

BECOMING A PRIVATE HIRE OPERATOR IN BASINGSTOKE AND DEANE

What is Private Hire?

Private hire is the provision of a vehicle and driver to undertake a journey carrying passengers from one location to another for a fee. The journey may only be undertaken if booked in advance with a licensed private hire operator.

Three licences are required in order to undertake a private hire journey

1. **Private Hire Operator Licence**
Authorises a company or an individual to receive bookings and dispatch licensed vehicles and drivers to undertake bookings.
2. **Private Hire Driver Licence**
Authorises a driver to drive licensed vehicles to carry the passengers.
3. **Private Hire Vehicle Licence**
Authorises a specific vehicle to be used for carrying the passengers.

This guidance document outlines the procedure that must be followed in order to apply for a new **private hire operator's licence**. Separate guidance documents are available on our website for **private hire driver** and **vehicle licence** applications. All three licences must be in place and issued by the same authority in order for a legitimate private hire booking to be accepted.

How long will my application take?

The licensing team estimates an application process should take approximately 10 working days. If an application is delayed due to relevant convictions, the process may take longer than stated above.

You are reminded that it is an offence to make provision for the invitation or acceptance of bookings for a private hire vehicle until you are in possession of a current private hire operator's licence issued by Basingstoke and Deane Borough Council.

What do I need to consider before I apply to become a Private Hire Operator?

Applicants must apply for a licence from the local authority area where they plan to carry out their private hire work. However, this does not exclude them from taking bookings for journeys starting and finishing outside the borough boundaries.

Operators must have a base and facility to take phone calls and record bookings. This can range from a commercial office to the back bedroom of a domestic premise. Operators are required to keep records of all their bookings in a format and level of detail determined by the council. This may include paper logs or computer records.

Private hire vehicles and drivers may only be dispatched by a licensed private hire operator. No private hire driver or vehicle may work without taking bookings directly from a licensed operator. They are not permitted by law to take bookings directly from a passenger.

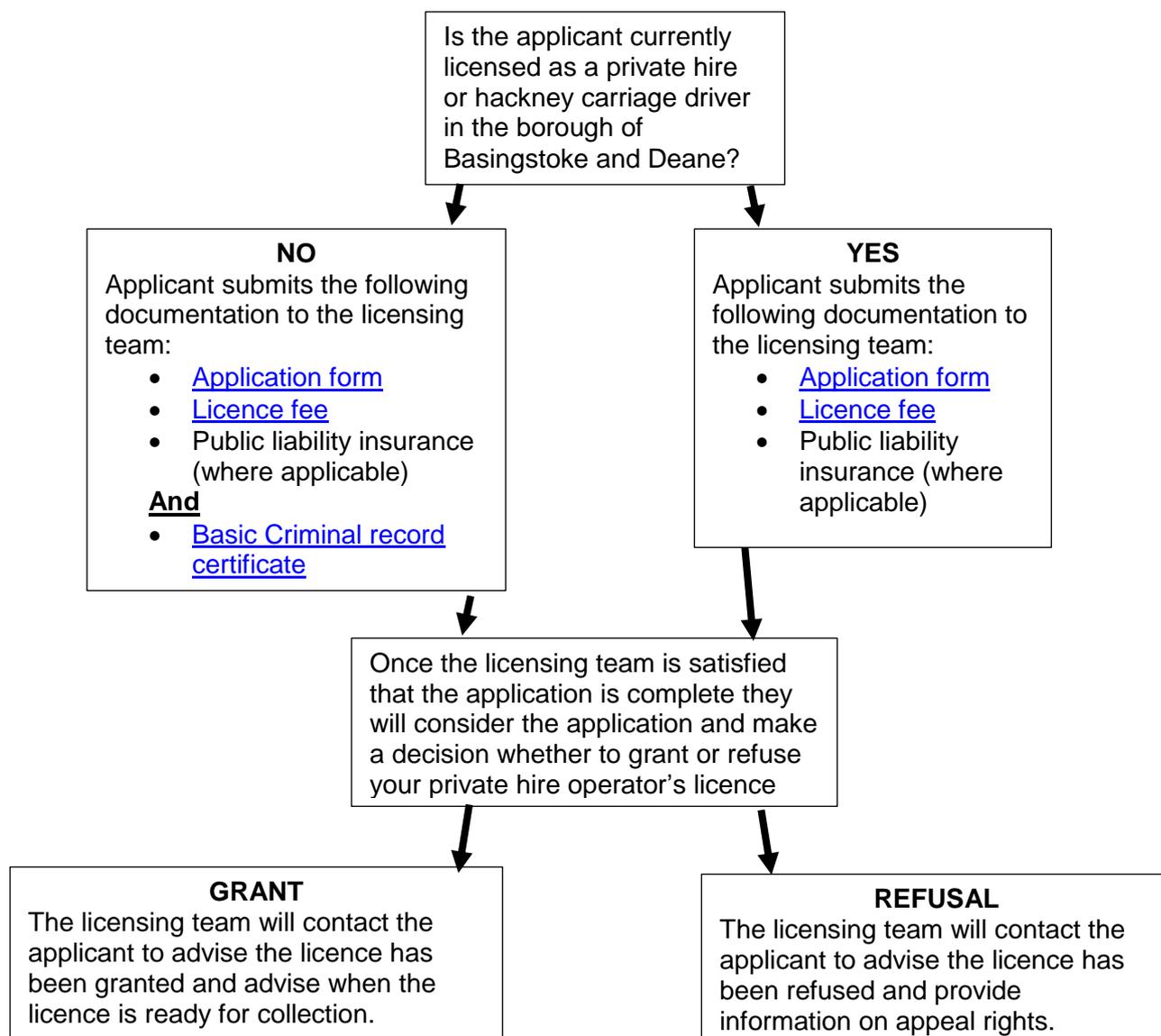
Operators are only permitted to dispatch drivers and vehicles licensed by the same local authority as themselves. Operators may sub-contract a booking to another private hire operator anywhere within the UK (with the exception of Plymouth). Whichever operator fulfils the booking, the operator, vehicle and driver must all hold licenses issued by the same authority. The initial operator remains responsible for that booking despite sub-contracting and must keep a record of each sub-contracted booking.

Applicants must meet specific criteria in order to be considered for a licence and the council must be satisfied that an applicant(s) is a 'fit and proper' person to hold a private operators licence. Before you make an application you should consider whether you are able to fulfil the following criteria:

	Guidance & forms
Applicants must complete and give to the council an application on the form provided, and pay the current licence fee.	Attached
Applicants for operator's licences are required to provide information about their employment history and any roles they may have held in previous companies such as a company secretary or director.	
In the case of new applications, if the applicant(s) is/are not a current hackney carriage or private hire licence holder, they will be required to disclose any unspent criminal convictions by providing a basic criminal record certificate (less than one month old on application).	
All applicants are required to complete an immigration check, if not already carried out with this authority.	Attached
Applicants must produce evidence of public liability insurance for the operator base (where applicable)	
Operator licences are issued subject to strict licence conditions. A copy of the current operator conditions are attached to these guidance notes. We recommend applicants read the private hire operator's licence conditions prior to making an application for a licence.	Attached
Applicants are reminded to ensure that they have the necessary planning permission to operate a business at their premises by contacting development.control@basingstoke.gov.uk or calling 01256 844844	

If applicants have reason to believe there may be doubt on criminal grounds as to whether the council will grant their request for a private hire operator's licence, applicants are advised to contact the LICENSING team before submitting an application for further advice.

NEW PRIVATE HIRE OPERATOR'S LICENCE APPLICATION PROCEDURE



What do I need when I submit my application?

Your application MUST be complete (see above).

Postal applications should be sent to The Licensing Team, Civic Offices, London Road, Basingstoke, RG21 4AH.

Applications can also be submitted in person to the Parklands reception at the civic offices. You will need to take a ticket and wait to be called when the officers will photocopy any original documents and return those to you.

What happens next?

Once the required documentation is complete the licensing team will consider the application and make a decision whether to grant or refuse your private hire operator's licence within the given timescale.

Where a decision is made to **grant** the private hire operator licence, the operator's licence can be posted to the applicant directly. Alternatively, the applicant will be notified when their licence is ready for collection from the council offices.

Where a decision is made to **refuse** the private hire operator licence the applicant will be notified in writing and provided the opportunity to appeal the decision to the Licensing Sub-Committee or the Magistrates Court within 21 days.

Following issue of a new private hire operator's the licensing team will contact the licence holder to arrange an inspection of the operator base and ensure compliance with the standard operator licence conditions.

DBS and Basic disclosure requirements for licensed private hire operators

An enhanced disclosure and barring service (DBS) disclosure or basic criminal record certificate is required every three years to determine an operator's suitability to be licensed. Licensed drivers will not be required to submit an additional basic disclosure certificate in relation to their operator's licence providing they complete their disclosure and barring service check by the date it is due.

An operator who is not a licensed private hire or hackney carriage driver with Basingstoke and Deane Borough Council is required to provide as a minimum a basic disclosure. A basic disclosure lists all current convictions within the meaning of the Rehabilitation of Offenders Act 1974.

A basic disclosure certificate can only be applied for, and is only issued to, the applicant direct. To obtain your certificate you can apply online at <https://www.gov.uk/request-copy-criminal-record>. The certificate must not be more than one month old when submitted with the application. Once you have received the Disclosure Certificate please bring the original to the council offices.

Failure to complete a disclosure and barring service appointment or provide a basic criminal record certificate by the date it is due will result in the immediate suspension of the private hire operator's licence until completed.

How do I renew my operator's licence?

Operators will be licensed for five years. A renewal reminder is sent by the licensing team 4 to 8 weeks before the licence is due for renewal, however it is the responsibility of the licence holder to ensure their operator licence is valid.

Renewal applications must be submitted at least 10 working days before the current licence expires. Failure to do so could mean the licence is not renewed before your current licence expires, and therefore you will be unable to make provision for or accept private hire bookings.



APPLICATION FOR A NEW PRIVATE HIRE OPERATOR LICENCE
This form MUST NOT be used for a renewal operator’s licence application

PLEASE COMPLETE ALL PAGES IN CAPITAL LETTERS USING BLACK INK	
Operator name	
Operator premises address	
Telephone Number (of premises where bookings will be taken)	
Email address	

5. APPLICANT DETAILS (Complete section A or B)

SECTION A - Complete this section ONLY if the application is made by an individual, a partnership or other unincorporated organisation. (give the name and home address of each partner or member of the organisation). Continue on page 5 for additional applicants:

Full name and address of each applicant

1. Name			
Address			
email			
Home Tel No		Mobile No	
2. Name			
Address			
email			
Home Tel No		Mobile No	

SECTION B - Complete this section ONLY if the application is from a limited company

Name of company			
Address of registered office			
Company registration no		Business Tel No	

OFFICE USE ONLY:	DOCTYPE:	APPFORM	LIC NO:
FORM NO:	LIC_TXHCPH1	Revised: Oct 2018	Next revision date: Oct 2020

Full name and address of each director or secretary of the company

Continue on last page for additional persons:

1. Name			
Address			
Position in company		email	
Home Tel No		Mobile No	
2. Name			
Address			
Position in company		email	
Home Tel No		Mobile No	

SECTION C: Complete the relevant details below:

	✓	No of vehs / bases
5 Year Licence – UP TO 5 VEHICLES		
5 Year Licence – MORE THAN 5 VEHICLES		
Additional operator premises (multi bases)		

6. Has any person named in section A or B been a director or secretary of another company?
(If YES, please give details below)

YES NO

7. Has any person named in section A or B received any convictions against a company of which they have previously been a director or secretary? *(If YES, please give details below)*

YES NO

8. What trade, business or profession has each person listed at A or B carried on for the five previous years immediately prior to applying for this licence? *(Include names of firms and addresses)*

--	--

9. Has any person named in section A or B ever held an operator’s licence with another authority? (If YES, please give details below)

YES NO

10. Has any person named in section A or B ever had an operator’s licence refused, revoked or suspended by another authority? (If YES, please give details below)

YES NO

11. Has any person named in section A or B ever been convicted of an offence in connection with a hackney carriage and/ or private hire vehicle or as an operator? (If YES, please give details below)

YES NO

12. DECLARATION OF CRIMINAL HISTORY

Have any of the applicants (or the secretary or directors of the company) listed at sections A or B ever been found guilty by a court or cautioned or warned by the police for any criminal or motoring offence or are there any prosecutions pending against them?
 (If the answer is YES, please give details below). YES NO

NAME	CONVICTION	DATE	COURT	OFFENCE	SENTENCE

If more space is required continue on next page

13. PUBLIC LIABILITY **Do your passengers have access to the operator base?**

Yes You must provide the original document of public liability insurance for the operator base.

No No public liability insurance is required for the operator base.

14. DECLARATION

I/We hereby declare that the information and particulars provided on this form are correct and complete.

Signature:**Name (please print):****Date:**

(Applicant 1)

Signature:**Name (please print):****Date:**

(Applicant 2)

Check list for documentation required:

1. Application form fully completed, signed and dated
 2. Evidence of public liability insurance for the operator base (where applicable)
 3. Immigration self declaration and copy of evidential document (if required)
 4. Licence fee ([See below](#))
- Where the applicant(s) is not a current hackney carriage or private hire drivers licence holder:**
4. Basic criminal record certificate from disclosure Scotland

Fees 2017/2018	Fee	Office Use Only: Code
5 Year Licence NEW – UP TO 5 VEHICLES	£400.00	£80 - B4603001-YB61 £320 - YBSE2302-CO41
5 Year Licence NEW – MORE THAN 5 VEHICLES	£620.00	£124.00 - B4603001-YB61 £496.00 - YBSE2302-CO41
Each additional operator premises (multi bases)	£51.00	B4603001-YB61

Payment can be made by debit/credit card, cheque or cash at the payment kiosk in reception, or over the phone with our contact centre (01256) 844844.

Continuation: please provide details below of any further information in relation to your application which you were unable to complete above:

Where necessary please attach supplementary information to your application.

Under Section 57(3) of the 1976 Act ‘if any person knowingly or recklessly makes a false statement or omits any material particular in giving information (under this section), he shall be guilty of an offence’.

If you wish to see an officer to discuss your application, you will need to contact the Duty Officer on (01256) 844844 or email licensing@basingstoke.gov.uk to arrange a convenient appointment.

Basingstoke and Deane Borough Council is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see the level 2 notice on Basingstoke and Deane Borough Council’s website which can be found at:

<http://www.basingstoke.gov.uk/fraud> or contact the Internal Audit team on 01256 845761 (direct line) or email: fraudinvestigators@basingstoke.gov.uk

Basingstoke and Deane Borough Council is the data controller for the personal information you provide on this form. You can contact the council by phone on 01256 844844, via email to customer.service@basingstoke.gov.uk or by writing to us at Civic Offices, London Road, Basingstoke RG21 4AH. The council’s Data Protection Officer can be contacted at dpo@basingstoke.gov.uk

The personal information you provide will be used for council’s legal obligations. It is necessary for you to provide this information to us so that we can process your application/provide the service you have requested.

- We may share your information with other teams within the council in order to provide a service to you, to ensure our records are kept up to date or otherwise where we are required to do so.
- We may share your information with the Police, Insurance Companies, HDC Legal Advisors, DBS, DVLA, Home Office, Cabinet Office National Fraud Initiative and all responsible bodies under the Licensing Act 2003 for the purpose of carrying out our statutory duties and public safety.
- We will not disclose any information to other organisations unless we are required by law to do so or to prevent fraud.
- Your personal details will only be held as long as is needed for this purpose and in accordance with our retention policy.

For further details on how your information is used; how we maintain the security of your information and your rights, including how to access information we hold on you and how to complain if you have any concerns about how your personal details are processed, please visit www.basingstoke.gov.uk or email dpo@basingstoke.gov.uk

ADDITIONAL INFORMATION IN RELATION TO APPLICATION

**Immigration Act 2016 - Local Government (Miscellaneous Provision) Act 1976
Hackney Carriage/Private Hire Drivers/ Private Hire Operators**

IMMIGRATION CHECK SELF DECLARATION FORM

Your right to work in the UK will be checked as part of your licence application, this could include the licensing authority checking your immigration status with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is set out at List A and B below. You must bring in the original document(s) so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be returned to you.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances, the check will be repeated each time you apply to renew or extend your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the licensing authority, failure to do so is a crime.

Name: Date of birth:

Address:

..... Post code:

DOCUMENTS EVIDENCING RIGHT TO WORK (see guidance notes attached for further information, include any reference or issue numbers and expiry dates)

1.

2.

DECLARATION

I hereby solemnly and sincerely declare:

- That the information and particulars given by me are true and correct to the best of my knowledge and belief.
- I am aware if I make, knowingly or recklessly, a false statement or omit any information from this form, it is a criminal offence.
- I understand and consent that the information and particulars given by me in this self declaration form may be issued to and verified with other enforcement agencies and consulting bodies; including Hampshire Police, the Home Office, Local Magistrates Court, and any other corporate body in accordance with data protection and the Council's disclosure policy.
- I am aware if any information is tendered inaccurately, relevant information is not disclosed or I make any false statements, my suitability to hold a private hire/hackney carriage driver's licence could be reviewed and I would be subject to enforcement action in accordance with the Licensing Enforcement Policy.
- I will immediately notify licensing of any change in my immigration status which could result in a conviction, warning, penalty or caution and/or any change to my medical condition which could affect my fitness to hold a private hire/hackney carriage driver's licence.

Signature:

Date:

For Office use only:

I confirm receipt and check of immigration documentation (tick relevant documentation below).

Officer Name:

Signature:

Date:

.....

LIST A:

- 1) A passport showing the holder is a British Citizen or a citizen of the UK and the Colonies having the right of abode in the UK.
- 2) A passport or national identity card showing 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 Officer to a national of a European Economic Area country or Switzerland
- 4) A Permanent Residence Card issued by the Home Office
- 5) A Current 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 persons 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 persons 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 persons 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 persons permanent National Insurance number and their name issued by a Government agency or a previous employer.

If you cannot provide one of the options from List A, please see below:

LIST B:

- 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.
- 2) A current Biometric Residents 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 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 of 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 persons permanent National Insurance number and their name issued by a Government agency or a previous employer.
- 5) A certificate of Application issued by the Home Office under regulation 17 (3) or 18A(2) of the Immigration (European Economic Area) Regulation 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 six months old.



**S55 (3) LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976 – PART II
BDBC PRIVATE HIRE OPERATOR’S LICENCE (PHO) LICENCE CONDITIONS**

Private hire operator (PHO) licences granted under section 55(3) of the LG(MP) Act 1976 are issued subject to the following licence conditions:

Definitions

“authorised officer”	means an officer of the council authorised in writing by the council;
“the council”	means Basingstoke and Deane Borough Council;
“operator”	means the person who in the course of business makes provision for the invitation or acceptance of bookings for PHV.
“hackney carriage”	has the same meaning as in the Town Police Clauses Act, 1847;

1. The primary premise from which an operator makes provision for the invitation and acceptance of private hire bookings must be located within the Basingstoke and Deane Borough boundary. (Consideration may be given to licensing a second base inside or outside the Borough subject to application to the Council)
2. The operator must have a valid insurance policy for both public liability and employer’s liability (where applicable) to the minimum value of £2,000,000.
3. The licensed operator must maintain at the operator’s licensed premise, up to date records of all licensed private hire and hackney carriage vehicles it operates including copies of their licences and details of their insurance and compliance test details.
4. The PHO shall maintain a system to prevent bookings being allocated to any vehicles which are not suitably licensed, insured and/or up to date compliance tested.
5. The PHO will maintain at the operator’s premise an up to date record of all licensed private hire and hackney carriage drivers operated under the current licence including copies of their licences.
6. The PHO shall maintain a system to ensure it does not allocate bookings to any drivers who are not suitably licensed including if their PHD/HCD licence expires.
7. If an electronic private hire booking system is used, the operator must block drivers and vehicles from being allocated bookings where any licence, insurance or compliance tests show to have expired.
8. Any records, including electronic that contain personal and confidential information shall be stored in a secure/locked location and kept for a minimum period of 12 months. All records must be made available within a reasonable timescale to an authorised officer or constable upon request.
9. The operator must provide the Council with an up to date list of drivers & vehicles that he/she operates on a monthly basis.
10. 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 they themselves provide the vehicle.
11. The operator may make provision for the invitation and acceptance of bookings for private hire vehicles and drivers licensed only by Basingstoke and Deane Borough Council, but may sub contract a booking to another licensed operator from outside the district making sure diligent checks are undertaken to ensure suitable licences and insurance cover are in place for any sub-contracted services prior to using those services. This includes keeping licence records of those services
12. The licensed operator shall not in the name or description of the service at the premises or on any vehicle operated in the course of business, use the words “taxi”; “cab” or “taxi cab” or any

other words or combination of letters so as to lead any person to believe the operator is providing a hackney carriage service.¹

13. The licensed operator shall not advertise their operation as a taxi provider unless they can demonstrate they have hackney carriage vehicle(s) working as a hackney carriage as part of their vehicle fleet at all times including records of HCVs being operated in last 3-6 month working period.
14. The following information must be recorded at the time a vehicle booking is accepted by the licensed operator:
 1. Date and time booking was made
 2. Date and time journey is required
 3. Contact details of hirer.
 4. Pick up point and final destination
 5. Number of passengers
 6. Any agreed fare
 7. Any relevant remarks related to the journey i.e. pre-agreed fare
15. This information must be recorded in exact order of receipt with no spaces between records to ensure a chronological order of bookings accepted.
16. Complete records must be kept of all bookings to include the above, driver and vehicle details who undertook the booking, and any relevant comments or issues arising out of the journey
17. Records may be held on computer or hard copy but must be recorded in a format that is to the satisfaction of the council. Records must be provided to an authorised officer or constable upon request.
18. Telephone diversions from the operator's business number are only permitted where they are diverted to either a person whose name appears on the operator's licence or to a person employed by that operator to accept such bookings.
19. The licensed operator shall ensure that vehicles booked are despatched to fulfil a booking at the appointed time and place. The hirer must where possible, be promptly advised of any unavoidable delays and updated with an estimated time of arrival.
20. The licensed operator shall not refuse a booking if it requires the carriage of a guide dog or assistance dog belonging to a passenger. There must be no charge to the passenger for the carriage of such a dog. NB; Drivers in possession of valid exemption certificate from the requirement to carry guide or assistance dogs issued by the Council will not be required to undertake such bookings.
21. The licensed operator must have regard to hours worked by individual drivers and must make provision to prevent drivers being allocated bookings when excessive hours have been worked to prevent a risk to passenger safety from fatigued drivers.
22. The licensed operator shall take all reasonable steps to ensure that PHV they operate comply fully with all statutory requirements.
23. The licensed operator shall ensure that all PHV operated under this licence comply with the relevant licence conditions for PHV licences.
24. The licensed operator shall ensure that any PHV operated under this licence does not display any mark or sign on the licensed vehicle that shall include the word 'taxi' or 'taxi's' or 'cab' or any words of a similar meaning or construction that may suggest the overall appearance of the vehicle is a hackney carriage.
25. Any person aggrieved by any of the conditions attached to the grant of this licence, may appeal to the Magistrates Court within 21 days from the date on which notice of the council's requirement.

Public Health Act, 1936 – Section 300
Local Government (Miscellaneous Provisions) Act, 1976 - Part II – Section 77 (1)

¹ Where hackney carriages are operated the said words may not be used on any private hire vehicle operated from the premise but may be used on advertising at the operator base where it proves HCVs are operated.