

RHONDDA CYNON TÂF COUNTY BOROUGH COUNCIL

Private Hire Vehicle Operator's Licence

CONDITIONS OF APPLICATION AND SCHEDULE OF CONDITIONS

1. Conditions of Application

- (1) The Council will not grant an Operator's Licence unless they are satisfied that the applicant is a 'fit and proper' person to hold an Operator's Licence.
- (2) The applicant shall provide the following information in his/her application form to be provided by the Council;
 - (i) his/her full name and address;
 - (ii) the address or addresses from which the applicant intends to carry out business in connection with Private Hire Vehicles;
 - (iii) any trade or business activities he/she has carried on before making the application;
 - (iv) any previous application made for an Operator's Licence;
 - (v) the revocation or suspension of any Operator's Licence previously held by him/her;
 - (vi) any conviction recorded against him/her.
The applicant must complete a Standard Disclosure Barring Service (DBS) Application and a Driver & Vehicle Licensing Agency (DVLA) mandate (if applicable), authorising the CRB to release to the Council any information held on record about them, and the DVLA to release to the Council a computer printout of the applicants Driving Licence history.

In the event that the applicant has already furnished such a printout to the Council in respect of another licence within the 12 months immediately preceding his/her current application, this condition shall not apply;
 - (vii) any other information that the Council may consider reasonably necessary to enable them to determine whether or not to grant such a licence;



- (viii) if the applicant is, or has been a Director or Secretary of a Company, information as to:-
 - (a) any convictions recorded against that Company at any relevant time;
 - (b) any trade or business activities carried on by that Company;
 - (c) any previous application made by that Company for an Operator's Licence;
 - (d) any revocation or suspension of an Operator's Licence previously held by that Company;
- (ix) if the applicant is a Company, information as to:-
 - (a) any convictions recorded against the Director or Secretary of that Company;
 - (b) any trade or business activities carried on by any such Director or Secretary;
 - (c) any previous applications made by any such Director or Secretary for an operator's licence;
 - (d) any revocation or suspension of an Operator's Licence previously held by any such Director or Secretary;
- (x) if the applicant proposes to carry on business in partnership with any other person, information as to:-
 - (a) any convictions recorded against that person;
 - (b) any trade or business activities carried on by that person;
 - (c) any revocation or suspension of an Operator's Licence previously held by that person.

2. **Conditions of Licence**

In the 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 Divisional Director Public Health and Protection for the purposes of these conditions;

“The Council” means the Rhondda Cynon Taf County Borough Council;

“Operator’s Licence” means a licence under Section 55 of the Local Government (Miscellaneous Provisions) Act, 1976;

“The Vehicle” means a Private Hire Vehicle duly licensed by the Council

- (i) 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.
- (ii) An operator shall keep a record in such form as the Council prescribes which shall contain the particulars of any Private Hire Vehicle operated by them and details of every booking of a Private Hire Vehicle invited or accepted by them whether by accepting the same from the hirer or by undertaking it at the request of another operator.
- (iii) An operator shall produce such records required to be kept at (ii) for inspection by an Authorised officer of the Council or a Police Constable, when requested.
- (iv) Any operator who leases a vehicle licensed by the Council to a third party, must ensure that the person to whom the vehicle is leased is properly licensed and must inform the Council of the Name & Address of the person to whom the vehicle is leased.
- (v) An operator shall produce his/her Operator’s Licence on request to any authorised officer or Police Constable.
- (vi) The Operator shall notify the Council in writing of any changes of address (including any address from which he/she operates or conducts their business as an operator); during the period of the licence within seven days of such a change taking place.
- (vii) The operator shall within seven days disclose to the Council, in writing, details of any conviction imposed on him/her (or if the

operator is a Company or Partnership, of any of the directors of partners) during the period of Licence.

- (viii) The operator shall as soon as practicable and in any event within seven days notify the Council of any complaints concerning a contract for hire or purported contract for hire relating to or arising from his/her business and of the action (if any) which the operator has taken or proposes to take in respect thereof.

The licence shall, subject to condition (ix) below remain in force for a period of five years and is not transferable.

The appropriate fee must be paid before the licence is issued. If payment has been made by cheque, which is subsequently dishonoured, the licence automatically becomes invalid for failure to comply with this condition. The fee is non-refundable should an application be subsequently withdrawn or refused.

- (x) (a) An operator shall ensure that any passenger who wishes to be accompanied on a journey by his/her guide-dog or assistance dog shall be entitled to do so without any charge being payable in respect of such a dog.
 - (b) An operator shall ensure that any such booking accepted in (a) above shall be placed with a driver and vehicle able to accommodate such a booking.
- (xi) The operator shall hold the Joint Hackney Carriage/Private Hire Vehicle Drivers Licence of any driver in their employ.

Additional Notes For Guidance

- (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 II of the Local Government (Miscellaneous Provisions) Act, 1976;
 - (ii) any conduct on the part of the operator which renders them unfit in the opinion of the Council to hold an Operator's Licence.

Any person aggrieved by a decision of the Council to suspend, revoke or refuse to renew an operator's licence may appeal to a Magistrate's Court within 21 days of receipt of notification.

- (2) Any person who commits an offence against any of the provisions of these conditions, or Part II of the Local Government (Miscellaneous Provisions) Act, 1976, in respect of which no

penalty is expressly provided, shall be liable on summary convictions to a fine not exceeding level 3 on the standard scale.

- (3) Any applicant for a Private Hire Operator's licence should ensure that he/she complies with the relevant statutory requirements. In particular the applicant should obtain any necessary planning permission for the premises used in connection with the business of operating Private Hire Vehicles and should not engage in or allow or permit such operation until the necessary planning permission has been obtained, where applicable;