

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, RIGHTS OF WAY AND TAXI COMMITTEE

26th June 2014**REPORT AUTHOR: Senior Licensing Officer****SUBJECT: Hackney Carriage and Private Hire Licensing –
Revised Convictions Policy**

REPORT FOR: Decision

1. POLICY REVIEW

- 1.1 Members regularly sit on Licensing Review Panels to consider applications for joint Hackney Carriage and Private Hire Vehicle Driver Licences. It is usually the applicant's criminal convictions that are being considered in order to determine whether they are a 'fit and proper' person to be issued with a licence, bearing in mind the overall aim of the licensing authority is to protect the public
- 1.2 In 2005 the authority prepared and adopted a criminal convictions policy based on guidance produced by the Home Office at the time. It is this policy to which officers refer when considering applications for drivers. Applications that fall within the scope of the policy or which are border-line are referred to Members at a licensing review panel to be determined. Members will have regard to the policy guidelines when considering the application; although each case should be determined on its own merits having taking into account all of the facts and oral representations from the applicant, leaving the committee free to depart from the policy where circumstances warrant it.
- 1.3 The policy was reviewed in 2007 and more recently in 2012. Last year the all Wales Licensing Expert Panel set up a small working group to draft a template convictions policy for all Welsh Authorities to consider adopting. The All Wales Licensing Expert Panel is made of senior licensing officers and licensing managers with representatives from each of the Welsh authorities; they meet regularly to discuss current licensing issues, share good practice and set task and finish groups to work on projects such as template policies and procedures with an aim for consistency of approach across Wales.
- 1.4 The Template policy finalised by the group is attached at Annex A. When surveyed in November 2013 8 of the 22 Welsh authorities gave a firm commitment to seek adoption of the policy in the next 12 months, the others all favoured to adoption, but with no commitment on timescales.

2. CONSULTATION

- 2.1 A spring taxi newsletter was sent out to all Powys licensed taxi drivers in April contained within the newsletter (attached at Annex B) was an item on the proposed revised Driver Conviction Policy. Drivers were invited to view the draft policy and comment on it ahead of it being finalised for approval by Members. We have received no comments regarding the proposed policy

3 RECOMMENDATION

- 3.1 It is recommended that Members approve the new revised convictions policy for Hackney Carriage and Private Hire Drivers to be implemented with immediate effect

Recommendation:	Reason for Recommendation:
To adopt the Convictions Policy for Hackney Carriage and Private Hire Licensing prepared and approved by the All Wales Expert Panel for Licensing.	Adoption of this policy which provides Members with guidance on how they should consider applicants with convictions will ensure a consistent approach throughout the Welsh authorities who have already adopted it.

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Relevant Policy (ies)	Convictions Policy for Hackney Carriage and Private Hire Licensing
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Relevant Portfolio Member(s):	Cllr John Powell
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Relevant Local Member(s):	N/A
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Background Papers used to prepare report: none



DPPW – LICENSING TECHNICAL PANEL

Taxi and Private Hire Licensing Policy Fitness Criteria for Drivers and Operators

DATE: SEPTEMBER 2013

Document Control

Status	Date	Name
Draft compiled	July 2013	YL/NC/AJE/SJ/DJ/SO/AW/JP/DR
Document Lead for amendments		YL
Document consultation	By 3 rd Sept 2013	ALL MEMBERS of LICENSING TECHNICAL PANEL
Document consultation v2	By 3 rd Sept 2013	ALL MEMBERS of LICENSING TECHNICAL PANEL
Consideration of comments/Amendments	September 2013	YL/NC/AJE/SJ/DJ/SO/AW/JP/DR
Document amended by sub group following comments from region	13 th September 2013	YL/NC/AW/AJE
Consideration and signing off	25 th September 2013	ALL MEMBERS AT LICENSING TECHNICAL PANEL MEETING
Submit to WHoEG/DPPW	September 2013	SW

1.0 Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver / operator licence.
- 1.2 The aim of this policy is to protect the safety of the public. The Licensing Authority is concerned to ensure:
- That a person is a fit and proper person;
 - That the person does not pose a threat to the public;
 - That the public are safeguarded from dishonest persons;
 - The safeguarding of children and young persons;
 - The safeguarding of vulnerable persons;
 - That the public have confidence in their use of licensed vehicles.
- 1.3 This policy aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for driver / operator licences
 - Existing licensed drivers / operators whose licences are being reviewed
 - Licensing Officers and Police
 - Members of the Licensing Committee/ Panel (or other relevant decision making body)
 - Magistrates and Crown Court hearing appeals against local authority decisions
- 1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the licensing committee/panel (or other relevant decision-making body). Whilst officers and the committee/panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits** and, where the circumstances demand, the committee/officer may depart from the guidelines.
- 1.5 Where applicants fail to disclose any previous convictions; cautions; warnings; penalty notices, orders or reprimands on their application form including any pending court proceedings or other matters they may be referred to the Licensing Committee for determination.

2.0 General policy

- 2.1 Each case will be decided on its own merits.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period (as set out below); and
 - b. Show evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).
- 2.3 For the purposes of this Policy, “other matters to be considered” may include but are not limited to the following:
- a) Criminal / motoring convictions;
 - b) Court Martial;
 - c) Cautions;
 - d) Fixed penalty notices or other penalty notices;
 - e) Anti-social behaviour orders or other similar orders;
 - f) Breach of licensing conditions;
 - g) Formal Warnings or Reprimands;
 - h) Charges or matters awaiting trial;
 - i) Fitness and propriety.
- 2.4 Where an applicant has a conviction(s) or other matter(s) to be considered for a criminal offence, the council cannot review the merits of the conviction or other matter.
- 2.5 Where an applicant / licence holder has a conviction or other matter to be considered for an offence of aiding, abetting, attempting, conspiring, counselling, procuring, causing, permitting or inciting any of the criminal or motoring convictions / matters specified in this guidance, they will be considered relevant for the substantive matter.

3.0 Appeals

- 3.1 Any applicant who has been refused a driver / operator licence, or a licensed driver / operator whose licence has been suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of receipt of the notice.

4.0 Powers

- 4.1 Powers to grant driver / operator licences are contained within Section 51, Section 55 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 4.2 Powers to suspend, revoke or refuse to renew a driver's licence are contained within Section 61 of the Act, where the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.3 Section 61 (2B) allows the Licensing Authority, if it appears that in the interests of public safety, to suspend or revoke a driver's licence with immediate effect. A Decision Notice explaining why this decision has been taken will be issued to the driver and will have effect when the notice is given to the driver. The driver may appeal this decision but may not drive during the appeal period.
- 4.4 Section 62 of the Act allows the Licensing Authority to suspend, revoke or refuse to renew an operator's licence if the applicant/licence holder has been convicted of an offence under or non compliance with the provisions of Part II of the Act; or grounds of any conduct on the part of the operator which appears to the Council to render him unfit , or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.
- 4.5 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

5.0 Consideration of disclosed criminal history

- 5.1 Under the provisions of Sections 51, 55, and 59, of the Act, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a driver / operator licence is a 'fit and proper' person to hold such a licence. However, if an applicant / licence holder has any matters to be considered, the Licensing Authority may take into account:

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- How relevant the offence(s) are to the licence being applied for;
 - How serious the offence(s) were;
 - When the offence(s) were committed;
 - The date of conviction and age of applicant at time of conviction;
 - Sentence imposed by the court;
 - Whether they form part of a pattern of offending;
 - Any other factors that might be relevant.

6.0 Violence

6.1 Licensed drivers have close regular contact with the public. A serious view will be taken with those who have a conviction(s) or other matter(s) to be considered involving violence. An application will normally be refused or existing licence suspended or revoked if the applicant / licence holder has a conviction for an offence that involved the loss of life.

6.2 In other cases anyone of a violent disposition is unlikely to be licensed until **at least 3 years** free of such conviction(s) or other matter(s) to be considered. However, given the range of the offences that involve violence, consideration must be given to the nature of the offence.

6.3 Unless there are exceptional circumstances, an application will normally be refused or existing licence suspended or revoked where the applicant / licence holder has a conviction for an offence such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Or any similar offences or offences which replace the above.

6.4 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 10 years** prior to the date of application:

- Actual bodily harm which is racially / religiously aggravated;
- Arson;
- Assault Police;
- Common assault which is racially / religiously aggravated;
- Criminal damage which is racially / religiously aggravated;
- Grievous bodily harm with intent;

- Malicious wounding or grievous bodily harm which is racially aggravated;
- Possession of firearm;
- Resisting arrest;
- Riot;
- Robbery;
- Violent disorder;
- Similar offences or offences which replace the above.

6.5 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 3 years** prior to the date of application:

- Affray;
- Assault occasioning actual bodily harm;
- Common assault;
- Criminal damage;
- Obstruction;
- Possession of a weapon (or imitation weapon) or any other weapon related offence other than a firearm;
- S5 Public Order Act 1986 offence (harassment, alarm or distress);
- S.4 Public Order Act 1986 offence (fear of provocation of violence);
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress);
- Similar offences or offences which replace the above.

6.6 An application will normally be refused if an applicant has more than one conviction or other matter to be considered in the last **10 years** for an offence of a violent nature.

7.0 Sex and indecency offences

7.1 As licensed drivers often carry unaccompanied and vulnerable passengers, a firm line is to be taken with those who have convictions or other matters to be considered for sexual offences. An application will normally be refused or existing licence suspended or revoked for convictions or other matters to be considered for the more serious sexual offences. For other offences, applicants will be expected to show a substantial period free of conviction or other matter to be considered for such offences before an application will be approved.

7.2 Unless there are exceptional circumstances, an application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence such as:

- Assault by penetration;
- Exploitation of prostitution;
- Indecent assault;
- Offences involving children or vulnerable adults;
- Possession of indecent photographs, child pornography etc;
- Rape;
- Sexual assault;
- Trafficking for sexual or other exploitation;
- Similar offences or offences that replace the above.

7.3 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is **less than 7 years** prior to the date of application:

- Indecent exposure;
- Soliciting (kerb crawling);
- Similar offences or offences which replace the above.

7.4 In addition to the above the Licensing Authority is unlikely to grant a licence to any applicant who is currently on the Sex Offenders Register.

7.5 An application will normally be refused if an applicant has more than one conviction or other matter to be considered for a sexual offence.

8.0 Dishonesty

8.1 An applicant or existing licence holder is expected to be a trustworthy person. They deal with cash transactions and valuable property which may be left in their vehicles. Licence holders are required to deposit such property with police within 24 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.

8.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction or other matter to be considered is **less than 3 years** prior to the date of application:

- Benefit fraud;
- Burglary;
- Conspiracy to defraud;
- Forgery;
- Fraud;
- Handling or receiving stolen goods;
- Obtaining money or property by deception;
- Other deception;
- Taking a vehicle without consent;
- Theft;
- Similar offences or offences which replace the above.

9.0 Drugs

9.1 A serious view is taken of any drug related offence. The Licensing Authority will consider the nature and quantity of the drugs involved within the following offences:

- Cultivation of a controlled drug;
- Importation of a controlled drug;
- Production of a controlled drug;
- Supply of a controlled drug;
- Or similar offences.

9.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for any of the above offences and has not been free of conviction(s) or other matters to be considered for **at least 5 years**.

9.3 An application will normally be refused or an existing licence suspended or revoked where the applicant has more than one conviction or other matter to be considered for offences related to the possession of drugs and has not been free of conviction or other matter to be considered for **at least 5 years**.

9.4 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has an isolated conviction or other matter to be considered for an offence related to the possession of

drugs within **the last 3 years**. Consideration should be given to the nature and quantity of the drugs involved.

- 9.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required. If the applicant was an addict then they would normally be required to show evidence of **3 years** free from drug taking.

10.0 Driving offences involving the loss of life

- 10.1 A very serious view is to be taken of any applicant or existing licence holder who has a conviction or other matter to be considered for a driving offence that resulted in the loss of life.

- 10.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for any of the offences listed below and has not been free of conviction or other matter to be considered for **7 years**.

- Causing death by careless driving whilst under the influence of drink or drugs;
- Causing death by dangerous driving;
- Or any similar offences.

- 10.3 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for any of the offences listed below and has not been free of conviction or other matter to be considered for **5 years**.

- Causing death by careless driving;
- Causing death by driving: unlicensed, disqualified or uninsured drivers.

11.0 Drink driving/driving under the influence of drugs

- 11.1 A serious view will be taken of a conviction(s) or other matter(s) to be considered for driving or being in charge of a vehicle while under the influence of alcohol / drugs. A single conviction or other matter to be considered may not result in an application being refused or an existing licence being suspended or revoked, provided that **at least 3 years** have elapsed since the ending of the disqualification. A conviction or other matter to be considered for 'refusing or failing to provide a specimen' will be treated in the same way.

11.2 Applicants with more than one conviction or other matter to be considered for driving or being in charge of a vehicle under the influence of alcohol / drugs or refusing or failing to provide a specimen are unlikely to be granted a licence unless a period of **10 years** has elapsed after the restoration of the driving licence following the last conviction or other matter to be considered.

12.0 Motoring Convictions

12.1 Major Traffic Offences

12.2 For the purposes of this Policy the following motoring offences are classed as 'Major Traffic Offences':

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
DD40	Dangerous driving
DD90	Furious driving
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

12.3 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction or other matter to be considered for a major traffic offence and has not been free of the conviction or other matter to be considered for **at least 6 months**.

- 12.4 An applicant with more than one Major Traffic Offence, within the last 5 years will normally be refused and no further application should be considered until a period of **at least 3 years** free from such convictions or other matters to be considered have elapsed.
- 12.5 If any conviction or other matter to be considered for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".
- 12.6 **Disqualification from driving**
- 12.7 The Licensing Authority will treat a period of a disqualification as being that which a driver would have been eligible to serve, and may disregard the decision of a court to waive or reduce a disqualification period either on the grounds of exceptional hardship under S.35 of the Road Traffic Offenders Act 1988 or for "special reasons" under S.34 of the Road Traffic Offenders Act 1988.
- 12.8 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of less than 56 days unless a period of **at least 6 months** has elapsed from the end of the disqualification period.
- 12.9 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of up to 12 months unless a period of **at least 12 months** has elapsed from the end of the disqualification period.
- 12.10 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matters to be considered resulting in a period of disqualification of 12 months or more, unless a period of **at least 18 months** has elapsed from the end of the disqualification period.
- 12.11 The Licensing Authority will not normally grant an application for a private hire or hackney carriage driver's licence from a person who has been disqualified from driving for a period of 5 years or more, unless a period of **at least 7 years** has elapsed from the end of the disqualification period.
- 13.0 **Minor Traffic Offences**
- 13.1 Other Traffic Offences not listed within this policy will be treated as 'Minor Traffic Offences'. A minor driving offence is one that incurs between 1 and 3 penalty points.

13.2 Where an applicant / licence holder has one conviction or other matter to be considered for a minor driving offence, this will not usually result in refusal or suspension / revocation.

13.3 More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions or other matters to be considered for the same offence e.g. speeding. A licensed driver may be referred to the Licensing Committee where there are more than two offences.

14.0 Outstanding charges or summonses

14.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but in the interest of public safety the matter will be considered and may be deferred for determination until proceedings are concluded.

15.0 Non-conviction information

15.1 If an applicant or existing licence holder has been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing or suspending / revoking the application / licence.

16.0 Repeat offending

16.1 While it is possible that an applicant may have a number of convictions or other matters to be considered that individually meet the above guidelines, an application will normally be refused where an applicant has a record of repeat offending which shows a lack of regard for the well being of others or for property, unless a period of **at least 10 years** has elapsed since the most recent conviction or other matters to be considered.

17.0 Breach of Legislation, Byelaw or Licence Condition

17.1 An applicant who has a conviction or other matters to be considered for a breach of legislation, byelaw or licence condition is unlikely to be granted a licence unless a period of **at least 12 months** has elapsed since the most recent breach.

17.2 An existing licence holder found to be in breach of legislation, byelaw or licence condition is on the first occasion, likely to be warned in writing as to future conduct, provided that the breach did not compromise the safety of passengers or that the public were not put at risk.

- 17.3 Where an existing holder is found to have more than one breach of licensing legislation, byelaw or licence condition, or a single serious breach, the Licensing Committee may suspend or revoke the licence.
- 17.4 The above is irrespective of any legal proceedings which may be pending or have been taken.

Final version: Dated 13th September 2013

TAXI UPDATE

Hackney Carriage Licence Surrendered Following Call to Hearing

The Council's Intended use Policy for Hackney Carriages is now up and running for all Hackney Carriage Licences issued since 1st November 2013. The first hearing to consider a Hackney Carriage considered not to be working predominantly in Powys was scheduled for mid- February, in the end the hearing was dispensed with as the licence was surrendered before the hearing date.

If you are the proprietor of a Hackney Carriage licence issued since 1st November 2013 and you operate outside of Powys, expect periodic requests for records of journeys carried out in that vehicle. It is a requirement that these records are maintained and available for the licensing authority on request. The authority will consider your records and any other evidence available from a variety of sources such as other local authority's taxi enforcement records, school contract details, records of stop check from the Police etc. Where it appears that the vehicle is not predominantly operating in Powys then that licence will be referred to a hearing for consideration with a view to revocation.

CONVICTIONS POLICY – HAVE YOUR SAY

Whilst the authority's convictions policy for taxi drivers was only updated 18 months ago since then a new convictions Policy drafted by the All Wales Licensing Technical Panel has been finalised and approved. The convictions policy provides guidance to the authority on how it handles applications from drivers with convictions, cautions or other relevant information that may question whether an applicant/licence holder is 'fit and proper' to hold a licence.

With a view to a consistent approach all local authorities in Wales have been encouraged to adopt this policy. Approval by Committee is required in order to adopt a new or revised policy. Prior to submission to Committee the taxi trade are invited to view and make comment on the proposals, any comments will be considered by the committee and must be submitted by 16th May 2014. For a copy of the proposed convictions policy please contact your local Licensing Officer.

LICENCE PLATES

Please note that unless prior approval is given by a Licensing Officer vehicle licence plates should be fixed to the rear of the vehicle. Approval to display the plate in the rear window is only given in exceptional circumstances and where the rear window is vertical and not heavily tinted so that the plate is clearly visible from outside.

OTHER NEW ITEMS:

Licensing of MPV's

The authority has reviewed its policy in relation to the licensing of Multi-Purpose Vehicles. The Planning, Rights of Way and Taxi Licensing Committee recently approved the removal of the vehicle licence condition that required all passengers to have access to a door without the need to lower the back of seat.

If you have a vehicle currently licensed with us and believe that you might benefit from extra seating capacity on the licence then you can request your vehicle to be re-assessed and subject to the seating dimension conditions being met, a new plate and licence can be issued at a cost of £28, the expiry date of the licence will remain the same. Alternatively you can wait for the licence renewal to have the seating capacity re-assessed.

Fees and Charges

Revised charges from 1st April 2014:
A pair of Hackney Carriage Door Stickers (optional) £7.50
New Driver Test Fee £30
All other taxi fees remain the same.

Private Hire Operators some FAQ's

Can I be licensed as a Private Hire Operator in Powys?

Only if you operate from Powys. Operate means to make provision for the invitation or acceptance of bookings for a Private Hire Vehicle. This would be the location where bookings are made by telephone/internet or the business address associated with any transport contracts.

Can I divert the phone line from my operating base to an address outside of Powys?

No – you would then be making provision for the booking of a Private Hire Vehicle in another authority and you would require a Private Hire licence in that authority. Taking bookings for Private Hire Vehicles from an authority where you do not hold a licence is an offence.

I have a Private Hire Operator Licence issued by another authority, can I use a Powys licensed vehicle and driver to fulfil the booking?

No, all three licences must be issued by the same authority i.e. a Powys Private Hire Operator can only dispatch a Powys Private Hire Vehicle with a Powys licensed driver.

What records do I need to keep?

The conditions of a private hire operator licence require the operator to record the following details of all journeys undertaken.

- The time and date of the booking;
- The name and address of the hirer;
- How the booking was made (i.e. by telephone, personal call, etc.);
- The time of pick-up;
- The point of pick-up;
- The destination;
- The time at which the driver was allocated the booking;
- The registration number of the vehicle;
- Remarks (including details of any sub-contract);
- The name of the driver.

Many operators undertake school contracts; the details of these must also be recorded. Records must be available on request by a Licensing Officer; such records may be electronic in which case the details may be shared electronically or via a computer printout.

How long do I need to keep my records for?

At least 6 months.

Do I need Public Liability Insurance?

If your operating base makes provision for the public to attend to book or wait for a vehicle then public liability insurance is required for the premises.

Can a Private Hire Vehicle accept an immediate hiring?

No, all jobs carried out in a PHV must be pre-booked. Should a driver be approached for an immediate hiring then the customer must be advised to call the private hire operator to make a booking.

What about Planning Permission and Business Rates?

It is your responsibility to check whether these apply and to ensure that you comply. The relevant council departments are notified where a private hire operator licence has been issued.

CASH DESK CLOSURE

Please note that from 1st April 2014 the cash desks located in the Council Offices will be closed. Facilities for making cash /cheque payments will be limited, payment by debit/credit card is preferred and can be taken by reception staff. Card payment over the telephone is also possible for applicants submitting applications in the post.

CONTACTS:

Tel: 0845 602 7037 and ask for licensing in the relevant area office, Brecon, Llandrindod or Welshpool

Email: licensingbrecon@powys.gov.uk / licensingradnor@powys.gov.uk / licensingmont@powys.gov.uk