

Guidance Notes - hackney carriage &/or a private hire vehicle driver licences

Environmental Services
Licensing Unit

Phone: (01386) 565016

Web: www.wychavon.gov.uk

Email: environmentalhealth@wychavon.gov.uk



Which licence do I need?

There are two types of licensed vehicle.

- **Taxis** (which the law calls hackney carriages) can stand on a rank, and can be hired by people on the street. Fares are usually controlled by taxi-meters. We issue a combined hackney carriage and private hire drivers licence, enabling the driver to work in both types of vehicle.
- **Private hire vehicles** have to be booked in advance through a licensed operator, and can't be hired by people on the street. We issue private hire driver licences for people wanting just to work in this way.

If you apply for a combined licence, we will test your geographical knowledge of the district.

How do I apply for a licence?

If you are over twenty one and have held a full DVLA driving licence for more than a year:

- fill in a licence application form
- contact DVLA on 01792 310075 from 9.00 to 12.00 hours Mon – Fri. Ask for a print out of your full DVLA record. You are required to make a payment of £5.00 by debit/credit card.
- make an appointment with your Doctor for a medical examination* and
- make an appointment with the Licensing Officer on **01386 565214** for your licence interview.

**Applicants with insulin treated diabetes may NOT obtain a new licence. If diabetes develops after issue of a licence you must inform the Licensing Officer.*

What do I bring to my interview?

- completed licence application form & CRB Disclosure form
- your DVLA driving licence showing your current home address. If photocard type we need to see the paper section and photocard.
- your DVLA record (if received)
- two passport type and quality photos. Your photographs must be:
 - ✓ Colour passport style and size (size of image 45mm x 35mm)
 - ✓ A recent and true likeness, showing the full face, with no hat, helmet or sunglasses, although you can wear everyday glasses.
 - ✓ Taken against a plain, evenly lit and light background.
- your medical certificate (if available)
- proof of your identity for completion of a Disclosure application – two recent utility bills (no more than 3 months old) i.e. electricity, gas, telephone or Council Tax showing your name and home address, AND
as many of the following original documents as possible (NOT photocopies):
 - ✓ Valid passport (any nationality)
 - ✓ Original UK Birth Certificate (issued within 12 months of date of birth)
 - ✓ Valid photo identity card (EU countries only)
 - ✓ Marriage Certificate
 - ✓ P45 or P60 showing your national insurance number

What happens at my interview?

We will

- check your driving licence and DVLA report
- complete a CRB Disclosure application form by confirming your identity and ask you to pay the Disclosure fee, and
- test you on your geographical knowledge of the district if you want a hackney carriage licence, (there is a charge for each test you take).
- All applicants must have conversational English. If the interviewing Officer feels that you do not have conversational English, he/she will refer you to another Officer for their view.

When will I get my licence?

We will decide whether to grant your licence once we receive your record from the Criminal Records Bureau. Time taken by the CRB to check your record is out of our control, but if you meet the conditions below, we will issue your licence shortly afterwards.

What conditions do I have to meet?

We will normally grant a licence if;

- you have no “unspent” criminal convictions (see below) and have no pending prosecutions for criminal or motoring offences, *All previous convictions/cautions must be declared. Failure to disclose will result in legal action.*
- you have no more than three penalty points on your driving licence,
- you have been certified physically fit by a registered medical practitioner to drive a hackney carriage or private hire vehicle, and
- you have passed our knowledge test (hackney carriage drivers).

What if I have criminal convictions or driving licence endorsements?

Ask for a copy of our “guidelines on the relevance of convictions” document. If you want to carry on, our Licensing Committee will decide whether to grant you a licence, or not. You will be able to put your case in writing to say why your convictions or endorsements shouldn’t stop you having a licence, or you can explain to the Committee in person. You can appeal in the Magistrates Court against any decision that we make.

What are unspent criminal convictions?

If you have been convicted of a criminal offence and you are not convicted again during a specified period then the conviction is considered “**spent**.” This is called the “rehabilitation period” and the more severe the sentence, the longer the rehabilitation period. But taxi driving is an exempted occupation and you have to tell us about all convictions, even if they are spent. We may take these convictions into account, if we decide that they are “relevant.” If the rehabilitation period has not expired, or if your sentence was longer than two and a half years in prison, then the conviction is “**unspent**” (see the section on the Rehabilitation of Offenders Act 1974 and the rehabilitation periods for different types of sentences).

What endorsements or penalty points are counted?

We only count current penalty points on your licence. In most cases this means up to 3 years from the date of offence. We regard disqualification under the Court's totting up procedure as 12 points.

DISCLOSURE: what you need to know

When you apply for a licence to drive a hackney carriage or a private hire vehicle, you must apply through us to the Criminal Records Bureau (CRB) for a “Disclosure.” Your Disclosure will give details of any criminal records including convictions, cautions, reprimands, and warnings held in your name on the Police National Computer. As hackney carriage and private hire drivers are in contact with children and young or vulnerable persons, the CRB will

also check lists of unsuitable persons held by the Department of Health and the Department for Education and Skills.

Why do I have to apply for a Disclosure?

Driving taxis and private hire vehicles is an occupation for which a Disclosure is required. The Disclosure will let the Licensing Officer check your background to see if you have committed any offences that would make you unsuitable to work as a hackney carriage or private hire driver.

Can I refuse to apply for a Disclosure?

Yes, but if you refuse to apply for a Disclosure we can't grant you a licence because we have a duty to check your background. We may also ask you to apply for a Disclosure when you renew your licence but this won't be every time you renew.

What if I have lived overseas?

The CRB does not generally have access to overseas criminal records, but the CRB can advise you on how to obtain equivalent information from the overseas authorities, where available.

However we have a duty to decide if a person is suitable to licence as a hackney carriage or private hire driver, so you still must apply for a Disclosure.

If you are a foreign national, and you have also lived in the UK for a substantial period of time, you must apply for a Disclosure and the Council may ask for additional overseas information. Further details can be obtained from us.

Do I have to pay for a Disclosure?

Yes. Ask the Licensing Officer for the current charge. We will collect the fee at the licence interview. You can pay by cheque or cash and you will be given a receipt.

Data Protection

The CRB has to comply with the Data Protection Act and any personal information you give them will be protected. You can phone the CRB information line on **0870 9090811** for a copy of their data protection leaflet.

When & how will I get my Disclosure?

You will receive your Disclosure in the post. A copy of your Disclosure is also sent to the Licensing Officer who countersigned your form. You should receive your Disclosure within three weeks of the completed application form being posted to the CRB.

Can I be sure that my Disclosure will be kept confidential?

The Licensing Officer must comply with the CRB Code of Practice, which says sensitive personal information must be handled and stored appropriately and must be kept for only as long as it is necessary. You can ask the Licensing Officer for a copy of the Code. The Code of Practice is also published on the CRB website. <http://www.crb.gov.uk/>

What if I think my Disclosure is incorrect?

If you think that any information contained on your Disclosure is incorrect, please contact the Disclosure dispute line on **0870 90 90 778** immediately and ask about the dispute procedures.

If you would like more information about Disclosure or the CRB please contact the CRB information line; **0870 90 90 811** or visit the CRB website www.crb.gov.uk/ (Telephone calls are charged at national rate. Calls will be recorded for security and may be monitored for training purposes).

Policy for grant of hackney carriage and private hire vehicle driver licences

Adopted by Dev. Control & Licensing Committee 6 June 2002

The Council will licence any fit and proper person to act as a driver of a hackney carriage or private hire vehicle. Any licence that we grant will last for up to one year.

The grant of a licence will be made subject to the following conditions:-

The applicant must have reached the age of twenty-one years and have held for not less than twelve months a driving licence granted under Part III of the Road Traffic Act 1972 (not being a provisional licence).

For the initial grant of a licence the applicant must be certified physically fit by a registered medical practitioner to drive a hackney carriage or private hire vehicle.

Drivers applying to renew their licences will not be required to provide a medical certificate except:-

- where the driver is between 45 & 59 years old, a medical certificate will be required every five years for licence renewal
- where the driver is 60 years old or older a medical certificate is required annually on licence renewal.

The applicant must declare all unspent criminal convictions, any pending prosecutions and all current endorsements to his or her driving licence.

The applicant will be interviewed before the first time grant of a licence for the licence renewal if it should be deemed necessary.

Applicants for a hackney carriage driver's licence must demonstrate a sound geographical knowledge of the District.

The Head of Environmental Services has delegated authority to grant licences to drive hackney carriages and/or private hire vehicles to applicants who fully meet the Council's licence conditions and who:

- have no unspent criminal convictions,
- have no pending prosecutions for criminal or motoring offences,
- have not more than three penalty points currently on their driving licence for initial grant or more than six points for licence renewal.

Where an applicant does not meet the above criteria (or in other circumstances as the Head of Environmental Services deems relevant), that application will be considered on its' merits by our Licensing Sub-Committee.

The applicant has the right to a fair hearing and the applicant or his agent can make written or oral representations to the Licensing Sub-Committee in support of his application for a licence.

The Licensing Committee will, when considering the application, take into consideration all oral or written representation together with any relevant documentary evidence and the Council's guidelines relating to the relevance of convictions.