

**Application for Private Hire Vehicle
Operator's Licence within the Borough of
Gedling**

1. I, _____ (NAME)
of _____ (ADDRESS)
_____ Post Code: _____
Telephone No: _____

apply to Gedling Borough Council for an Operator's Licence under the Local Government (Miscellaneous Provisions) Act, 1976 (the Act) to operate a Private Hire business at:

under the name of _____

subject to the conditions contained in the Licence, and also to the provisions of the Act relating to Private Hire Vehicle Operators. I accept that if I fail to comply with any of the conditions or provisions subject to which the Licence is held, my Licence will be liable to be revoked or not renewed by the Council.

2. Have you had any convictions recorded against you, your Company, or your partnership in the last five years? (If a Renewal, since you last applied for an Operator's Licence). **(If No convictions, please enter 'Nil')**

Date of Conviction	Offence	Sentence (including suspended sentences)

(a) All convictions must be disclosed.

(b) Spent convictions should not be included.

(c) You must provide one of the following documents with your application form as proof of your conviction record:-

- A statutory declaration [sworn in front of a solicitor] (see attached);
- A criminal conviction certificate issued under section 112 of the Police Act 1997;
- A criminal record certificate issued under section 113A of the Police Act 1997;
- The result of a subject access search under the Data Protection Act 1998 of the Police National Computer by the National Identification Service; or
- A Basic Criminal Records Bureau Disclosure (obtainable from www.disclosurescotland.co.uk) or by telephone 0870 6096006.

3. Has any previous Operator's licence held by you been revoked or suspended? If so, give details.

4. Is there a current Planning permission for the use of these premises for a taxi base?

Please ✓ relevant box Yes No

If Yes, please give details:

5. How many Private Hire vehicles will you operate if granted a licence?

6. What off-street parking facilities are available?

7. I enclose the Licence fee of £ _____* in respect of this application.

(* For Current fee refer to page 3 overleaf)

I declare that I have checked the information given on this application form and to the best of my knowledge believe it is correct.

Signed: _____ **(Applicant)**

Dated: _____

PLEASE NOTE

1. The current fee for a Private Hire Vehicle Operator's Licence is **£46.00** per vehicle for one year.
2. If this is your first application please enclose TWO business references together with proof of your conviction record (see page 1, 2.(c).)
3. Licensed operators must keep a record of all bookings, showing;-
 - a) the points of commencement and termination of each journey;
 - b) the charge made;
 - c) the person accepting the booking;
 - d) the vehicle used and the name of the driver.
4. Licensed operators must keep a record containing the names and addresses of proprietors, registration numbers and licence numbers of all vehicles operated. Your attention is drawn to the provisions made under Section 46(1)(e) and (2) of the Local Government (Miscellaneous Provisions) Act, 1976 which state:-
 - (1) (e) No person licensed under the said Section 55 shall in a controlled district operate any vehicle as a Private Hire vehicle:
 - (i) if for the vehicle a current licence under the said Section 48 is not in force; or
 - (ii) if the driver does not have a current licence under the said Section 51.
 - (2) If any person knowingly contravenes the provision of this Section he shall be guilty of an offence.

GEDLING BOROUGH COUNCIL

***Local Government (Miscellaneous Provisions) Act 1976
Private Hire Operators
Statutory Declaration***

Each section of this form **must** be completed and signed in the presence of a Qualified Solicitor or Commissioner of Oaths.

I.....

of.....

Date of Birth.....

DO SOLEMNLY AND SINCERELY DECLARE as follows (tick either declaration 1 or 2 as appropriate):

1 I have never been convicted of any offence and I have never been cautioned for any offence and I am not subject to any pending prosecution.

2 I list overleaf full details of every offence for which I have been convicted which have not been spent, together with full details of every offence for which I have been cautioned, and full details of every offence for which I am currently being prosecuted.

I have not been convicted of any other offence except as set out overleaf, and I make this solemn declaration conscientiously believing the same, along with the answers given in the attached application form, to be true and by virtue of the provisions of the Statutory Declarations Act 1835 and Section 2 of the Perjury Act 1911.

Signature of Applicant

Dated

Declared at.....

This..... day of.....

In the County of

Before me.....

Solicitor/Commissioner for Oaths

Office Address.....

**CONVICTIONS, CAUTIONS AND PENDING PROSECUTIONS DETAILS
(INCLUDING MOTORING AND CRIMINAL)**

Date of Conviction / Caution / Pending Hearing	Court	Offence	Penalty

NOTES:

1. Applicants are reminded that, as failure to complete this declaration correctly could give rise to criminal proceedings, it is important that the solicitor is given **all** the relevant facts. Any person who knowingly and wilfully makes a statutory declaration which is false in a material particular is guilty of an offence and liable to conviction, to a term of imprisonment for a period of up to 2 years or to a fine or to both (Section 5 of the Perjury Act 1911).
2. Statutory declaration 1 and 2 relate to **all offences** including any motoring offences and must include all convictions even though they may have been disclosed on previous applications. By virtue of the Rehabilitation of Offenders Act 1974, spent convictions do not need to be disclosed.
3. Failure to disclose convictions, cautions and pending prosecutions, can be taken into account when assessing the suitability of private hire operators to be licensed or continue to be licensed.
4. If you have declared any convictions, or should information be received by the Council indicating that you have convictions which you may or may not have declared, then your application will be considered by members of the Environment & Licensing Committee. More information will be given to you in the event of this happening.
5. **Note to solicitor / commissioner for oaths:** Please would you remind the applicant that it is not a true declaration unless he/she has completed the table overleaf, giving details of all convictions and cautions if so required. Please write on the back of one of the applicant's photographs the words "I certify that this is a true likeness of [applicant's name]" and sign and date.

REHABILITATION OF OFFENDERS ACT 1974

WHEN IS A CONVICTION SPENT?

SENTENCE	REHABILITATION PERIOD
* Prison/detention in YOI/youth custody/ for more than 30months	Never
* Prison/detention in YOI/youth custody or corrective training for 6-30 months	10 years
* Dismissal with disgrace from Her Majesty's Service	10 years
* Prison/detention in YOI/youth custody 6 months or less	7 years
* Dismissal from Her Majesty's Service	7 years
* Any detention in respect of a conviction in service disciplinary proceedings	5 years
* Fine	5 years
Borstal Training (Youths) (abolished 1983)	7 years
Detention in a detention Centre (youths) (abolished 1988)	3 years

Detention over 6 months imposed by way of a Custody Order from the services (Youths)	7 years
Detention exceeding 6-30 months (youths)) s.91 Powers of Criminal Courts (Sentencing) Act 2000	5 years
Detention under 6 months (youths) s.91 Powers of Criminal Courts (Sentencing) Act 2000	3 years
Detention 6 months or less imposed by a custodial order from the Services (youths)	3 years
* Probation order or Community Order	5 years
Conditional Discharge/Supervision Order (youths)/bind over	1 year from conviction (or at end of Discharge/order depending which is longer)
Absolute Discharge	6 months
Referral Order (youths)	End of the order/contract
Hospital Order under Mental Health Act 1983	5 years or 2 years after order ceases to have effect whichever is longer
Disqualification	The period of disqualification
Cautions	Not covered by Act so never spent but stepped down after a set period of time 5 or 10 years
Endorsements	Don't effect rehabilitation period of the motoring conviction

Detention and Training Order (youths) over 6 months	5 years (if under 15)
Detention and Training Order (youths) under 6 months	3.5 years (if under 15)
Detention and Training Order (youths) under 15 years old	1 year after order ceases to have effect
Attendance Centre Order	1 year from conviction or when order ceases whichever is longer

***Sentences rehabilitation periods subject to reduction by half if the offender was under 18 at the date of conviction.**

The following sentences can never become spent

- Imprisonment for life
- Imprisonment/youth custody/YOI in excess of 30 months
- Sentence of Preventative Detention
- Detention during Her Majesty's pleasure for life
- Sentence of Custody for life
- Sentence of imprisonment for Public Protection s.225,226 or extended sentence s.227 or 228 of Criminal Justice Act 2003

If you are convicted during the Rehabilitation period of an offence, which is summary only (only triable in the Magistrates Court), the new sentence will carry its own rehabilitation period and will not affect the earlier one.

If the second offence is more serious and you receive a sentence covered by the Rehabilitation of Offender's Act 1974, the earlier conviction becomes spent only when the later one becomes spent.

If a person is given a conviction, which can never become spent, this also prevents an earlier conviction becoming spent.

It is the length of the sentence, which is important not the time actually spent in prison. A sentence counts whether the imprisonment is suspended.

If a person receives 2 or more prison sentences in the course of the same court case, the rehabilitation period depends on whether the sentences are ordered to take effect concurrently or consecutively. If concurrent the offences are treated separately giving each conviction a separate rehabilitation period. If consecutive it is treated as a single term of imprisonment with a rehabilitation period accordingly.