

Operator application pack

Author: Licensing service

Contact: licensing@luton.gov.uk

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Licensing service operational changes

Important changes - private hire and hackney carriage driver and vehicle licences: updated on 16 June 2021

Public counter provisions - closed

Licensing service public counter and including licensing staff public counter at Kingsway depot is closed for day to day business permanently.

The Licensing Service can be contacted on **01582 546040** between 9am and 4.30pm, Monday to Friday or by emailing licensing@luton.gov.uk.

All applications are to be processed via electronic facilities and the council's online portals should be used.

We strongly advise that you continue to maintain your licences and take the appropriate time to submit your full, completed application form(s) online prior to the expiry of your existing licence to avoid being unlicensed and unnecessary concerns during this time.

All licences, plates and badges will be posted. Please ensure that applications are submitted to allow the appropriate time for these to be processed and posted prior to licences expiring.

Private hire and hackney carriage vehicle damage appointments

Due to the current changing situation with COVID-19, we have taken the decision to not carry out routine vehicle damage or vehicle repair checks at this time until further notice.

We advise you to continue to use the online service for reporting any damage on your licensed vehicle, following the usual procedures and within the conditional timescales on your licence as usual.

It may be required that we contact you for further images/pictures of your vehicle in these circumstances to ensure we can review the full extent of the damage and or repair to your vehicle.

Apologies for the inconvenience at this time.

Private hire and hackney carriage driver(s)

In order to submit an application for private hire and hackney carriage driver's licence, you will need to meet ALL supporting documentation required, this includes a DVLA Group 2 medical standards medical certificate completed by your GP.

Knowledge test bookings

Private Hire and Hackney Carriage knowledge Tests have now resumed. The knowledge tests have been changed to be conducted remotely and applicants will need access to a computer (PC, tablet device) and be able to navigate the device to conduct a video call for security checks before the test and prior to being emailed the information to take the knowledge test.

DBS verification process

The Disclosure and Barring Service (DBS) process are relaxing requirements for an interim period in light of the changes due to coronavirus COVID-19, Applicants now do not need to go to the post

office to get documents verified. Documents can now just be scanned and sent direct to personnel checks. Personnel Checks will provide full guidance on this.

Licensing Service
Town Hall
George Street
Luton
LU1 2BQ

T: 01582 54 6040
E: Licensing@luton.gov.uk
W: www.luton.gov.uk

1 July 2021

RE: Immigration Act 2016 - applications for private hire and hackney carriage driver and private hire operator licences.

Right to work in the UK check required

The UK Government has changed the law regarding private hire, hackney carriage driver's and private hire operator licences with effect from 1 December 2016. These changes will affect you if you either:

- apply for a driver's or operator's licence on or after 1 December 2016
- already hold a driver's or operator's licence and you apply for your licence on or after 1 December 2016

The legislation does not affect applications for vehicle licences.

This note explains what the changes mean, how they will affect you and what you need to do.

What do the changes mean?

The changes mean that, from 1 December 2016, the council as a licensing authority is under a new legal duty to ensure that driver and operator licences are only issued to applicants who have the right to licence in the UK.

In order to comply with this duty the council has to check that all applicants on or after 1 December 2016 have the right to work in the UK. By law this applies to everyone regardless of where they were born, how long they have lived in the UK and, if they already hold a driver or operator licence, how long they have held that licence.

How the changes will affect you

For applications received on or after 1 December 2016, you will be required to provide original and valid evidence of your right to work in the UK before your licence will be issued. Should you fail to do so, your licence will not be issued and will not be processed further. Please see below for further details as to what is required for you to evidence your right to work in the UK.

What you need to do

You will be required to provide your original valid documentation evidencing your right to work in the UK. This must be provided to the Licensing Service in order for your licence application to be determined.

Only certain forms of documentation are acceptable. For applicants who are British citizens, all they need to produce will be a British passport. For British citizens who do not have a British passport, there may be other documents that can be produced and accepted instead. Please contact the Licensing Service if further advice is required.

From 1 July 2021 we will no longer be able to accept EU passports or ID cards as valid proof of right to work, except for Irish citizens.

If you have been issued with leave to remain which is time restricted or have been issued with permanent leave by governing bodies, it was required that an application be submitted to the Home Office by 30 June 2021 for these entitlements to live and work in the UK to be transferred under the EU settlement scheme.

Further details regarding the [EU settlement scheme](#), requirements for applications and the criteria for late applications can be found on the Gov.UK website (go to www.gov.uk and search 'apply EU settlement scheme').

It may be possible, in certain circumstances, for the Licensing Service to carry out a 'right to work check' online. If so, you will be required to [provide a 'share code'](#). This share code can be obtained on the Gov.UK website (go to www.gov.uk and search 'prove right to work').

Once your documentation has been checked

If the documentation you provide demonstrates that you have a permanent right to work in the UK you **will not** be required to produce this on future applications.

In other cases, you will be required to provide your documentation when you next apply to continue your licence so that your documentation can be checked again, or this may be earlier if your right to work in the UK is limited to a shorter period.

Licensing Service

Luton Council

email:licensing@luton.gov.uk

Private hire operator application

If you wish to apply for a licence, the following items must be produced at the Licensing Service:

Only original certificate(s) and document(s) in your full current name and address will be accepted, including correct spelling.

- (a) The enclosed **application form** completed in full and correctly, including **full lists of both drivers and vehicle's which are to work for you.**
- (b) One passport sized photograph taken within the last 12 months for each owner, partner or director.
- (c) Two means of identification (such as passport, birth certificate, driving licence, national insurance card) **at least one must be photographic - the full name and address on which must be the same as that on the application form, correctly spelt name for all persons.**
- (d) **Criminal record check** - no older than one calendar month from date of submission of application.
- (e) If you have an area accessible to members of the public, public liability insurance.
- (f) If the operator licence is being issued to more than one individual – such as a partnership, **all persons details must be provided on the application form and provide all supporting documentation detailed above.**
- (g) The appropriate application fee is **£3,250** for a five year licence. **See fee chart attached.**
- (h) The standard duration for an operator's licence is five years. It may be issued for a lesser period, only if the application is accompanied by a request to do so in writing.

Please note: a disclosure is required to support your application. It is your responsibility to obtain a current criminal record bureau disclosure from the Disclosure and Barring Service (DBS), through their helpline 03000 200 190 or via their [Request a basic DBS check webpage](#) and follow the details for applying for a basic disclosure within DBS checks. Other providers are available.

Please note: the disclosure must not be older than one calendar month from the date of submitting your application.

CHANGES FROM 4 APRIL 2022 – IMPORTANT

From 4 April 2022 requirements for licence applicants is changing. You will be required to complete a tax check online prior to submitting a licence application. Further details regarding this requirement can be found below. A licence application cannot be submitted or accepted by the Licensing Service until you have completed the required tax check online. Please note that the Licensing Service will not be able to view your personal tax information when the necessary checks are carried out.

The application form must be fully completed and all documentation must be in your correct and full name and address. The application and the supporting documentation must all match (including spelling of names) for any licence application to be accepted.

Please note: you cannot lawfully trade until your application has been determined and your licence has been issued to you.

If you have any questions relating to this matter please do not hesitate to contact any member of the Licensing Service.

In order to process your application fully please submit the completed form and documentation by email to licensing@luton.gov.uk or by post to the address at the top of this pack.

Please see our [Hackney carriage and private hire licensing policy](#) for your information on our [Taxi and private hire licences webpage](#).

Yours sincerely

Licensing Service

Tax Changes from 4 April 2022

Changes for taxi, private hire or scrap metal licence applications from April 2022

What you need to do to meet new rules if you're applying for a taxi, private hire or scrap metal licence on or after 4 April 2022.

What's changing?

The rules are changing if you are an individual, company or any type of partnership applying for a licence for a:

- taxi (HC) driver
- private hire driver
- private hire vehicle operator (PH Operators)
- scrap metal site
- scrap metal collector

If you make an application on or after 4 April 2022 you will need to complete a tax check if you are:

- renewing a licence
- applying for the same type of licence you previously held, that ceased being valid less than a year ago
- applying for the same type of licence you already hold with another licensing authority

You must carry out the tax check yourself. You cannot ask a tax agent or adviser to do this on your behalf.

The tax check will ask questions about how you pay any tax that may be due on income you earn from your licensed trade.

After you have completed the tax check you will be given a 9-character tax check code. You will need to give the code on your application to the licensing authority, so they can confirm you have carried out a tax check.

You will not be granted a licence if you do not give a tax check code to your licensing authority.

You will be able to complete a tax check **from 7 March 2022**.

What you will need

To carry out a tax check, you need a Government Gateway user ID and password. If you do not have a user ID, you can create one when you start the check.

You'll also need to know:

- when you first got your licence
- the length of your most recent licence
- how you pay tax on the income you earn from your licensed trade

You will not be able to complete the tax check if the information you give about your tax affairs does not match HMRC's records.

What you should do before April 2022

Get a Government Gateway user ID and password

You will need a Government Gateway user ID and password to complete a tax check, so you should make sure you have one before you need to make your licence application.

If you do not have a user ID, you can create one by [registering for HMRC online services \(https://www.gov.uk/log-in-register-hmrc-online-services/register\)](https://www.gov.uk/log-in-register-hmrc-online-services/register).

When a Tax Check is not required

You will not need to complete a tax check, and you should follow the [confirm your tax responsibilities guidance \(https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence\)](https://www.gov.uk/guidance/confirm-your-tax-responsibilities-when-applying-for-a-taxi-private-hire-or-scrap-metal-licence), if you have:

- never held a licence of the same type before
- had a licence of the same type that ceased to be valid a year or more before making this application

Please ensure you review the below Gov.uk website addresses for HMRC guidance about tax registration obligations:

- PAYE information: www.gov.uk/income-tax/how-you-pay-income-tax
- registering for Self Assessment: www.gov.uk/register-for-self-assessment
- Corporation Tax information: www.gov.uk/corporation-tax

What a tax check is

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

After you complete the tax check you will be given a code. You must give it to the licensing authority with your licence application — they will not be able to process your application without it.

Tax check codes expire after 120 days, so if you make a licence application for another licence after that time you will need to carry out a new tax check for it.

If you are a partner making a licence application on behalf of a partnership you must complete a tax check for yourself. Your licensing authority will tell you if any other partners also need to complete a tax check.

Applying for more than one licence

You can use one tax check code for more than one licence application, as long as all the applications are for the same type of licence (for example, they are all for taxi driver licences but with different licensing authorities).

If you are applying for different types of licence (for example, a private hire driver licence and a private hire vehicle operator licence) you must complete a tax check for each one.

Please note that HMRC has powers to obtain information from Licensing Authorities. Schedule 23 to Finance Act 2011 (Data Gathering Powers) and Schedule 36 to Finance Act 2008 (Information and Inspection Powers), grant HMRC powers to obtain relevant information from third parties. This includes licensing bodies being required to provide information about licence applicants.

Basic disclosures information for operator licences

Basic Disclosures can be obtained from the Disclosure and Barring Service, through their helpline - 03000 200 190, or via their [Request a basic DBS check webpage](#). Please note that other providers are available.

The original disclosure application once received should accompany all relevant documentation and be presented to the Licensing Service, the criminal record check should **be no more than one month old from date of issue**.

Contacts

For information on the application process or assistance in making your application, contact us:

By post	Licensing Service Luton Borough Council, Town Hall, George Street, Luton, LU1 2BQ
In person	Not currently available
By phone	01582 546040
Website	www.luton.gov.uk
Email	licensing@luton.gov.uk

Local Government (Miscellaneous Provisions) Act 1976

Application for private hire operator's licence

FOR OFFICE USE ONLY	
LICENCE FEE	DOCUMENTS RECIEVED
Receipt No.	PHOTO
Amount Paid	DISCLOSURE
Date of Issue	PHOTO ID
OFFICER	MAU NO

December 2022

Licensing Service

Luton Council

Town Hall

Luton

LU1 2BQ

Telephone: 01582 546040

Required information	Your information
Full Name(s) of Proprietor(s) and Partner(s)	
Home Address(es)	
Telephone No(s).	
Date(s) of Birth	
Place(s) of Birth	
Email Address:	
Name of Private Company or Business	
Provide details of Companies House registration (where applicable):	
Address(es) of Premises from which you operate Telephone No(s). <p style="text-align: center;">Must be within the Borough of Luton</p>	
Does your premises mentioned in this application have access to members of the public? (for example a waiting area) IF YES, you will need to provide public liability insurance for the premises as part of your application.	YES/NO

Data Protection Act 1984

This department now holds most of its records on a computer database. The purpose of holding this information on computer is to enable us to provide a more efficient service. All the information held will be confidential and you are at liberty to view the details that specifically apply to you should you so wish.

Required information	Your information
If you were not engaged as a Hackney Carriage or Private Hire Vehicle Proprietor before making this application please indicate your previous occupation.	
Has a previous application for an Operator's Licence been made? If yes, give details	YES/NO
Has a previous Operator's Licence held by you been revoked or suspended?	
At the date of this application, have you any "unspent" convictions for:- (a) Motoring offences (b) Non-motoring offences (for	YES/NO YES/NO

If yes, give details

(a) Motoring Offences

Name	Court	Offence	Date	Fine/Sentence
.....
.....
.....
.....
.....

(b) Non-motoring Offences

Name	Court	Offence	Date	Fine/Sentence
.....
.....
.....
.....
.....

How many persons do you employ for bookings for Private Hire and in what capacity?

No. of People:

Employed as:

IF THE APPLICANT(S) IS, OR HAS BEEN, A DIRECTOR OR SECRETARY OF A COMPANY

Required information	Your information
Have any convictions been recorded against that company at any relevant time? If YES give details:-	YES/NO
Give details of any trade or business activities carried on by that company.	
Has any previous application been made by that company for an Operator's Licence? If YES give details of when and where.	YES/NO
Has any previous Operator's Licence held by that company been revoked or suspended? If YES give details:-	YES/NO

COMPANIES

State names, addresses, dates and place(s) of birth of all Directors of the company and the Company Secretary

Directors

Name	Address	Date of Birth	Place of Birth
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Company Secretary

Name	Address	Date of Birth	Place of Birth
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Has any Director or Secretary of the company been convicted of any offence which is an "unspent" conviction? If so, give details:-

Name	Court	Offence	Date	Fine/Sentence
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.....
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.....
.....
.....

Has any previous application been made for an Operator's Licence by the company? YES/NO

If YES give details of when and where

Has any previous Operator's Licence held by any Director or Secretary of the company been revoked or suspended?

YES/NO

If YES give details

PARTNERSHIPS

State names, addresses, dates and place(s) of birth of all partners

Name	Address	Date of Birth	Place of Birth
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Give details of any "unspent" conviction recorded against any person(s) with whom you operate vehicles in partnership

Name	Court	Offence	Date	Fine/Sentence
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.....

(See attached sheet regarding unspent convictions)

Has any previous application been made for an Operator's Licence by your partner(s)?

YES/NO

If YES give details of when and by whom

Has any previous Operator's Licence held by your partner(s) been revoked or suspended?

YES/NO

If YES give details

Authorised signatures

Below add the signature(s) of all people who are authorised to sign on behalf of the private hire operator(s)

Name:

Signature:

Name:

Signature:

Name:

Signature:

Please note: your licence if granted can only run until the expiry of your rights to remain and work in the UK, but will not exceed the maximum statutory period of a licence.

I hereby request the Borough of Luton to licence me to operate private hire vehicles in the Borough of Luton and, if the same is granted, I undertake to comply with the provision relating to the same and for the time being in force. I declare the above particulars to be true and correct. I declare that I have no 'unspent' convictions other than those set out above. I confirm I have been provided with all conditions for Private Hire Operator Licence.

Signed:

Date:

Please note: this authority is under a duty to protect the public funds it administers, and to this end, may use the information you have provided on this form within this authority for the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.

Data protection information

Privacy notice

We take your privacy very seriously therefore we urge you to read Luton Council's privacy statements carefully because it contains important information about us, including:

- the personal information we collect about you
- what we do with your information, and
- who your information may be shared with

For more information, please view our [privacy notice](#).

Standard conditions for private hire operator's licence

- (1)
 - (i) The licensee shall keep a record in the form of a bound book or such other form as may be approved by the council and notified to the licensee, in writing, and shall enter therein before the commencement of each journey the following particulars of every booking of a private hire vehicle invited or accepted by him or her, whether from the hirer or another operator:
 - (a) date
 - (b) time
 - (c) whether direct from hirer or at request of another Operator (in the latter instance the name of the Operator must be given)
 - (d) where possible name of hirer and address
 - (e) place at which vehicle is to attend
 - (f) date and time at which vehicle is to attend
 - (g) destination
 - (h) plate and registration number of vehicle
 - (i) name of driver of vehicle
 - (ii) The licensee shall preserve the particulars of each journey at the address of the place of business notified to the council, in writing, for a period of not less than three months. The council may require the licensee to preserve such particulars for a longer period by delivering a notice in writing to the licensee at least seven days before the end of the three month period. If the council serves such a notice on the licensee, the licensee **may not** destroy the particulars referred to in that notice, until such further notice in writing from the council is served on the licensee which authorises the destruction of the said particulars.
- (2) The licensee shall keep a certified true copy of the current private hire vehicle licence issued by Luton Council at the Operators office, and of the following particulars of any private hire vehicle operated by him or her:
 - (a) date on which the Vehicle was added to the licensees fleet
 - (b) date on which the vehicle was withdrawn from the licensees fleet
- (3) The licensee shall keep a certified true copy of the current private hire drivers licence issued by Luton Council at the Operators office, and the following particulars of all licensed private hire drivers engaged to drive any private hire vehicle operated by him or her:
 - (a) private hire drivers badge number
 - (b) date that employment commenced
 - (c) date that employment terminated

- (4) The licensee or his controllers shall produce all or any of the records specified in conditions one, two or three above on request to any authorised officer of the council or to any constable for inspection on demand.
- (5) The licensee shall not operate any vehicle, which is not exempted from the provisions of Part II of the Local Government (Miscellaneous Provisions) Act, 1976, by section 75(1) of that act, as a private hire vehicle unless it is subject to a current private hire vehicle licence granted by the council. However, the licensee may operate any unlicensed vehicle from the authorised premises mentioned in the licence provided that the usage of such vehicle is exempt from control under Part II of the Local Government (Miscellaneous Provisions) Act, 1976.
- (6) The licensee shall not employ or otherwise engage whether directly or indirectly any driver to drive any private hire vehicle operated by the licensee unless the driver has a current private hire driver's licence granted by the council.
- (7) This licence does not permit the licensee to operate licensed private hire vehicles from premises other than the authorised premises mentioned in the licence. Any change in the details of these premises must be notified within seven days of the change to the Director of Environmental Services, Environmental Services Department, Gordon Street, Luton.
- (8) Any change of address of the licensee must be notified to the director of environmental services, address as immediately above.
- (9) (a) no advertisement containing wording which includes the words 'cab' 'taxi-cab' or 'taxi' may be exhibited on the notified premises or attached to the exterior thereof including any door, window, brickwork or fascia
- (b) if the operators firm, company name or names contains the words 'cab' 'taxi-cab' or 'taxi' these names may not be displayed in the advertisements referred to in (9)(a) above
- (c) in addition to the restrictions imposed by the provisions of (9)(a) and (9)(b) above no advertisement by the licensee:
- (i) Indicating that motor cars can be hired on application to an address or telephone number
- (ii) On or near the notified premises indicating that motor cars can be hired at those premises shall include the words 'cab' 'taxi-cab' or 'taxi'
- in this licence "advertisement" includes any form of advertising, whether in a publication or by the display of notices or by means of circulars or other documents or by an exhibition of photographs, pictures, video tape, film, computer generated images or by way of sound broadcasting or television.
- The words of 'cab' 'taxi-cab' or 'taxi' whether in the singular or plural and words of similar sound or appearance whether alone or as part of another word.
- (10) The licensee shall not cause or permit the colour of any licensed vehicle operated by him or her for private hire work to have a colour scheme which does not comply with condition (1) of the council's standard conditions for a private hire vehicle licence.

- (11) The licensee shall not permit any licensed vehicle operated by him or her to display on or above the roof of any vehicle any sign which consists of or includes the words 'cab' 'taxi-cab' or 'taxi' whether in singular or plural or 'hire', or any words of similar meaning or appearance to any of those words whether alone or as part of another word; or any sign, notice, mark, illumination or other feature which may suggest that the vehicle is a taxi, as defined in sub-section (3) of section 64 of the Transport Act, 1980.
- (12) Subject to condition (11) and (12.1) above the licensee shall not permit any advertisement, sign or light other than as set out in this condition to be placed either inside or outside any licensed vehicle operated by them which is not required by law to be displayed or fitted or is not a private hire vehicle plate or identifying disc provided by the council except:
- (a) the licensed vehicle may display on the front windscreen the trading name and telephone number of the operator in a manner approved by the council
 - (b) the licensed vehicle may display on the outside of the two front doors of the vehicle the name and/or telephone number of the operator
 - (c) there should be no other form of advertising or markings, both inside and outside the vehicle except as specified in this condition or unless specifically approved by the council and notified, in writing, to the operator
- (12.1) The roof sign itself shall be of a design and approved by Luton Council and shall be a minimum of 600mm in length and a maximum of 620mm in length. The depth of the sign should be a minimum 140mm and a maximum height must be 180mm.
- The roof sign shall be a yellow background to the front, top and sides with black lettering only. The rear of the sign shall be black in colour showing red lettering only.
- The front of the sign shall include the operators name in lettering and the telephone number; the height of each letter of the operator's name may not exceed 40mm and the width may not exceed 40mm. The telephone number should be in numbers not exceeding 40mm in height and width. The wording '**advance booking only**' shall be displayed on the front of the sign and the lettering shall be of a minimum of 25mm height and width.
- The rear of the roof sign shall include the words '**private hire vehicle**' in letters not less than 28mm in height.
- The registration number of the vehicle shall be displayed at the rear of the roof sign in the form '**reg no**' and shall be in letters/numbers of not less than 20mm in height.
- No other letters or words may be displayed on the rear of the sign.
- The roof sign shall be displayed on the roof of the private hire vehicle at all times while the vehicle is licensed as a private hire vehicle. If the private hire vehicle licence is suspended or revoked for any reason, the proprietor/licensee shall remove the sign forthwith.
- The roof sign shall only be illuminated when the vehicle lights are switched on.
- (13) The licensee shall ensure that if any private hire vehicle operated by them is fitted with a taximeter then no private hire vehicle so equipped shall be used for hire unless such

taximeter has been tested and approved by or on behalf of the council.

(14)

- (a) The licensee shall ensure that any private hire vehicle operated by him or her is in suitable mechanical condition, safe, comfortable, clean and presentable and that the private hire vehicle plate is affixed to the vehicle as follows:
 - (i) affixed to the outside rear of the vehicle so as to be plainly visible from the exterior of the vehicle
 - (ii) a replica plate to be affixed on the inside front windscreen of the vehicle in the upper nearside quarter so as to be plainly and distinctly visible from the interior of the vehicle
 - (iii) the identifying disc issued by the council shall be affixed inside the vehicle to the lower nearside of the front windscreen so that the information thereon is plainly and distinctly visible from the exterior of the vehicle.
- (b) The licensee shall ensure that the vehicle is insured for the carrying of passengers for hire or reward at all times and that every private hire vehicle operated by him or her is insured for the carrying of passengers for hire and reward by previous bookings; and a copy of the vehicles current insurance details are to be held by the operator and available for inspection on demand by an authorised officer of the council or a police officer; and
- (c) That the provisions of Section 50 of Part II of the Local Government (Miscellaneous Provisions) Act, 1976 are complied with.

(15) The licensee shall notify the director of environmental services of any material change in the particulars originally supplied to the council when this Licence was applied for or if the change was not expected as soon as possible after it has taken place.

(16) The licensee must inform the council in writing within seven days of a driver joining or leaving the company or firm.

(17) This licence has been granted to the licensee personally and does not licence any other person, who may take over the licensee's business for which he or she requires a private hire operator's licence, as a private hire operator. Therefore, unless any person who intends to take over the licensee's said private hire business is already an operator licensed by the council that person must obtain an operator's licence in his or her own right from the council prior to taking over the said licensee's private hire business.

(18) The licensee shall display this licence on the premises at all times and produce this licence on request to any authorised officer of the council or to any constable for inspection.

(19) The licensee shall not permit or cause or suffer to be conveyed in a private hire vehicle a greater number of persons than that specified in the current private hire vehicle licence in respect of that vehicle.

(20) The licensee shall keep clean and in good state of decoration and repair, adequately heated, ventilated and lit any premises which they provide and to which the public

have access whether for the purpose of booking or waiting; shall ensure that the waiting area has adequate seating facilities and that such facilities and any other furnishings provided are in a good state of repair and shall ensure the appropriate fire precautionary equipment is provided, properly maintained and kept in an accessible location.

- (21) The licensed operator is to ensure that the drivers employed or used by the operator are licensed by Luton Council by checking the status of their licence with the director of environmental services.
- (22) The licensed operator is to be directly concerned in the day-to-day management of the business and is to ensure that all of the conditions listed above are adhered to.
- (23) The council reserve the right to vary, delete or waive any of the foregoing conditions.

Luton Council private hire operator conditions – cross border hiring activity as approved at admin and regulation on 12 April 2016.

The licensed operator shall not engage or otherwise provide under a contract for private hire services any vehicle or driver other than the same licensed by Luton Council without first:

- (a) Notifying the service manager, public protection at the borough council of the intended engagement and/ or provision.
- (b) (Receiving a statement from the service manager, public protection as to whether the vehicle and/ or driver would normally be granted a licence from this council to undertake either hackney carriage or private hire work.
- (c) Providing a reasoned response to the service manager, public protection on any and all issues raised by him in his statement at clause (b) above.

In relation to any proposed driver, the notification referred to the clause (a) above shall set out any other licence the individual is subject to including the licensing authority and any reference number from that authority for that said licence, the operator's understanding of the character and convictions of the individual, the individual's topographical knowledge of the borough, the individual's English language skills and their driving skills together with any assessments of the same.

In relation to any proposed vehicle, the notification concerned shall set out the operator's understanding of the construction, design and condition of it, maintenance arrangements for the vehicle including daily checks on it over the preceding month, intended daily checks of the vehicle and any assessment of the vehicle (eg Certificate of Compliance, council taxi's/ private hire test, Lifting Operations and Lifting Equipment Regulations 1998 (LOLER) etc) within the preceding twelve months.

The reasoned response referred to clause (c) above shall set out the arrangements to be made to address the issues raised in the statements concerned as identified in clause (b) above. Compliance with the requirements of clause (a) and (c) above will be upon acknowledgement of the communication being received by the service manager, Public Protection.

The licensed operator shall not provide details of a client for private hire services to any other business in order to fulfil any contract to provide a vehicle and driver for that client without first:-

- (a) Having received from that other business sufficient guarantees in respect of its technical and organisational security measures for the handling of personal data of the client.

- (b) Having documented reasonable steps the licensed operator will take to ensure the other business complies with guarantees referred to in clause (a) above.
- (c) Having a written contract with the other business to ensure the use of the client details shall only be as directed by the licensed operator and that the other business will take all reasonable measures to prevent unauthorised or unlawful disclosure of the client details and against accidental loss or destruction of, or damage to, the client details concerned.

1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria used 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, private hire driver or operator licence ('a licence') and whether to exercise powers to refuse, revoke or suspend such a licence
- 1.2 The overriding aim of the council as licensing authority is to protect the safety of the public.

The council is concerned to ensure that the:

- a. person is a fit and proper person
 - b. person does not pose a threat to the public
 - c. public are safeguarded from dishonest persons
 - d. safeguarding of vulnerable persons, children and young persons
- 1.3 This policy provides guidance to any person with an interest in hackney carriage and private hire licensing. In particular, but not exclusively:
- a. applicants for drivers' and private hire operator licences
 - b. existing licensed drivers or private hire operators whose licences are reviewed
 - c. licensing officers
 - d. officer's with delegated powers
 - e. members of the Licensing Committee and the Taxi and Private Hire Licensing panel
 - f. courts hearing appeals against local authority decisions

Where Licensing Officers, or others, have delegated powers they will utilise these guidelines when making a decision in relation to a licence decision.

- 1.4 Whilst licensing officers and Taxi and Private Hire Licensing panel ('the panel') will have regard to the guidelines in this policy, each case will be considered on its individual merits and, where the circumstances demand, the licensing officer / panel may depart from the same.

2. General policy

- 2.1 There may be occasions where it is appropriate to depart from the guidelines.
- 2.2 A person who has been convicted of a serious offence need not automatically be barred from obtaining a licence, but would normally be expected to:
 - a. Remain free of conviction for the appropriate period indicated in this policy
 - b. Show adequate evidence that he / she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 Where this policy requires an applicant to be free from conviction for any specified period, that period shall commence from either the date of sentence or the date of completion of a sentence, wherever date is the later. The same specified periods will apply to a suspended sentence of imprisonment, as apply to an immediate custodial sentence and community penalty orders.
- 2.4 Any reference in this policy to conviction for an offence also includes convictions for aiding and abetting, counselling or procuring that offence or an attempt or conspiracy to commit that offence and / or any offence which replaces that offence due to a change in law.

3. Appeals

- 3.1 Any applicant refused a licence on the grounds that the council is not satisfied that he or she is a fit and proper person to hold such a licence, or an existing licence holder, has had a licence suspended or revoked or had conditions attached to their licence, has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal or the decision attaching conditions.

4. Powers

- 4.1 Sections 61 and 62, Local Government (Miscellaneous Provisions) Act 1976 ('the 1976 act') allow the council to suspend, revoke or refuse to renew a licence if the applicant / licence holder has been convicted of a offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Causes Act 1847 ('the 1847 act'); failure to comply with the provisions of Part II of the 1976 act; or where there is any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended), allows the council to take into account **all** convictions recorded against an applicant for, or the holder of, a private hire or hackney carriage driver's licence, whether they would otherwise be spent or not.

5. Consideration of disclosed criminal history

- 5.1 Under sections 51, 55, and 59 of the 1976 act, the council is required to ensure that an applicant for the grant or renewal of a hackney carriage and / or a private hire driver

licence and / or private hire operator's licence is a 'fit and proper' person to hold such a licence.

5.2 If an applicant has been convicted of any offence, received warnings, cautions, reprimands, or has matters recorded against them where restorative justice has been used, has charges against them awaiting trial, is on bail before being charged or has been the subject of an anti-social behaviour order, the council will consider:

- a. how relevant the offence(s) are to the licence being applied for
- b. how serious the offence(s) were
- c. when the offence(s) were committed
- d. the date of conviction
- e. the sentence imposed by the court
- f. the applicant's age at the time of conviction(s)
- g. whether the conviction(s) form part of a pattern of offending
- h. any other character check considered reasonable (eg personal references)
- i. any other factors that might be relevant

5.3 Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

5.4 The council may also consider evidence of an applicant's conduct even though the applicant has not been convicted of any offences, received a caution or a warning or been dealt with under restorative justice procedures, etc in relation to that conduct. Any decision regarding the conduct concerned will be based on the civil standard ie on the balance of probabilities.

6. Serious offences involving violence

6.1 A licence will not normally be granted where an individual has been convicted of an offence involving violence, unless free of conviction for five years, as determined in Section 2.3 above. However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

6.2 Unless there are exceptional circumstances a licence will not normally be granted where an individual has been convicted of an offence of:

- a. murder
- b. manslaughter
- c. manslaughter of culpable homicide while driving
- d. terrorism offences

- 6.3 A licence will not normally be granted where an individual has been convicted of an offence, unless free of conviction for 10 years, as determined in Section 2.3 above:
- a. arson
 - b. wounding or grievous bodily harm, S17 or S20 Offences Against the Person Act 1861
 - c. actual bodily harm which is racially aggravated
 - d. robbery
 - e. possession of a fire arm
 - f. riot
 - g. any racially aggravated violent
 - h. violent disorder
- 6.4 A licence will not normally be granted where an individual has been convicted of any other racially aggravated offence (see Section 6.3 above) unless free from conviction for seven years, as determined in Section 2.3 above.
- 6.5 A licence will not normally be granted where the applicant has been convicted of an offence unless free from conviction for five years, as determined in Section 2.3 above:
- a. common assault
 - b. assault occasioning actual bodily harm
 - c. affray
 - d. section 5 public order act 1986 offence (harassment, alarm or distress)
 - e. section 4 public order act 1986 offence (fear or provocation of violence)
 - f. s4a public order act 1986 offence (intentional harassment, alarm or distress)
 - g. assaulting a police officer
 - h. resisting arrest
 - i. obstruction
- 6.6 Under Section 6.5 above a licence will not normally be granted if an individual has been convicted of more than one offence of a violent nature in the last seven years, as determined in Section 2.3 above.

7. Possession of a weapon

7.1 A licence will not normally be granted where an individual has been convicted of an offence, unless free of conviction for five years, as determined in Section 23 above.

8. Sexual and indecency offences

8.1 Licensed drivers often carry unaccompanied and vulnerable passengers. An individual convicted of the more serious sexual offences will normally be refused.

8.2 Any individual on the sex offenders register will normally be refused a licence.

8.3 A licence will not normally be granted where an individual has been convicted of more than one sexual or indecency offence.

8.4 Unless there are exceptional circumstances, an application will normally be refused where the applicant has been convicted of an offence such as:

- a. rape
- b. assault by penetration
- c. offences involving children or vulnerable adults
- d. sexual assault
- e. possession of indecent photographs, child pornography etc
- f. exploitation of prostitution
- g. trafficking for sexual exploitation

8.5 A licence will not normally be granted where an individual has been convicted of an offence below, unless free of conviction for five years, as determined in Section 2.3 above:

- a. indecent exposure
- b. soliciting (eg kerb crawling)
- c. any similar offences (including attempt or conspiracy to commit) or offences which replace the above

9. Dishonesty

9.1 A licence will not normally be granted where an individual has been convicted of an offence listed below, unless free of conviction for five years, as determined in 2.3 above. Offences involving dishonesty include but are not limited to:

- a. theft
- b. burglary
- c. fraud

- d. benefit fraud
- e. handling or receiving stolen goods
- f. forgery
- g. conspiracy to defraud
- h. obtaining money or property by deception
- i. other deception
- j. taking a vehicle without consent
- k. perverting the course of justice

10. Offences against property

- 1.1 A licence will not normally be granted where an individual has been convicted for offences against property unless free of conviction for three years, as determined in Section 2.3 above.

11. Drugs

- 11.1 A licence will not normally be granted where an individual has been convicted of an offence related to the supply or possession of drugs unless free of conviction for five years, as determined in Section 2.3 above.
- 11.2 A licence will not normally be granted where an individual has been convicted of more than one offence related to the supply or possession of drugs and has not been free of conviction for seven years, as determined in Section 2.3 above.
- 11.3 If there is evidence of persistent drug use, misuse or dependency, specialised medical examination (in accordance with DVLA Group 2 medical standards) will be required before the licence is granted.

12. Driving offences involving the loss of life

- 12.1 A licence will not normally be granted where an individual has been convicted of an offence listed below unless free of conviction for 10 years, as determined in Section 2.3 above.

13. Drink driving / driving under the influence of drugs

- 13.1 A licence will not normally be granted where an individual has been convicted of an offence related to drink driving or driving under the influence of drugs unless free of conviction for five years, as determined in Section 2.3 above.

13.2 More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. Where an applicant has been convicted of more than one such offence a licence will not normally be granted unless free of conviction for seven years, as determined in Section 2.3 above.

13.3 Medical evidence will also be required in accordance with paragraph 10.3 above where there is evidence of misuse or dependency.

14. Disqualification of DVLA license / totting up of points

14.1 A licence will not normally be granted where an individual has been disqualified from driving unless free of conviction for three years, as determined in Section 2.3 above.

14.2 If an existing licence holder accrues penalty points that result in a period of disqualification of the DVLA licence then the driver's Luton licence will be suspended and the matter referred to the Licensing Manager.

14.3 If an existing driver accrues 12 or more penalty points on their DVLA licence then the Council will review the driver's suitability to remain a Council licensed driver.

15. Motor vehicle insurance offences

15.1 A licence will not normally be granted where an individual has been convicted for offences of insurance unless free of conviction for five years, as determined in Section 2.3 above.

16. Other motoring offences

16.1 The council considers all convictions for motoring offences as a serious matter in deciding whether a person is fit and proper to hold a licence or to continue to hold a licence. All drivers are expected to have no points on their DVLA licence.

16.2 An isolated conviction for a motoring offence may not normally mean a refusal of a licence, subject to the offences already mentioned in the policy; however, each case will be considered on its own merit.

16.3 Discretion may be exercised by the director of environment and regeneration to grant a licence where there are no more than nine penalty points.

16.4 A new applicant with points on their licence will normally be treated as follows:

- a. up to and including six points over a period of three years, applicant should be free of conviction for 12 months and the licence will normally be granted, with an advice letter
- b. seven to nine points, over a period of three years, applicant should be free of conviction for 24 months and the licence will normally be granted, with a warning letter
- c. 10 points and above over a period of three years, application will normally be refused

16.5 An existing Luton licensed driver who accrues DVLA points during the term of their licence will normally be treated as follows:

- a. A total of six points of DVLA, advice letter or be issued

- b. Between seven and nine points on DVLA licence, warning letter to be issued
- c. 10 points and above, interview with Licensing Service and the licence reviewed

16.6 In considering motoring convictions the type of offence for which the points were imposed will be considered in each case.

17. Outstanding charges or summonses

- 17.1 If the individual is subject of an outstanding charge or summons their application and continue to be processed, but the application will need to be reviewed either at the conclusion of any legal proceedings or at the end of the licensing process, whichever is earlier.
- 17.2 If the outstanding charge or summons involves a serious offence / or the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
- 17.3 Where information is received through the Notifiable Occupations Scheme on existing licence holders, then the council will take appropriate action depending upon the nature of the incident, the drivers past history and with consideration to Section 1.2 above.

18. Non-conviction information

- 18.1 If an individual has been arrested or charged, but not convicted, for a serious offence which suggests an individual could be a danger to the public, consideration should be given to refusing the application. The council will consider all available evidence and determined whether a licence should be granted.
- 18.2 Where information is received on existing licence holders, then the council will take appropriate action depending upon the nature of the incident, the driver's past history and with consideration to Section 1.2 above. The council may consider all available evidence and determined whether a licence should be granted.

19. Cautions

- 19.1 If an individual has received a caution a licence will not normally be granted until the applicant is free of conviction or caution, based on the time period for the category of offence referred to in this policy and as determined by Section 2.3 above.
- 19.2 An existing driver who receives a caution may have their licence reviewed and appropriate action taken by the council.

20. Licensing offences, breaches of legislation, conditions, bye law and complaints

- 20.1 The primary legislation for licensed drivers, vehicle owners and private hire operators is contained in the 1847 act and the 1976 act. Examples of these offences are contained in Appendix A.
- 20.2 A licence will not normally be granted where an individual has been convicted for offences under hackney carriage and private hire legislation unless free of conviction for two years, as determined in Section 2.3 above.
- 20.3 Licence holders are expected to comply with all relevant statutes, the council's bye-laws, appropriate licence conditions and the Highway Code at all times. Individuals who persistently breach these will be liable to have their licence reviewed to consider whether they are still a fit and proper person to hold a licence.
- 20.4 Individuals who are the subject of persistent complaints will be liable to have their licence reviewed to consider whether they are still a fit and proper person to hold a licence.

21. Other Offences

- 21.1 The council reserve the right to consider any other offences not specifically mentioned in this Policy in deciding whether an applicant or existing licence holder is a fit and proper person.

22. Taxi and Private Hire Licensing panel

- 22.1 Cases may be referred to the panel for the to decide, where the delegated officer;
- a. Has prior to the completion of the Convictions and Fitness report, been involved in the case and this involvement could create a conflict of interest, or
 - b. Wishes to depart from the Convictions and Fitness policy

23. Summary

- 23.1 While it is possible that an applicant may have been convicted of a number of offences that individually meet the Policy, the overall offending history must be considered when assessing an applicant's suitability to be licensed.
- 23.2 Some discretion can be afforded in a conviction for an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Appendix A

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Hackney carriage and private hire offences and penalties

Offences under the above legislation are set out below. Offences may also be committed under other legislation not listed below. Drivers and operators must comply with the legislation or they risk prosecution.

The maximum penalties and fine levels are as follows:

- **Level 1** - £200
- **Level 2** - £500
- **Level 3** - £1,000
- **Level 4** - £2,500

Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on application for hackney carriage licence.	Level 1
44	Failure to notify change of address of hackney carriage proprietor.	Level 1
45	Plying for hire without hackney carriage proprietor's licence.	Level 4
47	Driving a hackney carriage without hackney carriage driver's licence.	Level 3
47	Lending or parting with hackney carriage driver's licence.	Level 3
47	Hackney carriage proprietor employing unlicensed driver.	Level 3
48	Failure by hackney carriage proprietor to hold hackney carriage driver's licence.	Level 1
48	Failure by hackney carriage proprietor to produce hackney carriage driver's licence.	Level 1
52	Failure to display hackney carriage plate.	Level 1
53	Refusal to take a fare.	Level 2
54	Charging more than the agreed fare.	Level 1
55	Obtaining more than the legal fare.	Level 3 and 1 months imprisonment
56	Travelling less than the lawful distance for an agreed fare.	Level 1
57	Failing to wait after a deposit to wait has been paid.	Level 1
58	Charging more than the legal fare.	Level 3
59	Carrying other person than the hirer without consent.	Level 1
60	Driving hackney carriage without proprietor's consent.	Level 1

Section	Offence	Maximum Penalty
60	Allowing another to drive hackney carriage without proprietor's consent.	Level 1
61	Drunken driving of hackney carriage.	Level 1
61	Wanton or furious driving leading to injury or danger.	Level 1
62	Driver leaving hackney carriage unattended.	Level 1
64	Hackney carriage driver obstructing other hackney carriages.	Level 1

Local Government (Miscellaneous Provision) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed private hire vehicle.	Level 3
46(1)(b)	Driving a private hire vehicle without a private hire driver's licence.	Level 3
46(1)(c)	Proprietor of a private hire vehicle using an unlicensed driver.	Level 3
46(1)(d)	Operating a private hire vehicle without a private hire operator's licence.	Level 3
46(1)(e)	Operating a vehicle as a private hire vehicle when the vehicle is not licensed as a private hire vehicle.	Level 3
46(1)(e)	Operating a private hire vehicle when the driver is not licensed as a private hire driver.	Level 3
48(6)	Failure to display a private hire vehicle plate.	Level 3
49	Failure to notify transfer of a hackney carriage proprietors, or private hire vehicle, licence.	Level 3
50(1)	Failure to present hackney carriage or private hire vehicle for inspection as required.	Level 3
50(2)	Failure to inform the authority where the hackney carriage or private hire vehicle is stored, if requested.	Level 3
50(3)	Failure to report an accident to the authority.	Level 3
50(4)	Failure to produce the hackney carriage proprietor's, or private hire vehicle, licence and insurance certificate.	Level 3
53(3)	Failure to produce the hackney carriage or private hire driver's licence.	Level 3
54(2)	Failure to wear a private hire driver's badge.	Level 3
56(2)	Failure by a private hire operator to keep records of bookings.	Level 3
56(3)	Failure by a private hire operator to keep records of private hire vehicles operated by him.	Level 3

Section	Offence	Maximum Penalty
56(4)	Failure to produce a private hire operator's licence on request.	Level 3
57	Making a false statement or withholding information to obtain a hackney carriage, private hire driver or private hire operator licence.	Level 3
58(2)	Failure to return a plate after notice given following expiry, revocation or suspension of a hackney carriage proprietor's, or private hire vehicle, licence.	Level 3 + fine of £10/day
61(2)	Failure to surrender a driver's licence after suspension, revocation or refusal to renew.	Level 3
64	Permitting any vehicle other than a hackney carriage to wait on a hackney carriage stand.	Level 3
66	Charging more than the meter fare for a journey ending outside the district, without prior agreement.	Level 3
67	Charging more than the meter fare when hackney carriage used as private hire vehicle.	Level 3
69	Unnecessarily prolonging a journey.	Level 3
71	Interfering with a taximeter.	Level 3
73(1)(a)	Obstruction of an authorised officer or constable.	Level 3
73(1)(b)	Failure to comply with a requirement of an authorised officer or constable.	Level 3
73(1)(c)	Failure to give information or assistance to an authorised officer or constable.	Level 3

Local Government (Miscellaneous Provisions) Act 1976

This form must be **fully** completed and relevant supporting information provided for the application to be considered. When completed please return the form to Luton Council, Licensing Service, George Street, Luton, LU1 2BQ or sent by email with the supporting documentation to licensing@luton.gov.uk

Please complete all sections of the application form in **block capitals**. Incomplete applications will be considered void and returned. If you have any questions relating to the application process or requirements, please refer to the council's licensing policy in relation to private hire exemptions.

We will only grant an exemption where we are satisfied that you use the vehicle exclusively for 'executive' private hire work. This means that you provide the driver and vehicle to a business or person, and the display of a licence plate(s) and / or signage may affect the operation of your business.

You will need to supply supporting evidence with your request as stated within the 'exemption from the requirement to display vehicle identification plate(s) policy' to demonstrate the vehicle is used exclusively for 'executive' private hire work to support this exemption request.

You must continue to display the licence plate(s) until such time as the plate exemption approval has been issued.

Should the vehicle be granted dispensation from displaying external plate(s), the plate and approval of dispensation **must** be carried in the vehicle at all times. An internal plate must be displayed in the windscreen on the passenger side at all times.

Licensed operator details

Name of private hire company		companies house registration:	
Title			
Surname			
Forenames			
Email address			
Phone no		Mobile number	
Address		Post Code	

I am requesting an exemption from displaying:
(You must mark with an **X** each box that applies to your request)

Roof Sign on the vehicle

Licence plates on the vehicle (including the standard internal plate and external plate(s))

To permit tinted windows on the vehicle

Door signs on the vehicle

Vehicle details

(To include all your vehicles that are proposed to work for the mentioned company - you may wish to provide an electronic list)

Licence number	Registration number	Make and model of vehicle	Licence expiry date

Details of exemptions requested

Please detail the reasons for applying for exemption(s) and as to why these are essential for the operation of your business.

Please detail the type of work the vehicle(s) will be used for:

Please provide details of any executive or other contracts held:

Please detail any additional supporting information:

Declaration

I **hereby** make application to Luton Council for the issue of a dispensation to the requirement to display a Private Hire vehicle licence plate subject to the statutes, regulations, policies and conditions relating to the same for the time being in force.

I declare that I have checked the information on this application and to the best of my knowledge and belief, it is correct. I understand that it is an offence for any person to knowingly or recklessly make a false statement or to omit material information for which I could be prosecuted, and any licence issued suspended or revoked.

I understand that if this dispensation is approved I will immediately notify the licensing authority if there are any changes to the arrangements outlined in this application.

I confirm that I will abide by the additional conditions for the use of 'executive' vehicles.

I understand that if the requirements in the additional conditions are not complied with the dispensation may be withdrawn at any time.

Signature: Print full name: Date:

We collect information for licensing purposes, but it may be used for any council purpose. We are registered under the Data Protection Act 1998 for this purpose and will not disclose information about you to anyone outside the council unless the law permits or requires us to. We are under a duty to protect the public funds it administers and to assist other agencies in the prevention and detection of crime. We may use the information provided on this form for this purpose, and share this information with other bodies responsible for auditing or administering public funds.

Exemption(s) from the requirement to display vehicle identification plate(s) policy

1. Statement of intent

- 1.1 The aim of this policy is to ensure public safety whilst taking a balanced approach to licensing requirements. Its objective is the provision of an exemption to allow specific operators to operate 'executive vehicles' without displaying external identification plates in appropriate cases.

External identification plates means (roof sign, two external door signs, and external and internal licence plate), this policy also considers 'dark privacy' glass also known as tinted windows.

- 1.2 An exemption, where considered appropriate, will **only** be issued to a licensed private hire operator in the borough and specific vehicle(s) working for that said operator.

2. Introduction

- 2.1 The displaying of external identification plate(s) on a licensed vehicle and wearing of a driver's badge are important in terms of public safety and reassurance. They indicate to the travelling public that prior to being licensed both the vehicle and the driver have been subjected to checks to ensure the public's safety. The visible licence number of the vehicle and driver affords members of the public and other persons such as the police traceability via the local licensing authority.

- 2.2 The Local Government (Miscellaneous Provisions) Act 1976 requires that private hire vehicles display an identification plate(s) (section 48) and that drivers of those vehicles wear a driver's badge (section 54). The same legislation also allows Luton Council ('the Council') to exempt vehicles from the need to display an identification plate(s) and, where that exemption applies, the requirement to wear a private hire driver badge (section 75(3)).

- 2.3 The council will only consider the issue of an exemption to a licensed private hire operator and the vehicle(s) working for that operator. The operator cannot operate an 'executive' type business at the same time as operating a 'day to day / town work' business under the same operator licence.

If an operator wishes to operate both types of business the council would require them to hold two separate operators' licences in order that they can be run as two separate entities.

For the purpose of this Policy:

- **‘Executive’ will be defined as:** contract work to include business to business work (see below)
- **‘Day to day / town work’ will be defined as:** routine, every day, standard work which is outside of the definition of ‘executive’.

3. The policy

- 3.1 Exemptions from displaying identification plates may only be granted in respect of individual vehicles operated by a specific licensed private hire operator within the borough and will only be based upon demonstrable evidence.
- 3.2 Each application will be assessed on its own merit.
- 3.3 Applications for exemption from the requirement to display identification plates may be considered where the following requirements are met;
- a) The type of work undertaken is ‘*executive*’ in nature (definition as stated at 2.3). There must be a demonstrable need for an exemption to apply rather than a single one off contract. The type of work that may be considered ‘executive’ may include:
 - i) Corporate bookings to transport employees and clients on business related journeys;
 - ii) Bookings for clients (for example politicians and celebrities) who for security or personal safety reasons would not want the vehicle to be identifiable as a private hire vehicle.

This list is not exhaustive

The fact that the hirer pays a higher fee for hiring what may be referred to as an executive hire car (compared to what the hirer may pay for a non-exempt private hire vehicle displaying private hire plates and signage) may be indicative (but not conclusive) that the nature of the business is executive hire and that the exemption may be appropriate.

- a) The percentage of ‘executive’ work undertaken by both the operator business and vehicle must constitute 100 per cent of the total work carried out.
- b) The council’s private hire vehicle minimum standards state that vehicles will not be accepted for licensing with dark ‘privacy’ glass (tints).

When vehicles are licensed the proposed applicant must ensure that at least 75 per cent of light must pass through the front window and at least 70 per cent of light can pass through all other windows (in line with the Road Vehicles (Construction and Use) Regulations 1986 for front windows) issued by VOSA.

This is considered an essential safeguard in the protection of the travelling public. This enables passengers to see into a vehicle prior to entering and ensure that the view of travelling passengers is not obscured and also for drivers to be seen for their own protection.

In certain circumstances some passengers may request vehicles with tinted windows. The council will consider applications for the exemption of display of licence plates in respect of vehicles with tinted windows. The applicant must provide sufficient evidence with such an application to convince the council that it should depart from its standard policy. Evidence should include full reasons why tinted windows are required.

The fact that a vehicle is manufactured with tinted windows is not itself sufficient reason for an exemption to be granted. Applicants are strongly recommended to seek approval based on the exact model and specification of a vehicle prior to purchase. Aftermarket kits will not be acceptable.

- 3.4 Where an operator wishes to support an application for a vehicle to be exempt from displaying identification plates and / or permission to allow tinted windows; they should consider the issues referred to above and any further information that would assist the Licensing Service in determining the application for an exemption.
- 3.5 A notice of exemption from displaying identification plates will be granted at the council's discretion. The applicant must provide sufficient documentary evidence to support their application. Such evidence may include:
- a) A letter from each customer indicating:
 - i) Why they require a vehicle which does not display an identity plate
 - ii) Whether they require privacy glass, and why privacy glass is required.
 - iii) The type of vehicle they require.
 - b) A letter from the private hire operator for who work is undertaken stating the vehicle registration number of the vehicle to which this application relates and detailing the work that will be carried out and the percentage of that work to be carried out.
 - c) Copies of written contracts with customers.
 - d) Copies of invoices.
- 3.6 The council may require applicants to provide any additional documentation reasonably necessary to allow the council to make an informed decision. Where such documentation is not provided to the satisfaction of the council the application will be refused.
- 3.7 Where an application is granted and a vehicle is exempted from displaying its external identification plate(s) an exemption notice will be issued as soon as practical after the decision is made.
- 3.8 Where a vehicle is exempted from the requirement to display an external identification plate(s) the vehicle will also be exempted from the need to display the internal plate.
- 3.9 Irrespective of when an exemption notice is granted the initial exemption notice will expire on the same day as the expiration of the vehicle's current private hire licence, unless it is otherwise surrendered or revoked. Thereafter any renewed exemption

notice will last for the same period of time as that vehicle's private hire licence, unless either the licence or notice is otherwise surrendered or revoked.

- 3.10 Exemption notices may be renewed annually.
- 3.11 The council has delegated authority to determine applications for exemption notices under this policy in accordance with the schedule attached to the council's Hackney Carriage and Private Hire Licensing policy.
- 3.12 Other than where to do so would conflict with the requirements of this policy, all vehicles granted an exemption notice must, in addition to the requirements of this policy, comply with all the conditions for private hire vehicles contained within the council's private hire vehicle licence conditions.
- 3.13 The below conditions apply to all private hire vehicles granted an exemption from displaying identification plates and are in addition to the general conditions applicable to all private hire vehicles:
 - a. The valid private hire vehicle plates issued to the licence holder shall be kept within the vehicle at all times and shall be produced for inspection by an authorised officer of the council or a police officer upon request
 - b. The exemption notice shall be retained within the vehicle at all times and shall be produced for inspection by an authorised officer of the council or a police officer upon request.
 - c. In the event of loss or damage rendering such plate or notice unserviceable the proprietor of the vehicle shall immediately notify the council apply for a replacement for which a fee may be payable.
 - d. The proprietor will not display in, on or from the vehicle any advertisement, signage, logos or crest advertising the operating company or the vehicle's status as a private hire vehicle unless prior written approval had been given by the council.
 - e. During the period of the exemption notice, the driver shall not be required to wear the private hire driver's identification badge but will have it available for immediate inspection by an authorised officer of the council or any police officer on request.
 - f. When requested to do so by a passenger(s) the driver must provide their name and badge number.
 - g. Failure to comply with the above terms will invalidate the exemption granted with immediate effect.
 - h. These terms shall remain valid for the term of the exemption / notification unless replaced by a different scheme or system of identification.
 - i. The council must be notified if the vehicle is to be operated by another private hire operator who will determine whether the exemption is to remain in force. Where the exemption ceases to remain in force, the exemption notice must be returned to the council.
 - j. The proprietor shall notify the council of any change in the type of use of the business / vehicle immediately.

3.14 The conditions below apply to all private hire operators who operate vehicles in relation to which:

- (i) an exemption from displaying plates has been granted; and/or
- (ii) permission to have tinted windows has been granted

These conditions are in addition to the general conditions applicable to all private hire operators.

- a. Bookings taken in respect of clients who require vehicles exempt from the display of plates must be paid for on account. No payment can be made to the driver of the vehicle at time of hiring.
- b. Copies of records detailing the division of work are to be kept for 12 months from the end of the period of hire and must be provided to an authorised officer of the council on request.
- c. Copies of contracts with clients who require vehicles exempt from the display of plates must be kept for 12 months from the end of the period of hire and must be provided to authorised officers of the council on request.

4. Applications

- 4.1 An application for exemptions must be made by an operator using the form provided by the council setting out the types of exemptions required, which must be submitted together with the evidence referred at paragraph 3.5 above and any applicable fee.
- 4.2 An application for exemption must also be made in relation to each specific vehicle for which an exemption is required using the form provided by the council which must be submitted together with evidence that the vehicle concerned is to be operated by an operator to whom an exemption has been granted or applied for and any appropriate fee.
- 4.3 An application for renewal of an exemption must be accompanied by the records relating to the 'executive' work undertaken by the operator or vehicle concerned in the period of the previous licence.

Please note: the private hire place exemption policy was approved on the 20 June 2017

Private hire operator licensing application fees from 01 April 2023

Operator's licence five years - £3,350.00

Operator's licence one year (if requested in writing) - £695.00

Operator's licence change of business address / details - £178.00

Operator's licence change of licence holder details - £15.00

Production of paper licence for PH/HC licence - £15.50

Production of paper licence and badge - £37.00

Production of badge only - £21.50

Production of licence (per request / licence change of particulars (eg address, vehicle details etc, plus any other associated fees)) - £49.50

Admin charge (miscellaneous amendments) - £70.00

Admin Charge (miscellaneous amendments where a fee is not set) - £70.00

Please note: that once a licence application has been accepted by the Licensing Service there will be **no refund** due if the licence is not granted or the licence application process is not completed.