

Planning and Public Protection Service

Name of Policy / Procedure / Protocol / Plan:

Procedure for the Grant/Renewal of a Private Hire Operator Licence

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| Author / Custodian: | Nicky Jones |
| Date agreed and implemented: | Agreed: 12 th June 2013 Implemented: 1 st August 2013 |
| Agreed by: | Licensing Committee |
| Frequency of Review: | Annual |
| Review date: | May/June 2014 |
| Equality Impact Assessment completed: (date) | N/A |
| Member involvement (if any) | Licensing Committee |
| Internal or Public Domain: | Public Domain |
| Head of Service Approval: (signature & date) | 22 nd May 2013 |

VERSION CONTROL:

| Reference: | Status: | Authorised by: | Date: |
|-------------------|----------------|-----------------------|--------------|
| V01 | Final | Licensing Committee | 12.06.13 |
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1. PURPOSE

To ensure consistency of administering and enforcing the Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for new and renewal Operator Licences and to ensure that legislation is adhered to.

2. RELATED DOCUMENTS

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

Flowchart 1 Grant of a Private Hire Operator Licence

2 Renewal of a Private Hire Operator Licence

3. OFFICER DELGATAIONS

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

| FUNCTION | OFFICER |
|--|--|
| Processing of application | Licensing Support Officer |
| Rejection of application | Public Protection Manager or Senior Licensing Officer |
| Referral of application to Licensing Committee | Public Protection Manager or Senior Licensing Officer |
| Grant/renewal of application | Public Protection Manager or Senior Licensing Officer |
| Refusal of application | Head of Service or Public Protection Manager or Senior Licensing Officer |

4. LEGISLATION

Section 55 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority power to licence Private Hire Operators, which states:

'55(1) subject to the provisions of this Part of the Act, a district Council shall, on receipt of an application for any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

5. GENERAL NOTES

Once an application has been received, the only ground for refusal is whether the applicant is a fit and proper person.

It is not possible to obtain an enhanced DBS (Disclosure and Barring Service) Check (formerly a CRB Check) for an operator licence applicant. An Operator applicant is not on the DBS's list of relevant occupations for an enhanced disclosure. A basic disclosure can be obtained along with a statutory declaration.

Conditions may be attached to an Operator's Licence but they must be reasonably necessary.

6. PROCESSING APPLICATION FOR GRANT (flow chart 1)

- i. Licensing Support Officer to check the application form is completed and signed by applicant/dated. If not complete reject application
- ii. Is the applicant a licensed driver with the County? If yes then a new DBS is not required but if he is not a licensed driver then a basic disclosure and signed statutory declaration must be produced – see section 10 below
- iii. Has the applicant stated he has a radio licence? If so you must see a copy of it. If applicant fails to produce reject application
- iv. Licensing Support Officer to receipt fee – Code to H290019428
- v. If application complete pass to SLO for determination
- vi. SLO to determine whether applicant is a fit and proper person in line with legislation
- vii. If deemed NOT fit then application must be referred to Licensing Committee
- viii. SLO to prepare committee report, for committee to determine application
- ix. If deemed FIT then the application can be granted by SLO
- x. Licensing Support Officer to enter application onto licensing system
- xi. Licence to be signed by SLO (authorised officer) and one copy sent to Licence Holder/one copy to go on file.
- xii. An Operator file will need to be prepared and documents filed
- xiii. Licensing Support Officer to inform Planning if application is granted

7. PROCESSING APPLICATION FOR RENEWAL (see flowchart 2):

- i. Each month, Licensing to produce a monthly licensing system report detailing the operator licences due for renewal
- ii. Print renewal form and letter from licensing system and send out to licence holder. Ensure that the renewal documents are sent out to licence holder with at least one month notice of expiry.
- iii. Licensing Support Officer must check to ensure that all the required information has been fully completed on the application form and signed/dated.
- iv. If the applicant is not a licensed driver, we need to ensure that the applicant has not declared any new convictions or pending prosecutions on the application form. If applicants circumstances have changed move onto step xi below
- v. If the application requires supporting documents eg Radio Licence check documents thoroughly to ensure that it has a valid date in force
- vi. Check correct fee received (see table of fees attached)
- vii. Licensing Support Officer to receipt fee (Code to H290019428)

- viii. Licensing Support Officer to update licensing system and produce the renewal licence
- ix. Licence to be signed by SLO and one copy sent to licence holder and one to be attached to renewal documents.
- x. Documents to be filed in Operator file.
- xi. **IF APPLICANT DECLARES** new convictions SLO to inform School Contracts and Social Services Contracts
- xii. **IF APPLICANT DECLARES** a pending prosecution SLO to liaise with Licensing Manager and dependant on allegation SLO to take either no action, refer to committee or wait until the outcome of the Court hearing.
- xiii. SLO to prepare a report for Committee for determination

8. APPLICATION NOT RECEIVED BEFORE EXIPRY:

If the application is not renewed by the expiry date of the existing licence then refer the matter to Enforcement Team the day after the expiry date

9. DBS AND STATUTORY DECLARATION

It is very unusual for new applications to be received for an Operator's Licence when the applicant is not already an existing licensed driver within the County, but on occasions this may happen and then we must ask the applicant to submit a basic disclosure from the DBS along with a Statutory Declaration signed by a Solicitor.

10. REJECTION OF APPLICATION

Rejection of application would take place if:

- a. if the applicant has not provided all appropriate supporting documents
- b. If the applicant has not fully completed the application form.

Insert reasons for rejection in the body of letter.
Rejection Letter must be signed by SLO

11. REFUSAL TO GRANT

A Local Authority has very little reasons for refusal of a licence if the applicant complies with all the application requirements. The only grounds are whether the applicant is a fit and proper person which will be determined by scrutinising the information on the application form, basic DBS and statutory declaration or if the applicant is a licensed driver he/she would have an enhanced DBS.

12. COMMITTEE DECISION

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the applicant is a fit and proper person to hold an Operator Licence. Members may resolve to take one of the following decisions:

1. **Grant**
2. **Refuse**

Members need to give appropriate reasons for refusal

13. RIGHT OF APPEAL

Section 55(4) - any person aggrieved by the refusal of a district council to grant an operator's licence under this section or by any conditions specified in such a licence, may appeal to a magistrates' court.

14. REVIEW OF PROCEDURE

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.