

Guidance Notes

Applications for Private Hire Operators Licences

***Please read the following guidance notes carefully before
completing the relevant application form***

With effect from 1st Jan 2024

1. General information

These notes are intended to help when making applications for private hire operators licences. The Council has agreed a Taxi Licensing Policy and these notes set out the main points contained within that policy. These notes are not intended to be an interpretation of the law relating to the issue of private hire operators licences and reference should be made to the applicable legislation as required.

2. Operator's role and responsibilities

A private hire vehicle can only be hired through a person or company holding a private hire operators licence. The role of the licensed operator therefore is one of making bookings for the hiring private hire vehicles, and the dispatch of vehicles to customers. Private hire operators licences are required by all persons taking private hire bookings and this will include single vehicle operators. The only exception is that an operator of a Hackney Carriage can legally take private hire bookings without the need to hold an operator's licence.

3. The application process

Applicants should complete a private hire operators licence application form and submit it to the Licensing office with the following documents:

- Completed application form.
- A recognised form of photographic identification
- A basic DBS Disclosure (a current DBS from an applicant who is already a licensed driver may be acceptable if within date and subject to 6 monthly update service checks)
- Certificate of £5k public liability insurance (where public have access to premises)
- A list of all booking and despatch staff showing dates of employment and confirmation of sight of basic DBS check for each.
- The licence fee – see **Appendix 1** for the current fees.

Applications can be posted to the Licensing Office or can be submitted electronically to licensing@n-somerset.gov.uk with scanned copies of the required documents.

Applicants are reminded that a person who knowingly or recklessly makes a false statement or omits any relevant information is guilty of an offence and could face a fine of up to £400.

4. The licence approval process

Licence applications are approved by officers, on a delegated basis, where the applicant is deemed a fit and proper person to hold a licence.

In circumstances where such a decision cannot be made e.g. the existence of relevant criminal convictions or a failure to declare criminal convictions, then the application will be determined by the Council's Licensing Sub-Committee.

Details of this process will be made available to an applicant should this issue arise.

5. Record keeping

Conditions are attached to private hire licences issued by the Council which include the requirement for licensees to keep and retain records of private hire bookings they have fulfilled. The recording of bookings can be either be paper based, or by a computer. In either case the records must be kept for a minimum of one year and be available for inspection by an authorised officer of the Council.

This Licensing Authority, as a minimum, requires private hire vehicle operators to record the following information for each booking:

- the name of the passenger.
- the time of the request.
- the pick-up point.
- the destination.
- the name of the driver.
- the driver's licence number.
- the vehicle registration number of the vehicle.
- the name of any individual that responded to the booking request.
- the name of any individual that dispatched the vehicle.

This information will enable the passenger to be traced if this becomes necessary and should improve driver security and facilitate enforcement.

Private hire vehicle operators have a duty under data protection legislation to protect the information they record. The Information Commissioner's Office provides comprehensive on-line guidance on registering as a data controller and how to meet their obligations

6. Public areas

If a waiting area is to be provided for members of the public, the following requirements will need to be complied with:

- The public area should be kept in a clean and tidy condition.
- Any seating or furniture should be kept in good condition.
- Adequate ventilation and heating must be provided.
- The public area should have adequate lighting.
- No gaming machines present.
- No smoking should take place in either the public or staff areas and no smoking signage should be present.

7. Planning permission

Prior to any premises being used in connection with a private hire business advice should be sought from North Somerset Council regarding the need to obtain planning permission. This includes both commercial and domestic premises.

Advice on the planning requirements can be obtained from the Council's Development Control Group on 01934 426359.

Please note that the granting of a private hire operators licence does not constitute the grant of any permission under the Town & Country Planning Act 1990 or any other legislation for the use of the land for that purpose.

8. Complaints made by members of the public

A licensed operator who has reasonable knowledge of any allegation which concerns the behaviour of any driver under his control or where the safety of passengers may have been

compromised by the condition of a licensed vehicle is required to notify the Licensing Authority as soon as practicable. The licensee is also required to produce information in relation to the alleged complaint and co-operate with officers of the Council so that a full investigation can take place.

8. Code of good conduct for licensed drivers

The Council has an agreed and agreed code of good conduct for licensed drivers. The code is shown at **Appendix 2** and provides guidance on the standards expected from licensed drivers. Failure to comply with the requirements of the code may result in formal action being taken by the Council against a licensed driver. Licensed private hire operators are therefore recommended to familiarise themselves with the code and compliance with the requirements in relation to persons under their control.

9. Location of the operating base

The licensing authority will not grant an operator's licence for an operator with an operating base outside the authority's area. This is to ensure that the proper regulation and enforcement measures may be taken by the authority and is in no way intended to be a restraint of trade.

10. Public safeguarding and exploitation

All Operators will be required to attend a training session on safeguarding children and vulnerable persons. The training session will cover the conduct and responsibilities of those licensed. It will provide guidance in identifying when vulnerable people need protection and how to ensure they are taken to a place of safety. It also details the need to report immediately any such incident or occurrence to the police and/or social services, and provides the necessary contacts and procedures to be followed.

The training provider must be approved by the Licensing Authority and may be an internal or external provider.

New applicants will be required to attend safeguarding training prior to applying. Operators who are renewing a licence and who have not yet undertaken any training, will be expected to have met this requirement by the time their licence is next due for renewal. Failure to do so will result in the drivers licence being suspended till such time they undertaken the training.

There is an expectation that booking and despatch staff will also attend this training.

Child Sexual Exploitation (CSE) is a form of child abuse. It can involve sexual abuse, physical abuse and emotional abuse of children by adults. Licensed Operators provide a public service and have a duty of care to all passengers. They also have a moral and social responsibility to report concerns about someone who is vulnerable.

Should an Operator have any concern about the vulnerability of a child or public safeguarding they must report this immediately or pass on information or intelligence to either the Police or Licensing Authority.

Should a licence holder fail to report a concern then they will be investigated and may have their licence revoked or suspended.

10. Data Protection – Privacy notice

North Somerset Council is registered with the Information Commissioner's Office for the purposes of processing personal data. We commission the following organisations that deliver some services on behalf of North Somerset Council but only in relation to the administration of the statutory duties detailed below:

Advanced Motoring Services, Unit 6, Knightcott Industrial Estate, Banwell, Westonsuper-Mare, Somerset, BS29 6JN Tel: 01934 824551 or 01934 824396

The information you provide will be held and used in accordance with the requirements of UK and European data protection law. The information will form part of your Environmental Protection and Licensing Account and will be kept for six years from creation, or expiry date of license.

Unless otherwise agreed with you, we will only collect the minimum personal data required to deliver the service, which includes name/address/contact details along with any financial information you provide relating to services requiring payment.

We will not use your personal information in a way that may cause you unwarranted nuisance. Failure to provide the information could result in your service request not being processed and in certain circumstances could constitute an offence.

The information provided may be shared with the police, other local authorities, fire brigade, NHS partners including the Ambulance Service, other agencies and bodies, who have demonstrated that they have a lawful and legitimate interest in the information, for the purposes of investigations into criminal activity. At no point is your data shared or processed outside of the UK.

We may lawfully disclose information to public sector agencies to prevent or detect fraud or other crime, or to support the national fraud initiatives and protect public funds under the Local Audit and Accountability Act 2014. Under the conditions of the Digital Economy Act 2017, we may also share personal data provided to us with other public authorities as defined in the Act, for the purposes of fraud or crime detection or prevention, to recover monies owed to us, to improve public service delivery, or for statistical research.

We do not share the information with other organisations for commercial purposes.

You have the right to see the personal data we process about you, as well as the right of objection, rectification, restriction and erasure in some circumstances. For details of how to make such a request, please visit www.n-somerset.gov.uk/sar

If you have any questions or concerns about the way we process your personal data, our Data Protection Officer can be contacted at DPO@n-somerset.gov.uk

11. Change of Address

If you change address whilst in possession of a private hire operators licence you must notify the Licensing Office of your new address. Failure to notify a change of address is a breach of the licence and could result in formal action being taken against a licensee.

12. Contact information

If you require any more information or assistance in applying for a licence, please contact the Licensing Team as follows:

North Somerset Council
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ



01934 426 800

Email: licensing@n-somerset.gov.uk

Appendix 1

PRIVATE HIRE OPERATOR LICENCE FEES APRIL 2021 TO MARCH 2022

Service	Three Year Fee	Optional Yearly Instalment
Private Hire Operator Licences (three year fees)		
Up to 2 vehicles	£450	£150
3 – 5 vehicles	£750	£250
6 – 10 vehicles	£1,350	£450
11 – 20 Vehicles	£2,850	£950
21+ Vehicles	£3,750	£1,250
Replacement Documents	£10.50	
Non returnable application deposit fee	£85	

Notes to Fees

1. Private Hire Operator Licences are now issued for a three-year period only.
2. The above fees can be paid by either:
 - (a) A single fee for the whole of the three-year period, or
 - (b) On an annual instalment basis i.e. a third of the total fee paid on a yearly basis.
3. If payment is made on an instalment basis, failure to pay an instalment due will result in the Private Hire Operators Licence being revoked by the Council.
4. No refunds will be given for a licence that is surrendered or revoked before its expiry date.

LICENSED DRIVER CODE OF GOOD CONDUCT

In order to promote its licensing objectives as regards hackney carriage and private hire licensing, North Somerset Council has adopted the following Code of Good Conduct, which should be read in conjunction with the other statutory and policy requirements produced by the Council.

1. Responsibility to the Trade

Licence holders shall endeavor to promote the image of the Hackney Carriage and Private Hire trade by:

- (a) complying with this Code of Good Conduct;
- (b) complying with all the Conditions of their Licence, Hackney Carriage Byelaws and the Councils Hackney Carriage and Private Hire Licensing Policy;
- (c) behaving in a civil, orderly, non-discriminatory and responsible manner at all times

2. Responsibility to Clients

Licence holders shall:

- (a) maintain their vehicles in a safe and satisfactory condition at all times;
- (b) keep their vehicles clean and suitable for hire to the public at all times;
- (c) attend punctually when undertaking pre-booked hiring;
- (d) assist, where necessary, passengers into and out of vehicles;
- (e) offer passengers reasonable assistance with luggage and other personal effects
- (f) when requested provide receipts to passengers

3. Responsibility to Residents

3.1 To avoid nuisance to residents when picking up or waiting for a fare, a driver shall:

- (a) not sound the vehicle's horn illegally;
- (b) keep the volume of radio/cassette player and VHF radios to a minimum;
- (c) switch off the engine if required to wait;
- (d) take whatever additional action is necessary to avoid disturbance to residents in the neighbourhood

3.2 At taxi ranks and other places where hackney carriages ply for hire by forming queues, drivers shall, in addition to the requirements above:

- (a) rank in an orderly manner and proceed along the rank in order and promptly;
- (b) remain in the vehicle.

3.3 At private hire offices a licence holder shall:

- (a) not undertake servicing or repairs of vehicles;
- (b) not allow their radio/cassette players or VHF radios to cause disturbance to residents of the neighbourhood;

- (c) take whatever additional action is necessary to avoid disturbance to residents of the neighbourhood which might arise from the conduct of their business

4. General

Drivers shall:

- (a) pay attention to personal hygiene and dress so as to present a professional image to the public;
- (b) wear the badge provided by the Council on his person at all times when in charge of a licensed vehicle, such badge to be worn in a position and manner as to be plainly visible;
- (c) be polite, helpful and fair to passengers;
- (d) unless otherwise directed by the hirer the driver shall proceed to the destination by the shortest possible route;
- (e) not without the express consent of the hirer drink or eat in the vehicle;
- (f) not without the express consent of the hirer play any radio or sound producing instrument or equipment in the vehicle other than for the purpose of sending or receiving messages in connection with the operation of the vehicle
- (g) drive with care and due consideration for other road users and pedestrians and in particular shall not use a hand held mobile phone whilst driving;
- (h) obey all Traffic Regulation Orders and directions at all time;
- (i) not to smoke in the vehicle or to allow fare paying passengers to smoke in the vehicle;
- (k) not to carry more passengers in a vehicle than it is licensed to carry.
- (l) not to consume alcohol immediately before or at any time whilst driving or being in charge of a hackney carriage or private hire vehicle;
- (m) not drive while having misused legal or illegal drugs;

PLEASE NOTE:

The Council shall take a very serious view of any driver being found to have had any alcohol or having misused any drugs whilst in charge of a licensed vehicle.

Issued by:

North Somerset Council
Licensing Team
Town Hall
Walliscote Grove Road
Weston-super-Mare
BS23 1UJ

Telephone: 01934 426 800

E-mail: licensing@n-somerset.gov.uk