

## **Policy for the grant of licences to drive Hackney Carriages and Private Hire Vehicles**

The Council will licence any fit and proper person to act as a driver of a hackney carriage or private hire vehicle. The licence will be granted for a period not exceeding twelve months.

Our assessment of “Fit and proper” includes consideration of the matters listed below.

The applicant must be a legal resident of the United Kingdom and have a right to work in the United Kingdom.

The applicant must have reached the age of twenty-one years and have held for not less than twelve months:

- a licence granted under Part III of the Road Traffic Act 1988 to drive a motor car [not being a provisional licence] or;
- a licence to drive a motor car issued by a member country of the European Community or the European Economic Area [not being a provisional licence].

For the initial grant of a licence the applicant must be certified by a registered medical practitioner as meeting Group 2 medical standards for fitness to drive.

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

- for applicants aged 45 years old or older, a medical certificate will be required every five years for licence renewal, except,
- for applicants aged 65 years old or older a medical certificate is required annually on licence renewal.

The applicant must disclose convictions for criminal or motoring offences, any pending prosecutions for criminal or motoring offences, any cautions, and disclose all driving licence endorsements.

The applicant will be interviewed before the first time grant of a licence and at 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 and Commercial Services Manager will authorise appropriate officers (in accordance with the Council's constitution) to grant licences to drive hackney carriages and/or private hire vehicles to an applicant who fully meets the Council's licence conditions and

- has no unspent convictions for criminal offences,
- has no unspent convictions for traffic offences that involved a prison sentence or disqualification of licence
- has no pending prosecutions for criminal or motoring offences,
- has not accumulated more than nine penalty points in the previous three years on their driving licence.

The Head of Environmental Services and Commercial Services Manager will authorise appropriate officers (in accordance with the Council's constitution) to renew licences to drive hackney carriages and/or private hire vehicles where the licence holder in the preceding 12 months has,

- not been convicted of criminal offences
- not been convicted for traffic offences that involved a prison sentence or disqualification of licence
- has no pending prosecutions for criminal or motoring offences
- has accumulated not more than nine penalty points on their driving licence

Where the applicant does not meet the above criteria (or in other circumstances as the Authorised Officer deems relevant), the application will be considered on its merits by the 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 Sub-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.

---

## **Explanatory Notes**

These notes are not part of the policy but are to give guidance when operating the policy.

### **Right of abode and right to work**

The Council should only grant licences to persons who are legally resident in the United Kingdom and have a right to work in the United Kingdom. Not all nationalities who are legally resident here have a right to work in the United Kingdom.

### **The Commonwealth**

Some Commonwealth citizens have the right of abode if they can produce;

- a United Kingdom passport describing them as a British citizen or a British subject with the right of abode; or
- a United Kingdom identity card describing them as a British citizen or a British subject with the right of abode; or
- a certificate of entitlement to the right of abode in the United Kingdom that has been issued by the Government of the United Kingdom or on its behalf.

### **European Economic Area and Switzerland**

Nationals of the European Economic Area (EEA) or Switzerland are free to enter and stay in the United Kingdom. However nationals of countries that recently joined the EU have to register or apply for permission to the UK Border Agency before starting work.

- Bulgarian or Romanian nationals need UK Border Agency permission before taking work in the United Kingdom.
- Nationals of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia or Slovenia, and want to work for an employer in the United Kingdom for more than one month, will normally have to register with UK Border Agency under the Worker Registration Scheme

### **Turkey**

Special rules apply to Turkish citizens who are already legally employed in the United Kingdom because they have a visa that gives them permission to work. They may;

- apply for further permission to stay in the United Kingdom after working here for one year, so that that can continue to work for the same employer, if a job is available;
- change employers after working here for three years, provided they continue to work in the same type of job and their employer tried to hire a European Community citizen to do the job but was not able to do so; and
- work in any type of job for any employer after four years.

### **Other countries**

Nationals of other countries will need to prove both legal residency and permission to work.

### **Asylum applicants**

As asylum applicants are not normally permitted to work while their application considered. However, if they have waited longer than 12 months for an initial decision on their asylum application, they can request permission from the UK Border Agency to work. If permission to work is given, they will not be allowed to become self-employed or to do certain types of work.

## **Age limit for drivers**

This is not part of the legislation but a Council requirement imposed for public safety reasons.

## **Qualification period**

The holding of a full driving licence for 12 months is in the legislation (LGMPA 1976)

## **Non GB driving licences**

The legislation (LGMPA 1976) was amended to include driving licences issued by countries in the European Community / European Economic Area. Holders of driving licences issued by other countries (other than NI) will need to obtain a British licence.

## **European Community / European Economic Area countries**

Holders of a valid driving licence issued by a country in the European Community / European Economic Area are authorised to drive in Great Britain until aged 70 or for three years after becoming resident, whichever is the longer period. Alternatively they can exchange the licence for a British one at any time. The countries of the European Community / European Economic Area are:

Austria, Belgium, Bulgaria, Czech Republic, Republic of Cyprus, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, Sweden, United Kingdom.

## **Northern Ireland**

Northern Ireland is a part of the UK although it has its own driving licence regime. Residents can exchange their full Northern Ireland driving licence for a full GB licence or can continue driving on their NI licence until it runs out. When their licence expires it can be exchanged for a GB licence.

## **Jersey, Guernsey and the Isle of Man**

Jersey, Guernsey and the Isle of Man are not part of the European Community / European Economic Area. Holders of a valid licence issued by Jersey, Guernsey or the Isle of Man may drive for up to 12 months from the time they became resident. After that time the licence must be exchanged for the British equivalent. Since licences to drive taxis are issued for 12 months applicants should exchange their licence for an UK licence before taxi drivers licence is granted.

## **Gibraltar and Designated Countries**

Great Britain has reciprocal exchange agreements with Gibraltar and 15 designated countries. The designated countries are:

Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe.

Holders of a valid licence issued by Gibraltar or a designated countries can drive for 12 months from the time they became resident. The licence must be exchanged for the British equivalent before this period elapses ensure continuous driving entitlement. Since licences to drive taxis are issued for 12 months applicants should exchange their licence for an UK licence before taxi drivers licence is granted.

## **Other countries**

Holders of a valid ordinary driving licence can drive any category of small vehicle as shown on their licence for up to 12 months from the time they become resident. To continue driving they must pass a driving test before the 12 month period elapses. Applicants should not be granted a taxi drivers licence until they have held an UK licence for 12 months.

## **Medical fitness to drive**

The licensing legislation (TPCA 1847 & LGMPA 1976) makes no reference to medical fitness but DOT Circular 8/86 briefly referred to guidelines on medical fitness and appended a sample medical certificate. The responsibility for determining what medical standards should be applied to taxi drivers, over and above Road Traffic Act 1988 and the Motor Vehicles (Driving Licences) Regulations 1999 is for the Council to decide as the licensing authority. It is recommendation made in "Fitness to Drive": A Guide for Health Professionals published on behalf of the DVLA in 2006 that the Group 2 medical standards should

be applied taxi drivers. The policy sets the frequency of medical examination is that as applied to other vocation licence holders by the DVLA.

## **Convictions, cautions and motoring offences**

### **Disclosure of criminal records**

A CBR disclosure will provide a record of the applicant's recordable offences but not all offences are recordable and not all recordable offences are criminal offences.

### **Convictions for criminal offences**

The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 makes hackney carriage drivers and private hire drivers regulated occupations for the purposes of the Rehabilitation of Offender's Act 1974 Schedule 1 Part III and as such they are exempt from the provisions of the Act. There is therefore no such thing as a "spent" conviction in relation to these occupations. However as a matter of policy only those offences which would be "unspent" under the Rehabilitation of Offenders Act 1974 will be taken into account. This does not preclude the use of any part of the applicant's criminal record when considering the application.

### **Convictions for motoring offences**

Convictions for serious motoring offences that involve a prison sentence or disqualification of licence are recordable offences. These should be treated the same as criminal convictions and as a matter of policy only "unspent" convictions considered subject to the proviso above.

### **Driving licence endorsements**

Convictions for motoring offences which don't involve a prison sentence or disqualification of licence will be considered on the basis of penalty point endorsements added to the licence in the previous 3 years and could be used by the courts under the totting-up system.

### **Cautions**

The Home Office Simple Caution, (previously called a "formal caution") and the conditional caution are a non-statutory disposal used for low-level offending. The cautions are not a form of sentence (which only a court can impose), nor are they criminal convictions. They are admissions of guilt and forms part of an offender's criminal record and will be disclosed as part of a CRB check. As both these cautions are not convictions they do not fall to the Rehabilitation of Offenders Act 1974. A simple caution or conditional caution on its own should not normally be taken to Committee but may be used as evidence of bad character should there be other relevant convictions.