

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 – visit www.gov.uk for details relating to the Rehabilitation of Offenders Act 1974

(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. Right to a Licence Check – Right to Stay / Work in the UK

Your right to stay and to work in the UK will be checked as part of your licence application. This could include the Licensing Section checking your immigration status with the Home office, to determine if you have a right to a licence. To enable this check, you must provide a document, or a combination of documents that is stipulated as being suitable for this check. You must bring the original document(s) with you at the time of making your application. The document(s) will be copied and the copies retained by the Licensing Section. The original documents will be returned to you. (Please see Section 10 of the application guidance notes for the list of prescribed documents).

Please give details of the document(s) that demonstrates your right to stay in the UK

Document Type

Issued By

Document No.

Issue Date

Expiry Date

Document Type

Issued By

Document No.

Issue Date

Expiry Date

Please give details of the document(s) that demonstrates your right to work in the UK

Document Type

Issued By

Document No.

Issue Date

Expiry Date

Document Type

Issued By

Document No.

Issue Date

Expiry Date

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 Has any previous Operator's licence held by you been revoked or suspended?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

5. 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:

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

7. What off-street parking facilities are available?

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

(* For current fee please see our website at: www.gedling.gov.uk)

Declaration

Has this form been filled in by you?

Yes No

If 'No', please state in the box below who has filled the form in for you and what relationship they are to you.

Name	Relationship to you

- I declare that all the information given in this application is true and accurate.
- I have read and understood the Private Hire Operator Conditions.

- If I am granted a licence I understand that if I breach any of the conditions related to my Private Hire Operators Licence, any of the provisions of the Local Government (Miscellaneous Provisions) Act 1976 or if I commit any other type offence during the period of my licence it may be suspended or revoked.
- I understand and agree that if my licence is suspended, revoked or refused the Council may inform other licensing authorities and/ or the Police where appropriate.
- I understand that if there are any restrictions on the length of time I may work in the UK, the licence will not be issued for any longer than this period.
- I understand if, during the period that I am licensed, I am disqualified from holding a licence because I have not complied with the UK's immigration laws, the licence will lapse. I must return the licence to you. Failure to do so is a criminal offence. The Council may inform the Home Office where appropriate.
- I understand that I do not have a right of appeal at the Magistrates' Court should my application be refused due to my Immigration status
- I understand that the information I have provided, including personal data, may be used and/ or disclosed for the following purposes:
 - assessing whether I am, and continue to be, a fit and proper person to hold a licence (this means that your personal information may be passed to other agencies including other licensing authorities, Police, the courts and central and local government as part of the assessment process).
 - in response to valid requests for information from other bodies including local authorities, the police, other law enforcement agencies and solicitors where the disclosure is permitted under the Data Protection Act or required by law.
- I understand that my name, badge/licence number, start/ expiry date and status of my licence will be made available on request as part of the statutory public register.

Signature of Applicant
Date

If you have any queries regarding your application please contact email licensing@gedling.gov.uk or contact us on 0115 901 3971. If you want to view the Council's Policy on convictions please visit www.gedling.gov.uk

For Privacy information please see the last page off this application form.

PLEASE NOTE

1. The current fee for a Private Hire Vehicle Operator's Licence is detailed on our website at www.geding.gov.uk.
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.
- 5 **Right to a Licence check - Right to stay and the right to work in the UK**

From 1st December 2016 you are required to demonstrate that you have the right to stay and the right to work in the UK, as part of the operators' licence application process. **You must bring the original document(s) with you at the time of making your application. PLEASE CHECK THE EXPIRY DATE OF YOUR DOCUMENTS BEFORE YOU START TO MAKE THE APPLICATION. IF YOUR DOCUMENTS HAVE EXPIRED, YOU WILL NOT BE ABLE TO MAKE THE APPLICATION FOR A LICENCE.** The document(s) will be copied and the copies retained by the Licensing Section. The original documents will be returned to you. The Licensing Section may check your immigration status with the Home Office each time you apply for a operators' licence.

List A – Documents which we may accept for a person who has a permanent right to remain in the UK

1.	A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2.	A passport or national identity card showing the holder, or a person named in the passport as the child of 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 Office to a national of a European Economic Area country or Switzerland.
4.	A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.
5.	A current Biometric Immigration Document (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 person's 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 person's 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 person's 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 person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

There are restrictions on the right to work if you are the holder of one, or a combination of the following stipulated documents in List B

The Licensing Section will check your immigration status with the Home Office each time you apply for an operators' licence.

Please bring the original documents with you each time you apply.

List B – Documents which we may accept for a person who has a temporary right to be in the UK	
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 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.
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 or 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 person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
1.	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 less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit.
2.	A Verification 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.

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/Police Station	Offence	Penalty

Privacy information

We will use the information provided by you to process your application for licence. The basis under which the Council uses personal data for this purpose is that it is necessary for the compliance with a legal obligation to which the Council is subject to. You need to provide this information if you wish to enter into a contract with the Council to purchase a licence.

The basis under which the Council uses information relating to criminal convictions is that it is necessary for reasons of substantial public interest.

The Data Controller is Gedling Borough Council, Civic Centre, Arnot Hill Park, Arnold, Nottingham, NG5 6LU. You can contact the data protection officer at the above address or by email at dataprotectionofficer@gedling.gov.uk

The information provided by you may also be used for the purpose of any other function carried out by the Council. Information about these functions and further information including how long we retain your data, who we share with and your rights can be found at www.gedling.gov.uk/Licensing-privacy

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. **For further details on the Rehabilitation of Offenders Act 1974 please visit: www.gov.uk**
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.

CONDITIONS OF OPERATORS LICENCES

1. A The Operator shall keep details of all bookings accepted either from the hirer or another Operator and shall immediately record them on a booking system approved by the Council* at the time the booking is received the details listed below:

1. name of hirer
2. phone number of hirer, unless they refuse to provide it
3. date & time the booking was made
4. date & time pick up required
5. location of pick up
6. destination
7. how the booking was received
8. the booking price if quoted
9. identity of person accepting hiring
10. identity of vehicle used for booking
11. time job completed

*The approved booking system must be able to record and store, as a minimum, all the details listed above.

B The Operator shall keep the records for a period of not less than two years or longer if required to do so by an authorised officer of the Council.

C Any computerised system used must be able to produce a printed record of the details specified above and made available to any authorised officer of the Council or Police Officer on request.

D Where the Private Hire Operator accepts a booking and dispatches a Hackney Carriage all these conditions apply.

2. A The Operator shall maintain at his premises, particulars of all vehicles operated by him which shall include the following:-
1. The licence plate number;
 2. The registration number;
 3. The name and address of the proprietor;
 4. The name(s) and address(es) of the driver(s) of above vehicles;
 5. The badge number(s) of the driver(s).
 6. Licences for all vehicles and drivers.
- B The above records are to be produced on request to any Police Officer or authorised officer.
3. A The Operator shall maintain at the premises a record of all complaints received by them, and shall record them on a complaints system approved by the Council* at the time the complaint is received. A full record of the complaint including as a minimum the following information:
1. date and time the complaint is made.
 2. name and contact details of the complainant.
 3. nature of the complaint – (to include date, time and location).
 4. driver / vehicle / staff details to whom the complaint relates.
 5. name of business manager to whom the complaint was passed.
 6. the date and time the complaint was passed to the business manager.
 7. the action taken to resolve the complaint and the time taken for it to be actioned.
 8. whether the complaint was referred to the Council.

*The approved recording system must be able to record and store, as a minimum, all the details listed above.

- B The Operator shall keep the records for a period of not less than two years, or longer if required to do so by an authorised officer of the Council.
- C The above records are to be produced on request to any Police Officer or authorised officer of the Council
- D The Operator must telephone the Police and contact the Council in writing or by email as soon as reasonably practicable, and in any case within 1 working day of any complaints received about:

1. sexual impropriety relating to any part of their business

2. behaviour which may compromise the safety and welfare of children and vulnerable people relating to any part of their business
 3. behaviour which poses an imminent danger to the public or of any safeguarding issue relating to any part of their business
- E In the event that the Operator formally disciplines or dismisses a driver, or a member of staff connected to the operational aspect of the business, for whatever reason, then the details must be reported to the Council, in writing, within seven days.
4. A The Operator shall ensure all staff who undertake bookings and/or dispatcher duties have received suitable and sufficient training and instruction concerning the use of:
- I. the system used to receive and record bookings and the dispatching of vehicles
 - II. the recording and process of dealing with and handling complaints received by the operator
- B A training log is to be held by the Operator for each person who undertakes the role of bookings and/or dispatcher duties. The training logs are to be produced on request by an authorised officer
5. Every Operator of Private Hire vehicles who accepts a booking for a Private Hire vehicle for an appointed time and place, shall give the booking to a vehicle, allowing sufficient time for the vehicle to punctually attend.
 6. The holder of an Operator's Licence shall not permit any person who is drunk, or is behaving in a disorderly manner, to remain upon the premises in respect of which the licence is in force.
 7. No Operator of a private hire vehicle which is licensed by the Authority under this Act shall invite or accept a booking for such vehicle, or control or arrange a journey to be undertaken by such vehicle, without first making available in writing, or giving orally, to the person making the booking, information as to the basis of charge for the hire of the vehicle.
 8. The Operator in his capacity as Operator and without prejudice to any other liabilities imposed under the Local Government (Miscellaneous Provisions) Act 1976 shall use his best endeavours to ensure that drivers of vehicles owned, controlled or operated in association with the Operator shall observe and perform the conditions of their Private Hire Driver's Licence and that vehicles shall conform to their Private Hire Vehicle Licence.
 9. If the provision is made by the Operator on his premises for the reception of members of the public proposing to hire a vehicle, he will ensure that his premises are at all times in a clean and tidy condition.
 10. The maximum number of Private Hire vehicles which the Operator may operate is that shown on the licence. The Operator may not operate vehicles in excess of this number unless he has first paid the required fee to the Council.
 11. For licences issued for more than one year but less than five years the licence holder will sign and submit a declaration to the Council in relation to their circumstances, at the end of each 12 month period. The licence holder will also undertake a Disclosure and Barring Services (DBS) check and submit the new DBS certificate, or provide the results from the online checking

system, at the time of renewal in the case of a licence issued for 1 year, or at the time of the 12, 24 or 36 month declarations in the case of a licence that has been granted for a period greater than 12 months.

If this condition is not complied with, the Corporate Director has delegated authority to suspend the licence, after giving a 7 day notice period, until the declaration has been fully completed

12. Any advertisement indicating that a vehicle can be hired on application to a specified address or telephone number, being the address or telephone number of premises in the District, or on or near any such premises, indicating that the vehicle can be hired at those premises shall NOT include the word "taxi" or "cab" whether in singular or plural or any word of similar meaning or appearance to either of those words and whether alone or as part of another word.

PENALTIES

The Local Government (Miscellaneous Provisions) Act 1976 provides that any person who acts in contravention of the provisions of Part 11 of the Act, shall be guilty of an offence and liable to summary conviction to a fine currently not exceeding £1,000 (One thousand pounds). In addition, such action may lead to the suspension or revocation of an existing Licence or the failure to renew such a Licence.

NB1: Your attention is drawn to the various provisions contained in the 1976 Act, which you are advised to obtain and read carefully.

NB2: For the purposes of these conditions any person assisting the delivery of all functions of the operators Private Hire business are bound by and included in these conditions