

Please reply to: Rachael Hind
Licensing, c/o Town Hall
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Torquay
TQ1 3DR

My ref:

Your ref:

Telephone: 01803 208025

E-mail: licensing@torbay.gov.uk

Website: www.torbay.gov.uk

Hackney Carriage or Private Hire vehicle
proprietor

Date: 07 February 2024

Dear licence holder,

Hackney Carriage & Private Hire vehicle proprietor changes

We are writing to you as you currently hold a vehicle proprietor's licence with Torbay Council. Following an internal audit of Hackney Carriage and Private Hire vehicle proprietor licences, it has been identified that some of the licence plates are being rented out under a private arrangement by the licence holder. Although it is not illegal to rent a licensed vehicle (with the plate attached) to another person, the DVLA registered keeper must be the same person as the vehicle owner (or one of the people in a partnership or limited company) who holds the proprietor licence. A licensed vehicle cannot be sold separately to the licence plate. **This is a legal requirement in accordance with the Town Police Clauses Act 1847.**

If you are a licence holder and are currently renting your 'licence plate' to another person and you are NOT the DVLA registered keeper or owner of the vehicle covered by that licence, please ensure that you make the necessary changes immediately to ensure you are compliant with the law.

From the date of this letter, the Licensing Authority will now require sight of the DVLA V5 registration document showing who the registered keeper is, other evidence of ownership where that is not the case e.g. purchase receipts, together with the appropriate insurance and public liability cover for each vehicle application. This must be uploaded as directed during the application process.

If any application is received in relation to a Hackney Carriage, or Private Hire vehicle proprietor licence where the licence holder/s are not the DVLA registered keeper of the vehicle, the application will be refused and a licence will not be granted. However, there is a right of appeal and until such appeal is determined, the licence cannot be granted.

If you require this in a different format or language, please contact me.



If you are one of the licence holders affected by this notification, you must complete a transfer of ownership application from your online account. You will not be charged for a transfer on this occasion. A transfer must be received on or before 30 April 2024.

We have attached frequently asked questions to assist with any queries you may have. For all other queries, please email licensing@torbay.gov.uk.

Yours faithfully

A handwritten signature in black ink that reads "R.A Hind". The letters are cursive and slightly slanted.

Rachael Hind

Regulatory Services Manager

Frequently asked questions

Q – I am a joint vehicle proprietor licence holder with my spouse and the vehicle attached to the licence is registered with the DVLA in my name, is this allowed?

A – Yes. As you are named on the vehicle proprietor's licence and as the DVLA registered keeper of the vehicle this is allowed. In this situation you are in a partnership with your spouse the purposes of the business.

Q – I am currently a vehicle proprietor licence holder. The vehicle attached to the licence is registered with the DVLA in another person's name. Can I add them to my licence?

A – The vehicle proprietor licence holder must have an interest in the vehicle. You can only add another person to your licence in a partnership, where the vehicle is licensed, and the licence is held by the partnership. One of the people in the partnership must be the registered keeper but you must be able to prove that the vehicle is an asset of the partnership. We will require documentation such as bill of sale, garage receipts, written agreement/solicitor's letters etc.

Q – I am a vehicle proprietor licence holder, but the vehicle attached to the licence is registered with the DVLA in a limited company name. Is this allowed?

A – No. You are required to transfer the licence into the limited company name. However, each Director must carry out a Basic DBS.

Q – I am the vehicle proprietor licence holder and I have had an accident in the vehicle attached to the licence. A hire company is providing a temporary hackney carriage vehicle, and they are the DVLA registered keeper of the vehicle. Is this allowed?

A – No. As there is a limit on the number of hackney carriage vehicles, a transfer application will need to be made so that the hire company can transfer the vehicle onto the licence. When your vehicle has been repaired, you will need to complete another transfer.

If it is a private hire vehicle, then the hire company can apply for a new licence instead of completing a transfer.

Q – I am the vehicle proprietor licence holder and the vehicle attached to the licence is registered with the DVLA to a company because it is on a lease agreement. Is this allowed?

A – Yes. However, we would need to see sight of the lease agreement to confirm that it is intended that they will eventually become the DVLA registered keeper of that vehicle.

Q – I am not affected by this, but I want to transfer the ownership of my licensed vehicle. Will I need to pay for the transfer application?

A – Yes. We are only waiving the fee if you are affected by the matters raised above.