

Private Hire Vehicle Operator – Notes

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- 1 A private hire vehicle is a motor vehicle with 8 passenger seats or fewer, provided (with a driver) for hire. Licensed hackney carriages and public service vehicles (PSV) are not private hire vehicles.
- 2 You need a licence if as part of your business you take bookings for journeys in a private hire vehicle, whether or not you own the vehicle.
- 3 As a licensed private hire operator, you would be able to accept bookings for any number of private hire vehicles. But the same Council as the operator must licence all of the drivers and vehicles.
- 4 Bookings can be accepted from hirers both inside and outside the district.
- 5 We have a right to refuse an application if we consider that applicants are not “fit and proper” persons. If we refuse an application, there is a right of appeal in the Magistrate’s Court.
- 6 The licence, if granted, is valid for a period not exceeding one year and is issued subject to conditions. We may take away a licence where conditions aren’t met.
- 7 Premises used in connection with private hire operations may require planning consent. Enquiries about planning should be made to Development Control at the address below.

NOTES ON COMPLETING APPLICATION FORM

WARNING

You can be prosecuted for making false statements in order to obtain a licence. We may take away any licence if we find that wrong information was given on the application.

- (a) If you need more room to give full answers, continue on a separate sheet and attach it to the form.
- (b) Applications can be made by a Registered Company, but the application should not be in the name of an individual.
- (c) List ALL the vehicles for which you accept bookings, not just those vehicles owned by you.
- (d) Traffic offences involving drink, drugs, disqualification or fraudulent use of documents are NOT considered minor offences. You must list all “unspent” offences.

The Rehabilitation of Offenders Act 1974 applies to this question and only unspent convictions (defined below) need be disclosed. If you don’t understand, please phone us.

The Rehabilitation of Offenders Act 1974

For a custodial sentence, the length of time actually served is irrelevant: the rehabilitation period is decided by the original sentence. Custodial sentences of more than 2½ years never become “spent.” The following sentences become spent after fixed periods from the date of conviction:

Sentence	Rehabilitation Period	
	18 or over when convicted	17 or under when convicted
Prison sentences of 6 months or less [1]	7 years	3 ½ years
Prison sentences of more than 6 months to 2 ½ years [1]	10 years	5 years
Borstal training	7 years	7 years
Detention centre order	3 years	3 years
Fines [2], probation [3], compensation, community service, combination action plan, curfew orders, drug treatment and testing, and reparation orders	5 years	2 ½ years
Absolute discharge	6 months	6 months
Cashiering, discharge with ignominy, dismissal with disgrace, from HM Services	10 years	5 years
Dismissal from HM Services	7 years	3 ½ years
Detention by HM Services	5 years	2 ½ years

1] Including suspended sentences, youth custody, and detention in a young offender institution.

[2] Even if subsequently imprisoned for fine default.

[3] For people convicted on or after 3 February 1995 (from which date the rehabilitation period for a probation order was changed under the terms of the Criminal Justice and Public Order Act 1994).

With some sentences the rehabilitation period varies:

Sentence	Rehabilitation Period
Probation [4], supervision, care order, conditional discharge or bind-over	1 year or until the order expires (whichever is longer)
Attendance centre orders	1 year after the order expires
Hospital orders (with or without a restriction order)	5 years or 2 years after the order expires (whichever is longer)
Referral Order	once the order expires

[4] For people convicted before 3 February 1995

Further Convictions

If a rehabilitation period is still running and you commit a further offence that could be tried in the Crown Court, then neither conviction (even if the first one is for a minor offence) will become spent until the rehabilitation periods for both offences are over. If the further conviction leads to a prison sentence of more than 2 ½ years, then neither conviction will ever become spent.

STATEMENT OF POLICY ABOUT DISCLOSURE OF CONVICTIONS ETC.

Convictions or cautions which are “unspent” under the Rehabilitation of Offenders Act 1974 will not necessarily stop you from getting a licence.

We will consider the nature, number and seriousness of the offence(s) that you have committed in deciding whether or not you are “fit and proper” to hold a licence. And we may include “spent” convictions, if we believe that those offences affect your suitability.

The Disclosure information received from the Criminal Records Bureau will be kept and used in accordance with their Code of Practice. Which means that it is kept securely and is properly disposed of after use.

Phone us on 01386 565016 if you need help.