

Planning and Public Protection Service

Name of Policy / Procedure / Protocol / Plan:

Procedure for the Grant/Renewal of a Hackney Carriage and Private Hire Vehicle Licence

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Agreed by:	Licensing Committee
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Head of Service Approval: (signature & date)	22 nd May 2013

VERSION CONTROL:

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V01	Final	Licensing Committee	12.06.13

1. PURPOSE

To ensure consistency of administering and enforcing the Hackney Carriage and 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 vehicles and ensure that legislation is adhered to.

2. RELATED DOCUMENTS

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

Flowchart	1	Grant of a Private Hire Vehicle Licence
	2	Grant of Hackney Carriage Vehicle licence
	3	Renewal of a Private Hire Vehicle Licence
	4	Renewal of a Hackney Carriage Vehicle Licence

3. OFFICER DELEGATIONS

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 (as per policy)	Head of Service or Public Protection Manager or Senior Licensing Officer

4. LEGISLATION

Private Hire Vehicles

Section 48 of the LG(MP)A'76 give the Council the power to grant an application to use a vehicle as a private hire vehicle, provided that they are satisfied that the vehicle is:

- i. suitable in type, size and design for use as a PHV
- ii. not of such design and appearance as to lead any person to believe that the vehicle is a hackney carriage
- iii. in a suitable mechanical condition
- iv. safe and comfortable
- v. that there is in force in relation to the use of the vehicle a policy of insurance

Hackney Carriage Vehicles

Section 37 of the TPCA'47 gives the Council power to licence a hackney carriage. The legislation does not contain detailed requirements as found in the LG(MP)A'76

NEW VEHICLE APPLICATIONS (Flow Chart 1 & 2)

5. Pre-Inspections

- i. Licensing Enforcement Officer (LEO) to inspect all new vehicles to ensure compliance with the vehicle specification as detailed in the policy.
- ii. If LEO satisfied that vehicle meets specification a notice to that effect will be issued to the proprietor authorising the vehicle to undergo the Council's Compliance test
- iii. If LEO is not satisfied that the vehicle meets the specifications then the LEO must issue a rejection letter with details of reasons for rejection eg vehicle is a left hand drive/bodywork is in poor condition

6. Testing Requirements

Following the pre-inspection all suitable vehicles (as deemed by LEO) must undertake a Compliance Test at the County's Fleet Services Depot in Bodelwyddan.

7. Processing application for GRANT (PHV flowchart 1, H/C Flowchart 2):

- i. Application received – check all documents are present
- ii. If the application is for a new to fleet PHV check to see if applicant has a current Operating Licence (see section 11 below)
- iii. Check Insurance document has appropriate cover for use and has a valid date in force (see section 9 below)
- iv. Check details on V5 match application details (see section 10 below)
- v. Check correct fee received (see table of fees attached)
- vi. Pass to SLO to check application

If SLO satisfied that the above requirements are complete ONLY then move to next step. If Not satisfied SLO to issue rejection letter (see section 5 below).

- vii. Receipt fee - Code to H290019428
- viii. Allocate licence number from VIP and Licensing system. You must select the next highest free number. NB do not use a number that has previously been issued before even if the licence has been surrendered or revoked.
- ix. Enter insurance/certificate of compliance/V5 details onto Licensing System

- x. Enter vehicle details VIP and issue Plate/Door Stickers
- xi. Issue paper licence from Licensing System
- xii. Licence to be signed by SLO (authorised officer) and 2 copies sent to Licence Holder/one copy to go on file.
- xiii. Documents to be filed

8. Processing application for RENEWAL (PHV flowchart 3, H/C flowchart 4):

- i. Each month, produce a monthly licensing system report detailing the vehicle 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. Applications must be submitted to Licensing Section. 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 application requires supporting documents eg Insurance/Compliance please check documents thoroughly to ensure that the correct cover for use and has a valid date in force (see section 9 below)
- v. Check correct fee received (see table of fees attached)
- vi. Receipt fee – Code to H290019428
- vii. VIP to be updated and new plate printed
- viii. Update licensing system and produce the paper 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.

9. APPLICATION NOT RECEIVED BEFORE EXPIRY:

- i. 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

10.INSURANCE DOCUMENTS

Inspection of the insurance document must be done before authorising the application. Officer must be looking for the following:

- a. Insurance document relates to the vehicle application or is included on a schedule for fleet vehicle cover
- b. Start and expiry date of cover. Application cannot be accepted if cover has expired or if the start date commences after grant of licence. I.e. cover must start on the date the licence has been granted for.
- c. The cover must be for the carriage of passengers for hire and reward or for private hire/public hire. NB the carriage of school children as part of a contract is not sufficient even if the applicant “only carries out school contracts”.
- d. Full Certificate or cover notes may be accepted.

If in doubt of any certificate or cover note please see SLO.

11. VEHICLE REGISTRATION DOCUMENTS (V5)

Part of the application procedure is for the production of a V5 document . This cannot always be produced if the vehicle has just been purchased and the applicant has sent the V5 to the DVLA in Swansea for a change of owner details.

If the applicant cannot produce a V5 then proof of ownership should be sought until the applicant can produce the updated V5 eg receipt for purchase from garage.

12. OPERATOR'S LICENCE

If the application is for a PHV you must check the following information:

- a. Does the applicant have an Operator Licence? If not, does the application detail another Operator who the applicant is proposing to work under? If not, then the application must be rejected

13. APPLICATION FORM

All applicants must sign the application form

14. REJECTION OF APPLICATION

Rejection of application would take place if:

- a. the vehicle does not meet the specifications as per policy
- b. if the applicant has not provided all appropriate supporting documents
- c. If the applicant does not have an Operating Licence or has not specified details of an Operating Licence that the vehicle will be attached to.

Insert reasons for rejection in the body of letter.

If the application has been rejected because the vehicle does not meet the Council's requirements (a) above, the applicant can request his/her application be referred to the Licensing Committee for consideration
Rejection Letter must be signed by SLO

15. REFUSAL TO GRANT

A Local Authority has very few reasons for refusal of a licence if the applicant complies with all the application requirements. However the Council can refuse an application if the grant of that licence would breach the overriding aim of protecting the public eg if the application comes from a known or suspected criminal

16. COMMITTEE DECISION

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the vehicle is fit for purpose or if

the vehicle does not meet the specifications as detailed in the policy. Members may resolve to take one of the following decisions:

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

Members need to give appropriate reasons for refusal

17. RIGHT OF APPEAL

A person aggrieved by the Council's decision has rights of appeal:

- If an application for a private hire vehicle licence is refused, or granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 48(7) LG(MP)A 1976);
- If an application for a new hackney carriage vehicle licence is refused, an appeal lies to the Crown Court (section 7, Public Health Acts Amendment Act 1907);
- If an application for a hackney carriage vehicle licence is granted subject to conditions which are considered unacceptable, an appeal lies to the magistrates court (section 47(3) LG(MP)A 1976);
- If an application for renewal of either a hackney carriage or private hire vehicle licence is refused, an appeal lies to the magistrates court (section 60(3) LG(MP)A 1976);

18. 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.