

Licensing Committee

12<sup>th</sup> March 2019

## **Appendix 1**

Existing procedures for grant of an Operator licence  
using Commercial and Residential Premises

## **PRIVATE HIRE OPERATOR LICENSING USING RESIDENTIAL PREMISES**

Procedure for the grant, renewal or transfer of a Private Hire Operator licence

### **General Information**

A private hire vehicle may only be despatched to a customer by a private hire operator. An 'Operator' is a person who holds an operators' licence granted under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

A private hire operator's licence is valid for a maximum period of 60 months.

A residential private hire operator may operate a maximum of 2 vehicles.

The Licensing Team advise that applicants check that use of their premises to operate private hire vehicles will not breach covenants or planning consent.

### **Making an application for the first time**

An application for an operator's licence must be made in writing accompanied by the correct fee to: Harlow Council, Licensing Team, Civic Centre, The Water Gardens, Harlow, Essex. CM20 1WG

A copy of the application **must** be sent by the applicant to: Essex Police Divisional Licensing Unit, Harlow Police Station, Crown Gate, Harlow, Essex CM20 1HG

The Licensing Team shall process the application as follows;

Enquiries shall be made as to whether the applicant is a 'fit and proper' person to be granted a private hire operator licence. This will be done primarily through basic checks made with the Disclosure and Barring Service (DBS).

An inspection will be made of the premises to ensure that it is suitable for use.

The Licensing Team will consult with Essex Police

A copy of the application will be sent to Essex Fire and Rescue

The applicant shall display a notice of the application at their premises.

### **Determination of Applications**

Harlow Council Licensing Team shall determine of all non-contentious applications.

Contentious applications shall be determined by the Licensing Subcommittee or by the Environment and Licensing Manager under delegated authority.

Reasons why an application may be deemed contentious may include:

- a) DBS disclosure information gives concern that the applicant might not be a 'fit and proper' person.
- b) Relevant objections or adverse comments have been received by the Council.
- c) The premises are not suitable for the intended use.

### **Renewal Application**

An application for renewal of an operator's licence must be made in writing accompanied by the correct fee to the above address.

Arrangements to inspect the operator's premises shall be undertaken where necessary to determine whether they remain suitable for use.

At specified intervals, repeat basic DBS checks will be undertaken.

### **Determination of Renewal Applications**

The Licensing Team shall determine non-contentious renewal applications.

The Licensing Subcommittee or Environment and Licensing Manager under delegated authority shall determine contentious applications.

Reasons why a renewal application may be deemed contentious may include:

- a) Periodic DBS checks indicate the applicant may no longer be 'fit and proper'.
- b) Complaints regarding the operation of the private hire operator's licence have been received during the preceding licensing period.
- c) A relevant objection has been received to the renewal of the licence.
- d) The premises are no longer suitable for use.
- e) Council conditions or legal requirements have not been complied with under a previous licence.

### **Transfer of an existing licence**

An application for transfer of an operator's licence must be made in writing signed by the transferor and transferee and accompanied by the correct fee to the licensing team at the address above.

Enquiries will be made as to whether the applicant is a 'fit and proper' person to hold a private hire operator's licence. This is done primarily through a check made with the Disclosure and Barring Service (DBS)

Harlow Council Licensing Team shall consult Essex Police.

### **Determination of Transfer Applications**

The Licensing Team shall determine all non-contentious transfer applications.

The Licensing Subcommittee or the Environment and Licensing Manager under delegated authority shall determine contentious applications.

Reasons why a transfer application may be deemed contentious may include:

- a) DBS disclosure information gives concern that the applicant may not be a 'fit and proper' person.
- b) Relevant objections have been received to the transfer of the licence.
- c) The premises are not suitable for their intended use.

**Conditions:** All licences are subject to compliance with Harlow Council's 'Standard Conditions' as well as any specific conditions relevant to the licence concerned.

**Further Information:** This advice note has been designed to answer the usual enquiries received regarding the granting of a Private Hire Operators licence. It is not intended to cover all the legal requirements. Further information and advice can be obtained from the Licensing Team, Civic Centre, The Water Gardens, Harlow, Essex CM20 1WG. Telephone (01279) 446005/446561.

**Right of Appeal:** An applicant may appeal to the Magistrates Court against the refusal of the local authority to issue a licence or the imposition of conditions on that licence under S55(4) of the Local Government (Miscellaneous Provisions) Act 1976.

## **PRIVATE HIRE OPERATOR LICENSING – COMMERCIAL PREMISES**

### **Procedure for the grant, renewal or transfer of a Private Hire Operator licence**

**General Information:** A private hire vehicle may only be despatched to a customer by a private hire operator. An ‘Operator’ is a person who holds an operator’s licence granted under section 55 of the Local Government (Miscellaneous Provisions) Act 1976.

A Private Hire Operator’s licence is valid for a maximum period of 60 months.

Persons applying for grant of a private hire operator’s licence are advised to check that their premises have the necessary planning consent.

### **Making a New Application**

An application for an operator’s licence must be made in writing accompanied by a scale drawing of the premises and the correct fee to: Harlow Council, Licensing Team, Civic Centre, The Water Gardens, Harlow. Essex. CM20 1WG.

A copy of the application must be sent by the applicant to:

- a) Essex County Fire and Rescue, West Command, Rear of Harlow Fire Station, Fourth Avenue, Harlow, Essex CM20 1DU  
[westareacommand@essex-fire.gov.uk](mailto:westareacommand@essex-fire.gov.uk)
- b) Essex Police Divisional Licensing Unit (Harlow), Harlow Police Station, Crown Gate, Harlow, Essex CM20 1HG

The one page “DISPLAY” copy of the application must be displayed on the outside of the premises for 28 days following the date that the fully completed application has been submitted to Harlow Council Licensing Team.

The application will be processed by the Licensing Team as follows:

Enquiries will be made as to whether the applicant is a ‘fit and proper’ person to be granted a private hire operator licence. This is done primarily through checks made with the Disclosure and Barring Service (DBS).

An inspection of the premises will be made to determine whether they are suitable for the intended use.

Harlow Council Licensing Team will consult with;

- a) Essex Fire and Rescue Service
- b) Essex Police
- c) Harlow Council Development Control

The applicant shall place a public notice of the application in a local newspaper.

### **Determining the Application**

The Licensing Team shall determine non-contentious applications.

The Licensing Subcommittee or Environment and Licensing Manager under delegated authority shall determine contentious applications.

The reasons why an application may be deemed contentious may include:

- d) DBS disclosure information gives concern that the applicant may not be a 'fit and proper' person.
- e) Relevant objections have been received to the grant of the licence.
- f) Adverse comments have been received from one or more of the consultees.
- g) The premises are not considered to be suitable for their intended use.

### **Renewal Application**

An application to renew an operator's licence must be in writing accompanied by the correct fee.

Arrangements to inspect the operator's premises shall be undertaken where necessary to determine whether they remain suitable for use.

At specified intervals, the renewal process will include repeat basic DBS checks.

### **Determining the Renewal Application**

The Licensing Team shall determine all non-contentious renewal applications.

The Licensing Subcommittee or the Environment and Licensing Manager under delegated authority shall determine contentious applications.

Reasons why a renewal application may be deemed contentious may include:

- f) Periodic DBS checks indicate the applicant may no longer be 'fit and proper'.
- g) Complaints regarding the operation of the private hire operator's licence have been received during the preceding licensing period.
- h) A relevant objection has been received to the renewal of the licence.
- i) The premises are no longer suitable for use.
- j) Council conditions or legal requirements have not been complied with under a previous licence.

### **Transfer Application**

An application for transfer of a private hire operator's licence must be in writing signed by the transferor and transferee accompanied by the correct fee.

Enquiries will be made as to whether the applicant is a 'fit and proper' person to be granted a private hire operator licence. This is done primarily through basic checks made with the Disclosure and Barring Service (DBS).

An inspection will be made of the premises to determine whether they are/remain suitable for the intended use.

Harlow Council Licensing Team will consult with Essex Police and Essex Fire and Rescue Service.

### **Determination of transfer Applications**

The Licensing Team shall determine all non-contentious transfer applications.

The Licensing Subcommittee or Environment and Licensing Manager under delegated authority shall determine contentious applications.

The reasons why an application may be deemed contentious may include:

- a) DBS disclosure information gives concern that the applicant may not be a 'fit and proper' person.
- b) Relevant objections have been received to the transfer of the licence.
- c) Adverse comments have been received from the consultees.
- d) Premises are not suitable for their intended use.

**Conditions:** All licences are issued subject to compliance with Harlow Council's 'Standard Conditions' as well as any specific conditions relevant to the premises concerned.

**Further Information:** This advice note has been designed to answer the usual enquiries received regarding the granting of a Private Hire Operators licence. It is not intended to cover all the legal requirements and further information and advice may be obtained from the Licensing Team, Civic Centre, The Water Gardens, Harlow, Essex CM20 1WG. Telephone (01279) 446009/446005

**Right of Appeal:** An applicant may appeal to the Magistrates Court against the refusal of the local authority to issue a licence or to the imposition of conditions on the licence under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 S55(4) .