at the address at the bottom of this form or by email to [\*\*dpo@ashfield.gov.uk\*\*](mailto:dpo@ashfield.gov.uk). If you are dissatisfied with the Council's response you can complain to the Information Commissioner's Office in writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone 0303 123 1113 (local rate) or 01625 545 745.

### **Declaration**

I, the undersigned, hereby declare that the information contained in this application is true and accurate to the best of my knowledge. I understand that if I knowingly or recklessly make a false statement or omit any material particularly in giving information as part of this application I shall be committing an offence and will be liable for prosecution.

I give my consent to the Licensing Authority to undertake checks of my records by way of the DBS and any other relevant body in order to promote the objective of upholding public safety both prior to the consideration of this application, and if granted, at any time during the duration of the licence.

I confirm I have read the General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice above and Disclosure & Barring Services Privacy Notice below.

**Signature of Applicant:**\_\_\_\_\_ **Date:**\_\_\_\_\_

### **Disclosure & Barring Services (DBS): Privacy Notice**

As part of this application, all persons applying for the Private Hire Operator Licence must submit a Basic DBS Disclosure or provide consent to Ashfield District Council to obtain an electronic result by way of the DBS Update Service.

An applicant for a Private Hire Operator Licence who currently holds a Hackney Carriage & Private Hire (Dual) Driver Licence issued by Ashfield District Council, and who is enrolled with the DBS Update Service need not submit a Basic DBS Disclosure with their application.

#### **Privacy Policy Declaration:**

I, the undersigned, hereby declare that I have read the Standard / Enhanced Check Privacy Policy for applicants: <https://www.gov.uk/government/publications/dbs-privacy-policies> and I understand how DBS will process my personal data and the options available to me for submitting an application.

**Please tick here:**

#### **Consent to obtain electronic Standard / Enhanced Check result (if using the DBS Update Service):**

I consent to the DBS providing an electronic result directly to the Registered Body that has submitted my application. I understand that an electronic result contains a message that indicates either the certificate is blank or to await certificate which will indicate that my certificate contains information. In some cases the Registered Body may provide this information directly to my employer prior to me receiving my certificate.

**Please tick here:**

**Signature of Applicant:**\_\_\_\_\_ **Date:**\_\_\_\_\_

### **FOR OFFICAL USE ONLY**

**Application: Approved / Refused**

**Signed:**\_\_\_\_\_

**Date:**\_\_\_\_\_

**Officer Name:**\_\_\_\_\_

**Position:**\_\_\_\_\_

**REASON FOR DECISION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**LICENCE NO.:**\_\_\_\_\_ **DATE OF ISSUE:**\_\_\_\_\_ **EXPIRY DATE:**\_\_\_\_\_

## APPENDIX TWO:



## Private Hire Operator: Vehicle Declaration Form

**This Declaration Form must be completed and submitted with your application.**

[illegible]

**Please continue overleaf if further vehicles require declaring.**

