

## **Application for a Driver's Licence Guidance Notes for New Applicants**

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Read in conjunction with Lewes District Council's Byelaws and Licensing Policy



**Lewes District Council**

- **Please make sure you read these notes and applications forms carefully prior to submitting your application, which must be completed by you.**
- **Incomplete and / or incorrect applications will be rejected and returned to the applicant.**
- **A non-refundable Application Fee of £130 is payable at the start of the application process. The fee covers the cost of processing your application but does not include the cost of your Knowledge Tests, Medical Test or Driving Standards Assessment.**

### **INTRODUCTION**

These notes provide guidance on the licensing requirements for applicants wishing to become a Hackney Carriage and/ or Private Hire driver within the Lewes district. The guidance is not intended to be an exhaustive or definitive statement of the law and all applicants should familiarise themselves with the provisions of the relevant Acts and Byelaws.

Should you have any questions relating to these notes or the application form, please contact the Licensing Section on 01273 471600 or email [customerfirst@lewes-eastbourne.gov.uk](mailto:customerfirst@lewes-eastbourne.gov.uk); you may also wish to seek independent legal advice.

### **PURPOSE OF LICENSING REGIME**

#### **APPLICANTS MUST BE 'FIT AND PROPER'**

The purpose of the Hackney Carriage & Private Hire licensing regime is to protect public safety and to ensure the provisions of an accessible service.

Applicants in respects of Hackney Carriage & Private Hire Driver Licences are considered within a framework of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority shall not grant a licence to an individual unless it is satisfied that the applicant is 'fit and proper' or a 'safe and suitable' person to hold such a licence.

New applicants with less than five years residence in the UK must supply a Certificate of Good Conduct the relevant embassy of the country where they have lived for a period of more than one year, in addition to an Enhanced Disclosure covering their time in the UK.

All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.

Failure to provide this with your initial application will result in the application being deemed incomplete and therefore rejected. If you have endeavoured to obtain a Certificate of Good Conduct but are unable to provide this, you will need to detail the reasons why in writing, to the Licensing Section who will then determine appropriately.

Each application is considered on its merits and, in forming a judgement about the fitness and propriety of an applicant, consideration is given to a range of issues including the details of any relevant criminal convictions, any safeguarding matters (relating to violent, indecent or dishonest investigations), the results of your medical examination and, where necessary, the character references.

## **RELEVANT CONVICTIONS, WARNINGS, CAUTIONS & REPRIMANDS**

The 'Rehabilitation of Offenders Act 1974' provides the means for considering past convictions, cautions and warnings. The Act introduced a mechanism whereby certain convictions can be removed (or become spent) from an individual's record after a specified period of rehabilitation.

In 2002, the Court made an Order specifically exempting Hackney Carriage and Private Hire drivers from the relevant provisions of the 1974 Act. This means that **ALL** relevant spent convictions, cautions, warnings and reprimands can be considered in relation to a Driver's Licence application.

Therefore, when completing the application form, applicants are advised to disclose all matters irrespective of their age or nature. Applicants are advised that any conviction, cautions, warning or reprimands, including those for motoring offences, will be taken into account. Applicants who have not been resident in the UK will have to provide evidence of good conduct from their previous Country of residence at the time of application in order for their application to be considered.

## **THE APPLICATION PACK**

This Application Pack for a Hackney Carriage and/ or Private Hire Driver's Licence contains the following documents:

- Driver Licence Application Form
- Disclosure & Barring Service Application Form
- Group II Medical Report (note: must be from your own GP or other medical practitioner who has access to at least your last 2 years medical records)
- List of Registered Driving Instructors (see Driving Standards Assessment)

## **WHO IS ELIGIBLE TO APPLY**

Lewes District Council's Policy currently states you must:

- Have held a full UK DVLA Driving Licence (for motor cars) or equivalent for at least 12 months

During the course of your application the Licensing Authority will assess you:

- Are a fully competent driver from your Driving Standards Assessment
- Have a sound working knowledge of the roads, points of interest and principal buildings within the Lewes district from your Knowledge Test
- Are physically and mentally fit from your Medical Report
- Are of good character from your references and Criminal Records check

## **STEP ONE:**

### **YOUR APPLICATION FOR A DRIVER'S LICENCE**

You must complete the application forms yourself, in full, using **BLACK** ink and writing in block capitals.

You may continue your responses on separate sheet(s) of paper if you need to, though please clearly identify the question number to which you are providing a response.

Please refer to these guidance notes in order to ensure that you are completing it fully and correctly. If you have any questions or require assistance, please contact the Customer Advisor Team. Make sure that you check the details on the application form to ensure that it is completed correctly. **You will be committing a criminal offence if you fail to disclose matters, and could face further proceedings.** A failure to disclose matters or where information is not correct may also result in the application being placed before a Licensing Sub Committee for determination.

Once you are satisfied that your application is correct, completed and signed, please attend the Lewes District Council Office at Southover House, Lewes BN7 1AB, it is important that you provide **all supporting documentation** at the time of making your application.

**You will need to bring the following documents with you:**

- Completed and signed Driver Licence Application Form
- Completed and signed Disclosure & Barring Service Application Form
- Current DVLA Driving Licence
- Driving licence 'check code' from ([www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence))
- Passport (and/or, if applicable, your relevant work permit)
- Certificate of Good Conduct – translated into English (where you have resided outside the UK for any period of time)
- Application fee of £130
- Group II completed and signed Medical form (note: must be from your own GP or other medical practitioner who has access to at least your last 2 years medical records)
- DSA equivalent driving assessment

The Customer Advisor will check your Disclosure & Barring Service application to ensure it has been completed correctly, and will need to check the documents listed below. **You must bring all of the following original documents with you, photocopies will not be accepted.**

- Birth Certificate (if you do not have a passport)
- Marriage Certificate (if your name has changed since birth)
- Deed Poll or other documentation (if your name has changed since birth, other than by marriage)
- Formal documents showing your National Insurance Number (e.g. P45, P60, P2, benefit statement, wage slip etc.)
- Utility Bill (less than 3 months old, which must be in your name and shows your current residential address)

**NB** The DBS disclosure document is valid for 3 months once received by the Council.

You will also need to provide a 'check code' so we can look at your online driving licence record.

You can get this check code from the .GOV website ([www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence))

You will need your driving licence number, your national insurance number and your postcode in order to log into your details

If you have difficulties accessing this data online, you can apply for a check code by telephoning 0300 083 0013

**PLEASE NOTE:** Should you not produce the complete set of documentation listed above, your application **WILL** be rejected until such time as a complete set of documents can be produced.

It should be noted that Lewes District Council does **not** provide any learning material for the knowledge test to new applicants; it is the responsibility of the applicant to prove to the Local Authority that they have the knowledge of the district to undertake this role.

A Knowledge Test can only be booked once you have submitted your completed application to the Customer Advisor Team.

## FOLLOWING SUBMISSION OF YOUR APPLICATION

Following the submission of your application, the Licensing Section will:

- Send your Disclosure & Barring Service application. The response will be sent back to you and you must present the certificate to a Customer Advisor for consideration. **NB** The Disclosure & Barring Service certificate is only valid for 3 months once received.
- Make checks with East Sussex County Council's Safeguarding Unit in relation to the applicant's suitability to hold a licence with the Local Authority.
- Make checks with the Immigration Authority to check an applicant's right to work within the UK.

## **STEP TWO:**

### **PREPARING FOR THE KNOWLEDGE TEST**

Depending on which test you are taking, you may need to familiarise yourself with the streets, public houses, points of interest and principle buildings within the Lewes district, together with the Council's licensing conditions, Policy and Byelaws. This will help you prepare for the Knowledge Test.

**Please note: The Local Authority does not provide training material to assist you with the Knowledge Test; the onus is on the application to demonstrate their knowledge of the local area to the Licensing Authority.**

The Knowledge Test is a computer based system overseen by a member of the Licensing Section, the test is designed to assess your knowledge of the Lewes district and the conditions placed upon licensed drivers either by our own Policy or the Act(s). The test includes compulsory sections covering Highway Code, Road signs, Numeracy and comprehension of English.

Applicants sitting the Hackney Carriage knowledge test must attain a score of **80%** or above to pass the knowledge test, applicants sitting the Private Hire knowledge test must attain **90%** or above to pass.

Applicants who do not achieve the necessary pass mark will fail the test. If you do not meet the required standard, a further appointment can be made for you to be re-tested but each applicant has three attempts to pass the knowledge test before their application is refused and they will be unable to apply again for a minimum period of six months; you must therefore be properly prepared by the appointed date.

### **FAILURE TO ATTEND**

If you do not attend a knowledge test without reasonable excuse, or fail to notify the Licensing Section in advance of your inability to attend a booked test, the Local Authority will consider that as a fail which counts towards your overall three attempts.

## **STEP THREE:**

### **FINAL DOCUMENTATION NEEDED TO COMPLETE APPLICATION**

Once an applicant has successfully passed the knowledge test they will need to obtain and submit the following documents to the Licensing Section:

- Disclosure & Barring Service certificate (once received)
- Passport sized photograph

### **KEEPING YOU INFORMED**

If there are any outstanding issues, a Case Worker will contact you to discuss matters. In the event of any Disclosure & Barring Service (DBS) disclosures which could affect your application, an appointment will be arranged with you for an interview with a Specialist Advisor

### **REFUSAL OF LICENCE**

If, in the opinion of the Council there are matters which call into question whether a person is 'fit and proper', the application will be referred to the Senior Specialist Advisor for consideration where the application may be refused or referred to the Council's Licensing Sub Committee for determination.

In the event of refusal, there is a right of appeal to the Magistrates Court within 21 days of the date of the decision made.

## **STEP FOUR:**

### **GRANT OF LICENCE**

Upon successful application, this authority issues the relevant licence applied for and will take the payment for the licence; the current fee for a Drivers Licence is **£115** for a one year licence (£300 for a three year licence). You will be informed whether you can collect the licence/ badge in person by appointment or have the licence/badge sent via the post.

New drivers will be given a numbered badge showing their photograph, licence number as well as other Council markings. The badge must be worn at all times and/ or displayed in a prominent position when driving the vehicle for hire and reward. All Driver Licences will require renewing before the expiry of the licence, you will be provided with separate guidance on this matter at the time of renewing.

A Driver Licence is issued subject to compliance with legislative and Council requirements. You should make yourself aware of the legislative requirements of becoming a driver.

A copy of the Council's conditions accompanies every licence. Failure to comply with any of the legislative and/ or licence requirements is an offence. Where breaches occur, or where drivers conduct is called into question, the licence may be suspended or revoked.

### **FEES & CHARGES**

The Council does not refund the initial application fee, except where there are extenuating circumstances.

Payments are preferred by Direct/ Credit card or cheque. Cheque should be made payable to 'Lewes District Council'.