

PSV421G: Guidance notes to help you complete your application for a Public Service Vehicle Operator's Licence

You can help the traffic commissioner make a decision on your application as quickly as possible by completing the application form correctly and submitting the correct supporting documents. You should use these guidance notes to help you to do this.

You must read the information in these guidance notes when completing the application form.

How to use these notes

These notes are in sections in the same way as the application form, to make it easier for you to find the right information. For example guidance note 1 refers to Section 1 on the application form and there is a guidance note which corresponds to each question on the application form. The notes describe what you need to tell us and also give details of any supporting documents that you must send with the form.

Further information

The guidance notes only contain the information necessary for you to complete the form. For general information on public service vehicle (PSV) operator licensing, including further details as to the obligations every licence holder is expected to meet, you should read our Guide for Operators (PSV437) which is available at www.gov.uk It is important that you understand the responsibilities of being a PSV Operator before you apply for a licence, as you will be required to meet your obligations immediately if your licence is granted.

If, after reading these notes and the guidebook you are still not sure how to complete any part of this form or what supporting evidence is required, please call the contact centre on 0300 123 9000 for advice, **before** you submit your application.

Guidance note 1 – Your contact details

- 1a)** Once you have submitted your application, it may be necessary to contact you to discuss it or to obtain further information. You must therefore provide details of who can be contacted for this purpose and how they can be reached. The applicant should ensure that the person listed will be contactable during the weeks after your application has been submitted. If further information is required and you cannot be contacted, your application will be refused.
- 1b)** Please note that these details will be used to contact you about your licence if your application is successful. You should inform the traffic commissioner immediately of any changes to your contact information. The address cannot be a PO Box or third party address and must be an address in Great Britain

Standard licence applications – address of establishment

If you are applying for a standard national or standard international licence you are required to have an establishment in Great Britain (GB) where you will keep your core business documents, in particular your accounting documents, personnel management documents, documents containing any data relating to driving time and rest and any other document to which the traffic commissioner must have access in order to verify compliance with the legislation. This may be different from your contact address. It may not, however, be a PO Box address or third party address.

Guidance note 2 – Your business

- 2a)** Please tick one box only to let us know what type of business you have. This business entity is the applicant and should be the operator of the vehicles to be authorised under the licence. The operator is deemed to be:
- The driver if the driver is also the owner of the vehicle; and,
 - In any other case, the person for whom the driver works (whether under a contract of employment or any other description of contract personally to do work).

Where the vehicle is the subject of an agreement to hire, hire-purchase, conditional sale or loan, the owner is the person who has possession of the vehicle under that agreement.

An operator's licence is not transferrable from one business entity to another. For example, if you obtain a licence as a sole trader and then later become a partnership, you would have to apply for a new licence as a partnership.

Guidance note 3 – Limited company or Limited Liability Partnership (LLP) details

You should only complete section 3 of the application form if you are a limited company or LLP.

- 3a)** You must provide details of the company or LLP applying for the licence. You must ensure that these details are the same as those on the Companies House register. **Trading name:** A trading name must be provided if the limited company trades under a

different name from that incorporated with Companies House but the trading name **cannot** be another limited company.

- 3b)** Include details of all company directors if a limited company, or the board of management if an LLP. If there is not enough space to list all the directors or the board on the form you must provide the details requested on a separate sheet, clearly marked with the question number.

Additionally, if an LLP please attach a list of all your members on a separate sheet, clearly marked with the question number.

Guidance note 4 – Sole trader details

You should only complete section 4 of the application form if you are a sole trader.

- 4a)** Please include your full details as requested.
- 4b)** You do not need to provide a trading name, but if you have one you should give the details here.

Guidance note 5 – Partnership details

You should only complete section 5 of the application form if your business is a partnership. Please note that this section is not to be completed by LLPs – please refer to guidance note 3 if you are a Limited Liability Partnership

- 5a)** Please give details of all partners. If there is not enough space to list all the partners on the form you must provide the details requested on a separate sheet, clearly marked with the question number.

Note: In a partnership, each partner is jointly (together) and severally (individually) liable for the acts of the partnership. Compliance with an operator's licence is therefore the responsibility of all the partners and you must ensure that you provide details of **every** partner of the business.

- 5b)** You do not need to provide a trading name, but if you have one you should give the details here.

Guidance note 6 – Other organisation details

You should only complete section 6 of the application form if you are an organisation which is not a sole trader, partnership, LLP or limited company.

- 6a)** Please give the details of the official name of your organisation and state what type of organisation it is.
- 6b)** Please give details of the persons responsible for your organisation. This is the person or group of people with the controlling influence over the organisation, for example the board of directors, board of trustees, governing body or persons or the chief executive.

If there is not enough space to list all the persons responsible for your organisation on the form you must provide the details requested on a separate sheet, clearly marked with the question number.

Guidance note 7 – Type of licence

7a) You must specify which type of licence you require**. You must ensure that you only tick one box. The three types of operator licence are as follows.

Restricted

A restricted licence authorises the use (whether on national or international operations) of:-

PSVs with eight or fewer passenger seat (small vehicles*); and

PSVs adapted to carry nine to sixteen passengers when used

- (i) not in the course of a business of carrying passengers; or
- (ii) where the operator's main occupation is not the operation of PSVs which can carry more than eight passengers

The maximum number of vehicles that may be authorised under a restricted licence is two. (NB this limit does not apply to the Post Office).

Standard licence

You will need to apply for a standard licence if:

- You wish to operate more than two vehicles; or
- You wish to operate vehicles which can carry 17 or more passengers; or
- You wish to operate vehicles adapted to carry nine to sixteen passengers and this is your main occupation or business.

A standard licence may authorise the use of vehicles of small vehicles*.

A standard national licence is required if you wish to operate solely within the United Kingdom.

Note: although the statutory provisions of operator licensing apply only to Great Britain, Northern Ireland falls within the scope of national licence journeys, whereas the Irish Republic does not.

A standard international licence is required if you wish to operate abroad as well as within the United Kingdom.

***Small vehicles**

There are certain conditions that must be met in order to use a small vehicle under a PSV operator's licence. These are set out in Annex 1 to these guidance notes.

**Whilst regulation 5 of the Road Transport Operator Regulations 2011 makes clear that a standard licence granted under the Public Passenger Vehicles Act 1981 or the Goods Vehicles (Licensing of Operators) Act 1995 constitutes an authorisation to pursue the occupation of road passenger or haulage operator (as applicable) for the purposes of EU Regulation 1071/2009, references to national and international standard licences are included above for transitional purposes.

Guidance note 8 – Restricted licence applicants - main occupation or business

Vehicles with nine to sixteen passenger seats may be used under a restricted licence as long as the operation of these vehicles is not your main occupation or they are not used in the course of a passenger transport business e.g. they could be used in connection with a hotel business.

Should you wish to operate vehicles which can carry nine to sixteen passengers you must give details of your business or main occupation at 8b).

If you intend to operate small vehicles please ensure that you read the conditions that apply, at Annex 1.

Guidance note 9 - Standard licence applicants – professional competence

You should only complete Section 9 of the application form if you are applying for a standard national or standard international licence.

You must employ one or more persons who will act as the transport manager(s) on your licence. They are responsible for the continuous and effective control of the management of the transport operations of the business.

Qualifications

Your transport manager(s) must hold one of the following:

- A certificate of professional competence (CPC) in Passenger Transport Operations
- An “acquired rights” certificate (which replaced ‘grandfather rights’) issued by the Department for Transport after 26th September 2011.
- A qualification recognised as equivalent to the CPC such as membership by examination of the Chartered Institute of Logistics and Transport. A full list of these equivalent qualifications is provided in Appendix 4 of the Guide for Operators (PSV437) available at www.businesslink.gov.uk/transport

You must provide the **original** certificate(s) of qualification, for each transport manager you wish to specify on your licence, with your application.

Time spent in role of transport manager

The statutory guidance documents give a broad guideline as to what might be expected in terms of hours worked by a transport manager relative to the number of vehicles specified on a licence. Please note that this is a starting point only and the traffic commissioner will consider each case on its own facts and its own merits.

Vehicles	Guideline Hours (per week)
2 or less	8
3 to 5	15
6 to 10	20
11 to 14	25
15 to 29	Full time
30 and above	(Full Time) Additional assistance required

If your transport manager(s) will not be devoting the amount of time to your licence as shown in the table above, you should provide a written explanation from them as to how they will carry out all their responsibilities effectively in the time allocated. This should include details such as what systems they have in place, how often they intend to visit each operating centre and the hours per week they will devote to each operator, who checks tachographs and where records are kept, and whether they have any other employees to help them.

- 9a) Please give details of the people you wish to specify as transport managers on your licence. If there is not enough space to list all the transport managers on the form you must provide the details requested on a separate sheet, clearly marked with the question number.
- 9b) You must provide the following for each person named as a transport manager on your application, even if you are a sole trader who is also the transport manager, or you are one of the named partners or directors on the application:
- a completed form TM1, available in your application pack or at www.dft.gov.uk/vosa
 - original proof of qualification(s) as stated in the above guidance

Guidance note 10 – Operating centre details

When choosing an operating centre you should make sure that there is sufficient space to park all your vehicles when they are not in use, even if all vehicles will not be in the operating centre at the same time. You should also make sure that you can enter and exit the site safely and that visibility is clear in each direction.

In addition to your application for an operator's licence, you should check that your proposed operating centre meets the requirements of planning law. **If you are unsure, contact your local planning authority.** Authorisation to use an operating centre under an operator's licence does not convey any approval under planning law and using the operating centre without the correct planning approval may lead to enforcement action by the planning authority.

- 10a) Please give the address at which you will be parking the vehicles. It is essential that you use the full and accurate address of any operating centre which must include a postcode and should also include a unit number if one exists.
- 10b) Please give the **total** number of vehicles which you wish to keep at your proposed operating centre(s). If you are applying for a margin for future expansion please ensure that you include this within the total.
- 10c) Please give the total number of off-street parking spaces available to you for parking your

vehicles.

- 10d)** Please tick a box to confirm whether you own, lease or rent the premises at which you wish to keep vehicles.
- 10e)** You must have permission from the owner of the premises at which you wish to park if you do not own the site.
- 10f)** You must supply written confirmation of the permission to use the site and this must state the number of spaces available to you.

Guidance note 11 – Safety inspections

You must satisfy the traffic commissioner that you will keep your vehicles in a fit and serviceable condition. It is your responsibility as operator to ensure that:-

- you meet this requirement at all times.
- daily walk round checks are carried out, as well as regular safety inspections.
- any necessary maintenance work is carried out as soon as you become aware of a problem.

You may carry out the safety inspections and maintenance work yourself if you employ someone who is suitably qualified and you have adequate facilities available, or you may contract this work out to a third party. If you contract the work out you should have a formal contract in place with them and you must provide a copy of this contract with your application. A sample contract is provided in your application pack at Annex C. If you will be contracting this work out to more than one person or company then you must provide a maintenance contract for each one.

The *Guide to Maintaining Roadworthiness*, available from www.gov.uk, explains the responsibilities and systems involved in maintaining vehicles in a roadworthy condition, and gives information setting out the specific standards for inspections, checks and the monitoring of maintenance arrangements. You are strongly advised to read this document.

You may also seek advice from trade associations or from VOSA examiners by calling the contact centre on 0300 123 9000.

- 11a)** You should enter the maximum number of weeks between safety inspections for vehicles. This should not exceed 13 weeks. You may choose to have safety inspections for some vehicles more often than others but you must not exceed the maximum number of weeks stated for any vehicle. For example if you have some vehicles inspected at 6 weeks and some at 8 weeks, put down 8 weeks.

Guidance on the length of time between safety inspections is available in Annex 4 of *The Guide To Maintaining Roadworthiness*.

- 11b)** You should give details of who will carry out the safety inspections on the vehicles you intend to operate and where this will take place. If this will be carried out by more than one garage please provide details on a separate sheet.

- 11c)** You must ensure that you are aware of the standards for maintenance and have put suitable maintenance arrangements in place, whether you will be inspecting and maintaining your own vehicles or contracting the work out.

If you are granted a licence a VOSA vehicle examiner may visit you to check your maintenance arrangements and vehicles. You will also be required to present your vehicles for annual vehicle testing. If at any time your vehicles are found not to be in a fit and serviceable condition then your licence may be at risk.

If a third party will be carrying out either the safety inspections on your vehicles, or any maintenance work required, or both, you must put a contract in place, using the sample contract from your application pack as a guide. This should be signed by both yourself and the contractor. You **must** provide a copy of the contract with your application. If you will be contracting this work out to more than one person or company then you must provide a maintenance contract for each one.

Guidance note 12 – Financial evidence

- 12a)** The traffic commissioner must be satisfied that you have sufficient financial resources to maintain your vehicles and run your business. This requirement is **not** reduced in the case of contract or lease hire vehicles whose maintenance is included in the hire charge.

The financial standing requirement for operators is a continuing and mandatory requirement that must be kept up to date. Existing operators will be liable to demonstrate the increased pound sterling rate whenever their licences are considered by or on behalf of a traffic commissioner, either at the five year review stage or where a traffic commissioner considers an operator's licence for any other reason.

The traffic commissioner will assess the evidence you send in against the current financial levels, which change on an annual basis based on the rate of exchange for the Euro as at 1 October each year and shall have effect from 1 January of the following calendar year. Details of the current financial levels can be found at Annex A of the application. **You should ensure that you have sufficient financial evidence to show that you meet the current levels for the type of licence and number of vehicles you are applying to operate.** If you are applying for a margin for future expansion, you must ensure that you can show access to sufficient funds for all the vehicles you are applying for, not just the ones you wish to operate straight away.

All applicants must provide financial evidence so the traffic commissioner can assess this requirement, as follows.

Availability

The key test in demonstrating financial resources is whether the applicant or operator has available capital and reserves of an amount equal to the sum specified. "Available" is defined as: "capable of being used, at one's disposal, within one's reach, obtainable or

easy to get". The three questions an operator needs be able to answer are:

- how much money can the operator find if the need arises?
- how quickly can they find it?
- and where will it come from?

Name(s) on financial evidence supplied

All financial documents should be in the same name as the applicant or licence holder. In the case of partnerships be in the same name(s) as one or both of the applicants or licence holders.

In the case of a Limited Company and Limited Liability Partnerships (LLPs) the funds must be held within the company.

The traffic commissioner may allow documents in a different name, but in the case of an individual applicant/operator this must be supported by a statutory declaration signed by the natural person.

For companies, group and cross guarantees will be referred to the traffic commissioner to consider the merits and will require evidence of the financial standing of the guarantor.

The types of evidence listed below are not exhaustive.

Bank statements

You should provide **original** bank or building society statements covering the last 28 days, the last date of which must not be more than 2 months from the date of receipt of the application. If original bank statements are not available, for instance if you have an online only account, then you may provide printouts that have been signed and stamped by the bank as verification that they show a true reflection of your account. Any such printouts must contain the account holder's name and account number, the name of the bank, and all transactions taking place within the 28 day period.

Building society accounts will only be acceptable if funds can be drawn down within one month.

Unusually large deposits/withdrawals which have influenced the average balance might lead to further enquiries and a request for an explanation from the applicant/operator. The traffic commissioner might ultimately decide to discount these deposits/withdrawals from the average balance. If there is any doubt as to the source of funds this will be referred to the traffic commissioner.

Credit card accounts (in the same name as the application or licence holder) must be supported by original documents, as with bank statements, to show that over the same 28 day period the funds available meet the criteria. Where a credit card account is the

sole source of evidence to prove the availability of finance traffic commissioners are entitled to ask why there is no other evidence of banking facilities available.

If the applicant has a new business and thus does not have statements for 28 days, an opening balance meeting the requirement may be accepted, with an explanation regarding the source of funds but it may be the subject of a requirement to submit further financial evidence within a specified period after the date of grant (likely to be 6 to 12 months) to provide the operator with an opportunity to then supply three months of evidence.

Overdraft facility

The applicant or operator can supplement the original or certified copies of any bank or building society accounts statements by the use of an overdraft or credit facility. That is an overdraft at their disposal in the sense that there is a balance undrawn before the limit is reached. The facility must be demonstrated by a formal written commitment by the bank, etc. (An offer of such a facility will not suffice.)

The average balance shown in the statements will be calculated, and added to any overdraft or credit facility to show the amount of credit that can be used as proof of financial standing. If the average balance is negative, this will be subtracted from the overdraft limit to find the available finance.

Invoice Finance Agreement

An invoice finance agreement is acceptable, but only if accompanied by:

- confirmation of available balances not drawn down averaged over a 3 month period.
- a copy of the signed agreement from the finance company in which they agree to retain the amount of money needed to meet the definition of financial standing.
- a completed schedule signed on behalf of the finance company. This is available to download at **www.gov.uk**

If you are supplying an invoice finance agreement you must still provide bank statements as detailed above.

Audited accounts – limited companies and Limited Liability Partnerships

These must be certified by a properly qualified person be drawn up clearly and give a true and fair view of the company's assets, liabilities, financial provision and profit or loss.

The items that must comprise the annual accounts are:

- a balance sheet
- that the company is trading profitably (on the profit and loss sheet)
- notes on the account
- a positive ratio of more than 1.0 (when dividing total assets by total liabilities)
- a positive ratio of more than 0.5 (when dividing current assets by current liabilities)

The latest audited annual accounts (in respect of the financial year end, to a date not more than 18 months prior to the date of application) can be used as a substitute for bank statements, generally only where the entity is an established and substantial limited company/plc with a turnover of more than £5.6m (subject to statutory uprating).

Smaller businesses have historically produced annual accounts as additional evidence to establish financial standing. However under Regulation (EC) 1071/2009 traffic commissioners will accept annual profit and loss accounts and balance sheets or a statement of an opening balance if they are certified by a properly accredited person. Draft annual accounts to a date not more than 12 months prior to the date of application/licence check may be sufficient but will be referred to the traffic commissioner who may require further evidence.

Annual financial accounts can be a very useful cross check on an operator's financial health. If audited, they should give an accurate (though historic) 'snapshot'. Businesses with a turnover of less than £5.6m are not required to have their accounts audited. Operators, however, with a turnover of more than £1m are advised that your accounts should be prepared by a chartered or certified accountant. Company law allows unaudited financial accounts for businesses with a turnover below £5.6m but the traffic commissioner may not place as much weight on unaudited accounts as those which are independently certified. Where any accounts are relied upon it is open to the traffic commissioner to seek a further check of finances either by way of a condition upon grant or an undertaking.

It is open to the traffic commissioner to consider financial accounts for all other types of business (i.e. not companies) whether audited or not. This might highlight any insolvent trading positions or unpaid taxes such as PAYE/NI/VAT etc. and may indicate cash flow problems. Where accounts contradict the impression given by the bank statements the traffic commissioner might ask for further enquiries to be made. Applicants and operators are reminded of the need to reply to these further enquiries in a timely manner.

In addition to the types of financial evidence shown earlier, the traffic commissioner may agree that an operator can demonstrate its financial standing by means of a certificate such as a bank guarantee or insurance, including professional liability insurance from one or more banks or other financial institutions, including insurance companies, providing a joint and several guarantee for the operator in respect of the amounts specified above.

The evidence must be those of the economic entity (applicant/operator) established in Great Britain where an authorisation has been applied for and not those of any other entity established in any other country or European Member State.

- 12b)** The traffic commissioner requires details about any insolvency history of applicants for an operator's licence. Previous insolvency history may affect an applicant's fitness or repute. Traffic commissioners will consider each case on merit and it is vital that you declare all previous insolvency history.

Please tick either 'yes' or 'no' in answer to **all** five parts of Question 12b.

If you tick 'yes' in answer to **any** of the questions then you must provide full details, on a separate piece of paper. This should include the circumstances leading to the insolvency proceedings, the people, dates and any courts involved, details of any

operator's licence affected by such action (including the licence number, licence holder, people involved and so on), plus any other information you think may be relevant.

You must also supply further information if you ticked yes to the relevant part of Question 12b as follows:

- 12b)i.** You should provide a copy any certificate of discharge from bankruptcy.
 - 12b)ii.** You should provide a copy of the Liquidator's report. If this is not yet available please provide a copy of the report to the creditors, and state when the full Liquidator's report is likely to be available.
 - 12b)iii.** You should provide a copy of the Receiver's report. If this is not yet available please provide a copy of the report to the creditors, and state when the full Receiver's report is likely to be available.
 - 12b)iv.** You should provide a copy of the Administrator's report. If this is not yet available please provide a copy of the report to the creditors, and state when the full Administrator's report is likely to be available.
 - 12b)v.** You should provide a copy of the disqualification orders.
- 12c)** You must inform the traffic commissioner immediately as soon as you become aware of any new insolvency proceedings that involve anyone named on the application, which take place between sending in your application and being notified of any decision on your application. This includes any of the following: bankruptcy, liquidation, receivership, administration or disqualification from being a director.

You should inform the traffic commissioner as soon as you become aware that financial difficulties may lead to insolvency proceedings, and should not wait until the procedures are already underway.

If you fail to inform the traffic commissioner of any such proceedings then you risk having your application refused and/or any operator's licences on which the relevant person(s) are specified may be subject to regulatory action.

Guidance note 13– Previous licence history

The answers you give in this section will be checked against our own records. If you are unsure, please include the detail and if it is not required this will be noted before your application is determined by the traffic commissioner.

- 13a)** Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'.
- 13b)** Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'.
- 13c)** Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'. The question applies whether you have had an application for an operator's licence refused by a traffic commissioner or by any other EU licensing authority.
- 13d)** Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'. The question applies whether you have had an operator's licence revoked, suspended

or curtailed by a traffic commissioner or by any other EU licensing authority.

- 13e) Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'.
- 13f) Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'.
- 13g) Please answer the question 'Yes' or 'No' and provide details if you have answered 'Yes'.

If you have purchased the assets or shareholding of a company, but you are not sure whether they hold a licence, you may carry out an operator search by visiting the VOSA website, or you can telephone the contact centre on 0300 123 9000.

Guidance note 14– Convictions and penalties

You must inform the traffic commissioner of all relevant convictions and relevant fixed penalty notices incurred by any relevant person in connection with your application. A relevant person means the person, persons or company applying for the licence, and any employees and agents of the applicant, the nominated transport managers(s) and, where appropriate, officers of the company.

Details of which convictions you need to declare are given at 14a below. You should provide full details of the background circumstances of any convictions declared on a separate piece of paper.

This includes foreign convictions. If a conviction has been imposed by a court outside Great Britain (including a Northern Ireland court) it should be notified.

Failure to provide information which subsequently comes to the attention of the traffic commissioner may lead to your application being refused or, if the licence has been granted, action being taken against the licence. Such action may include the revocation of the licence. This includes any licence on which any relevant person in this application is named.

Spent convictions

You do not have to declare convictions which are “spent” under the Rehabilitation of Offenders Act 1974. The table below shows the rehabilitation period, at the end of which convictions will become spent. The rehabilitation period depends on the sentence for the original offence and runs from the date of conviction.

A sentence of imprisonment for life or a sentence of imprisonment, detention in a YOI, a sentence of preventative detention or a sentence of detention during Her Majesty’s pleasure for terms exceeding 30 months are excluded from rehabilitation. Otherwise:

Where on a conviction the sentence (or equivalent) imposed is:	The rehabilitation period begins on conviction and lasts for:
Life imprisonment or imprisonment/ detention in a Young Offenders Institute (YOI)/ a sentence of preventative detention or a sentence of detention during Her Majesty’s pleasure, FOR TERMS EXCEEDING 30 MONTHS	Excluded from rehabilitation

Imprisonment in a YOI, Corrective Training for MORE THAN 6 MONTHS but not exceeding 30 months	10 years*
Imprisonment NOT EXCEEDING 6 MONTHS	7 years*
Fine (or other order not specified below)	5 years*
Borstal Training	7 years
Detention (PCC(S)A 2000, s.91) under CYPA 933, s.53 for MORE THAN 6 MONTHS but not exceeding 30 months	3 years
DETENTION under PCC(S)A 2000, s.91, s.53 for NOT MORE THAN 6 MONTHS	3 years
Detention in a YOI	3 years
Probation (Community) Order, where offender 18 years or over at date of conviction; Where offender under 18 at date of conviction	5 years 2½ years from conviction or a period beginning with date of conviction and ending when order ceases to have effect (whichever is the longer)
Detention and Training Order under CDA 1998, S.73	In the case of a person aged 15 or over a date of conviction, 5 years if order was, 3½ years if it was not, for a term exceeding 6 months. In the case of a person under 15, a period beginning with date of conviction, and ending 1 year after the date on which the order ceases to have effect
Secure Training Order. Bind Over (to keep the peace or be of good behaviour), Care Order, Supervision Order under PCC(S)A 2000, s.63(1), Care order under CYPA 1933, S.57, Supervision order under CYPA 1933 or CYPA 1963	1 year or duration of order (whichever is longer)
Attendance at an Attendance Centre	Duration of the order plus 1 year
Hospital Order (with or without restriction order)	5 years or duration of the order plus 2 years (whichever is longer)
Disqualification, disability, prohibition or other penalty	The duration of the order

* Reduced by half if the offender was under 18 at the date of conviction.

A later conviction may affect the rehabilitation period for an earlier conviction if it happens before the first period has run out.

If you are not sure whether your convictions are “spent”, you should declare it and the traffic commissioner will then consider each case on its merits.

14a) All applicants

You must notify the traffic commissioner if any of the following has been convicted of any of the offences specified below:

- You as the applicant
- Where the applicant is a partnership, any partner in that partnership
- The company and its officers, where the applicant is a company

Any transport manager nominated in the your application
Any employee or agent of the applicant

Relevant convictions are offences in relation to a public service vehicle or the operation of a PSV:-:

- under or by virtue of the Public Passenger Vehicles Act 1981;
- under sections 5(1), 8(1), 11, 13, 16(1), 17(4) and 18(3) of the Road Traffic Regulation Act 1984;
- under section 1(2) of the Sporting Events (Control of Alcohol etc) Act 1985;
- under or by virtue of Parts I and II and section 101 of the Transport Act 1985;
- under or by virtue of Parts I, II, III, IV and V and sections 164(6) and (9), 165(3) and (6), 168, 170(7), 171(2), 172(3) and (4), 173(1), 174(1) and (2) and (5) in Part VII of the Road Traffic Act 1988;
- under section 91 of the Road Traffic Offenders Act 1988;
- relating to-
 - (i) the speed at which vehicles may be driven,
 - (ii) drivers' hours or the keeping of drivers' records under by virtue of Part VI of the Transport Act 1968,
 - (iii) new bus grants under section 32 of, and Schedule 8 to, the Transport Act 1968, grants towards bus fuel duty under section 92 of the Finance Act 1965,
 - (iv) a duty of excise imposed by or under the Vehicles (Excise) Act 1971 or the Vehicles Excise and Registration Act 1994, and
- under section 92 of the Licensing (Scotland) Act 1976 and section 70 of the Criminal Justice (Scotland) Act 1980;

or other offences under the law in force in any part of Great Britain which are serious offences or road transport offences.

A serious offence is an offence where one or more of the following punishments have been imposed:

- Imprisonment exceeding 3 months
- A fine exceeding level 4 on the standard scale
- A community service order for more than 60 hours
- Any punishment outside the UK corresponding to any of the above

Any corresponding offence under the law of a country or territory outside the United Kingdom for which a corresponding punishment was imposed.

A road transport offence is an offence under the law of any part of the United Kingdom relating to road transport including in particular an offence relating to drivers' hours of work, rest periods the weights or dimensions of commercial vehicles, road or vehicles safety or the protection of the environment and

Any other offence concerning professional liability; or

Any corresponding offence under the law of a country or territory outside the United Kingdom

- 14b) Any conviction or penalty for an offence under UK law relating to road transport, or any corresponding offence outside the UK. In particular:
- Exceeding the maximum 6-day or fortnightly driving time limits by margins of 25 % or more.
 - Exceeding, during a daily working period, the maximum daily driving time limit by a margin of 50 % or more without taking a break or without an uninterrupted rest period of at least 4.5 hours.
 - Not having a tachograph and/or speed limiter, or using a fraudulent device able to modify the records of the recording equipment and/or the speed limiter or falsifying record sheets or data downloaded from the tachograph and/or the driver card.
 - Driving without a valid roadworthiness certificate if such a document is required under Community law and/or driving with a very serious deficiency of, inter alia, the braking system, the steering linkages, the wheels/tyres, the suspension or chassis that would create such an immediate risk to road safety that it leads to a decision to immobilise the vehicle.
 - Transporting dangerous goods that are prohibited for transport or transporting such goods in a prohibited or non-approved means of containment or without identifying them on the vehicle as dangerous goods, thus endangering lives or the environment to such extent that it leads to a decision to immobilise the vehicle.
 - Carrying passengers or goods without holding a valid driving licence or carrying by an undertaking not holding a valid Community licence.
 - Driving with a driver card that has been falsified, or with a card of which the driver is not the holder, or which has been obtained on the basis of false declarations and/or forged documents.
 - Carrying goods exceeding the maximum permissible laden mass by 20 % or more for vehicles the permissible laden weight of which exceeds 12 tonnes, and by 25 % or more for vehicles the permissible laden weight of which does not exceed 12 tonnes.
- 14c) You must inform the traffic commissioner immediately of any convictions that occur in the period between the submission of your application and a decision being made on your application. The traffic commissioner will decide whether the convictions are relevant to your application.

Guidance note 15– Vehicle information and additional undertakings

Please read the undertakings in this section carefully and ensure that you fully understand the obligations you are making before signing the declaration. If you accept the undertakings you are responsible for ensuring that you comply with them at all times. Your licence is at risk should you breach an undertaking.

- 15a) This is the number and size of vehicles that you intend to operate under the PSV operator's licence. Do not include taxis and private hire vehicles.

If you intend to operate small vehicles please read the notes at Annex 1.

Standard International Licences – Community licences

The international carriage of passengers requires the operator to hold a community

licence, which you will be issued to you should you be granted a standard international licence.

A copy of this licence must be carried on each vehicle being used to carry passengers to, from or through another Member State. Therefore please indicate the number of vehicles you plan to use for international journeys so that you can be issued with sufficient copies.

- 15b)** This only applies to operators in an English or the Welsh traffic area who wish to operate small vehicles.

If you are claiming exemption from the requirement to charge separate fares you must provide further details here. Please give details of the size of the fleet of all your vehicles which are used as part of your passenger carrying business-

Number of small vehicles (including any licensed as taxi or private hire vehicles or private hire cars);

Number of large PSVs, that is PSVs which can carry nine or more passengers.

The purpose for which the small vehicles you intend to operate as PSVs will be used

- 15c)** If you wish to operate small vehicles and cannot claim the exemption from having to operate the vehicles at separate fares then you will be required to meet one of these two conditions. You must provide details as to how you will meet either of these conditions.

- 15d)** If you tick **YES** then you are accepting the undertakings. Should your licence be granted these undertakings will be attached to the licence and you must comply with all of these undertakings at all times. Your licence will be at risk should you fail to do so.

If you tick **NO** the traffic commissioner may be minded to consider your application at a Public Inquiry.

- 15e)** If you tick **YES** then you are accepting the undertaking. Should you wish to operate small vehicles under the licence at some time in the future you must first ask the traffic commissioner for permission.

If you tick **NO** the traffic commissioner may be minded to consider your application at a Public Inquiry.

- 15f) Limousines and novelty type vehicles**

The traffic commissioner requires to know whether you intend to operate limousines or novelty vehicles under your licence.

Please indicate whether you intend to operate such vehicles by ticking the relevant box.

If you intend to operate such vehicles please tick the **YES** box and go to section 15g where you will be asked for further assurances.

If you do not intend to operate such vehicles please tick **NO** and read the undertaking that the traffic commissioner proposes to attach to your licence.

If you accept this undertaking please tick **YES**. Should you wish to operate limousines or novelty vehicles at some time in the future you will need to apply to the traffic

commissioner to have this undertaking removed, using form PSV421(A).

If you tick **NO** the traffic commissioner may be minded to consider your application at a Public Inquiry.

- 15g)** As with any PSV adapted to carry nine or more passengers a limousine or novelty vehicle must have a valid Certificate of Initial Fitness or Conformity. If it does not have such a certificate it must meet the requirements of European Community Whole Vehicle Type Approval or the National Small Series Type Approval. If the vehicle is not covered by either of then it must have an Individual Vehicle Approval (IVA).

Please confirm that you accept the undertaking by ticking the **YES** box.

If you tick the **NO** box the traffic commissioner may be minded to consider your application at a Public Inquiry.

Guidance Note 16- Undertakings and Declarations

The application must be signed by the person who will be the licensed operator.

- If you are applying as a sole trader, then you must sign the form yourself.
- If you are applying as a partnership it may be signed by all partners named in your answer to question 5a) or by one partner with the authority of the others.
- If you are applying as a limited company or LLP it must be signed by one or more of the partners/directors named in your answer to question 3b).
- If you are applying as any other organisation, it must be signed by one or more of the people named in your answer to question 6b).

By signing the application you are accepting the undertakings and you are responsible for ensuring that you comply with them at all times. Your licence is at risk should you breach an undertaking.

Guidance Note 17– Payment details

You must pay the application fee in full by credit/debit card or by cheque/postal order. Details of the amount payable can be found at www.gov.uk or at Annex B of the application.

The application fee is non-refundable. You will not get the money back if you withdraw your application or it is refused.

If your application is granted, then there is an additional fee payable for the issue of the licence. This covers your operator's licence for a five year period. The licence fee is also non-refundable.

If you are paying by cheque or postal order, you must enclose this with your application.

If you are paying by credit or debit card, you must give all details required. We will use your card details to pay for the application fee only. We will destroy your card details once they have been used to pay the fee.

Guidance Note 18– Checklist

The traffic commissioner will only consider **complete** applications.

Throughout the application form and guidance notes you have been advised if supplementary evidence is required to support a particular section. Please use the checklist provided to help ensure that you have included everything required.

Your application must contain the correct documentary evidence. If it does not then it cannot be considered by the traffic commissioner. **Failure to supply the correct evidence will result in a delay in the processing of your application and may also result in your application being refused.**

I have submitted my application - what happens next?

The Central Licensing Office aims to ensure that the traffic commissioner is in a position to make a decision on 85% of unopposed applications (and those not requiring a public inquiry) within 9 weeks of the date of receipt of the application and the required fee. If your application is opposed or if the traffic commissioner requires a Public Inquiry to determine the application then your application is likely to take longer.

The information provided will be checked and details of your application will be put forward for publication in “Notices and Proceedings”. This publication is sent to the police and Local Authorities, who have a statutory right to object to the grant of your application. Internal checks will also be carried out and further information may be requested from other parties.

Once your application has been processed, a letter will be sent to you at the correspondence address provided advising you of your reference number. If the application is incomplete or there is any further information required by the traffic commissioner you will be advised of this.

You must not operate PSVs until a licence has been issued to you.

If your application is opposed you will be given further advice by this office and you will be asked for supplementary information.

Should your application be refused you have the right to ask to be heard at a Public Inquiry.

Annex 1 Small Vehicles

There are only two criteria that allow small vehicles to be operated under a PSV operator's licence. These are defined in the Public Passenger Vehicles Act 1981 (the Act) and are as follows;

a) A small vehicle can be regarded as a public service vehicle if it is used to carry passengers for hire or reward at separate fares in the course of a business of carrying passengers. However, even if the passengers are carried at separate fares, this does not automatically mean that the vehicle is a PSV. One or both of the following conditions set out in Schedule 1 to that Act must also be satisfied:-

Condition 1: The passengers must have been brought together for the purposes of making the journey by the driver or owner of the vehicle or by some other intermediary who is paid for doing so. In addition each journey must have been advertised to the public, so as to create a *genuine* opportunity for members of the public to be carried *on the particular journey in question, i.e.* the journey is not an exclusive hiring for an individual or group, notwithstanding that separate fares are paid. Advertisement at a place of worship, a place of work, a club or other voluntary association for the information of people present at those places, or in periodicals circulated wholly or mainly among such persons, does not count as advertisement to the general public. Finally, in the event that there are multiple destinations, there should be differentiation of fares for the journey based on distance or time.

Condition 2: The making of the agreement for the payment of separate fares must have been initiated by the driver or owner of the vehicle, or by some other intermediary who is paid for doing so – not by the passengers themselves, or any other party. In addition, as in condition 1, each journey must be advertised to the public beforehand as being open to passengers to be carried at separate fares

b) In England and Wales, there is an alternative authorised under Section 79A (3) of the Act. This allows certain operators of large PSVs, i.e. vehicles which can carry nine or more passengers, to use a small vehicle under their PSV operator's licence, without the requirement to charge separate fares. The use of a small vehicle must be only a small part of the operator's business of carrying passengers by motor vehicles. Guidance provided by the Department for Transport suggests that, although the ultimate decision for what constitutes 'a small part' is a matter for the courts, the understanding is that if less than 10% of the fleet of vehicles licensed under a PSV operator's licence are small vehicles the exemption may apply. However, as the legislation states small part of the business, other factors such as mileage run or income may be taken into account.

If you wish to operate small vehicles but cannot meet any of the criteria detailed above you probably require a Private Hire Vehicle (PHV) licence or, in Scotland, a Private Hire Car (PHC) licence. You should contact your local authority for further advice.