



**FIRST TIME DRIVER ENQUIRY**

The following information pack has been created to give you a basic understanding of what is required to become either a Private Hire or Hackney Carriage driver.

If you are still interested in becoming a hackney carriage or private hire driver after reading this information, please contact Taxi Licensing on the following telephone number to make an appointment. The appointment will be for 30 minutes and held over video conference when your driving licence and completed check list will be inspected.

**IMPORTANT:** Once your appointment has been sent to your email (via Teams) you will have 48 hrs to accept. If you do not accept within that timescale your appointment will be cancelled.

You will also be required to take a comprehension test during the appointment (information about this is explained within this pack).

The application pack will then be posted to you.

Email: [taxis@boston.gov.uk](mailto:taxis@boston.gov.uk)

More information relating to taxis can be found at:-

Website: [www.boston.gov.uk/taxis](http://www.boston.gov.uk/taxis)

**PLEASE HAVE THE COMPLETED PRE-CHECK LIST LOCATED AT THE BACK OF THIS DOCUMENT ALONG WITH YOUR DRIVING LICENCE, PASSPORT/BIRTH CERTIFICATE AND PROOF OF ADDRESS AT THE APPOINTMENT**

**APPOINTMENT TIME / DATE: .....**



## **PRIVATE HIRE / HACKNEY CARRIAGE DRIVING LICENCES**

There are two types of licences/badges available:-

**PRIVATE HIRE** – fares may only be taken by advance booking with an office. The customer is then picked up and dropped off. If they require a return journey it will also need to be booked with the office – they **cannot** re-book with the driver. Private hire vehicles are not permitted on a taxi rank and cannot be hailed off the street.

**HACKNEY CARRIAGE/PRIVATE HIRE** – this is a dual licence/badge. In addition to private hire work it entitles the vehicle to sit on a taxi rank or be hailed off the street.

The process to apply for both licences is exactly the same and takes the same amount of time. The only difference is that you will be required to take and pass a knowledge test to qualify for a hackney carriage licence/badge. This is explained in more detail further in the pack.

Before the process of applying for a licence/badge can begin there are certain forms we require to be completed. These forms will be handed to you when you attend the pre-booked appointment but a brief overview follows:-

### **MEDICAL FORM**

As a Licensing Authority we have certain rights and responsibilities, one of which is to make sure that all applicants are physically fit. A medical form will be provided to you. This form is based on the DVLA Group 2 questionnaire which is used for professional drivers.

The medical is comprehensive so the only person who can complete it is your own doctor or someone else within the practice where your medical notes and history are available. The medical lasts for 6 years but we have the right to ask for one or part of one (ie blood pressure check) at any time if we need to do so. The medical is not offered on the NHS so it is your responsibility to book and pay for it. This fee is not refundable even if the application is refused.

Applicants aged 65 or over must undergo the medical examination every year.

Please refer to **APPENDIX A** attached to these notes which lists medical conditions which will stop you from getting a licence/badge.

Please note - the council will not normally accept a certified medical certificate more than six weeks after the doctor has signed it.

### **SAFEGUARDING TRAINING**

All new applicants are required to complete the Licensing Authority's on-line safeguarding awareness training before a licence can be issued. Information on how to do this will be in the application pack that will be handed to you at your appointment. There is no cost to this training.

### **IMMIGRATION CHECKS – Right to Work**

On the 1 December 2016 new legislation from the Government will require all drivers and operators to have an immigration check before a new (or renewed) licence can be issued.

The new provisions mean that driver and operator licences must not be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence.

Further information will be available during your initial appointment.

## **DISCLOSURE AND BARRING SERVICE (DBS)**

(previously the Criminal Records Bureau)

A check with the Disclosure and Barring Service (DBS) will be carried out to check if you have any criminal history.

The Disclosure and Barring Service have advised Local Authorities that an Enhanced Disclosure should be requested for persons applying for a hackney carriage or private hire driver licence. An Enhanced Disclosure will be required by Lincolnshire County Council for drivers undertaking school, or similar, contracts. It is therefore recommended that you contact Lincolnshire County Council Transport Services to discuss their requirements (tel: 01522 552222 and ask for School Transport Services).

The Disclosure and Barring Service issues the DBS Certificate to the applicant (Boston Borough Council **will not** receive a copy). It will be up to the applicant to make sure they bring the certificate to Taxi Licensing. Once a decision has been made about the badge/licence this document will be returned to you for safe keeping.

The DBS check lasts for three years but, like the medical, we have the right to ask for one at anytime.

Please note - we can only accept the printed DBS Certificate if it is less than one month old from the date of issue.

A list of approved documents that can be used for this process is contained within this pack at **APPENDIX B**.

Please note, you will be asked for five years of address details.

If you have spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check, certificate of good conduct or equivalent, obtained for the purpose of applying for a Hackney Carriage/Private Hire Driver licence with this council, from the country/countries covering the relevant period. This Certificate will be required to be translated into English using a recognised translation service.

Information on how to access this is available through the following Gov.UK website address as indicated below:-

**<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>**

Please see the attached "Application Policy and Guidelines relating to the Relevance of Convictions" for Hackney Carriage and Private Hire Drivers and Operators.

### **DBS Update Service**

Government legislation states that licensing authorities should be checking a licensed driver's criminal record every six months. Boston Borough Council will, in the near future, be instigating this requirement and it is therefore advisable that you consider signing up to the DBS Update Service. Further information will be given within the application pack.

### **DVLA CHECK**

The law requires any applicant for a hackney carriage or private hire driver's licence to have held a full UK driving licence (or legal equivalent) for at least 12 months (Section 51, Local Government (Miscellaneous Provisions) Act 1972). The Council will not normally regard the applicant to be sufficiently mature or experienced unless he/she has held a full licence for **at least two years**.

A check with the DVLA is made to ensure that the licence you bring to us is the current one issued by the DVLA, therefore a driver code check will be required from you at the time of application. The relevant form is provided during your appointment.

From 8 June 2015, the paper counterpart to the photocard driving licence became invalid and DVLA no longer issues such a document.

If you already hold a paper counterpart, after 8 June 2015 it will no longer have any legal status but you still need to keep your current photocard driving licence.

Paper driving licences issued before the photocard was introduced in 1998 will remain valid and should not be destroyed.

If an EU driving licence is held then you will need to complete the DVLA's D9 form to register a non-GB driving licence. The form can be obtained from the Post Office or is available to download from [www.gov.uk/dvla](http://www.gov.uk/dvla).

Conviction(s) for minor traffic offences, eg obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of offence will be taken into account. In certain instances it may be appropriate to issue a licence together with a strong warning as to future driving requirements. If a significant history of offences is disclosed, refusal of an application may result.

New applicants who have received 9 or more penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused. Applicants who have been disqualified from driving under the "totting-up" procedure will not normally be granted a licence unless they have held a licence for at least 2 years following the expiry period of the disqualification and can show a significant improvement in history of motoring offences during that period.

## **APPLICATION FORM**

A completed application form is required which asks for information such as your name, address, date of birth, contact details, who you are going to work for (if you know) and any convictions/cautions you may have.

### **Immigration Act 2016**

It is a criminal offence to employ anyone who does not have permission to work in the UK. Applicants will be required to provide documentary evidence of their right to work in the UK.

### **Convictions and Cautions**

When submitting an application for a licence/badge to drive a licensed vehicle, you are required to declare any conviction(s)\* or caution(s)\*\* you may have, including any previously regarded as "spent" under the Rehabilitation of Offenders Act, 1974. The information you give will be treated in confidence and will only be taken into account in relation to the application. You should be aware that the Disclosure and Barring and DVLA enquiries will reveal the existence and content of any criminal record or relevant information held in the name of an applicant. Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained on manual and computer record(s) for no longer than is necessary. Any information received may be used in Court proceedings.

**\*NOTE: You are not required to provide details of a criminal conviction if more than 11 years have elapsed since the date of conviction (5.5 years if under 18 at the time of conviction) and it is your only offence and it did not result in a custodial sentence.**

**\*\*You are not required to provide details of cautions after 6 years since the date of the caution (2 years if under 18 years at the time of the caution).**

It is the general policy of the Council to request a DBS Disclosure on initial applications and renewal applications every 3 years thereafter. Exceptionally, the Council may request an additional Disclosure:

- i in any case if serious allegations are made against a driver; or
- ii in any case where previously unrevealed information comes to light and the Licensing Officer is satisfied that the information cannot be verified in any other way.

The disclosure of a criminal record or other information will not prevent you from gaining a licence/badge unless the authority considers that the conviction(s) renders you unsuitable. In making this decision the authority will consider the nature of the offence, how long ago it was committed and the age of the applicant when it was committed and any other factors which may be relevant.

The Council has adopted guidelines relating to the relevance of conviction(s) and each case will be decided on its own merits.

Conviction(s) involving dishonesty, indecency, violence or disqualification from driving are those most likely to result in a licence/badge not being issued.

## **CODE OF CONDUCT**

All drivers (both for renewal and first time applications) will be asked to read and sign up to the Council's Code of Conduct for Hackney Carriage and Private Hire Drivers. Further information will be handed to you during your appointment.

## **ISSUING OF DRIVER'S BADGE/LICENCE**

Provided your DVLA, DBS and medical checks and any other matters do not require further investigation your badge/licence will be issued and posted to you. This could take up to 10 working days. Please do not contact us within that timeframe as we will be unable to respond to your enquiry.

If further investigation is required this will be done during the application process and a decision whether or not to grant your licence/badge will not be made until that investigation is complete. In some cases your application will be referred to a sub-committee of the Regulatory and Appeals Committee for determination.

## **PRIVACY NOTICE**

We are required by law to protect your privacy and inform you how your information may be used. The Licensing team collect your personal information to process and manage your application.

Some of your information may be made available publicly, for inspection, on registers required to be kept by relevant legislation.

The information provided by you may also be used for legitimate reasons by other departments of Boston Borough Council and other lawful agencies. These reasons may include but are not limited to: prevention of crime, detection of fraud and public safety.

In some cases information relating to your application may be requested under the Freedom of Information Act, this council will review these requests to consider if it is lawful to comply.

The Council takes your privacy seriously. The Council is the Data Controller for the purposes of the Data Protection Act 1998.

If you want to know more about the information we have about you, or the way we use your information please contact the Council.

## **GENERAL**

### **Non Disclosure or Misrepresentation**

Every applicant must be honest when producing information in connection with a licence/badge application. Any applicant who provides false information or fails to provide information may find his/her application refused, or if a licence/badge is granted that licence/badge may be revoked or suspended. The applicant may also be prosecuted.

### **Appeals**

Any applicant refused a driver's licence/badge has a right of appeal to a Magistrates Court.

### **Passport Photos**

You will need to enclose 2 passport photos with your application. Photographs for a driver's badge must be a true likeness, in colour, showing the full face, with no hat, helmet or sunglasses and be taken against a light background.

### **Fees**

With effect from the 1 April 2016 the fees for applying for a driver's licence/badge are as follows:-

Medical	To be paid direct to the doctor
Application fee	£137.00
DBS check	<u>£40.00</u>
TOTAL	£177.00

Knowledge tests - £17.00 (to be paid on the day of the test)

Payment can be made by cash, cheque, postal order or debit/credit card and must be paid when you submit your application. If fees are to be paid by a third party, this must be arranged to coincide with the submission of your application. Failure to do this will result in your application not being accepted.

## **COMPREHENSION TEST**

Every new applicant is required to take a Comprehension Test.

There are three parts to this test:-

1. Reading out loud a piece of English;
2. Writing out a receipt
3. Calculate three sums.

The Comprehension Test will be taken during your appointment with Taxi Licensing. This will be held on record for six months then destroyed in accordance with the Council's Retention Policy if no application is received.

## **KNOWLEDGE TEST**

If you would like to apply for a Hackney Carriage Driver's licence/badge then a knowledge test will have to be taken. A knowledge test is not required for a Private Hire Driver's licence/badge.

This test is in three parts –

Part 1 = answering six written questions (the answers can be found in the Hackney Carriage Guidance Booklet that will be given to you at your appointment).

Part 2 – topographical or shortest routes. There are two journeys with a route A and a route B. You will have to choose which route you think is the shortest. You are required to answer both questions correctly to pass the test.

Part 3 – there are 20 multiple choice questions. Seventeen or more correct answers are required and it covers not just the town but could include questions relating to any of our eighteen parishes within the Borough of Boston.

If the Knowledge Test is taken before an application to become a driver is received, the paperwork will be held on record for six months then destroyed in accordance with the Council's Retention Policy.

## **NOTE**

The whole test will be written and appointments will only be available on allotted days/times. Further information will be available during your initial appointment.



**MEDICAL STANDARDS FOR HACKNEY CARRIAGE AND  
PRIVATE HIRE DRIVERS**

If you have any of the following conditions you will NOT be regarded as physically fit, or granted the exemption entitlement.

Boston Borough Council's medical standards for drivers of hackney carriage and private hire vehicles are higher than those required for normal car drivers (DVLA) licence. The following are common conditions that normally bar the holding of a hackney carriage/private hire driver's licence/badge.

**1. EPILEPSY ATTACKS**

Applicants must NOT "have a liability to epileptic seizures", (this means that applicants must have been free of epileptic seizures for at least the last ten years and have not taken anti epileptic medication during this ten-year period). With such a liability the Council will refuse or revoke a licence/badge.

**2. DIABETES**

Insulin treated diabetics may **NOT** normally obtain a licence/badge **UNLESS** they held a hackney carriage/private hire licence/badge valid at 1 April 1991 and the Council had knowledge of the insulin treatment before 1 January 1991.

**3. EYESIGHT**

All applicants must be able to read in good daylight a number plate at 20.5 metres (67 feet), and, if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have:-

- A visual acuity of at least 6/9 in the better eye; and
- A visual acuity of at least 6/12 in the worst eye; and
- If these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60.

An applicant who has held licence/badge before 1 April 1991 but who does not meet the eyesight standards above may still qualify for a licence/badge. Information about the standard for such an applicant can be obtained from the Licensing Section.

**APPLICANTS WILL ALSO NORMALLY BE REFUSED A LICENCE/BADGE IF THEY HAVE:**

- Uncontrolled diplopia (double vision)
- Or do not have a normal binocular field of vision.

**4. OTHER MEDICAL CONDITIONS**

In addition to those medical conditions set out above, applicants (or licence/badge holders) will normally be refused if they are unable to meet the recommended guidelines in the following cases:

- within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
- a significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria are met
- suffering from or receiving medication for angina or heart failure
- hypertension where the BP is persistently 180 systolic or over or 100 diastolic or over

- a stroke or transient ischaemic attack (TIA) within the last 12 months
- unexplained loss of consciousness within the past 5 years
- Meniere's and other conditions causing disabling vertigo, within the past one year, and with a liability to recurrence
- recent severe head injury with serious continuing effects, or major brain surgery arkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
- suffering from a psychotic illness in the past 3 years, or suffering from dementia
- alcohol dependency or misuse or persistent drug or substance misuse or dependency in the past 3 years
- insuperable difficulty in communicating by telephone in an emergency
- excessive sleepiness where the doctor and specialist are not satisfied that any necessary treatment is effective and where the patient is unlikely to be compliant
- any other serious medical condition which may cause problems when acting as a hackney carriage/private hire driver
- if major psychotropic or neuroleptic is being taken
- any malignant condition within the last 2 years like to metastasise to the brain, e.g. Ca lung or malignant melanoma.



**HACKNEY CARRIAGE AND PRIVATE HIRE**  
**DRIVER LICENCE**  
**Applying for Enhanced Disclosure(s) from the Disclosure & Barring Service (DBS)**

**Background**

The DBS has been set up by the Government to facilitate safer recruitment and licensing in order to protect children and vulnerable adults. Applicants for a hackney carriage or private hire driver licence will be subject to an Enhanced Disclosure from the DBS. Information as to how your personal information is handled can be found via the DBS Code of Practice at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/474742/Code\\_of\\_Practice\\_for\\_Disclosure\\_and\\_Barring\\_Service\\_Nov\\_15.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/474742/Code_of_Practice_for_Disclosure_and_Barring_Service_Nov_15.pdf)

Boston Borough Council's policy on handling, storage, retention and disposal of DBS certificates and certificate information can be found via <https://www.mybostonuk.com/licensing/taxi-licensing/taxi-private-hire-driver-and-vehicle-information/>

Hard copies can be provided on request from Taxi Licensing.

**Proof of Identification**

In line with the requirements of the DBS, applicants applying for an Enhanced Disclosure must produce documentary evidence to the Council in order to establish their identity. This will be the same procedure for all applicants, whether or not they are applying for a first licence or a renewal.

Where an applicant has changed their name due to adoption after the age of 10, original documentation, not photocopies, will be required to evidence this change of name.

The Council may take copies of photographic evidence and any birth/marriage certificates presented, but will not normally make photocopies of any address-related evidence. With regard to address-related evidence please be assured that it is only the address and date sections of the evidence that will be scrutinized by officers.

**How to Apply**

The Council will supply the applicant with the relevant disclosure application form. The form will be numbered and marked with the Council's Registered Body Number. The applicant should carefully complete Sections A, B, C & E only. The application should be completed in BLACK ink and in CAPITAL LETTERS. The applicant will then present the part completed form to the Council's Licensing Section to complete and countersign. The completed disclosure application is then sent by the Council to the DBS for processing. Payment for the Disclosure will be made to the Council at the time of licence application and although the applicant will make this payment to the Council, it is immediately transferred to the DBS and is therefore not refundable.

**PLEASE NOTE**

- 1) If a mistake is made please cross it out and write the correct information as close as possible to the original. DO NOT use correction fluid or anything similar.
- 2) You must provide a five year continuous address history from the date your application is signed. You should include any overseas addresses you have had during that period. There must be no gaps in the addresses. Please use a continuation sheet (available from the Council) if necessary.
- 3) Please leave an empty box between words but NOT between telephone numbers or post codes.
- 4) Please leave any sections which are not applicable BLANK.
- 5) Please use BLACK ink. If not, the DBS will not process the request.
- 6) Please do not staple any attachments to the form.

**Processing the Application**

The DBS will validate the identity of the applicant by checking the information included on the application form and will access government and police records to produce the disclosure document. All applicants applying for an Enhanced Disclosure will be subject to a Police National Computer (PNC) check. The Disclosure will also indicate whether information is held on the relevant lists of those considered unsuitable to work with adults and children.

Enhanced Disclosures will be subject to an additional check of local police information.

#### Receiving the Disclosure

The DBS will send the Disclosure to the applicant ONLY. It is the applicant's responsibility to bring this printout to Taxi Licensing. Failure to do this may result in the badge/licence being suspended. The Disclosure will reveal all information recorded against the applicant's name. Should any information be given which in the applicant's opinion is incorrect, measures can be taken to query this with the DBS.

#### Role of Nominated Countersignatories within the Council

The Council is required to designate a Lead Countersignatory and furthermore is entitled to specify additional Countersignatories to assist in applying for and receiving Disclosures.

#### Role of the Countersignatory

All Countersignatories will be required to:

- Countersign applications and receive the Disclosures;
- Control the use of, access to and security of disclosures;
- Confirm the details of the documentary evidence requested by the DBS, to establish the identity of the applicant applying for the Disclosure;
- Ensure compliance with the Code of Practice; and
- Ensure the position is covered by the Exceptions Order to the Rehabilitation of Offenders Act 1974 and the Disclosure requested is at the appropriate level.

The Lead Countersignatory will:

- Act as the principal point of all contact with the DBS on all matters connected with Disclosure and registration;
- Validate the countersignatory's application documents; and
- Influence the number of Disclosure applications being processed by the organisation.

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The Taxi Licensing Section  
Boston Borough Council  
Municipal Buildings  
West Street  
BOSTON Lincs  
PE21 8QR

All applications must initially be considered for Route 1.

Route 1 – if applicant can produce one Group 1 document then two further documents from Group 1, 2a or 2b must be produced (one of which must verify current address and one must confirm applicant's date of birth)

Route 2 - Speak to Taxi licensing for further information

Route 3 - Speak to Taxi Licensing for further information

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## LIST OF VALID IDENTITY DOCUMENTS

If the document in the following list of Valid Identity Documents is:-

### Group 1 : PRIMARY IDENTITY DOCUMENTS

Passport	Any current and valid passport
Biometric residence permit	UK
Current driving licence photocard (full or provisional)	UK, Isle of Man, Channel Islands and EEA.
Birth certificate – issued within 12 months of birth	UK, Isle of Man and Channel Islands – including those issued by UK authorities overseas, eg embassies, High Commissions and HM Forces
Adoption certificate	UK and Channel Islands

### Group 2a : TRUSTED GOVERNMENT DOCUMENTS

Current driving licence photocard (full or provisional)	All countries outside the EEA (excluding Isle of Man and Channel Islands)
Current driving licence (full or provisional) – paper version (if issued before 1998)	UK, Isle of Man, Channel Islands and EEA
Birth Certificate – issued after time of birth	UK/Isle of Man and Channel Islands - photocopies not acceptable).
Marriage/Civil Partnership Certificate	UK & Channel Islands
Immigration document, visa or work permit	Issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non EEA country in which the role is based
HM Forces ID Card	UK
Firearms Licence	UK, Isle of Man & Channel Islands

All driving licences must be valid

## Group 2b : FINANCIAL AND SOCIAL HISTORY DOCUMENTS

Mortgage Statement	UK or EEA	Issued in last 12 months
Bank/Building Society Statement	UK/Channel Islands or EEA	Issued in last 3 months
Bank or building society statement	Countries outside the EEA	Issued in last 3 months – branch must be in the country where the applicant lives and works
Bank/Building Society Account Opening confirmation letter	UK	Issued in last 3 months
Credit Card statement	UK or EEA	Issued in last 3 months
Financial Statement eg pension or endowment	UK	Issued in last 12 months
P45/P60 Statement	UK & Channel Islands	Issued in last 12 months
Council Tax Statement	US & Channel Islands	Issued in last 12 months
Letter of sponsorship from future employment provider	Non-UK or non-EEA only – valid only for applicants residing outside of the UK at the time of application	Must still be valid
Utility Bill	UK – not mobile telephone bill	Issued in last 3 months
Benefit Statement eg child benefit, pension	UK	Issued in last 3 months
Central or Local Government, government agency, or local council document giving entitlement, eg from the DWP, the Employment Services, HMRC	UK & Channel Islands	Issued in last 3 months
EEA National ID Card		Must still be valid
Cards carrying the PASS accreditation logo	UK/Isle of Man & Channel islands	Must still be valid
Letter from Head Teacher or College Principal	UK for 16 to 17 year olds in full time education – only used in exceptional circumstances if other documents cannot be provided	Must still be valid

This list is subject to amendment

## APPLICANTS WHO ARE NOT A NATIONAL OF THE UK OR THE EUROPEAN ECONOMIC AREA (EEA)

An applicant who wants to do paid work and isn't a national of the UK or European Economic Area (EEA) must be able to show:

- one primary document
- 2 supporting documents

The list of Primary and Supporting Documents can be obtained from Taxi Licensing.

If an applicant is unable to provide this documentation they can't submit a DBS check. This is because the right to work in the UK can't be established. They can't use any other route.

**BOSTON BOROUGH COUNCIL**  
**APPLICATION POLICY AND GUIDELINES RELATING TO THE RELEVANCE OF**  
**CONVICTIONS**  
**HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS**

**1. Introduction**

- 1.1 The purpose of this policy is to provide guidance on the criteria which are taken into account by the council (Licensing Authority) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver licence. The policy also relates to applicants for a private hire vehicle operator licence and holders of a current private hire operator licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That a person is a fit and proper person.
  - That the person does not pose a threat to the public.
  - That the public are safeguarded from dishonest persons.
  - The safeguarding of children, young persons and vulnerable adults.
  - That the policy ensures fair access, eliminates unlawful discrimination and promotes equality in line with the Public Sector Equality Duty and the 'protected characteristics' - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.
- 1.3 This policy provides guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for driver and operator licences
  - Existing licensed drivers and operators whose licences are being reviewed or renewed.
  - Licensing officers
  - Members of the Regulatory & Appeals Committee
  - Magistrates hearing appeals against local authority decisions
- 1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision whether or not to grant a licence. Should there be any doubt, in the Officer's opinion, as to whether the applicant is a "fit and proper" person, then the application will not be granted under delegated power. Such applications will be referred to the Council's Regulatory & Appeals Committee, or a sub-committee of that committee. The Regulatory & Appeals Committee is made up of elected members (councillors). Whilst officers and the committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances warrant, the committee or officer may depart from the guidelines. The reasons for departing from the guidelines must be recorded in the decision.

**2. General policy**

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example, where the offence is a one-off occasion or there are mitigating



circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness. However, the overriding consideration should always be the protection of the public.

- 2.2 A person with a relevant conviction need not be automatically barred from obtaining a licence, but would be expected to show adequate evidence that he or 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 A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offending and/or unfitness.
- 2.4 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)] or determine that the applicant should never have been convicted.
- 2.5 A person with a conviction(s) for sexual offences or any other very serious crime will not normally be issued with a licence.
- 2.6 The Council generally considers that, on some occasions, offence(s) committed by a licensed hackney carriage/private hire driver may need to be considered more seriously than an offence(s) committed by individuals who are not. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
- 2.7 **Cautions** – Adult cautions are not regarded as convictions, but being admissions of guilt, may be taken into consideration by the Licensing Authority.
- 2.8 **Private Hire Operators** – In view of the significant responsibility held by private hire vehicle operators in terms of setting standards of their company, recruiting drivers and dealing with members of the public, the operator must be a fit and proper person and an example to those whom he/she employs. Therefore the view of the Licensing Authority is that applicants for a private hire operator's licence (and the holders of a private hire operator's licence) must at least fulfil the same requirements as applicants for private hire driver licences in terms of being free from serious convictions or a pattern of unlawful behaviour.

### 3. **Pre-requisites to making an application**

- 3.1 It is the policy of the licensing authority that every application for a licence, including applications from existing licence holders, to drive a Hackney Carriage and/or Private Hire Vehicle must be accompanied by satisfactory evidence of the following matters (and that applications that are incomplete will not be deemed to have been made until such time as they are completed) -
  - That the applicant has the right to live and work in the country. (All applicants).
  - An Enhanced Disclosure and Barring Services criminal record check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants who have lived overseas for 6 continuous months or more refer to paragraphs 3.2 & 3.3. (All applicants)

- A certificate of their current medical fitness to DVLA Group 2 standard. (See paragraph 3.4)
- A FULL UK or EU driving licence or legal equivalent (if an EU Licence a paper counterpart issued by DVLA must be obtained and produced with the application). (All applicants)
- That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive. (All applicants)
- That the applicant has a minimum of two year's post qualification driving experience. (Not required for licence renewals)
- The applicant must have satisfactorily completed the Licensing Authority's comprehension test. (Not required for licence renewals)
- In the case of applications for hackney carriage drivers, they have passed the Licensing Authority's knowledge test. (Not required for licence renewals).
- That the applicant has completed the Licensing Authority's safeguarding awareness training. (New applicants and existing applicants prior to their next renewal).
- The applicant has signed a declaration to confirm that they understand the Driver Code of Conduct forms part of the Licensing Authority's Policy. (All applicants)

3.2 It is the policy of the Licensing Authority that every applicant for a licence to drive a hackney carriage and/or private hire vehicle must produce evidence of a current and up to date Enhanced Disclosure and Barring Service (DBS) Check and evidence that they are not on a child and/or vulnerable adult barring list. Applicants for a private hire vehicle operator licence, who do not hold a hackney carriage/private hire driver licence with this authority, will be required to present, at their expense, the result of a current and up to date Basic Disclosure & Barring Service check. Any enhanced or basic disclosure that is more than 1 month old will not be accepted (except for enhanced disclosures when used in conjunction with the update service and the disclosure was less than 1 month old when first presented for the purpose of obtaining a hackney carriage/private hire vehicle driver licence).

3.3 Before an application can be made, if an applicant has spent six continuous months or more overseas the licensing authority will expect to see evidence of a criminal record check, certificate of good conduct or equivalent, obtained for the purpose of applying for a Hackney Carriage or Private Hire Vehicle Driver or Operator Licence with this council, from the country/countries covering the relevant period.

Such criminal record checks/certificates of good conduct must be provided in accordance with the Home Office Document "*Application processes for Foreign National Criminality Information*". Any criminal record check must be translated into English by a recognised translation service provider that has been agreed by the Licensing Authority.

3.4 All applicants making their first application must lodge a certified medical certificate. A medical certificate will then be required every six years thereafter, unless an applicant's condition warrants examination on a more regular basis.

An applicant aged 65 years or over must undergo the medical examination every year.

As recommended by the Medical Commission on Accident Prevention the authority requires licence holders to attain DVLA Group 2 Vocational Licence Standard.

Any fee charged by the Doctor is payable by the applicant.

A Medical Practitioner who has full knowledge of the applicant's medical history must carry out the examination.

Where the Medical Practitioner cannot carry out the eye test this part of the medical form must be completed and the form signed by an optician prior to the medical being carried out.

Medical certificate forms and further information can be obtained from the Licensing Section.

Any applicant who does not meet the DVLA Group 2 Vocational Licence Standard can expect to have their application refused.

Licensed drivers who no longer meet the DVLA Group 2 Vocational Licence Standard either temporarily or permanently must notify the Licensing Authority forthwith. In such cases the driver can expect to have their licence either suspended or revoked. Guidance on the DVLA Group 2 Vocational Licence Standards is available from the Licensing Authority.

The Council will not normally accept a certified medical certificate submitted with an application, which is received more than 6 weeks after the Doctor has signed the report.

#### **4. Appeals**

- 4.1 Any applicant refused a driver's licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal [Local Government Miscellaneous Provisions Act 1976, s 77 (1)].
- 4.2 Any applicant refused an operator licence on the grounds that the licensing authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the notice of refusal.
- 4.3 Any licensee whose licence is suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of the notice of suspension or revocation. Where suspension or revocation is immediate, on the grounds of public safety, the driver cannot continue to drive a hackney carriage or private hire vehicle during the period of appeal.

#### **5. Powers – Suspension, Revocation or Refusal to Renew a Licence.**

- 5.1 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a hackney carriage /private hire driver licence if the applicant/licence holder has been convicted of:
  - An offence involving dishonesty, indecency or violence; or
  - Failure to comply with the provisions of the Town Police Clauses Act 1847; or
  - Failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976.

The Licensing Authority may also suspend, revoke or refuse to renew on the grounds of any other reasonable cause

Where it is in the interests of public safety to suspend or revoke a licence that suspension or revocation can be with immediate effect provided that there are justifiable grounds to do so. The driver will be given a notice of the suspension or revocation which will include a statement that the determination takes immediate effect along with an explanation as to why that is the case.

5.2 Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Licensing Authority to suspend, revoke or refuse to renew a Private Hire Vehicle Operator Licence if the applicant/licence holder had been convicted of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority may also act on any of the following grounds:

- Conduct which appears to render him/her unfit to hold a licence;
- Any material change in the circumstances of the operator; or
- Any other reasonable cause.

5.3 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a hackney carriage/private hire vehicle driver licence, whether spent or not. Therefore the licensing authority may have regard to all relevant convictions (as defined in this policy), particularly where there is a long history of offending or a pattern of repeat offending. However, before having regard to such a spent conviction the Licensing Authority will first consider whether the conviction is relevant to the licence application.

5.4 In this policy the term “disqualification” refers to the period served, to take account of the fact that a period of disqualification from driving may be reduced upon the successful completion of a relevant driver rehabilitation course. An applicant must provide the Licensing Authority with sufficient evidence to prove that the period of disqualifications was so reduced.

## **6. Consideration of disclosed criminal history**

6.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a licence to drive a hackney carriage and/or a private hire vehicle and/or a private hire vehicle operator’s licence is a ‘fit and proper’ person to hold such a licence. The Authority must not grant a licence unless it is satisfied that the applicant is a fit and proper person to hold it.

All conviction(s), criminal findings of guilt (including fixed penalty ticket(s)), caution(s) and warning(s), whether for motoring or other offences and County Court Judgment(s)/Order(s) (where the judgment or order relates to a debt or charge to another Hackney Carriage/Private Hire driver, owner or operator) may potentially be taken into account when deciding whether to grant a licence or on a review after the issue of a licence. During the currency of a licence the licensee must immediately after the date of arrest, convictions, criminal findings of guilt (including fixed penalty notice(s)), caution(s) and/or warnings, advise the Licensing Authority of this information in writing.

The Licensing Authority will consider:

- How relevant the offence(s) are to the licence being applied for (or licence being reviewed).
- The seriousness of the offence(s).

- When the offence(s) were committed.
- The date of conviction.
- Circumstances of the individual concerned
- Sentence imposed by the court.
- The applicant's age at the time of conviction.
- Whether they form part of a pattern of offending.
- Any other character check considered reasonable (e.g. personal references).
- Any other factors that might be relevant.

- 6.2 Applicants for a first time licence can discuss what effect a caution/conviction or other sanction may have on any licence application by contacting the licensing office in confidence for advice.
- 6.3 The licensing authority requires enhanced disclosures from the Disclosure and Barring Service (DBS) from any applicant for a driver licence. The licensing authority follows the DBS's Code of Practice on the fair use of disclosure information and abides by the DBS's Policy on the secure storage, handling, use, retention and disposal of disclosure information. Both of these documents are available on request.
- 6.4 Applicants applying for the grant or a renewal of a drivers' licence and/or operator licence will be required to obtain an enhanced disclosure at their own expense.
- 6.5 The licensing authority encourages applicants and licence holders to register for the DBS's update service and to nominate the licensing authority to receive updates. DBS certificates obtained for a Hackney Carriage/Private Hire Driver Licence cannot be used for the purpose of obtaining a Lincolnshire County Council School Transport Badge ("Green Badge") and vice versa. DBS certificates obtained for any other purpose, including a Hackney Carriage/Private Hire Driver Licence with another Licensing Authority, cannot be used for the purpose of obtaining a licence with this Licensing Authority. A separate check is required for each authorisation. However, applicants can register both/all checks with the DBS update service for a single fee.
- 6.6 The licensing authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the licensing authority or other licensing authorities, and information disclosed by the police.
- 6.8 It is an offence for any person knowingly or recklessly to make a false declaration or to deliberately omit any relevant material in submitting information required by the application for a licence. 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 may be refused or revoked.

## **7 Serious offences involving violence**

- 7.1 Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life unless the circumstances are exceptional.
- 7.2 Given the wide range of the offences that involve violence, consideration will be given to the nature and type of the conviction.
- 7.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Any culpable homicide while driving
- Terrorism offences
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.3 should expect to have his/her licence revoked immediately.

7.4 A licence will not normally be granted where the applicant has a conviction for an offence below and the conviction is less than 10 years prior to the date of application:

- Actual bodily harm which is racially aggravated.
- Grievous bodily harm
- Robbery.
- Possession of a firearm.
- Riot.
- Assault of a Police Officer
- Common assault which is racially aggravated
- Violent disorder.
- Resisting arrest.
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.4 should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence if longer) has elapsed.

7.5 A licence will not normally be granted where the applicant has a conviction for an offence and the conviction is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage.
- Any other racially-aggravated offence.
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.5 should expect to have his/her licence revoked and not be considered for the grant of a licence until a minimum period of 10 years since conviction (or completion of sentence if longer) has elapsed.

7.6 A licence will not normally be granted where the applicant has a conviction for an offence and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm

- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

A hackney carriage/private hire driver found guilty of any of the above offences at paragraph 7.6 should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years since conviction (or completion of sentence if longer) has elapsed.

- 7.7 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.
- 7.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.
- 7.9 **Fixed Penalty Notices (Public Order Offence)** – The Licensing Authority recognises that in some instance a Fixed Penalty Notice (FPN) may be issued for a public order offence rather the option of prosecution through the courts or acceptance of a caution. A serious view will be taken of the existence of a FPN for a public order offence. In certain circumstances where a FPN has been issued it may be appropriate for the Licensing Authority to issue a strong warning regarding future conduct rather than the refusal of a licence application or suspension/revocation of a licence. The existence of more than one FPN will raise serious concerns regarding an individual's suitability to act as a licensed driver.

## 8. Possession of a weapon

- 8.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give rise to serious concern as to whether the person is fit to carry the public. Depending on the circumstances of the offence, an applicant should be free of conviction for at least 3 years (or since completion of the sentence if longer) before an application for a licence is considered.
- 8.2 A hackney carriage/private hire vehicle driver found guilty of an offence involving a weapon(s) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years since conviction (or completion of sentence if longer) has elapsed.

## 9. Sex and indecency offences

- 9.1 Licensed drivers often carry unaccompanied and vulnerable passengers, therefore applicants with convictions for sexual offences will normally be refused a licence.
- 9.2 In particular, an application will normally be refused where the applicant has a conviction for a sexual or indecency offence(s) such as:
- Rape
  - Assault by penetration
  - Offences involving children or vulnerable adults

- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any offence involving child sexual exploitation and/or sexual exploitation of vulnerable adults
- Possession of indecent photographs, child pornography etc.
- Any sex or indecency offence that was committed in the course of employment as a hackney carriage/private hire vehicle driver
- Indecent exposure
- Soliciting (kerb crawling)
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

9.3 A hackney carriage/private hire vehicle driver found guilty of a sexual or indecency offence during the period of a licence should expect to have his/her licence revoked immediately. It is unlikely that anyone in this situation will ever be licensed again.

9.3 In addition to the above the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register.

## **10. Dishonesty**

10.1 Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property, taking children to school and families on holiday, is indicative of the trust that people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by any lost property being kept by an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty.

10.2 Normally, a minimum period of 5 years free of conviction (or from completion of sentence if longer) should be required before granting a licence. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- and any similar offences
- Or any offence of attempting, conspiring to commit, aiding and abetting or procuring any of the above offences or any offence which may replace the above or be considered as serious as the above.

A licensed hackney carriage/private hire vehicle driver found guilty of a dishonesty offence should expect to have his/her licence revoked and not be considered for the



grant of a licence until a minimum period of 5 years after conviction (or completion of sentence if longer).

- 10.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

## **11. Drugs**

- 11.1 A serious view will be taken of any drug related offence.
- 11.2 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for at least 5 years or at least 5 years from the completion of sentence if longer.
- 11.3 A licence will not normally be granted where the applicant has a conviction for an offence related to the possession of drugs and has not been free of conviction (or completion of sentence if longer) for at least 3 years.
- 11.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before an application is considered. If the applicant was an addict then they would normally be required to show evidence of at least 5 years free from drug taking after detoxification treatment.
- 11.5 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.
- 11.6 A hackney carriage/private hire vehicle driver found guilty of driving whilst under the influence of drugs, or found guilty of any drug-related offence should expect to have his/her drivers licence revoked immediately and not be considered for the grant of a licence until free of conviction (or completion of sentence if longer) for at least 5 years.

## **12 Driving offences involving the loss of life**

- 12.1 A very serious view will be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted where the applicant has a conviction for an offence such as:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death driving: unlicensed, disqualified or uninsured drivers
- or any similar offences

A hackney carriage/private hire driver found guilty of any of the above offences should expect to have his/her licence revoked immediately.

## **13 Drink driving or driving under the influence of drugs and/or alcohol**

- 13.1 **In a motor vehicle** - A serious view will be taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident may not necessarily permanently bar an applicant but strict warnings should be given as to future behaviour. More than one conviction for such offences should give rise to serious doubts as to the applicant's fitness to hold a licence.

- 13.2 At least 3 years should elapse (after the restoration of the DVLA driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is alcohol dependent, a special medical examination should be arranged before the application is considered. If the applicant is found to be alcohol dependent, a period of 5 years should elapse after treatment is complete before an application/further licence application is considered.

A Hackney Carriage/Private Hire Driver found guilty of a drink-driving offence or found guilty of driving whilst under the influence of drugs should expect to have his/her drivers licence revoked immediately and not be considered for the grant of a licence until at least 5 years after restoration of the DVLA driving licence.

- 13.3 **With a licensed vehicle** - A driver found guilty of a drink-driving offence or driving whilst under the influence of drugs whilst carrying passengers in a licensed vehicle should expect to have his/her driver's licence revoked immediately and not be considered for the grant of a licence until a minimum period of 7 years after the restoration of the DVLA driving licence.

#### **14. MAJOR TRAFFIC OFFENCES**

- 14.1 An isolated conviction for dangerous driving or driving without due care and attention or similar offences should normally merit a strong warning as to future driving and advice on the standard expected of hackney carriage/private hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 3 years free from convictions has elapsed.
- 14.2 Similarly, a first conviction during the period of a hackney carriage/private hire vehicle drivers licence will indicate that the driver may have ceased to be a fit and proper person and will lead to either a licence suspension or to a warning as to future conduct. Where there are subsequent convictions revocation of the licence will be considered with no further application being considered until a period of 3 years from conviction has elapsed.
- 14.3 **Applicants/drivers who have been disqualified from driving due to major traffic offences (Not involving the loss of life)** – Existing drivers can expect to have their licence revoked. At least 3 years should elapse (after the restoration of the DVLA Licence) before an individual is considered for a hackney carriage/private hire vehicle driver's licence.

#### **15 Insurance offences (with a motor vehicle)**

- 15.1 A serious view will be taken of convictions for using, or causing or permitting the use of a motor vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided the applicant has been free of conviction for at least 3 years. However, a strict warning should be given as to future conduct.
- 15.2 A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.
- 15.3 A licensed driver found guilty of driving passengers in a licensed vehicle without insurance should expect to have his/her hackney carriage or private hire vehicle driver licence revoked and not be considered for another licence for at least 5 years.

15.3 An operator found guilty of causing or permitting the driving of passengers for hire and reward whilst without insurance will normally have his operator licence revoked and will not be considered for holding a licence for at least 5 years.

## **16 Using a mobile phone whilst driving**

16.1 Applicants (and licence holders) should be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:

- are much less aware of what's happening on the road around them
- fail to see road signs
- fail to maintain proper lane position and steady speed
- are more likely to 'tailgate' the vehicle in front
- react more slowly, take longer to brake and longer to stop
- are more likely to enter unsafe gaps in traffic
- feel more stressed and frustrated.

16.2 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed alcohol up to the legal limit. In light of this a serious view should be taken of convictions for driving whilst using a mobile phone.

16.3 Any applicant for a new licence who has, within the 3 years preceding the licence application, been convicted for an offence of using a mobile phone whilst driving will be referred to a sub-committee of the Regulatory & Appeals committee for their application to be considered. Their application may be refused and will normally be refused where there is more than one conviction for this offence.

16.4 A licensed driver who is convicted for an offence of using a mobile phone whilst driving will be referred to a sub-committee of the Regulatory & Appeals Committee and can expect the suspension or revocation of their licence.

## **17. OTHER TRAFFIC OFFENCES**

### **New Applicants.**

17.1 Any conviction for other traffic offences, (e.g. obstruction, waiting in a restricted street, speeding etc) should not normally prevent a person from proceeding with an application. However, the number, type and frequency of this kind of offence will be taken into account. In certain instances it may be appropriate to issue a licence together with a strong warning as to future driving standards. If a significant history of offences is disclosed, refusal of an application may result.

17.2 New applicants who have received 9 or more DVLA penalty points (in respect of minor traffic offences) on their driving licence during the 12 months prior to the date of application may be refused.

17.3 Applicants who have been disqualified from driving under the "totting-up" procedure will not normally be granted a licence unless they have held a licence for at least 2 years following the expiry period of the disqualification and can show a significant improvement in history of motoring offences during that period.

### **Existing Licence Holders**

17.4 A hackney carriage/private hire vehicle driver receiving 6 or more penalty points during any 3 year period will be issued with a written warning as to future conduct.

- 17.5 Any current driver disqualified from holding a DVLA licence under the “totting-up” procedure should expect to have his/her hackney carriage/private hire vehicle driver licence licence revoked. At least 3 years should then elapse (after the restoration of the DVLA licence) before he/she is considered for a licence and then a licence should only be granted if he/she can show a significant improvement in a history of motoring offences during that period.
- 17.6 In the case of an existing hackney carriage/private hire vehicle driver where the “totting-up” disqualification of a DVLA licence is considered by the court, even if the court does not disqualify, the Council is likely to revoke the hackney carriage/private hire vehicle driver licence. At least 3 years should elapse either after the date of consideration by the court or restoration of the DVLA licence, whichever is the longer, before the individual is considered for a licence.
- 17.7 In the case of an existing hackney carriage/private hire vehicle driver, who show a pattern of driving endorsements, the Licensing Authority reserves the right to require such a driver to successfully undergo the DSA Taxi and Private Hire Driver Driving Assessment or the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership and attain a low risk assessment (or other assessment by a similar body approved by the Licensing Authority).
- 17.8 Any driver who receives a short period disqualification can expect to receive a warning regarding future conduct and may also be required to attend the DSA Taxi and Private Hire Driver Driving Assessment or the Taxi and Private Hire Driving Assessment provided by the Lincolnshire Road Safety Partnership and attain a low risk assessment (or other assessment by a similar body approved by the Licensing Authority). In cases where the drivers licence is already endorsed with penalty points the driver can expect their licence to be suspended along with a requirement to attend an assessment course. In cases where there is a pattern of offences the driver can expect their licence to be revoked and not be considered for another licence for at least 3 years.

## **18 Drunkenness (Not in a Motor Vehicle)**

- 18.1 A single conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination. In some cases, a warning may be sufficient.
- 18.2 In cases of severe alcohol abuse, a period of 5 years after the last conviction must elapse before an application is considered and then only after examination by a consultant with a special interest in such cases with confirmation being provided of satisfactory liver enzyme tests and mean cell volume (MCV).

## **19 Licensing offences**

- 19.1 One of the main purposes of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences, or a possible pattern of unlawful behaviour, under the hackney carriage and private hire licensing regime.
- 19.2 Certain offences under hackney carriage legislation such as plying for hire without a hackney carriage licence, overcharging and refusing to carry disabled persons would normally result in refusal to grant or renew a licence until a period of at least 3 years has passed since conviction. A licensed driver with such a conviction can expect their licence to be revoked and not be considered for another licence for at least 3 years.

19.3 A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence, or in the case of an existing licence holder, suspension or revocation can be expected.

## **20 Smokefree – Hackney Carriages and Private Hire Vehicles**

20.1 Any hackney carriage/private hire vehicle driver who receives a first fixed penalty notice or fine for smoking in a licensed vehicle will be issued with a warning as regards to future conduct.

20.2 Any hackney carriage/private hire vehicle driver receiving two or more fixed penalty notices or fines during any three year period for smoking in a licensed vehicle will be reported to a sub-committee of the Regulatory & Appeals Committee who may consider suspension or revocation of his/her driver licence(s).

## **21 Perverting or attempting to pervert or conspiring to pervert the Course of Justice**

21.1 At least 3 years should elapse since conviction (or completion of sentence if longer) before an applicant is considered for a licence.

21.2 A licence holder found guilty of such an offence should expect to have his/her licence revoked and not be re-considered for a licence until a minimum period of 5 years has elapsed since conviction (or completion of sentence if longer).

## **22 Outstanding charges or summonses**

22.1 If the individual is the subject of an outstanding charge or summons their application can be processed, but the application will be reviewed at the conclusion of any outstanding proceedings. However, if the outstanding charge or summons involves a serious offence then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

## **23 Non-conviction information**

23.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration should be given to refusing the application.

23.2 In assessing the action to take, the safety of the travelling public shall be the paramount concern.

## **24 Once a licence has been granted**

24.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

24.2 Unless otherwise stated, all of the preceding contents of this policy document apply equally to current hackney carriage/private hire vehicle drivers as they do to licence applicants

## **25 Licences issued by other licensing authorities**

25.1 Applicants who already hold a licence with another licensing authority should not assume that a similar application will be granted by this Authority. Each case will be decided on its own merits.

25.2 Licensees who are licensed by more than one authority are expected to inform each of those authorities about every licence they hold and to advise each authority of any changes in this respect. Licence holders should expect those authorities to share information regarding their conduct and to take it into account as appropriate.

## **26 Conclusion**

- 26.1 To conclude, a criminal history in itself may not automatically result in refusal of a licence and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant will be expected to remain free from conviction for between 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed. For the most serious crimes, except in exceptional circumstances, a licence will not normally be granted.
- 26.2 While it is possible that an applicant may have a number of convictions that, individually, would not prevent him/her from being licensed, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public. This consideration is vital because hackney carriage/private hire licence holders have unprecedented access to the public and are in a position to exercise control over individuals including children and vulnerable adults.
- 26.3 The Council generally considers that offences committed by licensed hackney carriage/private hire vehicle drivers should be considered more seriously than offences committed by individuals who are not licensed. This is because current licensees have previously been judged as fit and proper and are aware of the standards required of them and are expected to maintain those high standards of personal conduct.
- 26.4 Whilst officers and the committee will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the committee/officer may depart from the guidelines.



**CHECKLIST**

**IF YOU DO NOT HAVE THIS COMPLETED CHECKLIST AND YOUR DRIVING LICENCE WITH YOU AT THE APPOINTMENT YOU WILL NOT BEEN SEEN.**

I have read through the Enquiry Pack

I have held a Full Driving Licence for at least two years which I will have with me at the appointment

I am aware that I will have to provide the correct Disclosure and Barring Service evidence on application

I meet the Relevance of Convictions Guidelines (pages 15-29)

I understand I will have to provide, at the time of the application, evidence of the right to work in the UK.

I understand that the cost of my medical, criminal record, driving licence checks are not refundable

Sign: ..... Date: .....

Please contact Taxi Licensing to arrange an appointment:

Telephone 01205 314214  
Email: [licensing@boston.gov.uk](mailto:licensing@boston.gov.uk)