

Private Hire Operation Guidance Notes

Crawley Borough Council takes the view that as the person responsible for recruiting private hire vehicles and drivers, for accepting bookings and for fulfilling customer expectations, the role of the private hire operator is crucial. It is they who can set the standards expected by the Company and ensure that vehicle proprietors and drivers meet those standards set by legislation, Policy, licence conditions and customer's expectations.

It is also important that the private hire operator recognises the role of Crawley Council as the Licensing Authority and works in partnership with the Council and other regulatory partners including Sussex Police, Trading Standards and the DVSA to achieve and maintain high standards.

Further information on all aspects of hackney carriage and private hire matters can be found in the Councils Hackney Carriage and Private Hire Licensing Policy. All applicants are expected to be conversant with this Policy, legislation and conditions/bylaws governing any part of licensable activities [Hackney Carriage and Private Hire Policy 2022 onward](#)

Processing the application

Application for a Licence (Renewal & New)

Once a correct and complete application form (including the fee) has been received by the Taxi Licensing Section, an inspection of the site will take place and a formal interview will take place between the applicant(s) and a Licensing Officer will take place. This meeting will cover a range of matters including:

- Understanding of the Private Hire licensing regime
- Understanding of the Councils Hackney Carriage and Private Hire Licensing Policy [Hackney Carriage and Private Hire Policy 2022 onward](#)
- Intended mode of operation, systems used, operational practice, and a review of policies and procedures.

Once the Licensing Officer is satisfied that the application is complete and the applicant(s) are able to demonstrate a sound knowledge, and that the applicant(s) is a fit and proper person, the case will be determined by a Senior Officer and where approved, a licence and conditions associated with this licence will be issued.

Renewal of Licence

Applications to renew a Private Hire Operator's licence must be submitted to the Taxi Licensing Service at least 2 months prior to the expiry of the licence, together with all supporting documentation and the relevant fee.

If an existing licence holder fails to renew their licence prior to its expiry or does not submit the application and supporting documentation in full prior to expiry, Crawley Borough Council will not renew the licence. The applicants will have to submit new

application, and provide all supporting documentation, including the relevant fee, This will need to be reviewed before an application is determined, which will mean a business cannot operate until this is determined.

It is your responsibility to make sure your licence is renewed on time. If you do not, it will be unlawful for you to continue operating private hire vehicles after that date.

Fees

A fee is payable for the application to grant or renew of a licence. The size of the fee depends upon the number of vehicles that you wish to operate

Once your application has been received and accepted as complete, a member of the Taxi Licensing Team will contact you to take payment. The application is not valid unless and until the fee is paid. Please be advised that failure to pay any fee will result in an application being deemed invalid, and may result in the lapsing or suspension of the licence Failure to pay may also call into question the fitness and propriety of an applicant.

This fee will **NOT** be refunded if you withdraw your application, if the application is deemed invalid because you have failed to provide the correct information, or if the application is refused.

All private hire operators' licences are issued for one year in the first instance and for 5 years thereafter, unless any particular circumstances require a licence to be issued for a shorter period. This is as a result of the implementation of Section 10 of the Deregulation Act 2015.

If it is determined that a licence is to be granted over a longer period, arrangements for the cost to be spread across the 5 years may be considered.

Application in multiple names as a company

If you are applying with someone else as a Company or Partnership, you need to complete the application form(s) with the supporting information,. All applicants must sign the relevant forms, declarations and also provide all relevant data/documents required.

Important - other legislation

There may be other consents that you require in order to carry on a business as a private hire vehicle operator. You must obtain all necessary consents before you start to operate.

The applicant's premises **must** be within the Borough of Crawley. Any premises maintained by the applicant for a private hire operator's licence may require planning permission for that usage. It is advised that applicants seek advice of the Local Planning Authority **before** making an application for a private hire operator's licence or commencing the use of private hire operators licence. Consent will also be required from the property owner if you do not own the premises. (This includes

privately rented properties and those owned by a Registered Social Landlord (RSL) where you live. Evidence of a lease or agreement from the property owner will be required.

The grant of a Private Hire Operator's licence does not override the requirement for planning permission to allow the use of a premise as a private hire operator's base. Premises failing to obtain or comply with planning permission, where required, may be liable to planning enforcement action.

If the applicant proposes to allow members of the public to wait at the premises from which the applicant intends to operate, a Licensing Officer (s), will inspect the premises to ensure that they are suitable for accommodating members of the public and are properly furnished.

Consideration will also be given as to the suitability of the premises and the potential impact on businesses and residences in the vicinity if a licence were to be granted and the Taxi Licensing Service may seek the views of statutory partners when assessing an application.

Other documentation

Applicant Standard Disclosure - Disclosure Barring Service (for a person who is not a- licensed driver in the Crawley Borough)

A person applying for the grant or renewal of a private hire operator's licence who is not currently a licensed driver with Crawley Bough Council is required to:

- Provide a Standard Disclosure from Disclosure and Barring Service (DBS) applied for via the Councils Taxi Licensing Team
- This is a record of any criminal convictions. Any and all cautions, warnings, endorsements and penalties should be disclosed.

Where the applicant is a limited company the declarations should be completed each of the directors, and, where applicable, the company secretary.

A 'Right to a licence' in the UK & entitlement to work

Section 37 of the Immigration Act 2016 has amended existing legislation to prevent illegal working in the private hire and hackney carriage vehicle trade and applicants must now demonstrate that they have the right to work in the UK.

All applicants will be treated in the same way during the application process, regardless of nationality, including British Citizens. This will also demonstrate a fair, transparent and consistent application process. Assumptions will not be made about a person's right to work in the UK or their immigration status on the basis of their nationality, ethnicity, accent, or the length of time they have been living in the UK.

You **must** demonstrate that you have the right to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on work as a licensed driver.

If the Taxi Licensing Section have previously received documentation that confirms you have indefinite right to remain and work in the UK, no further action is required other than to confirm that this is still current and shows the correct status,

For those who have limited permission to be in the UK, the Taxi Licensing Section must repeat the 'Right to Licence' check at each subsequent application to renew or to extend the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK.

The UK left the European Union (EU) on the December 31, 2020. On January 1, 2021 a grace period began, during which time relevant aspects of free movement were saved to allow eligible EU, EEA and Swiss (EEA) citizens and their family member's resident in the UK by December 31, 2020 to apply to the EU Settlement Scheme (EUSS). Since July 1, 2021, EEA citizens and their family members require immigration status in the UK, in the same way as other foreign nationals. The Home Office, changed the list of acceptable documents to remove the requirement of EEA passports, national identity cards and specified EEA Regulations documents, which only confirmed the individual's nationality or that they were exercising EEA Treaty Rights.

The Home Office have provided a list of acceptable documents to allow a manual Right to Licence check. Those that previously provided original documents that have since been removed from this list will be required to repeat the Right to Licence check.

An applicant can do this in one of two ways:

1. By providing their 'share code' to enable the Licensing Authority to carry out a check using the Home Office online right to work checking service (see details below); or
2. By providing a document or document combination that is stipulated as being suitable for this check. The list of documents is available [Employers' right to work checklist - GOV.UK \(www.gov.uk\)](#)

In addition to providing original documents, applicants must demonstrate their right to work by allowing the Taxi Licensing Team to carry out a check with the Home Office online right to work checking service. To demonstrate their right to work via the Home Office online right to work checking service, applicants should include on their application form, their 9-digit share code (provided to them upon accessing the service at [Prove your right to work to an employer: get a share code - GOV.UK \(www.gov.uk\)](#) which, along with the applicant's date of birth (provided within their application), will allow the Taxi Licensing Service to carry out the check.

Please note the Right to Licence share code is only valid for 30 days.

HMRC Tax Check

A tax check confirms that you are registered for tax, if necessary.

The Finance Bill 2021 contained a clause that introduced a tax conditionality to licence applications made on or after the 4th April 2022. From April 4th 2022, the rules changed if you apply for a private hire operator's licence. [Complete a tax check for a taxi, private hire or scrap metal licence - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence)

After you have completed the tax check you will be given a code. You must give this code to the Licensing Section as part of your licence application – the Taxi Licensing Team cannot process the application without it.

If you are an individual, company or any type of partnership you must complete a tax check if you are;

- Renewing a licence
- Applying for the same of type of licence you previously held, that ceased to be valid less than a year ago
- Applying for the same type of licence you already hold with another licensing authority.

You **DO NOT** need to complete a tax check if you have.

- Never held a licence of the same type before (i.e., it is your first application/grant)
- Had a licence of the same type that ceased to be valid a year or more before making this application.
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In these circumstances you should follow the guidance on [the Government website](#).

Tax codes expire after 120 days. If you make another application for a licence after this time, you will need to carry out a new tax check and provide the latest code for it.

Please note the HMRC tax check is only valid for 120 days.

Safeguarding Vulnerable Passengers Training

Each applicant/Director must satisfy Crawley Borough Council that they are fit and proper to be granted a private hire operator's licence are required to undertake and pass the before a licence is issued. This also applies to applicants who are applying to renew a licence, since this must be completed by the end of March 2023. [West Sussex Learning and Development Gateway | Development Opportunities | West Sussex Learning and Development Gateway \(westsussexcpd.co.uk\)](https://www.westsussexcpd.co.uk/)

No licence will be issued without attending the course and providing the Council with a satisfactory pass certificate of each applicant/Director.

DBS Checks on Booking, Call Handling & Dispatch Staff

Private hire vehicle drivers are not the only direct contact that private hire vehicle users (passengers) have with private hire operators. It can include a range of other staff, for example a person taking bookings be it by phone or in person, a vehicle dispatcher decides which driver to send to a passenger and this is a position that could be exploited by those seeking to exploit children and vulnerable adults.

Crawley Borough Council considers that it is therefore appropriate that all staff that have contact with private hire vehicle users both directly and indirectly including the dispatch of vehicles should not present an undue risk to the public or the safeguarding of children and vulnerable adults.

Crawley Borough Council must be satisfied that private hire vehicle operators can demonstrate that all staff that have contact with the public and/or oversee the dispatching of vehicles do not pose a risk to the public.

It is a condition of granting an operator licence, that you are required to keep an up to date register of all staff that will take bookings or dispatch vehicles.

Any staff listed on your register of 'booking, call handling and dispatch staff' should have provided, as part of their employment contract, a recent Basic DBS Disclosure. These checks should be conducted on any individuals added to the register and be compatible with the company's policy on 'Employing Ex-Offenders'.

A record that the operator has had sight of a basic DBS certificate should be stated and retained for the duration that the individual remains on the registers and any content in these disclosures confirmed to the Taxi Licensing Service.

Should a member of the booking and dispatch staff leave and then return a new Basic DBS Certificate is required and a record made that the new DBS Certificate has been seen.

The register is required to be a 'live document' that maintains records of all those in the role of booking, call handling and dispatch staff for the same duration as booking records are required to be kept for 12 months.

Employing Ex-Offenders Policy

Every Private Hire Operator on applying for a licence and on renewal, will be required to provide a copy of their policy on employing ex-offenders as part of the operation, including in roles of booking, call handling and dispatch staff.'

Declaration

It is a criminal offence to sign the Declaration if you have knowingly or recklessly made a statement on your application form which is false.

Conditions

If you are granted a private hire operator licence it will be subject to the Conditions attached to it, and Crawley Borough Councils Hackney Carriage and Private Hire Licensing Policy adopted on 1st April 2022. [Hackney Carriage and Private Hire Policy 2022 onward](#) If you breach any of these conditions the Council could take formal action against you, including suspension or revocation of your licence.

Regulatory & Enforcement Matters

As Licensing Authority, the Council has power to issue sanctions in connection with a Private Hire Operator Licence, including Penalty Points, revocation and/or suspend a Private Hire Operators Licence for breach of licence conditions, any offence under, or non-compliance with, Part II of the 1976 Act, and/or for any conduct on the part of the operator which appears to the Council to render them unfit to hold a private operator's licence, for any material change in any of the circumstances of the operator on the basis of which the licence was granted, or for "any other reasonable cause."

Responsibility of the Operator/Changes to Licence (i.e. change of company name, limited company, name and number of directors)

You are also required to complete a new application form to reflect any substantial changes to the licence e.g. change of Director. Please note that Operator Licences cannot be transferred. If you are unsure, please email taxis@ Crawley.gov.uk for advice.

Change of Ownership

Where there is a change in the ownership of a firm holding an operator's licence (either by the addition or removal of one or more partner) this must be notified to the Council immediately in writing. The new owner(s) must then make an application for a new licence as if it were a first application, whether or not the operating name remains the same. There is no provision within the legislation to transfer a licence to operate private hire vehicles