Private Hire/Hackney Carriage Driver’s Licence Application Pack

In order to apply for a driver’s licence, you must have held a full DVLA licence for a minimum of one year.

To submit your application, you MUST first contact the Taxi Licensing Section on (01482) 300300 to arrange an appointment.

At the appointment, you will submit:

- DVLA driving licence
- application form (pages 24-25)
- identification for the DBS check (see page 7)*

*Route guidance can be found on pages 5-6.

Under the Immigration Act 2016, British citizens and/or persons previously resident abroad are required to provide documentation confirming the right to work in the UK (see pages 3-5).

The Licensing Section can accept an Enhanced DBS disclosure if it less than 28 days old (from date of issue). If you have subscribed to the Update Service, you are required to produce the most recent DBS certificate and complete a consent form so the Council can carry out a status check.

<table>
<thead>
<tr>
<th>Service</th>
<th>Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Driver application (includes digital photo, DBS check and driver’s licence)</td>
<td>£137 (1 year) £235 (3 years)</td>
</tr>
<tr>
<td>BTEC Level 2 – Introduction to the Role of the Professional Taxi and Private Hire Driver</td>
<td>Dependant on provider</td>
</tr>
<tr>
<td>Local Knowledge Assessment – including speaking and listening</td>
<td>£36</td>
</tr>
<tr>
<td>Pre-BTEC Assessment Session</td>
<td>£24</td>
</tr>
<tr>
<td>Driving Assessment</td>
<td>£66</td>
</tr>
<tr>
<td>Safeguarding Children, Young People &amp; Adults (including Neglect Observational Tool)</td>
<td>Free (subject to change) Call 01482 612442 to book</td>
</tr>
<tr>
<td>Group 2 Medical Report (must be submitted within 28 days from date of examination)</td>
<td>Dependant on your own GP’s charges</td>
</tr>
</tbody>
</table>

In addition to providing certificates for ALL of the above, you will also need to produce:

- a document detailing your National Insurance Number; and
- two written character references (one professional and one personal). Both must be recent, signed, addressed and dated).

If an application is NOT completed within six months (from receipt of the DBS Disclosure), it will become invalid and a new application will be required. At the very least, this will include a new DBS Disclosure, medical and driver application fee.
APPLICATION PROCESS FLOW CHART

(TO BE COMPLETED IN ANY ORDER BEFORE OR AFTER MAKING APPLICATION)

Upon completion, a pre-generated DVLA driving check code is also required. Visit https://www.gov.uk/view-driving-licence and follow on-screen instructions. Please be aware, codes are case sensitive and only valid for 21 days.

The BTEC may take the longest to complete, so it is advisable to enrol on the course as soon as possible.

PLEASE NOTE: The Licensing Section has no control of how long a DBS certificate takes to be processed and not responsible for tracking its progress. When received, it is the applicant’s responsibility to ensure it is produced to the Licensing Section within 28 days.

In circumstances where an applicant is applies for a 3 year driver’s licence and wishes to revert back to a 1 year licence after being granted, NO REFUND IS GIVEN.

If a driver’s licence is refused by the Licensing Committee, NO REFUND IS GIVEN.

If a driver’s licence is EITHER surrendered OR revoked during the currency of a licence, NO REFUND IS GIVEN.

ALL LICENCES OF WHATEVER KIND EXPIRE ON 30 JUNE, IRRESPECTIVE OF WHEN THEY WERE ISSUED
IMMIGRATION ACT 2016

The Immigration Act 2016, which came into force on 1st December 2016, amends existing licensing regimes in the UK to seek to prevent people without lawful immigration status and the right to work from holding taxi or private hire driver or operator licences.

Licensing authorities are now under a duty not to issue licences to people who are disqualified by their immigration status from holding them. In order to discharge this duty your right to work in the UK will be checked as part of your licence application. This could include the authority sharing data with the Home Office in order to check your immigration status.

You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is shown below.

You must bring the original document(s) such as a passport or biometric residence permit so that the check can take place. The document(s) will be copied and retained by the licensing authority. The original document(s) will be returned to you.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances, the check will be repeated each time you apply to renew or extend your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK’s laws, your licence will lapse and you must return it to licensing, failure to do so is a criminal offence.

To ensure we do not discriminate against anyone, all applicants will be treated in the same way during the application process.

Following the correct checks, applicants who have a permanent right to remain in the UK and produce a document(s) from List A, will not require further checks when they subsequently apply to renew or extend their licence.

List A

No immigration restrictions on right to a licence in the UK.

Once we have undertaken the necessary check, we will not have to repeat the check when you subsequently apply to renew or extend your licence.

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.

3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

4. A Permanent Residence Card issued by the Home Office to the family member of a national a European Economic Area country or Switzerland.

5. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A current passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

7. A current Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

8. A full birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents or adoptive parents, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

10. A certificate of registration or naturalisation as a British citizen, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

**List B**

**Immigration restrictions on right to a licence in the UK.**

We may issue the licence (subject to statutory limitations) up to the expiry date of the permission to work in the UK. We will need to check immigration status each time you apply to renew or extend your licence.

1. A current passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.

2. A current Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

3. A current Residence Card (including an Accession Residence Card or a Derivative Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

4. A current Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, together with an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.
5. A Certificate of Application issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old together with Verification from the Home Office Evidence and Enquiry Unit. The licence may be granted for six months from the date of the Certificate of Application.

6. A Verification issued by the Home Office Evidence and Enquiry Unit to you, which indicates that the named person may stay in the UK because they have an in time application, appeal or administrative review and which is outstanding. The licence may be issued for six months from the date of the licence decision.

Enhanced Disclosure & Barring Service check

You should be aware that the Licensing Authority is empowered in law to obtain an Enhanced Disclosure & Barring Service check. This will give details of everything on your criminal record, including cautions, reprimands and final warnings, as well as convictions and, if relevant, the findings of checks against Government department lists of people banned or unsuitable for work with children or vulnerable adults. Please note, the Licensing Authority is empowered to consider all convictions when determining application for a Hackney Carriage or Private Hire Driver’s Licence. Information received from the DBS will be kept in strict confidence whilst the licensing process takes its course and will be retained for no longer than necessary.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the authority considers that a conviction renders you unsuitable to hold a licence. In making this decision the authority will consider the nature of the offence, how long ago, and at what age you were when it was committed and any other factors which may be relevant.

When considering any application for the grant of a Hackney Carriage or Private Hire Driver’s licence, the Licensing Committee shall have regard to the Council’s policy, relating to the relevance of convictions.

Please see pages 12-15 for Council's policy on convictions.

In order to complete a DBS check, you have to provide a minimum of three documents to prove your identity. There are 3 different routes you can go down which are listed below.

Documents must be originals (photocopies not accepted) and full details can be found on page 7.

Route 1

- one document from Group 1, and
- 2 further documents from Group 1, 2a or 2b.

At least one document must show your current address.

Route 2

Used if you cannot produce a document from Group 1.

- one document from Group 2a, and
- 2 further documents from Group 2a or 2b.

At least one document must show your current address.
Please note, an external validation check service will be conducted and will incur an additional £5.00 charge.

EEA nationals who’ve been resident in the UK for 5 years or less may need to be fingerprinted if these documents cannot be produced.

**Route 3**

Used if you cannot produce documents described in Routes 1 or 2.

- a birth certificate issued after the time of birth (UK, Isle of Man and Channel Islands) and,
- one document from Group 2a, and
- 3 further documents from Group 2a and 2b.

At least one document **must** show your current address. If you cannot provide these documents, you may need to be fingerprinted.

Regardless of Route taken, a continuous five year address history is required, detailing month AND year only for each address (if applicable).
### Group 1: Primary identity documents

<table>
<thead>
<tr>
<th>Document</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Passport</td>
<td>Any current and valid passport</td>
</tr>
<tr>
<td>Biometric residence permit</td>
<td>UK</td>
</tr>
<tr>
<td>Current driving licence photocard – (full or provisional)</td>
<td>UK, Isle of Man, Channel Islands and EEA</td>
</tr>
<tr>
<td>Birth certificate – issued within 12 months of birth</td>
<td>UK, Isle of Man and Channel Islands – including those issued by UK authorities overseas, for example embassies, High Commissions and HM Forces</td>
</tr>
<tr>
<td>Adoption certificate</td>
<td>UK and Channel Islands</td>
</tr>
</tbody>
</table>

### Group 2a: Trusted government documents

<table>
<thead>
<tr>
<th>Document</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current driving licence photocard – (full or provisional)</td>
<td>All countries outside the EEA (excluding Isle of Man and Channel Islands)</td>
</tr>
<tr>
<td>Current driving licence (full or provisional) – paper version (if issued before 1998)</td>
<td>UK, Isle of Man, Channel Islands and EEA</td>
</tr>
<tr>
<td>Birth certificate – issued after time of birth</td>
<td>UK, Isle of Man and Channel Islands</td>
</tr>
<tr>
<td>Marriage/civil partnership certificate</td>
<td>UK and Channel Islands</td>
</tr>
<tr>
<td>Immigration document, visa or work permit</td>
<td>Issued by a country outside the EEA. Valid only for roles whereby the applicant is living and working outside of the UK. Visa/permit must relate to the non EEA country in which the role is based</td>
</tr>
<tr>
<td>HM Forces ID card</td>
<td>UK</td>
</tr>
<tr>
<td>Firearms licence</td>
<td>UK, Channel Islands and Isle of Man</td>
</tr>
</tbody>
</table>

**All driving licences must be valid**

### Group 2b: Financial and social history documents

<table>
<thead>
<tr>
<th>Document</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mortgage statement</td>
<td>UK or EEA</td>
</tr>
<tr>
<td>Bank or building society statement</td>
<td>UK and Channel Islands or EEA</td>
</tr>
<tr>
<td>Bank or building society statement</td>
<td>Countries outside the EEA</td>
</tr>
<tr>
<td>Bank or building society account opening confirmation letter</td>
<td>UK</td>
</tr>
<tr>
<td>Credit card statement</td>
<td>UK and EEA</td>
</tr>
<tr>
<td>Financial statement, for example pension or endowment</td>
<td>UK</td>
</tr>
<tr>
<td>P45 or P60 statement</td>
<td>UK and Channel Islands</td>
</tr>
<tr>
<td>Council Tax statement</td>
<td>UK and Channel Islands</td>
</tr>
<tr>
<td>Letter of sponsorship from future employment provider</td>
<td>Non-UK or non-EEA only – valid only for applicants residing outside of the UK at time of application</td>
</tr>
<tr>
<td>Utility bill</td>
<td>UK – not mobile telephone bill</td>
</tr>
<tr>
<td>Benefit statement, for example Child Benefit, Pension</td>
<td>UK</td>
</tr>
<tr>
<td>Central or local government, government agency, or local council document giving entitlement, for example from the Department for Work and Pensions, the Employment Service, HMRC</td>
<td>UK and Channel Islands</td>
</tr>
<tr>
<td>EEA National ID card</td>
<td>-</td>
</tr>
<tr>
<td>Cards carrying the PASS accreditation logo</td>
<td>UK, Isle of Man and Channel Islands</td>
</tr>
<tr>
<td>Letter from head teacher or college principal</td>
<td>UK – for 16 to 19 year olds in full time education – only used in exceptional circumstances if other documents cannot be provided</td>
</tr>
</tbody>
</table>
**Pre-BTEC Assessment Session**

This is an evaluation of your literacy and numeracy skills completed by Motor Trades Group Training Association (GTA).

Equivalent literacy and numeracy qualifications may be accepted but written proof of having gained the qualification is required.

The evaluation is usually completed in less than 2 hours and costs £24. Level 1 for Literacy and Entry Level 3 for Numeracy are the minimum standards required.

Automotive Academy  
12 Henry Boot Way  
Priory Park East  
Hull  
HU4 7DY  

Re-Assessments cost between £12-£24.

**BTEC Level 2 – Introduction to the Role of the Professional Taxi and Private Hire Driver**

In order to obtain a Private Hire/Hackney Carriage Driver's Licence, applicants are required to have completed the above BTEC.

The BTEC is designed to support and enhance the knowledge of prospective drivers who wish to begin or continue a career in transporting passengers.

The BTEC can be obtained through any accredited provider.

**Included with the BTEC are the following nine mandatory units:**

- Health & Safety in the Taxi and Private hire work environment
- Road Safety when driving passengers in a Taxi or Private hire vehicle
- Professional customer service in the Taxi and Private hire industry
- Taxi and Private Hire vehicle maintenance and safety inspections
- The regulatory framework of the Taxi and Private hire industry
- Taxi and private hire services for passengers who require assistance (includes wheelchair observations)
- Routes and fares in the Taxi and Private Hire vehicle Industries
- Transporting of parcels, luggage and other items in the Taxi and Private hire industry
- Transporting of children and young persons by Taxi or Private hire vehicles

**BTEC Level 2 – Taxi Exam Resit Session** – up to 3 units per session - £24 per session.  
**BTEC Level 2 – Taxi Refresher Session** – to be undertaken if learner has failed a unit 4 times - £36 per unit.

Equivalent qualifications may be accepted if they adequately cover the above units and written proof of completion of the qualification will be required.
Local Knowledge Assessment – including speaking and listening

It costs £36 and roughly takes 2 hours and there are 2 sections to the test.

Part 1 - Taxi Licensing Legislation
Part 2 - Identifying street names (45 out of 60 streets)

The Speaking and Listening Assessment will involve the planning of routes from location area 1 to location area 2 and accurately describe the route you would take.

Planning a route (3 out of 5 journeys)

The Local Knowledge Assessment can be resat.

Full Re-sit - £36
Partial Re-sit - £18

The Assessment takes place at:

Automotive Academy
12 Henry Boot Way
Priory Park East
Hull
HU4 7DY
01482 353022

It is recommended you make yourself aware of the Hackney Carriage / Private Hire Licensing Conditions and Procedures handbook prior to your test, which is given during your initial appointment.

Driving Assessment for Taxis and Private Hire Vehicles

The Driving Assessment will be undertaken by an approved driving assessor at Stockholm Road, Hull, HU7 0XW. **Payment to be made in person and the examination fee is £66.**

The standard of the hackney carriage (taxi) or private hire vehicle assessment is set at a level suitable for a full driving licence holder. It is therefore higher than the learner driver test.

The practical assessment will last for about 35 to 40 minutes, depending on traffic. Some of the skills you will be assessed on are specific to taxi drivers, such as a taxi manoeuvre and not stopping anywhere that could be dangerous for a passenger getting out of your vehicle.

Your practical driving test will include approximately ten minutes of independent driving. This is designed to test your ability to drive unsupervised, and make safe decisions without guidance. You can read about independent driving and how it will be assessed on the gov.uk website.

The examiner will also ask you a few questions on the Highway Code and ask you to identify some traffic signs and road markings.
During the practical assessment, you will be examined on:

- awareness and anticipation
- effective planning of prevailing road and traffic conditions
- correct use of speed
- an emergency stop (there will be one in the assessment)
- a manoeuvre involving reversing
- a taxi or private hire related exercise
- passenger safety and comfort
- a wheelchair element (for wheelchair enhanced vehicles if you requested the enhanced assessment)

If you are taking the taxi or 'black cab' style test, you will need to answer some related 'cabology' questions. Examples of these include the dimensions of your vehicle, its correct tyre pressures and what you should do if a passenger leaves property behind.

Should you have questions regarding the driving examination please contact the test centre on 01482 615840.

**References**

Two references are required, one must be from a person in a professional capacity, and the other should have known the applicant for at least 3 years. Both references must be from someone other than a relative, future employer or anybody connected to the taxi trade. The references provided should also be recent, signed, addressed and dated.

**Applicants previously resident abroad**

If an applicant has been a resident abroad within the last five years, a letter of good conduct and/or character reference from the country’s Embassy is required.

**Final procedure of application**

After producing all necessary certificates for the driving assessment, BTEC, Knowledge Test and Pre-BTEC Assessment (if applicable), together with the Disclosure & Barring Service certificate and DVLA Driver Check Code - your application will go for consideration and a decision will be made as to whether your licence has been granted. **In most cases, this will be made on the same day.** In some situations, your application may be referred to the Licensing Committee and if so, you will be advised of what happens next.

Any applicant who has been previously licensed by this or any other authority, and who has had their driver’s licence revoked, will have their application referred to the Licensing Committee for determination.

**Appeals**

Any person aggrieved by the decision made by a District Council to not grant a driver’s licence under Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 may appeal to a Magistrates’ Court within 21 days of receiving notice of this decision.

It should be noted that following an unsuccessful appeal, the Magistrates’ Court can award such costs against the appellant as it thinks just and reasonable.
Policy Statement on the Licensing of Private Hire and Hackney Carriage Drivers who are Ex-Offenders

- As an organisation using the Disclosure & Barring Service to assess applicants’ suitability for positions of trust, Hull City Council complies fully with the Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

- Hull City Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

- We actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records.

- We require all applicants to provide details of their criminal record at an early stage in the application process. We guarantee that this information will only be seen by those who need to see it as part of the decision making process.

- We ensure that all those in Hull City Council who are involved in the decision making process have been suitably trained to identify and assess the relevance and circumstances of offences.

- During the application process, or in a separate discussion, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the decision making process. Failure to reveal information that is directly relevant to the application could lead to the revocation of any licence issued.

- We undertake to discuss any matter revealed in a Disclosure with the person making the application before reaching a decision regarding an application.

**Having a criminal record will not necessarily bar you from working as a private hire/hackney carriage driver.** This will depend on the nature, circumstances and background of any offence(s).
INTRODUCTION

This document provides guidance on the relevance of convictions and cautions in respect of applications for the grant of new hackney carriage and private hire drivers’ licences, and the renewal and review of existing drivers’ licences.

This guidance is in place to assist the members of the Licensing Authority’s Licensing Committee in their decision-making and to maintain consistency of those decisions with each case being considered on its own merits. The guidance also aims to provide clear information to current licence holders and potential applicants regarding the relevance of convictions and cautions. Any necessary hearings will be held in private.

The Licensing Committee may depart from this guidance if the individual circumstances of any case merit such a decision and in such cases the Committee will give full reasons for the departure.

The primary objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, sober, mentally and physically fit, honest and trustworthy. It is not the intention of the Licensing Authority to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised. The committee will not consider the effect on the individual of any sanction imposed.
**Legislation**

The Local Government (Miscellaneous Provisions) Act 1976 Section 51 deals with the grant of a driver’s licence with regard to the suitability of the applicant. The Act states that a:

“...Council shall not grant a licence to drive a (Private Hire/Hackney Carriage Vehicle) unless they are satisfied that the person is a **fit and proper person** to hold a driver’s licence.”

Therefore the wording of the legislation makes it clear that the Licensing Authority may grant a licence ONLY if it is satisfied that the person is fit and proper - the onus is on the applicant to prove this, NOT the Licensing Authority to demonstrate that they are not.

There is no absolute definition as to what constitutes a “fit and proper person”. However, considering the range of passengers that a driver may carry, and other tasks that a driver may be required to perform, many of whom will be vulnerable, the Licensing Committee will want to have confidence that such people would be able to rely on the driver.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 deals with currently licensed drivers:

“...the district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds.

1. That he has since the grant of the licence -
   i) Been convicted of an offence involving dishonesty, indecency or violence. or
   ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of Part of this Act.
   Or;

2. Any other reasonable cause.”

Some important areas that will be considered by the Committee are:

- Honesty and trustworthiness;
- Courtesy - The Licensing Authority considers that aggressive or abusive conduct on the part of the driver is unacceptable;
- Consistently good and safe driving - those paying for a transport service rely on their driver to get them to their destination safely. They are professional drivers and should be fully aware of all road traffic legislation and any conditions attached to the licence;
- Good physical and mental health;
- Good knowledge and awareness of any special requirements that disabled passengers may have.

**Protecting the Public**

The over-riding consideration for the members of the Licensing Committee is to protect the travelling public. Having considered and applied the appropriate guidelines, if the Committee has any reasonable doubts, then an application must be refused, or consideration must be given to revocation or suspension of an existing licence.

In exceptional circumstances, authorised officers will exercise the powers granted under the Road Safety Act 2006 to suspend a licence with immediate effect where there are serious concerns regarding public safety following arrest or information provided by the Chief Officer of Police (or a body responsible for public or child protection). Where relevant, the case will be referred to a Licensing Committee for final determination following the conclusion of any legal proceedings.
Compliance with Conditions and requirements of Licensing Authority

All applicants and currently licensed drivers are strongly advised to carefully read and familiarise themselves with the Hull City Council Hackney Carriage and Private Hire Licensing Conditions and Procedures Handbook.

The Committee may take into account an applicant’s relevant history while holding a licence, from this or any other authority in deciding whether a person is a fit and proper person to hold a licence, or whether they can continue to hold a licence. This will include checks made to the National Anti-Fraud database on refusals and revocations of hackney carriage and private hire licences.

Such matters as a licence holder’s record of complaints, or positive comments from members of the public, their compliance with licence conditions and their willingness to co-operate with Licensing Officers will all be taken into consideration.

Convictions and/or Cautions

The licence application form requires that the applicant must disclose all convictions and cautions. These include any convictions that are spent under the Rehabilitation of Offenders Act 1974. Except those that are “protected”, as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 2002 (SI2002/441). (The amendments to the Exceptions Order 1975 (2013 provide that certain spent convictions and cautions are ‘protected’ and are not subject to disclosure and cannot be taken into account).

Any applicant who is arrested for, charged with or convicted of any offence, or issued with a formal caution for any offence, whilst their application is being considered by the Licensing Authority shall immediately inform the Licensing Authority in writing of the arrest, charge, conviction or caution.

All private hire drivers currently holding a licence must immediately disclose any conviction or caution imposed on them, for whatever reason, in writing to the Council. The Licensing Committee is required to look at any past indicators (convictions, speeding offences etc.) that may affect a person's suitability to hold, or continue to hold, a licence and consider the possible implications of granting such a licence, or allowing an existing licence to continue.

If a licence is granted to a person on the basis of false or incomplete information supplied by them, the Licensing Committee may revoke the Licence.

The disclosure of any conviction will not necessarily preclude an applicant from being issued a licence. However, all convictions, spent or live, will be assessed, and may be taken into consideration. A series of offences over a period of time is more likely to give cause for concern than an isolated conviction. If a pattern is found for any offences, then serious consideration should be made as to the suitability of that person to hold, or apply for, a licence.

Non-Statutory Rehabilitation Periods

This guidance document has separated the various offences affecting an application into different categories, each detailing the period that normally elapse following conviction for a particular type of offence. If these requirements are not met, the matter will be referred to the Licensing Committee. If, after consideration by the Committee, a person is not considered suitable to hold a licence, then the application should be refused or, in the case of an existing driver, the licence should be revoked or suspended.

The Committee will not look behind the conviction or caution, but the applicant may, however, explain any mitigating factors, which they may consider led to them committing the offence. The Committee
may choose to take these factors into account, together with all other relevant information, in deciding whether the applicant is suitable to hold or retain a licence.

The number, type and frequency of any offences will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving conduct, or to give a similar warning to an existing licence holder. If a significant history of offences is disclosed, refusal of an application or a revocation or suspension may result.

**Options available to the Committee**

Depending on the nature of the conviction or caution, and any explanation offered by an applicant, the Committee may:

- Grant the licence;
- Grant the licence together with a written warning with regard to the applicant’s future conduct
- Refuse the application; or

In the case of an existing licence holder:

- Take no further action;
- Allow the licence to continue but issue a strongly worded letter with regard to the person’s future conduct;
- Suspend the licence for a period as decided by the Committee together with a written warning with regard to the person’s future conduct;
- In addition the Committee may order the driver to attend such training as deemed necessary in order to adequately carry out his/her duties;
- Revoke the licence;

There are statutory rights of appeal against a refusal to grant or renew a licence, and against a decision to suspend or revoke a licence that is in existence, as well as a right of appeal against any conditions which may have been imposed on any such licence by the Council.

**CATEGORIES OF OFFENCES**

**CAUTIONS**

**New applicants**

If an applicant has received a caution for an offence, and dependent upon the nature of the offence, they may be required to attend a meeting of the Licensing Committee to explain the caution.

**Existing Licence Holders**

If an existing driver has received a caution for an offence, and dependent upon the nature of the offence, the driver may be required to attend a meeting of the Licensing Committee to explain the caution.

If a caution is not declared, but if discovered by officers, the driver will be required to attend the Licensing Committee where they must explain why they failed to declare the caution.
TRAFFIC OFFENCES

Hackney Carriage and Private Hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

New applicants:

Where an applicant has 7 or more penalty points or more on their DVLA licence for a *minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for a **major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

In most cases if there are 6 or fewer points on an applicant’s licence, a licence may be granted (subject to any other necessary checks and tests) by the Licensing Section with or without a formal warning with regard to future conduct.

If an applicant has been disqualified from driving for any reason, other than the offences shown below, at least five years (after restoration of DVLA licence) should elapse before an applicant is considered for a private hire/hackney carriage driver’s licence.

*a minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles).

**a major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.

Existing Licence Holders

Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times. Any traffic offences could show a lack of responsibility whilst driving either due to the maintenance and safety of their vehicles or in the manner of their driving.

Convictions or cautions for traffic offences do not automatically prevent a person from proceeding with a renewal of their licence, or from keeping their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements.

Any existing licence holder who has 7 penalty points or more on his driving licence will be required to appear before the Licensing Committee to explain their convictions or cautions.

The Licensing Committee then have the option of:

• Taking no further action.
• Giving a written warning.
• Request the driver to undertake a driving awareness course, **at the driver's own expense**, within 2 months of their decision.
• Suspend the Licence upon conditions or for a period of time, to be commenced within 28 days of their decision.
• Revoke the licence.

In the case of an existing licensed driver being disqualified from driving under the totting up procedure, or for any other reason, their hackney carriage/private hire licence will be immediately revoked and at least 5 years should elapse (after restoration of their DVLA licence) before the person will be considered for a hackney carriage or private hire licence.

**USING A HAND-HELD TELEPHONE OR HAND-HELD DEVICE WHilst DRIVING**

Where an applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed.

**INSURANCE OFFENCES**

*New applicants*

With regard to convictions or cautions for driving or being in charge of a vehicle without insurance, any new applicant who has been convicted or cautioned for driving or being in charge of a vehicle without insurance a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

More than one conviction or caution for these types of offences should raise serious doubts as to an applicant’s suitability to hold a hackney carriage or private hire licence and the Licensing Committee may choose to reject the application for a licence. If an applicant has been disqualified for these offences, at least 7 years should elapse (after restoration of the DVLA driving licence) conviction free before an applicant is considered for a hackney carriage or private hire licence.

*Existing Licence Holders*

The Council takes a serious view of convictions or cautions for driving or being in charge of a vehicle without insurance by one of its licensed drivers.

An isolated incident may not always result in their licence being revoked or suspended.

More than one conviction and/or caution for these types of offences would raise serious doubts as to the driver’s continuing suitability to hold a hackney carriage or private hire licence.

Any existing licence holder who has been convicted of or cautioned for an insurance offence will be required to appear before the Licensing Committee to explain their conviction/caution.

In the case of an existing licensed driver being disqualified from driving for any insurance related offence(s), their hackney carriage/private hire licence will be **immediately revoked** and at least 7 years should elapse (after restoration of their DVLA licence) before the person will be considered for a hackney carriage or private hire licence.
DRUNKENESS

This category has been divided into two separate sections; drink driving with a motor vehicle and drunkenness without a motor vehicle.

With a Motor Vehicle

The Council views driving or being in charge of a vehicle whilst under the influence of alcohol as a serious offence.

The offences that apply to this section include:

• Driving or attempting to drive with alcohol above the limit;
• Being in charge of a vehicle, driving or attempting to drive when unfit through drink;
• Refusal to provide a specimen of breath or blood for analysis

New applicants

Where an applicant has a single conviction for drink driving a licence will not be granted, until at least 7 years have elapsed since the completion of any sentence or driving ban imposed.

Any applicant with more than one conviction for any drink driving offence within seven years prior to the receipt of their application should expect their application to be rejected by the Licensing Committee.

Existing Licence Holders

A licensed driver found guilty of driving whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis, and whose DVLA licence is suspended, will have their hackney carriage/private hire licence immediately revoked, and at least 7 years should elapse (after restoration of their DVLA licence) before the person will be reconsidered for a Hackney Carriage or Private Hire licence.

Without a Motor Vehicle

New applicants

An isolated conviction or caution for drunkenness not associated with a motor vehicle will not necessarily result in an application being refused, but an applicant who has been convicted or cautioned within 3 years prior to receipt of his/her application will be required to appear before the Licensing Committee hearing to explain their convictions or cautions.

Existing Licence Holders

An existing licence holder who has committed, or being cautioned for, any of these offences will be required to appear before the Licensing Committee hearing to explain their convictions.

DRUG OFFENCES

New applicants

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.
Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Where an applicant has a conviction for driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

**Existing Licence Holders**

A hackney carriage/private hire driver found guilty of driving whilst under the influence of drugs and whose DVLA licence is suspended will have their hackney carriage/private hire licence immediately revoked and at least 7 years should elapse (after restoration of their DVLA licence) before the person will be considered for a hackney carriage or private hire licence.

A driver convicted of, or cautioned for, any other drug-related offence will be required to appear before the Licensing Committee to explain their conviction or caution.

**EXPORTATION**

Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, grooming, trafficking, psychological, emotional or financial abuse, but this is not an exhaustive list.

**SEX AND INDECENCY OFFENCES**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. In addition to the above, applicants who are on the Disclosure and Barring Services (DBS) barred lists will not be considered. Applicants who are not on the barred lists and/or are on the sexual offenders register will not be considered.

**New applicants**

As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions, or cautions, for a sexual offence, or where there is cause for concern of a similar nature will be required to appear before the Licensing Committee to explain their conviction(s) or caution(s).

**Existing Licence Holders**

Any existing licence holder, arrested for, charged with, convicted of, or cautioned for a sexual offence or where cause for concern of a similar nature arises whilst licensed with the authority may, where there is an immediate threat to public safety, have their licence immediately suspended and will be required to appear before the Licensing Committee.

Following revocation it is unlikely that anyone with convictions for the following offences will ever be licensed again.

- Rape
- Indecent Assault
- Gross Indecency with a Female
- Gross Indecency with a Male
- Indecent Assault on a Child
- Buggery

**VIOLENCE/CRIMES RESULTING IN DEATH**

As hackney carriage/private hire drivers maintain close contact with the public, any convictions or cautions for violence will be taken very seriously.

**New applicants**

An application will be referred to the Licensing Committee for the following offences; regardless of the period of time lapsed after the date of conviction:

- Murder
- Manslaughter
- Causing death by reckless driving
- Causing death by reckless driving when unfit through drugs
- Causing death by careless driving when unfit through drink
- Causing death by careless driving with alcohol level above the limit
- Causing death by careless driving then failing to supply a specimen for analysis
- Manslaughter or culpable homicide while driving a vehicle
- Causing death by dangerous driving

An application will be referred to the Licensing committee where the applicant has a conviction or caution for one of the following offences and where the conviction or caution is less than 5 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm
- Robbery
- Racially-aggravated criminal damage
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-aggravated harassment
- Racially-aggravated fear of violence
- Common assault
- Common assault which is racially-aggravated
- Assault occasioning actual bodily harm
- Assault on the police
- Affray
- Battery
- Riot
- Obstruction
- Criminal damage
- Violent disorder
- Resisting arrest
- Any other offence involving violence
**Existing Licence Holders**

An existing licence holder who is arrested for, charged with or convicted of, or cautioned for any of the offences listed above may, where there is an immediate threat to public safety, have their licence immediately suspended and will be required to appear before the Licensing Committee.

Any existing licence holder who is found guilty of the following offences, will have their licence immediately suspended and the matter referred to the Licensing Committee as a matter of urgency.

- Murder
- Manslaughter
- Causing death by reckless driving, including:
  - Causing death by reckless driving when unfit through drugs:
  - Causing death by careless driving when unfit through drink
  - Causing death by careless driving with alcohol level above the limit
- Causing death by careless driving then failing to supply a specimen for analysis
- Manslaughter or culpable homicide while driving a vehicle
- Causing death by dangerous driving
- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Grievous bodily harm
- Robbery
- Racially-aggravated criminal damage
- Racially-aggravated s.4 Public Order Act 1986 offence (fear or provocation of violence)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Racially-aggravated harassment
- Racially-aggravated fear of violence

**DISCRIMINATION**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**POSSESSION OF A WEAPON**

**New applicants**

Where an applicant has a conviction for possession of a weapon of any kind or any other weapon-related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

**Existing Licence Holders**

An existing licence holder, who is convicted for possession of a weapon of any kind or any other weapon-related offence, will be referred to the Licensing Committee.
DISHONESTY

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. For these reasons a serious view is taken at any convictions involving dishonesty.

New applicants

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence as shown below, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Any other offence involving dishonesty

Existing Licence Holders

An existing licence holder who is convicted or cautioned for the above offences, will be referred to the Licensing Committee.

HACKNEY CARRIAGE/PRIVATE HIRE OFFENCES

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use) a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

VEHICLE USE OFFENCES

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriage and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
COMPLAINTS AGAINST DRIVERS

Any complaints made against hackney carriage and private hire drivers will be investigated by the Licensing Authority.

Following that investigation the following course of action may be taken:

- No further action;
- Issue a warning letter with regard to the driver’s future conduct;
- Refer the driver to the Licensing Committee for a review of the driver’s licence;

In the case of the latter course of action, the driver will be required to appear before the Licensing Committee to explain their actions and the Licensing Committee will consider the complaint together with any history of complaints made against the driver to assess any patterns.

On the basis of the evidence, and subject to any explanation given by the driver, the Licensing Committee will then consider whether the driver is a suitable person to continue to hold such a licence.

APPEALS

Any person aggrieved by the decision made by a District Council regarding a driver’s licence held under Section 51 of the Local Government (Miscellaneous Provisions) Act, 1976 has a right of appeal to a Magistrates’ Court, this must be lodged within 21 days of the notice of the decision.

In addition, any applicant refused a driver’s licence on the grounds that the Licensing Committee is not satisfied they are a fit and proper person to hold such a licence, has a right of appeal to the magistrates’ court within 21 days of the notice of the decision.

It should be noted that following an unsuccessful appeal the Magistrates’ Court can award such costs against the appellant as it thinks just and reasonable.
Application for the Grant of a Private Hire/Hackney Carriage Driver’s Licence

PRIVATE HIRE

1 YEAR [ ]  3 YEARS [ ] Proposed Operator (Private Hire ONLY) ____________________________

OR

HACKNEY CARRIAGE

1 YEAR [ ]  3 YEARS [ ]

Have you EVER held a Private Hire/Hackney Carriage Driver’s licence with Hull City Council or any other authority?

YES [ ]  NO [ ]

If ‘yes’, please give details (i.e. which authority, held from, reason for leaving)

____________________________________________________________________________________

Have you EVER been refused, or had a Private Hire/Hackney Carriage Driver’s licence revoked by another authority?

YES [ ]  NO [ ]

If ‘yes’, please give details

____________________________________________________________________________________

PERSONAL DETAILS

Surname: __________________________  First Name(s): __________________________

Previous Name(s): __________________________  Date of Birth: __________________________

Place of Birth: __________________________  Country of Birth: __________________________

Contact Number: __________________________  National Insurance Number: __________________________

Email Address: __________________________

Current address: __________________________

When did you move into your current address? (MONTH AND YEAR) ________________ *

If * is less than five years ago, please provide previous addresses until at least five years is reached.

<table>
<thead>
<tr>
<th>Address</th>
<th>From (MONTH AND YEAR)</th>
<th>To (MONTH AND YEAR)</th>
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(Continue on separate sheet if necessary)

Driving Licence Number ________________________________________________
Have you EVER been CAUTIONED or CONVICTED for a CRIMINAL OFFENCE that is not protected (as defined by the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (as amended in 2013))?

YES □  NO □

IF YES, PLEASE GIVE DETAILS BELOW

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<tr>
<th>Criminal Convictions</th>
<th>Date of Conviction</th>
<th>Court or Police Force</th>
<th>Offence</th>
<th>Sentence</th>
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Have you EVER received ANY penalty points, and/or been CONVICTED by ANY COURT for ANY DRIVING OFFENCE?

YES □  NO □

IF YES, PLEASE GIVE DETAILS BELOW

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<tr>
<th>Driving Convictions</th>
<th>Date of Conviction</th>
<th>Court or Police Force</th>
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DECLARATION

The grant of this licence is subject to a Disclosure & Barring Service check and I understand that if my application is referred to the Licensing Committee, I will be expected to provide an account of my cautions and convictions.

Do you have the right to work in the UK?  YES □  NO □

(Checks will be made with the relevant agencies in relation to this)

I hereby declare that the information given above is true and I understand that I may be liable to prosecution if I have knowingly or recklessly made a false statement or omitted any material particular to this application and that on behalf of Hull City Council, the Licensing Section reserves the right to make further enquiries arising out of this application as it considers necessary.

Applicant’s signature _______________________________ Date __________________

Data Protection Act (2018) and the General Data Protection Regulations (2016)

The Council is fully compliant with all aspects of the Data Protection Act 2018 and the General Data Protection Regulations 2016 and will not release any information to third parties unless required to do so by law. The information that you provide will be processed for the purpose of determining this application and your details will be checked against the National Anti-Fraud Database, and any relevant information taken into account in assessing the application. Where a licence is refused, or where a licence is granted but subsequently revoked, this information will be entered into this register. During the currency of any licence issued your information will be stored for the purpose of maintaining accurate records and to write to you regarding matters that are related to such a licence. Please note that in satisfying the legal requirement to maintain public records, your name and address and in the case of hackney carriage drivers your offences, may be accessible by the general public. Further information is available upon request. The information provided may be shared with other Council data partners in accordance with the legislation.

In the event of a driver’s licence being refused, an individual’s record will be retained.