

DRAFT

GUIDANCE NOTES FOR DRIVER APPLICANTS

1. Central Bedfordshire Council has adopted Part Two of the Local Government (Miscellaneous Provisions) Act 1976 which relates to the licensing of Hackney Carriage and Private Hire vehicles and their drivers and Private Hire Operators. By virtue of that Act, Central Bedfordshire is a controlled district and it is an offence, therefore, to act as the driver of a Hackney Carriage or Private Hire vehicle or to permit a vehicle to be used for Hackney Carriage or Private Hire purposes without a licence issued by Central Bedfordshire Council.
2. As part of the adoption of the above powers, the Council has agreed certain conditions to which licences will be subjected. A copy of the conditions will be supplied to applicants and it will be expected that an applicant will have read the conditions prior to the submission of a Hackney Carriage/Private Hire Driver application form.
3. By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Section 4(2) of the Rehabilitation of Offenders Act 1974 does not apply. Applicants are required to declare any criminal or motoring conviction, cautions and endorsable fixed penalties, together with details of all criminal matters of which they are currently the subject to criminal investigation or prosecution. The information will be treated in confidence and will only be taken into account in relation to an application.

The disclosure of any caution/conviction does not necessarily mean that a licence will not be granted but they will be taken into account, together with the Council's Criminal Conviction Policy, when the Council assesses whether an applicant is a 'fit and proper' person to hold a licence.

Any applicant refused a licence on the grounds that he/she is not a 'fit and proper' person to hold a licence has the right of appeal to the Magistrates Courts.

4. APPLICATION PROCEDURE

Prior to the issue of a combined Hackney Carriage/Private Hire Driver Licence, the following will be required:-

- (i) The Council is empowered to seek from the Criminal Records Bureau (CRB), details of any convictions recorded in relation to the application. Applicants must complete the disclosure form and return this together with the required supporting documentation, to one of Central Bedfordshire

Council's offices. The CRB form and supporting documents must be submitted in person.

The CRB check can be a lengthy procedure and a new driver applications may be delayed whilst awaiting the results.

The Council will normally require renewal applicants to undertake a CRB check every three years. However, this Council reserves the right to request a CRB check at any time during this three year period and any costs must be paid by the licence holder.

Applicants are required to provide a full five year UK address history on their CRB application form. If you cannot provide a complete five year UK address history, you will need to submit a Certificate of Good Conduct, or its equivalent, from the appropriate Embassy or Consulate. A translation will be required if not provided in English.

Renewal licences may be issued prior to the Council receiving the completed Disclosure Notice from the Criminal Records Bureau. Any discrepancies found will be discussed with the applicant following which their licence may be suspended/revoked, depending upon the nature of the undisclosed offence.

Any information will be kept in the strictest confidence and retained for no longer than necessary and in accordance with the CRB retention document policy.

- (ii) The Council undertakes licence checks with the DVLA regarding driving convictions. The mandate you will be required to sign allows the DVLA to divulge information to the Council.
- (iii) Any documents produced for identification purposes must be original.
- (iv) A full current driving licence, as issued by the DVLA, must be presented. The driving licence must have been held for at least 12 months prior to the date of the application without a break.
- (v) Two current colour passport photographs must be provided for each applicant.
- (vi) Applicants who do not hold a current European Economic Area or European Union passport will need to provide evidence that they are entitled to remain in this country indefinitely and able to work before applying for a licence.

- (vii) Applicants are required to produce a Medical Certificate as appropriate:-
- Up to the attainment of age of 45 – on first application for a licence;
 - Between the ages of 45 and 64 – every 5 years;
 - On attaining the age of 65 – annually.

The Council reserves the right to request a driver to undertake a medical at any time.

- (viii) New applicants are required to produce a pass certificate from the Driving Standards Agency or its equivalent. The Council reserves the right to request a pass certificate from the Driving Standards Agency from renewal applicants if their driving ability is brought into question.
- (ix) The application form, together with all supporting documentation, must be submitted to one of Central Bedfordshire Council's offices together with the application fee. No licence will be issued unless the payment has been submitted and the right is reserved to present cheques and drafts for payment and to withhold the processing of applications pending clearance. Where a payment is not honoured, the processing of the application will cease immediately until the fees have been cleared. Any additional bank charges incurred by the Council must be paid by the applicant.
- (x) If any of the questions are not fully answered, or documentation is not supplied, the application will be returned for completion which could delay an application.

Any application not completed within two months will be considered null and void and require all information to be re-submitted.

- (xi) Following receipt of the completed application forms the applicant will be invited to undertake a knowledge test of the area. Applicants must achieve a 70% pass in the knowledge test.

An applicant is allowed to retake a knowledge test as many times as he/she wishes, provided there is a minimum period two weeks between each test. An additional fee is payable for each retake.

The Council reserves the right to request driver renewal applicants to undertake a knowledge test if their knowledge of the area is brought into question.

- (xii) Central Bedfordshire Council does not issue a separate Hackney Carriage or Private Hire Driver licences. Driver applications are, therefore, for a combined Hackney Carriage / Private Hire Licence and are usually issued for a 12 month period but may be suspended or revoked as provided in Section 61 of the Act.

A current combined Hackney Carriage / Private Hire driver Licence will entitle the holder to drive a Hackney Carriage or Private Hire vehicle licensed by this Council (provided he/she is properly insured to do so).

5. ANNUAL RE-LICENSING OF DRIVERS

All completed applications for renewal Driver's Licences should be made a minimum of four weeks prior to the expiry of the present licence. Driver renewal applicants will not be required to:-

- Undertake a CRB check unless requested to do so as stated in part 4(i).
- Produce a Medical Certificate unless requested to do so as stated in part 4(vii).
- Produce a pass certificate from the Driving Standards Agency unless requested to do so as stated in part 4(viii)
- Undertake a knowledge test unless requested to do so as stated in part 4(xi)

- (ii) Renewals may be sent in the post and documents will be returned by first class post.

Alternatively, the documents can be returned by Special Delivery Post for appropriate fee or by prior notice applicants can collect their documents from the Licensing Section.

Central Bedfordshire Council does not accept any responsibility for the non receipt or return of any documents that are sent by post.

- (iii) Any application received by the Council after the expiry date of the present licence will be deemed to be a new application and not a renewal of an existing licence. Full application requirements as detailed in Section 4 will have to be satisfied.

- (iv) Any incomplete applications will be returned to the applicant and not be processed until the application is re-submitted with all details and supporting documentation as required.
- (v) Any applicant who presents a cheque which is not honoured will have the licence immediately suspended and this will subsequently be revoked, unless the payment is honoured within seven days of the driver being advised by the Council. Any additional bank charges incurred by the Council must be paid by the driver.

6. DRIVERS BADGE

The drivers badge issued by the Council must be worn in such position and manner that it can be plainly visible. Lost or damaged badges must be replaced, a fee for which will be charged. The badge remains the property of the Council.

7. COMPLAINTS

Any driver against whom a complaint is laid must attend the office of the Authorised Officer within five working days after having been informed of the complaint if requested to do so.

Failure to attend for interview when requested to do so may lead to suspension or revocation of a licence.

8. MUST BE LICENCED

Your attention is drawn to Section 46 of each of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 which require all drivers of hackney Carriage and Private Hire vehicles to hold a licence issued by the Council. In addition, it is an offence which may affect the insurance to allow any unlicensed person to drive any licensed vehicle.

DRIVERS OF WHEELCHAIR ACCESSIBLE VEHICLES

Arrangements shall be made by the Council for drivers to receive training in the loading and unloading of wheelchairs and their passengers and also the care of the passenger in relation to their wheelchair use. The licences of drivers who refuse such training may be suspended or revoked.

9. LAPSE IN LICENCE

Any lapse in licence will result in any application being treated as a new application and not a renewal, and full application requirements as detailed in Section 4 will have to be satisfied.

10.NOTES

The Council has the power to revoke or suspend licenses after convictions for various offences, or failure to comply with the relevant provisions of the Town and Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, Part II or any other reasonable cause.

Any requirements of legislation which affect the operations carried out under the terms of a licence shall be regarded as if they are conditions of that licence.

11.DATA PROTECTION

You should be aware that information obtained from this application is held on computer and registered under the terms of the Data Protection Act.

You are entitled to know what personal information is being held within a database. Reasonable requests of access/printouts will be met at no charge. If errors are pointed out every endeavour will be made to correct these without delay.

Central Bedfordshire Authority is registered under the Data Protection Act 1998 for the purpose of processing personal data in the performance of its legitimate business. Any information held by the Council will be processed in compliance with the eight principles of the Act. This authority is under duty to protect the public funds it administers, and to this end, may use the information you have provided on this form within this authority for the collection of funds and the prevention and detection of fraud. It may also share this information with other bodies administering public funds solely for these purposes.