

Hackney Carriage & Private Hire Drivers Guidance Notes for New Applicants



Please make sure that you read these notes and application form carefully prior to submitting your application, which must be completed by you.

All applicants are advised to contact the Council to discuss your application. Incomplete and/or incorrect applications will be returned and may result in delays or the application being refused.

INTRODUCTION

These notes provide guidance on licensing requirements for applicants wishing to become hackney carriage (taxi) and private hire drivers in Eastbourne. The guidance is not intended to be an exhaustive or definitive statement of the law and all drivers 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 Council on 01323 410000. You may also wish to seek independent legal advice.

IMPORTANT NOTE

You are recommended not to purchase a taxi or private hire vehicle without checking with the Council to ensure that the vehicle meets the Authority's requirements for a licensed taxi or private hire vehicle.

You are advised that the Council reserves the right to charge a fee for any work carried out. A fee may be changed even if you decide not to proceed with the application, or where it is found that you cannot fulfil the requirements of becoming a licensed driver, for example due to criminal convictions or for medical reasons.

PURPOSE OF LICENSING REGIME APPLICANTS MUST BE "FIT & PROPER"

The purpose of the hackney carriage and private hire licensing regime is to protect public safety and to ensure the provision of an accessible service.

Applications in respect of hackney carriage and private hire driver licences are considered within the framework of Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority shall not grant a licence to drive a hackney carriage or private hire licence to an individual unless it is satisfied that the applicant is a "fit and proper" person to hold a licence.

Prior to submitting your application, all applicants are advised to speak to the Council to discuss their application, including any matters which may impact upon the application process. For example: any previous convictions, ability to communicate effectively in English, and medical conditions.

Applicants who have resided outside of the UK for any period of time will be required to produce a Certificate of Good Conduct from that country. This is a requirement of the application process.

Failure to provide this with your initial application will result in the application being deemed incomplete, and therefore it will be 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 Council who will then determine the next steps.

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, the results of a medical examination, and where necessary, character references.

RELEVANT CONVICITIONS, 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 specified periods of rehabilitation.

In 2002, the Court made an Order specifically exempting hackney carriage (taxi) 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 hackney carriage and private hire driver's licence applications. Therefore, when completing the application form, applicants are advised to disclose **all** matters irrespective of their age or nature. In addition, applicants are advised to familiarise themselves with the document approved by the Full Licensing Committee in March 2006 entitled:

"GUIDELINES RELATING TO THE RELEVANCE OF CONVICITIONS/CAUTIONS IN DETERMINING THE GRANT, REVOCATION SUSPENSION OR RENEWAL OF A HACKNEY CARRIAGE DRIVERS LICENCE OR A PRIVATE HIRE DRIVERS OR OPERATORS LICENCE."

Any convictions, cautions and/or warnings, 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 case to be considered.

PART A: DRIVER'S LICENCES

TYPE OF DRIVER'S LICENCE

We now issue combined drivers licenses so that you are able to work as both a Hackney Driver and as a Private Hire Driver

WHO IS ELIGIBLE TO APPLY FOR A LICENCE TO DRIVE A TAXI OR PRIVATE HIRE VEHICLE?

You must:-

- a. Have held a full UK/European driver's licence for motor cars for at least 12 months prior to application. Applicants must also note the above guidelines in relation to driving endorsements.
- b. Be a fully competent driver and pass a driving assessment that is approved/accredited by a recognised professional body, such as the DVSA, IOM or RoSPA.
- c. Have a sound working knowledge of the streets, points of interest and principal buildings in Eastbourne. You will be required to undertake and pass a knowledge test.
- d. Be physically and mentally fit. You must satisfy Group II Medical requirements.
- e. Be a "fit and proper person" to drive a vehicle for public hire and reward.

YOUR APPLICATION FOR A LICENCE

Step 1

You must complete the application yourself, in full, using black ink and block capitals. You may continue on separate sheet(s) if you need to. 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 Council on 01323 410000.

Make sure that you check the details on the application form to ensure that it is completed correctly. Incomplete application forms will be returned. **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 contact a Licensing Officer to discuss your application. It is important that you provide all supporting documentation at the time of making your application.

Following your discussion with us, you may be directed to additional sources of support and/or courses which may assist you in obtaining the necessary skills to become a licensed driver.

Please make your application in person at the Council Offices, 1 Grove Road, Eastbourne. You will need to bring the following documents with you:

- Initial application fee: £143.00.
- Completed and signed application form.
- Current Driving Licence.

- Completed Group II Medicate Certificate (NB This is valid for 6 months). You may be asked to provide further written confirmation from your Medical Practitioner regarding your medical fitness if your application exceeds this timescale)
- Driving licence 'check code' from (www.gov.uk/view-driving-licence)
- Certificate of Good Conduct (where you have resided outside the UK for any period of time).
- An Enhanced Disclosure & Barring Service (DBS) disclosure application form together with guidance notes.

Sections A-H of this form should be completed. Ignore Section G – “Payment,” as this fee is already included in the application fee set by the Licensing Authority. This check is undertaken to establish whether you have previous convictions, cautions, warnings and reprimands. It will be cross checked against your initial application form to ensure that you are “fit and proper”.

- A set of Eastbourne Borough Council licence conditions relating to those wishing to become licensed as a driver.
- Knowledge Test Information sheet.

Please make sure that you complete the DBS disclosure form as soon as possible, as these can take up to 8 weeks to be returned by the DBS.

When you have completed the application pack you will need to visit 1 Grove Road, Eastbourne so that the matter can be progressed. A Council Officer will cross check your identification, and the forms to ensure that they are completed correctly.

In relation to your DBS form you must bring all of the following original documents with you. Photocopies will not be accepted.

- Your passport;
- Driving licence;
- Birth certificate;
- Marriage certificate(s) if your name has changed since birth;
- Deed poll or other document if your name has changed since birth, other than by way of marriage;
- Formal document showing your national insurance number, e.g. P45, P60, P2, benefits statement, etc. (NI card alone is not proof)
- Utility bill. This could be a gas, electricity, land line telephone or water bill which must be in your name, and which shows your current residential address.

NB The DBS disclosure document is valid for 3 months once received by the Council. It is not transferrable.

PLEASE NOTE: Photocopies will not be accepted.

Step 2

Driving assessment

Apply for your private hire and hackney carriage driving test. This can be done at any time, but please be aware that when booking the appointment that it can take in excess of 6 weeks for return of the DBS disclosure, references and medical reports. You should not take the assessment until these formalities have been completed.

The pass certificate is valid for 12 months from the pass date. Please ensure that the provider you choose is approved/accredited by a recognised professional body, such as The DVSA, IOM or RoSPA

Preparing for the Knowledge Test

Familiarise yourself with the streets, points of interest and principal buildings in Eastbourne, together with the Council's licence conditions. This will help you to prepare for the Knowledge Test. Some applicants have found it helpful to work alongside an experienced Eastbourne Council Licensed driver to obtain a good knowledge of the Borough.

WHAT HAPPENS NEXT?

- (i) Where necessary, forms will be sent to your nominated referees for completion and return to the Council. It is your responsibility to ensure that they are returned.
- (ii) The Disclosure form will be sent to the Disclosure Barring Service. The response will be sent back to you which you will need to provide to an officer at 1 Grove Road. NB The DBS Disclosure is only valid for 3 months once received by the Licensing Team.
- (iii) The Group II Medical Form will be checked. Any queries relating to your health and fitness will be raised with the Council's nominated Medical Consultant, who may confer with your own General Practitioner (GP)

NB The Medical Certificate is only valid for 6 months.

KEEPING YOU INFORMED

If there are any outstanding issues, a member of the Licensing Team 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 Council Officer.

You may be directed to additional sources of support and/or courses which may assist you in obtaining the necessary skills to become a licensed driver.

KNOWLEDGE TEST

This is a multiple choice computer test conducted at a designated Council Office to assess your knowledge of Eastbourne, as well as driver and vehicle licence conditions and also a basic understanding of English and numeracy. A Knowledge Test will only be booked once you have completed all other stages of the application process, and must be booked through the Council.

You will be asked a total of 40 questions covering the following areas:

- Routes
- places of interest
- roadsigns/highway code
- language/numeracy
- Conditions of the licence's

To pass the knowledge test you would be expected to obtain a pass mark of 80% in each of these areas. The knowledge test will only focus on the town of Eastbourne.

You must therefore be properly prepared by the appointed date. If you do not meet the required standard, a further appointment can be made for you to be re-tested, but this will not be until at least **4 weeks** after the date of the first test.

FAILURE TO ATTEND

If you do not attend a Knowledge Test without reasonable excuse, a fee of £45 will be incurred.

IF YOU DO NOT WISH TO PROCEED

A refund of the application fee, less an administrative fee, will be made.

GRANT OF LICENCE

When you have passed the Knowledge Test and have satisfied all of the other licence requirements, you must pay the fee for the 3 year driver's licence within one month of passing the Knowledge Test. You will be issued with a numbered badge showing your photograph, licence number, licence expiry date as well as other Council markings. This licence must be worn at all times and/or displayed in a prominent position when driving the vehicle for hire and reward.

All drivers' licences must be renewed every 3 years. You will be provided with separate guidance on this matter.

A driver's 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 private hire driver's conditions and/or hackney carriage byelaws accompanies every licence.

Failure to comply with any of the legislative and/or licence requirements is an offence. Where breaches occur, or where a drivers conduct is called into question, the licence may be suspended or revoked.

REFUSAL OF LICENCE

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

In some cases a withdrawal of the application will be accepted as an alternative to refusal

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