Introduction
This guidance document has been published to provide assistance to those applicants wishing to make an application for a private hire operator’s licence. It will explain what information is needed to submit a complete application and what standards the Council expects from those who are granted a licence.

This document is not a full statement of the policy adopted by the Council with regards to private hire operators and must not be taken as such. Potential applicants should make themselves familiar with the latest taxi and private hire policies adopted by the Council, which are available from the Council webpages: [https://www.plymouth.gov.uk](https://www.plymouth.gov.uk)

Private hire operator’s licences will not be granted by Plymouth City Council to applicants intending to have their operations base or call centre outside of the jurisdictional boundary of the Council.

Immigration Status
With effect from 01 December 2016, all applicants for a private hire operator licence will be required to confirm their immigration status before a licence can be granted. Further information on which documents an applicant will be required to produce can be found further on in this Guidance, or online from the following webpage:


Immigration identity checks must be conducted in person for each applicant for the operator licence, which includes each director in the case of a limited company application. A licence cannot be granted until the identity checks have been completed. Applicants will need to make an appointment with the licensing section to submit their fully completed application.

Immigration checks will be conducted for each new grant of licence after the 01 December 2016, and each renewal of an existing licence after this date. Once the immigration checks have been conducted satisfactorily for each applicant, they will not be require to be completed at future renewal of licence applications.

Completing the Application form - PHO1
Please make sure that you complete every question on the application form. Incomplete applications cannot be processed and will be returned to you. Providing misleading information in connection with your application may lead to you being prosecuted for the offence of knowingly or recklessly making a false statement or omitting material information, your application will also be adversely affected.

Operator’s licences are not transferable. If you buy or sell an existing licensed operation, you must obtain a private hire operator’s licence before you can trade lawfully.

Section 1 – Licence information
If you are currently the holder of a private hire operator’s licence granted by Plymouth City Council, enter the licence number and expiry date in this section.
Section 2 – Operating business information

Please give us details about how people will contact you to book journeys, including the trading names of your business which you intend to advertise under, any telephone numbers used to receive bookings, the address(es) at which bookings are received, details of any public booking offices you provide, and details of your website and any booking apps you may use. The company trading name cannot feature the words ‘Taxi(s)’, ‘Cab(s)’, ‘Minicab(s)’ or any other word that may give the impression that vehicles are available for immediate hire.

Include as much detail as possible in your answers to this section, as this helps us identify which operators are responsible for certain premises or telephone numbers. The addresses you provide here will be listed here will be as places where you are authorised to operate from – if you miss any, you will not legally be able to operate from those locations.

All operating addresses must be within the Plymouth City Council jurisdictional area. We do not licence premises outside of the city limits.

Section 3 – Applicant(s) details

You can apply for an operator’s licence as an individual, as a partnership of multiple individuals, or as a limited company. Please indicate which of these capacities you are applying in, and complete the relevant section(s).

If the application is made by a limited company, Annex A should also be completed, with details of every director of the company.

This section also asks for the driver’s badge number if any applicant is currently licensed by Plymouth City Council as a hackney carriage or private hire driver. As these applicants have already completed enhanced criminal records checks during their previous applications, basic disclosures will not be required from these individuals (see below for further information on basic disclosures).

Section 4 – Public liability insurance

Private hire operators are strongly advised, irrespective of the size of their company, to maintain liability insurance policies, to protect against any injuries, losses or other legal claims which may arise in the course of running their business. A public liability insurance policy will cover claims from any member of the public who suffers damages arising from the business, including while they are present on any premises you operate. An employer’s liability insurance policy covers claims from people you employ or engage within your business, such as driver’s, telephone operators and office managers. An insurance adviser will be able to give you advice on the most appropriate type of policy and level of cover.

You will be required to have public liability insurance policy cover for the sum of £5m, if the public have access to any of your premises.

Section 5 – Premises authorisations

You may need to obtain other authorisations for your business, in addition to the operator’s licence.

Any premises you operate (booking offices, call centres etc.) may require planning permission for that usage. If you are operating from your home address, you may need to obtain permission from a landlord, and we suggest that you confirm whether any permission will be required before making your application for a licence.

You may need to register under the Data Protection Act with the Information Commissioner as a data handler, depending on the information you will be storing. If you maintain a CCTV system within your premises, or within some of the vehicles you may own, you will need to register. For further details about registering, visit www.ico.org.uk
If you run a business radio network to maintain contact with your vehicles, you will need permission from Ofcom. They will assign you a particular part of the radio spectrum by issuing you with a licence – this will ensure that no-one else in the area is permitted to broadcast on the same frequency. For further details about radio communications permissions, visit www.ofcom.org.uk

**Section 6 – Record keeping**

All operators must keep records of every booking they accept, and every vehicle and driver they operate, details of the information to be kept is set out in our standard conditions of licence. This question asks for details about how the operator is, or intends, to fulfil this requirement.

The records may be kept either on an automated computer booking system, or by hand in a booking ledger. The Council will not accept written records that do not contain the information requested by condition, or that are merely ‘jotted’ down on small notes of paper.

By law, your records can be inspected by an authorised officer of the Council or a police officer, and must be legible to the person requiring to examine them and contain all the necessary booking information.

**Section 7 – Suitability of applicants**

These questions focus on the main reasons why we may decide that an applicant is not a ‘fit and proper person’ to hold an operator’s licence. They are some of the most important questions on the application form, and it is vital they are answered correctly.

All of the questions apply to every applicant or director of a limited company applicant – so if an application is being made by a company with 4 directors and 1 has a criminal conviction, that question must be answered yes, even if the other 3 directors have no convictions. Details of the conviction (including the name of the relevant person) should be given.

All applicants, or directors of a limited company applying for a licence, will be required to submit basic disclosure certificates with the application, which show any unspent convictions. If an applicant (or a director) is currently licensed by the Council as a hackney carriage or private hire driver, they will be exempted from this requirement, as they will have obtained a more detailed certificate showing a wider range of offences when applying for that licence. Where there are multiple applicants (or directors), each must provide a certificate or hold a hackney carriage or private hire drivers licence.

As private hire operators are not specified in legislation as being a profession exempt from the provisions of the Rehabilitation of Offenders Act, we only take into account convictions and cautions which are not deemed to be ‘spent’. The Act provides that convictions may be disregarded and do not have to be declared in certain types of application, after a certain period of time has elapsed, dependent upon the type of sentence received. Some examples of these periods, for full adult convictions, are set out below:

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<th>Sentence</th>
<th>Rehabilitation period</th>
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<td>Imprisonment – 4 years or more</td>
<td>Never spent</td>
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<td>Imprisonment – 2 ½ years to 4 years</td>
<td>Sentence + 7 years</td>
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<td>Imprisonment – 6 months to 2 ½ years</td>
<td>Sentence + 4 years</td>
</tr>
<tr>
<td>Imprisonment – less than 6 months</td>
<td>Sentence + 2 years</td>
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<tr>
<td>Fine</td>
<td>1 year</td>
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<tr>
<td>Community Order</td>
<td>Period specified in order + 1 year</td>
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<td>Disqualification, Conditional Discharge, Bind-over</td>
<td>End of period specified in the Order</td>
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<td>Absolute Discharge, Simple Caution</td>
<td>Spent immediately</td>
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The questions in this section will also apply to convictions, charges, insolvency proceedings or disqualification in any country, not just the UK. This means that any of these proceedings which occurred overseas must be declared. If an applicant has been living overseas for a substantial period of time, or has only recently moved to the UK, we may ask for a certificate of good conduct to be produced by that applicant. These can be obtained from civic offices in the country in question, or from the country’s embassy or consulate in the UK, and confirm that no legal proceedings were instituted against that persons while resident in that country.

We will undertake searches of public registers, including the Individual Insolvency register and the Companies House disqualified directors register, so as to ensure that the applicant has not been affected by insolvency or disqualification proceedings, and by making application, you are deemed to have given consent for these searches.

Refusals of applications, or revocations or suspensions of licences, must be declared within the application, regardless of how much time has elapsed. This question is not just limited to Plymouth City Council, but applies to decisions made by any Council in the UK.

Please indicate if you are currently licensed as an operator in any Council area.

If you are currently licensed elsewhere, we will expect you to set out how you will ensure that your businesses in other areas are kept separate from your Plymouth business. You will only be permitted to operate vehicles and drivers licensed by Plymouth City Council under an operator’s licence we issue, and it is against the law to sub-contract bookings to another operator in another Council area – even if that operator is owned and run by the same person.

**Section 8 – Declarations and additional information**

Please read these paragraphs carefully, and ensure that every applicant signs the form. If the application is made by a limited company, the company secretary or another officer of the company may sign the form on its behalf.

**Additional documents**

You will need to provide a number of additional documents with your application, as listed within the declaration. These include:

- If the application is being made by a limited company, Annex A must be completed with details of every current director of the company, giving their personal details including full name, home address, date of birth and licence status;

- Annex B of the application for, completed with details of every vehicle you intend to operate under the licence (even if this is just one). We will also accept a printout or copy of your records in this respect, showing the information required;

- Annex C of the application form, completed with details of every driver you intend to employ or engage under the licence (even if this is just yourself). We will also accept a printout or copy of your records in this respect, showing the information required.

- You will also need to provide basic disclosure certificates for the following:
  - If the application is being made by a single individual, that individual;
  - If the application is being made by multiple individuals, regardless of whether they have formed a partnership or not, each of those individuals;
  - If the application is being made by a limited company, every current director of that company.
Basic disclosures

We will only accept basic disclosure certificates which have been issued in the name of the relevant individual, no earlier than 3 months prior to the day on which the application is submitted.

Basic disclosures can be obtained from applying online or by requesting a paper application form. A fee (currently £25) is payable for each disclosure application. Please bear in mind that disclosure certificates can take several weeks to issue, so apply in good time before you need to make your operator’s licence application.

Disclosures will not be required in respect of any individual who is currently licensed by the Council as a hackney carriage or private hire driver. The reason for this is that we will have already assessed that individuals fitness while they were applying for that licence, by requiring an enhanced disclosure, which contains a much greater amount of information and involves more thorough checks. However, where the application or renewal of an operator’s licence does not coincide with the validity dates of the drivers DBS certificate, then a Statutory Declaration signed by a Solicitor or Commissioner of Oaths will be required.

You can contact

Apply online: https://www.gov.uk/request-copy-criminal-record
By phone: 03000200190

Licensing policy

Our Hackney Carriage and Private Hire Licensing Policy sets out in greater detail how we will consider applications for licences, and the matters we will take into consideration. We strongly advise all applicants to read and familiarise themselves with this document, before making an application. You can find the latest version of the policy on our website, at: http://www.plymouth.gov.uk/licensingandpermits/taxilicensing

Conditions and enforcement action

If your application is successful, you will be issued a licence document. This licence will be subject to a number of conditions, including standard conditions, which attach to every licence unless you have requested and been granted an exemption from one of more of them. If specific issues emerged during your application, we may add further conditions to your licence.

If you fail to adhere to the terms and conditions of your licence, we may suspend or revoke it. We may also refuse future applications from you, including the renewal of the licence. Certain breaches may also result in prosecution for offences under the relevant Acts.

Operator’s licences may also be revoked or suspended as a result of:

- Any offence under or non-compliance with the Plymouth City Council Act 1975
- Any conduct on the part of the operator which appears to the Council to render them unfit to hold an operator’s licence,
- Any material change in any of the circumstances of the operator on the basis of which the licence was granted, or
- Any other reasonable cause.
Immigration checks – Lists of acceptable documents

<table>
<thead>
<tr>
<th>List A: NO RESTRICTIONS ON THE RIGHT TO A LICENCE IN THE UK. Once the Licensing Authority have undertaken the necessary check once, they will not have to be repeated when there is subsequently an application to renew or extend the licence.</th>
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**List B: RESTRICTIONS ON RIGHT TO A LICENCE IN THE UK.** A licence may be issued (subject to statutory limitations) up to the expiry date of the permission to work in the UK. The Licensing authority will have to check the immigration status at each application to renew or extend the licence.

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<td>1.</td>
<td><strong>A current</strong> 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.</td>
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<tr>
<td>2.</td>
<td><strong>A current</strong> Biometric Immigration Document (Biometric Residence 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.</td>
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<tr>
<td>3.</td>
<td><strong>A current</strong> 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 or Switzerland or who has a derivative right of residence.</td>
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<tr>
<td>4.</td>
<td><strong>A current</strong> 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, <strong>together with</strong> an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.</td>
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**Time limited documents**

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<td>1.</td>
<td>A Certificate of Application issued by the Home Office under regulation 17(3) or 18A(2) of the Immigration (European Economic Area) Regulations 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 <strong>less than 6 months</strong> old <strong>together with</strong> Verification from the Home Office Evidence and Enquiry Unit.</td>
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<tr>
<td>2.</td>
<td>A <strong>Verification</strong> issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding.</td>
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**Contact information:**
Plymouth City Council
Office of the Director for Public Health
Taxi Licensing Office
Public Protection Service
Windsor House
Plymouth
PL6 5UF

T: 01752 - 304141
F: 01752 – 226314
E: taxi.licensing@plymouth.gov.uk
www.plymouth.gov.uk