



SOUTH
KESTEVEN
DISTRICT
COUNCIL

REQUIREMENTS TO BE MET FOR THE GRANT OF A HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

**Applications must be made in person and by appointment only at any
of the Council's offices. Tel: 01476 406080.
Postal applications will not be accepted**

The law provides that a District Council shall not grant a licence to drive hackney or private hire vehicles unless they are satisfied that the applicant is a fit and proper person and that that person has lawful immigration status and the right to hold a hackney carriage or private hire driver licence. The issue of a licence gives the public the impression of complete respectability of the licence holder who is then entrusted with young children, valuables and the knowledge of empty property when residents are on holiday.

Applicants shall be over 18 years of age and shall have held a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic area (EEA) for at least 12 months. In order for the Authority to be able to check your driving history, you will be required to supply us with the DVLA licence check code before your application can be processed.

Holders of European licences will need to register their non-GB driving licence with the DVLA before applying for a hackney carriage or private hire driver's licence. Alternatively, they may elect to exchange their licence for a UK one.

First time applicants having more than 6 points on their DVLA licence (both current and expired accrued within a 4-year period) will be required to pass the Lincolnshire Road Safety Partnership Taxi Driver Test (LSRP) prior to the granting of the licence.

Existing drivers with more than 8 points on their DVLA licence (both current and expired accrued within a 4-year period) will be required to pass the LSRP test within 3 months of accruing the points or have their licence automatically suspended.

In accordance with the DVLA guidelines and for the purposes of the 'fit and proper' test for Hackney Carriage/Private Hire drivers, the points remain accountable for 4 years.

DRIVER KNOWLEDGE TEST

To assist the Authority in determining the fitness of an applicant to hold a hackney carriage or private hire driver's licence, applicants are required to undertake a communications test to challenge their understanding of the English language and numeracy, and a test to

challenge their knowledge of the area within the district of South Kesteven.

AGE

There are no specific age requirements however, applicants under the age of 25 are rarely covered by motor insurance policies for public or private hire purposes.

HEALTH REQUIREMENTS

The Council requires confirmation that applicants meet Group 2 standards of fitness for occupational drivers.

First time applicants will be required to pass a medical undertaken by their own doctor or a GP who has access to their medical records (at their own expense) prior to the issue of a licence. Thereafter, drivers will be required to pass a medical (at their own expense) every 3 years when renewing their licence.

Drivers aged 65 years and over and those with a medical condition will be required to pass an annual medical (at their own expense) and will be required to renew their licence on an annual basis.

The eyesight of applicants (with glasses/contact lenses if worn) must meet the statutory requirements for driving a motor car. An eye test is included in the medical. Some doctors will be able to fill in both the vision and medical assessment sections of the report. If your doctor is unable to fully answer all the questions on the vision assessment, you must have it filled in by an optician or optometrist.

It should be noted that the medical certificates acceptable for licensing purposes are those especially tailored to meet the Council's requirements. They can be downloaded from our website at southkesteven.gov.uk under Apply for a Hackney Carriage or Private Hire Drivers Licence. When conviction information is relevant to an application, it may be disclosed to the examining doctor.

PLEASE NOTE

The Statutory Declaration signed by the GP and the applicant must be submitted with the application. The medical report is to be retained by the applicant for possible future reference by SKDC in determining the suitability of the applicant's fitness to drive a hackney carriage or private hire vehicle in the South Kesteven

IMMIGRATION STATUS

Your right to work in the UK will be checked as part of your licence application. This could include the Authority checking your immigration status with the Home Office or otherwise share data. You must therefore provide a document or document combination that is stipulated as being suitable for this check. The list of documents is attached to this guidance. 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 the copy 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 the licensing, failure to do so is a criminal offence.

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

Failure to provide the documents will result in the refusal of your application.

E-LEARNING – SAFEGUARDING EVERYONE IN LINCOLNSHIRE AND TACKLING EXPLOITATION AND MODERN SLAVERY

There have been a number of areas of national concern surrounding taxi licensing which was identified by the Independent Inquiry into Child Sexual Exploitation (CSE) in Rotherham carried out by Alexis Jay OBE and the subsequent inspection report of Louise Casey CB.

The authority has addressed the concerns raised in the Rotherham reports and has agreed to the introduction of mandatory training on Safeguarding, Exploitation and Modern Slavery for new and existing taxi and private hire drivers and operators within the district.

The training will be by way of an e-learning course provided **free of charge** by the Lincolnshire Safeguarding Children Partnership whereby applicants receive training and answer questions on-line.

New applicants will be required to pass both courses before they apply for a licence and it will be a requirement that you submit your pass certificates with your application form. Your application will not be accepted without these certificates. Details on how to register are included in the pack.

All queries regarding the e-learning courses should be directed to: lscb_training@lincolnshire.gov.uk

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

When submitting an application for a licence to drive a hackney carriage or private hire vehicle you are requested to declare any convictions or cautions you may have, whether or not they are 'spent' under the Rehabilitation of Offenders Act 1974. This Act provides that after a certain lapse of time, convictions for criminal offences are to be regarded as 'spent' for certain purposes however, all criminal convictions are relevant for hackney carriage and private hire licensing purposes and must be declared. The Council will consider the offence committed and the time elapsed since conviction for that offence. The information you give will be treated in confidence and will only be taken into account in relation to your application.

You should be aware that the licensing authority is empowered in law to check with the Disclosure & Barring Service (DBS) for the existence of any criminal record held in the name of the applicant. Information received from the DBS will be kept securely and in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary. Please note that the Authority does not receive a copy of the DBS certificate so you must place it in a sealed envelope and sent to South Kesteven District Council office, St

Peters Hill, Grantham, NG31 6PZ. The envelope should be marked 'Private and Confidential - For the attention of the Licensing Section'. The DBS Code of Practice and our statement on the secure handling of DBS information can be found on our website <http://www.southkesteven.gov.uk/index.aspx?articleid=8908>

If you have resided in the UK for less than 5 years, or spent a period of 3 months or more within the last 5 years as a non-resident, you will also be required to produce a certificate of good conduct from the embassy of the country where you lived, provided at your own expense. The relevant embassy will need to authenticate the certificate.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the authority considers that the conviction renders you unsuitable. In making this decision, the authority will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant. The Council has adopted the guidelines to be included in the Council's Publication Scheme under the Freedom of Information Act 2000 relating to the relevance of convictions. Each case will be decided on its own merits.

Applicants for driving licences declaring the following categories of convictions will be referred to the Council's Licensing Committee for consideration:

- Sex offences
- Impersonation
- Drink driving
- Arson
- Reckless driving
- Driving without insurance
- Burglary and theft
- Offences involving violent behaviour (eg grievous or actual bodily harm or assault)
- Impersonation
- Arson
- Blackmail
- Offences involving fraud or deception
- Firearms and or weapons
- Drugs

Any other convictions may also result in a referral to the Licensing Committee for a decision as to the applicant's fitness to hold a licence. When reaching their decision, the Committee may take into consideration any information that is held in connection with the application.

A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but is expected to remain free of conviction for 3 to 5 years, according to circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances however, the overriding consideration should be the protection of the public.

Any applicant refused a driver's licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court.

If you would like to discuss, in confidence, what effect a conviction might have on your application you may telephone the Licensing Section on 01476 406080.

PRIVACY NOTICE & DATA SHARING

The District Council collects information for the purposes of licensing, housing, benefits, NNDR revenue collection, electoral registration, council tax, planning, and public health functions. The information we collect about you will depend on the nature of your business with us but may be used for any of the Council's purposes. We may check information provided by you, or information about you provided by a third party, with other information held by us.

We may also get information about you from certain third parties or give information to them (such as via the National Register of Taxi Licence Refusals & Revocations), to check the accuracy of information, to prevent or detect crime, or to protect the public and public funds in ways as permitted by law. These third parties include other local authorities, government departments, National Anti-Fraud Network, and the police. We will not disclose information about you to anyone outside the District Council unless the law permits us to. As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, South Kesteven District Council complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

The District Council is the Data Controller for the purposes of the Data Protection Act. If you want to know more about what information we have about you, or the way we use your information, you can ask at our main offices telephone 01476 406080 or visit our website <http://www.southkesteven.gov.uk/index.aspx?articleid=13742>

Lists of acceptable documents for right to a licence check

The lists of documents are based on those prescribed to show evidence of a right to work.

List A: No immigration restrictions on right to a licence in the UK. Once we have undertaken the necessary check once, 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 birth (short or long) or adoption certificate issued 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.
9.	A birth (short or long) 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 the 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.

Group 1

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.

Group 2

1. 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.
2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.
3. A **Positive Verification Notice** issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question