



Application for a Private Hire Vehicle Operator's Licence

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Application Process

To enable you to apply for a Private Hire Vehicle Operator's Licence you must follow the procedure as set out below:

Make an appointment to apply:

- An appointment for a new applicant will take approximately 1/2 hour

Please note you will not be seen if you are late for your appointment and you will be required to make a new appointment. In addition, if you do not contact the Licensing Section on 01443 866750 in advance to cancel your appointment, or give a valid reason as to not attending your appointment you will be required to pay the missed appointment fee of £10.00.

You must bring the following with you to your appointment:

New/Renewal Applicants

- Completed application form and fee. Fee is payable upon issue of licence.
- Current DVLA Drivers licence
- Planning Consent (if applicable)
- Landlords Consent (if applicable)
- Disclosure Scotland (if applicable)
- List of current fares (renewals only)
- Form(s) of ID to show evidence of a right to work (as per the enclosed list of acceptable documents)

NB If you do not produce ALL of the above or any of the information is incorrect your application will not be accepted and you will be required to make a new appointment.

Any application for renewal of a licence must be made and issued prior to the expiry date, to ensure continuity. There is no automatic period of grace.

Notes

a. DVLA Drivers Licence – if you have more than 3 penalty points on your licence, then your application can be accepted but it will be required to be referred to the Licensing Sub Committee – (Taxi and General) for consideration.



Application for the GRANT/RENEWAL of a Private Hire Vehicle Operator's Licence

OPERATING AS AN INDIVIDUAL (Complete Part A and C)		OPERATING AS A LIMITED COMPANY (Complete Part B and C)	
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Part A - Individual Applicants. Please complete all sections.

Applicant Name			
Trading Name If registered with Companies House please provide Registration number			
Do you have the right to reside & work in the UK? If you are unsure please contact the Licensing Section	Yes		No
Date of Birth			
Place Of Birth	Town		Country
National Insurance No.			
Contact Tel. Nos.			
Email address.			
Current Residential Address			
How long have you lived at this address	Postcode:		
If you have lived at this address for less than 5 years please give previous address	Years		Months
Address from which you intend to carry out the business, take bookings, etc.			
Is there a customer waiting area.	YES / NO		
Does the premises have relevant planning permission to operate as a business	YES / NO. If YES please provide relevant date of permission. If NO please state what action you intend to take to remedy lack of permission.		
List all telephone numbers by which bookings can be made:			

Trade or occupation carried on prior to making this application.				
Details of any applications made in respect of being a private hire operator either within Caerphilly County Borough Council area or any other Local Authority area.	Please provide details of dates, outcomes and authority to which application(s) made.			
If you are or have been a director or company secretary of a company, details of (i) Any convictions recorded against that company (ii) Previous application(s) made by that company for an operator's licence in any local authority area (iii) Revocation or suspension of an operators licence previously held by that company	(i)			
	(ii)			
	(iii)			
Have you been convicted or cautioned for any Offence? Please take into consideration the Rehabilitation of Offenders Act 1974 prior to responding to this question.	Yes		No	
If you have answered YES Please give full details of the offence including detail of any conviction or caution.				
Are you currently being investigated for any offence by any agency such as the Police, Benefits, Customs, Immigration, etc	Yes		No	
If you have answered YES please give details of the investigation and the stage that the investigations has reached, such as awaiting Court date or Investigating Authority.				
Do you hold any vehicle driver's licences issued by this or any other authority?	Yes		No	
If Yes please give following details – Issuing Authority, licence type and number.				

Part B – Applicants operating as a Limited Company

Please complete all sections.

Operating Name of Company			
Company Registration No.		Date of Incorporation	
Address of company head office if different from operating base: Contact tel. no.			
Address of operating base at which bookings are to be taken. Provision of customer waiting area.	YES / NO		
List all telephone numbers by which bookings can be made:			
Contact email address for Bookings			
Name and Address of all Directors. Use separate sheet of paper if insufficient space.			
Does the premises used as the operating base have relevant planning permission to operate as a business	YES / NO. If YES please provide relevant date of permission. If NO please state what action you intend to take to remedy lack of permission.		
Name of Company Secretary (if applicable)			
Name of Company Manager (If applicable)			
Have any convictions been recorded against any director or secretary of the company?	YES		NO
If YES please give details of individuals name, address, the court where matter was heard, the nature and date of offence and the decision of the court	Please take into consideration the Rehabilitation of Offenders Act 1974 prior to responding to this question.		
Has any director or company secretary of the company, details of (i) Previous application(s) made by that company for an operator's licence in any local authority area (ii) Revocation or suspension of an operators licence previously held by that company	(i) (ii)		

**PART C
DECLARATIONS**

A local authority shall not grant a Private Hire Operator’s Licence unless they are satisfied that the applicant is a fit and proper person to hold such a licence. Please provide any additional information that you consider the local authority may wish to take into account. Such information should be provided on a separate sheet of paper.

Section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976 states: If any person knowingly or recklessly makes a false statement or omits any material particularly in giving information he or she shall be guilty of an offence.

- (i) I hereby make an application for the GRANT/RENEWAL of a Private Hire Vehicle operator’s licence
- (ii) I hereby certify that all statements made in this application are true and correct and that I have not withheld any information
- (iii) I confirm that I have received and read the Council document relating to the relevance of criminal convictions
- (iv) I confirm that I have produced the most current DVLA licence (if applicable)
- (vi) I confirm that my right to work in the UK will be checked as part of my application, which could include the Council checking my immigration status and sharing information with the Home Office. I understand that I must provide original document(s) that is stipulated as being suitable for this check, so that the check can take place. The document(s) will be copied and the copy/copies returned by the Licensing Authority. I understand that if there are restrictions on the length of time I may work in the UK, the licence will not be issued for any longer than this period. In such circumstances, the check will be repeated each time I apply to renew my licence. If during this period, I am disqualified from holding a licence because I have not complied with the UK’s immigration laws, my licence will lapse and I must return it to the Council. Failure to do so is a criminal offence.

Signed

Print Name

Date

Position in Company

CHECKLIST	Yes/No		Yes/No
Completed application form & Current List of Fares		Current DVLA licence (if applicable)	
Disclosure Scotland (if applicable)		Landlords Consent (if applicable)	
Planning Consent (if applicable)		Licence Fee	
Immigration - Forms of ID (if applicable)			

PRIVATE HIRE VEHICLE OPERATOR'S SPECIFICATION

1. Before an operator's licence can be granted, the Council must be satisfied that the applicant is:-
 - (i) a person who has not been disqualified from holding a licence as a result of their immigration status and has the right to remain and work in the United Kingdom
 - (ii) a fit and proper person to hold a driver's licence
2. The applicant shall provide the following information, giving full and accurate answers in his application form concerning:-
 - (i) his full name and address;
 - (ii) the address or addresses within the Caerphilly County Borough, i.e. the controlled district, from which the applicant proposes to operate hackney carriages and/or private hire vehicles;
 - (iii) the applicant's current occupation, where appropriate, and any previous occupation;
 - (iv) any previous applications made for an Operator's Licence previously held by him with this Authority or any other local authority;
 - (v) the refusal, suspension or revocation of any Operator's Licence previously held by him with this Authority or any other local authority;
 - (vi) any convictions recorded against him;
 - (vii) any other information that the Council may consider reasonably necessary to enable it to determine the application.
3. If the applicant proposes to operate in partnership with any other person, then information as given in condition 2(i) and (vii) must be submitted on the application form, giving full and accurate answers. The Council will not accept applications from more than two persons to hold a joint Operator's Licence.
4. Applicants are required to apply to Disclosure Scotland for a basic convictions check, application can be made online at www.disclosurescotland.co.uk at a cost of £25.00 (as at June 2016). Where applicants are holders of current Caerphilly hackney carriage/private hire drivers licences they will not be required to make application to Disclosure Scotland.

Disclosure information is usually provided within 7 to 14 days of the request. The information provided by Disclosure Scotland must be produced to the Council at the time of application. Alternatively production of the receipt of application may be submitted but applicants are advised that the licence will not be issued until such time as the information is made available to the Council in order that a determination can be made as to whether or not the applicant is a fit and proper person to hold an operator's licence.
5. You are advised that the Council has the authority to suspend, revoke or refuse to renew a Licence where a Licence has been obtained by giving false or incomplete information.

6. **Any application for renewal of a Licence must be made and issued prior to the expiry date, to ensure continuity. There is no automatic period of grace.**
7. Where payment of the licence fee is made by a cheque, which is subsequently dishonoured, any Licence issued will be declared void.
8. On receipt of an application for a Private Hire Vehicle Operator's Licence, it is the responsibility of the Licensing Authority to determine whether a person(s) is a fit and proper person to hold such a Licence. However, when considering a new application, you are advised that the premises from which you intend to operate must have current planning permission and/or landlord's consent and evidence to this effect must be produced. Applicants are advised that an application will not be accepted without the foregoing documents.

Data Protection Act 1998 - personal data supplied in connection with this application will be processed in accordance with the Data Protection Act 1998 by Caerphilly County Borough Council for the purposes of administration of licensing and maintenance of official registers, some of which are required to be made publicly available by law

National Fraud Initiative (NFI) - This authority is under a duty to protect the public funds it administers and ensure applicants are legally entitled to work in the UK. We may therefore use the information you have provided on this form for the prevention and detection of fraud and to check entitlement to work. We may also share this information with other bodies responsible for auditing or administering public funds for these purposes. For further information on NFI, see the Council's website <http://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information> , or contact the Corporate Information Governance Unit at foi@caerphilly.gov.uk For more information on licensing and entitlement to work, contact Licensing on 01443 866750.

List of Acceptable Documents for Right to a Licence

The list of documents are based on those prescribed to show evidence of a right to work

List A: No immigration restrictions on right to a licence in the UK. Once the council has undertaken the necessary check in respect of an application made on or after 1 December 2016. You will not have to repeat the check when you subsequently apply to renew your licence

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 current 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 current 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 current 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, together with 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 full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, together with 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 or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with 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, together with 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: Immigration restrictions on the right to a licence in the UK. The council may issue the licence (subject to statutory limitations) up to the expiry date of the permission to work in the UK. You will need to produce documents each time you make an application to renew your licence.

1.	A current 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.
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2.	A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicates that the named person can currently stay in the UK and is allowed to do the work in question.
3.	A current 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 current 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, together with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
1.	A Certificate of Application issued by the Home Office under Regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 2006, 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 less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for 6 months from the date of the Certificate of Application.
2.	A Verification issued by the Home Office Evidence and Enquiry Unit which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for 6 months from the date of the licence decision.



**HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING
POLICY**

FITNESS CRITERA FOR DRIVERS AND OPERATORS

**Adopted: 11 December 2014
Implemented: 1 January 2015
Amended: 19 April 2016**

1. Introduction

1.1 This policy sets out the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage/private hire vehicle driver/private hire vehicle operator licence. The policy was approved at a meeting of Caerphilly County Borough Council's Licensing Committee on 11 December 2014

1.2 The aim of this policy is to protect the safety of the public. The Licensing Authority is concerned to ensure:

- That a person is a fit and proper person;
- That the person does not pose a threat to the public;
- That the public are safeguarded from dishonest persons;
- The safeguarding of children and young persons;
- The safeguarding of vulnerable persons;
- That the public have confidence in their use of licensed vehicles.

1.3 This policy aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for driver/operator licences
- Existing licensed drivers/operators whose licences are being reviewed
- Licensing Officers and Police
- Members of the Licensing Sub-Committee (Taxi & General) (the Sub-Committee)
- Magistrates and Crown Court hearing appeals against local authority decisions

1.4 Where licensing officers have delegated powers to grant licences, they will utilise this policy when making a decision to grant a licence. In all other cases applications for licences will be referred to the Sub-Committee. Whilst officers and the Sub-Committee will have regard to the policy, each case will be considered on its individual merits and, where the circumstances demand, the Sub-Committee may depart from the policy.

1.5 Where applicants fail to disclose any previous convictions; cautions; warning; penalty notices, order or reprimands on their application form including any pending court proceedings or other matters they may be referred to the Sub-Committee for determination.

2.0 General Policy

2.1 Each case will be decided on its own merits.

2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:

- a. Remain free of conviction for an appropriate period (as set out below); and
- b. Show evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

2.3 For the purposes of this Policy, “other matters to be considered” may include but are not limited to the following:

- a) Criminal/motoring convictions;
- b) Court Martial;
- c) Cautions;
- d) Fixed penalty notices or other penalty notices;
- e) Anti-social behaviour orders or other similar orders;
- f) Breach of licensing conditions;
- g) Formal warnings or reprimands
- h) Charges or matters awaiting trial;
- i) Fitness and propriety.

2.4 Where an applicant has a conviction(s) or other matter(s) to be considered for a criminal offence, the Council cannot review the merits of the conviction or other matter.

2.5 Where an applicant/licence holder has a conviction or other matter to be considered for an offence of aiding, abetting, attempting, conspiring, counselling, procuring, causing, permitting or inciting any of the criminal or motoring convictions/matters specified in this policy, they will be considered relevant for the substantive matter.

3.0 Appeals

3.1 Any applicant who has been refused a driver/operator licence, or a licensed driver/operator whose licence has been suspended or revoked, has a right of appeal to the Magistrates Court within 21 days of receipt of the notice.

4.0 Powers

4.1 Powers to grant driver/operator licences are contained within Section 51, Section 55 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).

4.2 Powers to suspend, revoke or refuse to renew a driver’s licence are contained within Section 61 of the Act, where the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

4.3 Section 61 (2b) allows the Licensing Authority, if it appears in the interests of public safety, to suspend or revoke a driver’s licence with immediate effect. A decision notice explaining why this decision has been taken will be issued to the driver and will have effect when the notice is given to the driver. The driver may appeal this decision but may not drive during the appeal period.

4.4 Section 62 of the Act allows the Licensing Authority to suspend, revoke or refuse to renew an operator’s licence if the applicant/licence holder has been convicted of an offence under or

non-compliance with the provisions of Part II of this Act; or grounds of any conduct on the part of the operator which appears to the Council to render him unfit, or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.

- 4.5 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

5.0 Consideration of disclosed criminal history

- 5.1 Under the provisions of Sections 51, 55 and 59 of the Act, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a driver / operator licence is a 'fit and proper' person to hold such a licence. However, if an applicant / licence holder has any matters to be considered, the Licensing Authority may take into account:

- How relevant the offence(s) are to the licence being applied for;
- How serious the offence(s) were;
- When the offence(s) were committed;
- The date of conviction and age of applicant at time of conviction;
- Sentence imposed by the court;
- Whether they form part of a pattern of offending;
- Any other factors that might be relevant.

6.0 Violence

- 6.1 Licensed drivers have close regular contact with the public. A serious view will be taken with those who have a conviction(s) or other matter(s) to be considered involving violence. An application will normally be refused or existing licence suspended or revoked if the applicant / licence holder has a conviction for an offence that involved the loss of life.

- 6.2 In other cases anyone of a violent disposition is unlikely to be licensed until at least 3 years free of such conviction(s) or other matter(s) to be considered. However, given the range of the offences that involve violence, consideration must be given to the nature of the offence.

- 6.3 Unless there are exceptional circumstances, an application will normally be refused or existing licence suspended or revoked where the applicant/licence holder has a conviction for an offence such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Or any similar offences or offences which replace the above.

- 6.4 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction(s) or other matters(s) to be considered for an

offence listed below and the conviction(s) or other matters(s) to be considered is less than 10 years prior to the date of the application:

- Actual bodily harm which is racially/religiously aggravated;
- Arson;
- Assault Police;
- Common assault which is racially/religiously aggravated;
- Criminal damage which is racially/religiously aggravated;
- Grievous bodily harm with intent;
- Malicious wounding or grievous bodily harm which is racially aggravated;
- Possession of firearm;
- Resisting arrest;
- Riot;
- Robbery;
- Violent disorder;
- Similar offences or offences which replace the above.

6.5 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction(s) or other matters(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is less than 3 years prior to the date of the application:

- Affray
- Assault occasioning actual bodily harm;
- Common assault;
- Criminal damage;
- Obstruction;
- Possession of a weapon (or imitation weapon) or any other weapon related offence other than a firearm;
- S5 Public Order Act 1986 offence (harassment, alarm or distress);
- S.4 Public Order Act 1986 offence (fear of provocation of violence);
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
- Similar offences or offences which replace the above.

6.6 An application will normally be refused if an applicant has more than one conviction or other matter to be considered in the last 10 years for an offence of a violent nature.

7.0 Sex and indecency offences

- 7.1 As licensed drivers often carry unaccompanied and vulnerable passengers, a firm line is to be taken with those who have convictions or other matters to be considered for sexual offences. An application will normally be refused or existing licence suspended or revoked for convictions or other matters to be considered for the more serious sexual offences. For other offences, applicants will be expected to show a substantial period free of conviction or other matter to be considered for such offences before an application will be approved.
- 7.2 Unless there are exceptional circumstances, an application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction(s) or other matter(s) to be considered for an offence such as:
- Assault by penetration;
 - Exploitation of prostitution;
 - Indecent assault;
 - Offences involving children or vulnerable adults;
 - Possession of indecent photographs, child pornography etc;
 - Rape;
 - Sexual assault;
 - Trafficking for sexual or other exploitation;
 - Similar offences or offences that replace the above.
- 7.3 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is less than 7 years prior to the date of application:
- Indecent exposure;
 - Soliciting (kerb crawling);
 - Similar offences or offences which replace the above.
- 7.4 In addition to the above the Licensing Authority is unlikely to grant a licence to any applicant who is currently on the Sex Offenders Register.
- 7.5 An application will normally be refused if an applicant has more than one conviction or other matter to be considered for a sexual offence.
- 7.6 Added 09/04/2016. Safeguarding (includes sexual or grooming issues)
Where the Council has received information that an applicant or licence holder has been implicated in a safeguarding issue i.e. where children or other vulnerable persons have been exposed to inappropriate behaviour or language by the applicant/ licensed driver the matter shall be placed before a sub-committee for their consideration of the information and determination of whether or not the person can be considered a fit and proper person to drive a hackney carriage or private hire vehicle.

8.0 Dishonesty

8.1 An applicant or existing licence holder is expected to be a trustworthy person. They deal with cash transactions and valuable property which may be left in their vehicles. Licence holders are required to deposit such property with the Licensing Authority within 48 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and maybe vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken by any conviction involving dishonesty.

8.2 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction(s) or other matters(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is less than 3 years prior to the date of the application:

- Benefit fraud;
- Burglary;
- Conspiracy to defraud;
- Forgery;
- Fraud;
- Handling or receiving stolen goods;
- Obtaining money or property by deception;
- Other deception;
- Taking a vehicle without consent;
- Theft;
- Similar offences or offences which replace the above.

9.0 Drugs

9.1 A serious view is taken of any drug related offence. The Licensing Authority will consider the nature and quantity of the drugs involved within the following offences:

- Cultivation of a controlled drug;
- Importation of a controlled drug;
- Production of a controlled drug;
- Supply of a controlled drug;
- Or similar offences.

9.2 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction(s) or other matters(s) to be considered for any of the above offences and has not been free of conviction(s) or other matters to be considered for at least 5 years.

9.3 An application will normally be refused or an existing licence suspended or revoked where the applicant has more than one conviction or other matter to be considered for offences related to the possession of drugs and has not been free of conviction or other matter to be considered for at least 5 years.

9.4 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has an isolated conviction or other matter to be considered for an offence related to the possession of drugs within the last 3 years. Consideration should be given to the nature and quantity of the drugs involved.

9.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination may be required. If the applicant was an addict then they would normally be required to show evidence of 3 years free from drug taking.

10.0 Driving Offences involving the loss of life

10.1 A very serious view is to be taken of any applicant or existing licence holder who has a conviction or other matter to be considered for a driving offence that resulted in the loss of life.

10.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matters(s) to be considered for any of the offences listed below and has not been free of conviction(s) or other matters to be considered for at least 7 years.

- Causing death by careless driving whilst under the influence of drink or drugs;
- Causing death by dangerous driving;
- Or any similar offence.

10.3 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction(s) or other matters(s) to be considered for any offences listed below and has not been free of conviction(s) or other matters to be considered for at least 5 years.

- Causing death by careless driving;
- Causing death by driving: unlicensed, disqualified or uninsured drivers.

11.0 Drink driving/driving under the influence of drugs

11.1 A serious view will be taken of a conviction(s) or other matter(s) to be considered for driving or being in charge of a vehicle while under the influence of alcohol/drugs. A single conviction or other matter to be considered may not result in an application being refused or an existing licence being suspended or revoked, provided that at least 3 years have elapsed since the ending of the disqualification. A conviction or other matter to be considered for 'refusing or failing to provide a specimen' will be treated in the same way.

11.2 Applicants with more than one conviction or other matter to be considered for driving or being in charge of a vehicle under the influence of alcohol/drugs or refusing or failing to provide a specimen are unlikely to be granted a licence unless a period of 10 years has elapsed after the restoration of the driving licence following the last conviction or other matter to be considered.

12.0 Motoring Convictions

12.1 Major Traffic Offences

12.2 For the purposes of this Policy the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving whilst disqualified by order of the Court
BA30	Attempting to drive whilst disqualified by order of the Court
DD40	Dangerous Driving
DD90	Furious Driving
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

12.3 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction or other matter to be considered for a major traffic offence and has not been free of conviction or other matter to be considered for at least 6 months.

12.4 An applicant with more than one Major Traffic Offence, within the last 5 years will normally be refused and no further application should be considered until a period of at least 3 years free from such convictions or other matters to be considered have elapsed.

12.5 If any conviction or other matter to be considered for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled 'disqualification'.

12.6 Disqualification from driving

12.7 The Licensing Authority will treat a period of disqualification as being that which a driver would have been eligible to serve, and may disregard the decision of a court to waive or reduce a disqualification period either on the grounds of exceptional hardship under S.35 of the Road Traffic Offenders Act 1988 or for "special reasons" under S.34 of the Road Traffic Offenders Act 1988.

12.8 An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of less than 56 days unless a period of at least 6 months has elapsed from the end of the disqualification period.

12.9 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of up to 12 months unless a period of at least 12 months has elapsed from the end of the disqualification period.

12.10 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of up to 12 months or more unless a period of at least 18 months has elapsed from the end of the disqualification period.

12.11 The Licensing Authority will not normally grant an application for a private hire or hackney carriage driver's licence from a person who has been disqualified from driving for a period of 5 years or more, unless a period of at least 7 years has elapsed from the end of the disqualification period.

13.0 Minor Traffic Offences

13.1 Other Traffic Offences not listed within this policy will be treated as 'Minor Traffic Offences'. A minor driving offence is one that incurs between 1 and 3 penalty points.

13.2 Where an applicant/licence holder has one conviction or other matter to be considered for a minor driving offence, this will not usually result in a refusal or suspension/revocation.

13.3 More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions or other matters to be considered for the same offence e.g. speeding. A licensed driver may be referred to the Sub-Committee where there are more than two offences.

14.0 Outstanding charges or summonses

14.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but in the interest of public safety the matter will be considered and may be deferred for determination until proceedings are concluded.

15.0 Non-conviction information

15.1 If an applicant or existing licence holder has been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing or suspending/revoking the application/licence.

16.0 Repeat offending

16.1 While it is possible that an applicant may have a number of convictions or other matters to be considered that individually meet the above guidelines, an application will normally be refused where an applicant has a record of repeat offending which shows a lack of regard for the well being of others or for property, unless a period of at least 10 years has elapsed since the most recent conviction or other matters to be considered.

17.0 Breach of Legislation, Byelaw or Licence Condition

17.1 An applicant who has a conviction or other matters to be considered for a breach of legislation, byelaw or licence condition is unlikely to be granted a licence unless a period of at least 12 months has elapsed since the most recent breach.

17.2 An existing licence holder found to be in breach of legislation, byelaw or licence condition is on the first occasion, likely to be warned in writing as to future conduct, provided that the breach did not compromise the safety of passengers or that the public were not put at risk.

17.3 Where an existing holder is found to have more than one breach of licensing legislation, byelaw or licence condition, or a single serious breach, the Sub-Committee may suspend or revoke the licence.

17.4 The above is irrespective of any legal proceedings which may be pending or have been taken.



PRIVATE HIRE VEHICLE OPERATORS LICENCE

CONDITIONS OF LICENCE

1. General Conditions

- (1) In this licence and in these conditions, unless the subject or context otherwise requires:

‘authorised officer’ means an officer of the Council authorised in writing by the Chief Trading Standards Officer of the Council for the purposes of these conditions;

‘the Council’ means the Council of the Caerphilly County Borough;

‘operator’ means a person who carries on the business of making provision for the invitation or acceptance of bookings for a private hire vehicle or hackney carriage;

‘operator’s licence’ means a licence under section 55 of the Local Government (Miscellaneous Provisions) Act 1976;

‘contract’ means the acceptance of a booking between the operator and the person making the booking;

‘the vehicle’ means a private hire vehicle or hackney carriage used for private hire purposes, duly licensed by the Council.

- (2) The licence shall remain in force for up to a maximum period of five years.
- (3) The licence may not be transferred to any other person or persons. Unless renewed it must be returned on expiry to an authorised officer of the Council.
- (4) The operator shall notify the Council in writing, when he wishes to terminate his operator’s licence before the expiry date and the licence must be returned to an authorised officer of the Council.
- (5) The operator shall notify the Council in writing of any change of his address (including any address from which he operates or otherwise conducts his business as an operator) and return his operator’s licence for amendments within seven days of such change taking place.
- (6) The operator must inform the Council of the maximum scale of fares he intends charging and give the Council at least one calendar month’s notice of any changes proposed thereto.
- (7) The operator shall not display or permit to be displayed on or from his premises or from any other place, any sign or notice which consists of or includes the word ‘TAXI’ or ‘CAB’, whether in the singular or plural or any word of similar meaning, except whereby the operator also makes hackney carriages available.
- (8) The operator shall within seven days disclose to the Council in writing details of any conviction imposed on him during the period of his licence.

- (9) Operators must not use unlicensed drivers or unlicensed vehicles. They should therefore firstly check that a driver has both a current licence and badge issued by the Council and that a vehicle is properly licensed with the Council. Failure to do so will render the operator liable to prosecution and may result in the subsequent revocation of the licence.
- (10) The operator must accept contracts for the hire of hackney carriages/private hire vehicles from disabled persons who wish to be accompanied by their guide, hearing or certain prescribed assistance dogs and to do so without any additional charge.
- (11) The operator must ensure that vehicles operating through his/her licence are at all times adequately insured and maintained.
- (12) The operator shall notify the Council, in writing, within seven days of the termination of employment of any hackney carriage/private hire vehicle or driver, previously working through his licence.
- (13) The operator shall on request by an authorised officer or Police Officer provide details of the hackney carriage/private hire vehicle drivers and vehicles working through his private hire vehicle operator's licence.

2. **Keeping of Records**

- (1) A licensed operator shall provide and keep a permanent record, in a bound book or, in such form approved by the Council, of each booking accepted, containing the following particulars:-
 - (a) the date and time of hiring;
 - (b) the pick up point;
 - (c) the place of destination;
 - (d) the name of the hirer;
 - (e) details of the vehicle used; and
 - (f) details of the driver.
- (2) Any abbreviation used for (e) and (f) above must firstly be approved by the Council.
- (3) Records must be kept in chronological order.
- (4) Details of all bookings must be entered in the records approved by the Council, immediately they have been accepted. The Council will not accept the practice of records being re-written or entered at a later date.
- (5) Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator whether or not he has personally accepted the booking.
- (6) Every contract for the hire of a private hire vehicle shall be deemed to be made with the operator who has accepted the booking for the vehicle whether or not he himself provides the vehicle.
- (7) The records shall be kept for a minimum of six months in date order and must be produced on request to an authorised officer of the Council or a Police Officer for inspection.

- (8) The licensee shall provide and keep a suitable register in a bound book, in which he shall enter for each vehicle operating under his licence, details of make of vehicles, registration number, owner and private hire vehicle or hackney carriage licence number, and shall produce the same for inspection on request by an authorised officer or Police Officer.
- (9) The operator shall retain the licences of all hackney carriage/private hire vehicle drivers whilst in his/her employment or operating through his licence and shall produce the same for inspection by an authorised officer or Police Officer.

3. **Suspension, Revocation or Refusal of Operator's Licence**

- (1) The Council may decide to suspend, revoke or refuse to renew any operator's licence for any reasonable cause including:-
 - (i) any offence under or non-compliance with, the provisions of Part 11 of the Local Government (Miscellaneous Provisions) Act 1976;
 - (ii) any conduct on the part of the operator which renders him unfit to hold an operator's licence;
 - (iii) where there has been a material change in the circumstances of the operator or the basis on which the licence was granted;
 - (iv) where a licence has been obtained by giving false or incomplete information, consideration will be given to using the above powers as well as prosecuting for the offence committed.
- (2) Any person who commits an offence against any of the provisions of these conditions, or Part 11 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of which no penalty is expressly provided, shall be liable on summary conviction to a fine not exceeding one thousand pounds.