

**WELWYN  
HATFIELD**  
BOROUGH COUNCIL

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# Operator Application Pack

## **PROCEDURE FOR LICENSING A PRIVATE HIRE OPERATOR**

### **GENERAL**

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

### **THE OPERATOR**

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

### **NOTES**

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

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

**INTERPRETATION**

In these conditions;

“The Council” means Welwyn Hatfield Council

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

**THE RECORDS TO BE KEPT BY THE OPERATOR**

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

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

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

**THE STANDARD OF SERVICE**

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

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

## **PROVISIONS REGULATING SIGNS ON VEHICLES**

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

## **PROVISIONS REGULATING THE CONDUCT OF THE OPERATOR**

The operator shall immediately upon receipt notify the Council in writing of any complaints concerning the cleanliness/condition of a vehicle or a complaint against a driver. The operator shall notify the Council in writing of any change of address during the period of the licence within seven days of such change.

No operator may change the address from which he operates without prior agreement in writing from the Council and all licence requirements being met.  
(NB: Permission cannot be unreasonably withheld from an individual).

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

## **OPERATOR OFFICE LOCATION**

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

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

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

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

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

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

## **DEPOSIT OF DRIVER AND VEHICLE LICENSES**

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

## **GENERAL ADVICE**

Operators must be licensed in the same borough as the borough in which they have the office, and only make use of drivers and vehicles that are also licensed in the same borough for which they hold a licence.

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

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

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

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

## **AUTHORISED OFFICERS**

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

## **APPEALS**

You may appeal against all or any of these conditions.

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

Appeals must be made to the Magistrates Court – you should contact the Clerk to the Justices, The Law Courts, St.Albans.

## **PART**

### **ADVICE TO OPERATORS**

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

They include:

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

The Records of Bookings MUST show:

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

The Records of Vehicles MUST show:

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

The Standards required of an Operator include:

Punctual Attendance for Bookings	Clean Premises with Public Access
Premises Heated to standard	Premises Ventilated to standard
Premises well lit	Seating if public access
Radio equipment in working order	Correct radio procedures used
Check PH Driver Licence valid	Ensure vehicle licenses are valid
Check vehicles clean and safe	Ensure insurance is valid
Check road fund licence valid	Check vehicle for damage
Report any driver offences	Ensure plates displayed correctly
Report any accidents	Report any lost property
Maintain driver standards	Report any changes of address
Keep all records for 6 months	Give fixed price quote if requested
Telephone in working order	Report any changes of Director

Ensure only licensed drivers are used to drive licensed vehicles.

Only use the services of drivers and vehicles licensed within Welwyn Hatfield Borough.

Compliance with current health and safety legislation relevant to operator

Failure to comply with certain items above can carry a fine of up to £2,500.

This list is for advice only and is not exhaustive.

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

Surname/Family Name .....

Forename/Given Name .....

Date of Birth ..... Place of Birth .....

Current Address .....

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Telephone number .....

All Names under which the  
Business is to be known .....

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Address at which business is to  
be carried on .....

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Telephone number .....

Names and Addresses of any  
other person with whom the  
applicant proposes to operate  
any vehicle partnership .....

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If applicant is a Company -  
Full names and addresses of all  
the Directors and the  
Secretary of the Company .....

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Number of licensed Private Hire  
Vehicles applicant intends to

operate .....

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

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

(a) Have you made any previous applicant for a Private Hire Operator's Licence to this or any other Licensing Authority.  
**YES/NO** (delete as applicable)

If so give the name and address of that Licensing Authority and the result of the Application.  
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(b) Has any Private Hire Operator's Licence previously held by you been revoked or suspended by this or any other Licensing Authority?  
**YES/NO** (delete as applicable)

If so given details of the name and address of the Licensing Authority.  
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Is there any other information of which you consider the Council should be aware?  
.....  
.....  
.....

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

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

Date: ..... Signature: .....

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