

**Basildon Council Hackney Carriage and
Private Hire Driver Suitability Criteria and
Licence Conditions**

PART 1

HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE

INTRODUCTION

All applicants and licensed drivers must satisfy the Council that they are fit and proper people to be granted a driver's licence, and must then remain a fit and proper person for the duration of that licence. The fitness and propriety of a driver will be monitored /assessed throughout the period that the licence is held.

Applicants are expected to act with honesty and integrity throughout the application process, and must therefore fully and accurately disclose any information that is requested. This includes, but is not limited to, information regarding previous convictions, warnings and reprimands, current investigations and pending criminal proceedings.

The Council aims to ensure that both Hackney Carriage and Private Hire Services, delivered within the Borough, are of a good standard. The application and compliance procedures are designed to ensure these standards are maintained, monitored for compliance and appropriately enforced.

The sections below, therefore apply equally to Hackney Carriage and Private Hire Drivers unless indicated and the application procedure is set out in **Appendix A**.

FIT AND PROPER PERSON TEST

The Council considers that licensed drivers are in a position of trust, and therefore the Council must ensure that applicants/licence holders are and remain fit and proper to hold a licence. This requirement is contained within Section 51 to 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).

The term 'fit and proper person' for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, a licensing authority can take into account any information, including spent convictions, but of course must do so in a fair and proportionate way, following the authority's policy. If the licensing authority is not confident that the person is considered to be a fit and proper person to hold a licence, then the application will be refused.

When making decisions at both the application stage, or in a disciplinary situation with an existing driver, the sole deciding factor should be the safety of the travelling public. In order to assess the suitability of an applicant the Licensing Authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by,

unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality;
- Period of holding a drivers licence;
- Number of endorsed driving licence penalty points;
- Right to work;
- Medical fitness;
- Standard of driving/driving ability;
- General conduct/standards of behaviour (including online behaviour);
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process);
- The previous licensing history of existing/former licence holders (including honesty and integrity);
- Theoretical knowledge of issues and matters related to the work of a licensed driver including safeguarding awareness and disability awareness.

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

Basildon Borough Council has signed up to the National Register of Taxi and Private Hire Drivers Licence Revocations and Refusals (NR3). This means that when an application for a drivers licence is refused, or when an existing driver's licence is revoked, that information will be placed upon the register.

When an application for a new drivers licence, or renewal of an existing drivers licence is received, Basildon Borough Council's Licensing Service will make a search of the NR3. This search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this criteria. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.

Basildon Borough Council will make and retain a clear written record of every search that is made of the register. This will detail:

- The date of the search;
- The name or names searched;
- The reason for the search (new application or renewal);
- The results of the search; and
- The use made of the results of the search (this information will be entered to the register at a later date)

This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal process.

For the avoidance of doubt any such data will be kept for a period of not more than 35 days from the date of the service of the written notification of the determination of the application.

Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

The data will be held securely in accordance with Basildon Borough Council's general policy on the secure retention of personal data. At the end of the retention period the data will be erased and/or destroyed in accordance with Basildon Borough Council's general policy on the erasure and destruction of personal data.

APPLICATION PROCESS

This Council issues licences that enable the driving of both Hackney Carriage and Private Hire Vehicles (Dual Licences). Licences shall be issued for a maximum period of 3 years but the Council can grant licences for a lesser period if deemed appropriate.

Applicants shall have a minimum of 3 years of holding either a full driving licence issued in the UK, the European Community (EC) or one of the other countries in the European Economic Area (EEA).

The Council may directly access the DVLA records of applicants, or alternatively will employ the services of a third party to do this.

All applicants shall provide proof that they have a statutory right to work in the UK and any applicant that has a limited right to work shall not be issued a driver licence for a period longer than that limited period.

The information submitted as part of the application process will be shared, when applicable, with other Council Departments and external statutory bodies e.g. Police and HM Customs & Excise.

An individual will not be considered “fit and proper” to hold a licence if there is any evidence of dishonesty, and/or it can be shown that an applicant or existing licence holder has misled, or attempted to mislead, the Council (either officers or members of the Licensing Committee/Miscellaneous Licensing Sub-Committee) as part of any process associated with the administration or determination of a licence.

DISCLOSURE AND BARRING SERVICES (DBS)

A criminal record check on a driver is seen as an important safety measure. Enhanced disclosure through the Disclosure and Barring Service is required as these disclosures include details of live and spent convictions, police cautions and other relevant information that indicates that a person poses a risk to public safety. The DBS application procedures are detailed in **Appendix B**.

Both Hackney Carriage and Private Hire Drivers are included as “exceptions” within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (the “Exceptions Order”). Accordingly all drivers will be asked to disclose on their application form any caution or conviction even if it is spent for other purposes and those will be revealed on the DBS Certificate.

All applicants for the grant or renewal of a licence requiring a DBS check shall be responsible for the cost of obtaining the DBS Certificate.

The Council will only accept DBS Certificates which are applied for through Basildon Borough Council’s Licensing Unit. However, DBS certificates that are issued to other local authorities/organisations will be accepted if it has been printed within the last four weeks prior to the date of application, is to an enhanced level and has been processed in relation to child and adult workforce employment position (“other work force”) (as specified on the certificate).

All new applicants must declare on the application form any convictions, cautions or fixed penalty notices they have received. All licence holders shall notify the Council of any convictions or cautions received during their licence period. Failure to inform the Council of any convictions, cautions and fixed penalty notices during the licensing period may result in suspension or revocation of the licence.

A licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate.

There will be a mandatory requirement for all new applicants to sign up and maintain the DBS online update service in respect of all enhanced DBS Disclosures received by the Council. This will be required by a condition placed on the licence for all new and existing applicants. Any costs associated with maintaining this subscription must be met by the licence holder. The licence holder must give permission for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of licence holders. The update service can be used when a licence is renewed – if there are no changes recorded on the DBS certificate then a full DBS check will not be required. In all other cases a fully Enhanced DBS check will be required before a licence is renewed.

APPLICANTS WITH PERIODS OF RESIDENCY OUTSIDE THE UK

If an applicant has spent six continuous months or more overseas the Council will need to see evidence of a criminal record check from the country/countries visited covering the period that the applicant was overseas. This criminal records check will be in the form of a Certificate of Good Conduct. Applicants/licence holders that have visited a number of countries will be required to produce a Certificate of Good Conduct for each country visited.

Because of the potential lifetime relevance for some of the most serious offences mentioned in this document, the Council will need to ensure that sufficient background checks are conducted for those applicants that have lived overseas. Please see Appendix C for Basildon Council's policy for applicants that have spent time outside of the UK.

RELEVANCE OF CONVICTIONS AND CAUTIONS ETC

The Council is committed to ensure that the licensed trade are fit and proper, periodic audits of licensed drivers, by way of the DBS online update service and the check on DVLA driving licences will ensure that any errors or material changes are identified and acted upon.

In relation to the consideration of convictions, cautions, warnings and reprimands etc., the Council has adopted guidelines (these are set out in a separate document which can be obtained from the Licensing Service). The terms of the guidelines will have immediate effect, and will be immediately applied to all current licences issued by Basildon Borough Council.

In assessing whether the applicant is a fit and proper person to hold or retain a licence, the Council will consider each case on its merits. It will take account of cautions and convictions, whether spent or unspent, but only in so far as they are relevant to an application for a licence.

Those applications (or renewals with new information since the previous application) including a past criminal record or, any other concerns (where applicable), will be referred to the Miscellaneous Licensing Sub-Committee who will make the assessment of whether or not the applicant is a fit and proper person to hold a licence in line with the guidelines.

The guidelines will also be used to determine the suitability of an existing licence holder should it be necessary to consider action in relation to the licence part way through the licence period.

SUITABLE & SUFFICIENT KNOWLEDGE, SKILLS & EXPERIENCE

Basildon Council believes that the general role and responsibilities of a hackney carriage/private hire driver demands high standards in driving and customer service. It also believes that such competencies can impact on both public safety, comfort and passenger experience; particularly for the vulnerable, those with disabilities and other medical conditions. Paid/professional drivers therefore require relevant knowledge, skills and experience to safely and effectively discharge their role and responsibilities to their passengers and others.

For these reasons, the following requirements will normally be applied.

Driving standards and proficiency assessment

The licensing authority notes that driving skills and abilities can vary with age, driving style, experience, differences in driving environments, social and/or cultural norms (e.g. driving on the left/right) etc. Accordingly, it is a requirement of this authority to ensure that those who provide a hackney carriage and/or private hire driving service can demonstrate a sufficient level of driving competence commensurate with the provision of public transport service (i.e. at an elevated level above the DVLA learner driver test (or equivalent)).

For these reasons, Basildon Council requires all new applicants to submit a certificate of completion of a driving standards and proficiency assessment specifically designed for hackney carriage and/or private hire vehicle drivers.

Applicants will be required to sit a practical taxi driving assessment through one of the Council's approved suppliers and receive a certificate showing the successful completion of the practical test within the six month period preceding the grant of the licence. A third party non-refundable fee will be payable direct to the supplier and at the applicants own expense.

As we consider driving standards and proficiency to be a core competence of a hackney carriage/private hire driver, Basildon Council will normally refuse to grant a licence to any individual who does not submit a suitable pass certificate for the requisite assessment.

Wheelchair loading assessment for hackney carriage and private hire vehicles

Some wheelchair users may require driver's assistance to safely enter, travel in and alight from a licensed vehicle. Accordingly, to ensure that drivers can provide a wheelchair accessible service, a sufficient level of competence in the (un)loading, security and safety of wheelchair users to a level commensurate with the role is expected.

For these reasons, Basildon Council requires all new applicants to submit a certificate of completion of the Passenger Assistance Transport Training Assessment (PAT's) specifically designed for hackney carriage/private hire drivers. A third party non-refundable fee will be payable direct to the supplier for this service, at the applicants own expense.

Safeguarding children and vulnerable people

Drivers of hackney carriage and/or private hire vehicles are placed in a position of trust, therefore it is important that all licence holders are aware of safeguarding indicators and how these can be reported.

For these reasons, Basildon Council requires all new applicants to complete an approved training/awareness raising course in relation to safeguarding children and vulnerable people. This course must have been approved by Basildon Borough Council.

Basildon Council also requires all existing licence holders to provide evidence of training in relation to safeguarding children and vulnerable adults. All existing licence holders, that renew their licence after the introduction of this criteria, will be required to undertake a Safeguarding Children and Vulnerable Adults Awareness training course within 12 months of the issue of the licence. Drivers that can evidence that they have undertaken this training within the previous 12 months will be exempt from this requirement. All licensed drivers will be required to have undertaken this training in accordance with any implementation scheme to be determined by the Council.

Knowledge test

Basildon Council notes that –

- a) Hackney carriage/private hire fares are usually related to the time and distance travelled and it is therefore appropriate to ensure that licensed drivers know the shortest and/or most expedient route(s) to avoid unnecessary high fares being charged to the customer (i.e. consumer protection); and
- b) Licensed drivers providing services to the general public do not generally have the opportunity to check the details of a route before starting; whereas, hackney carriages are usually directly available for hire at ranks or on the street, the drivers of private hire vehicles may receive concurrent bookings through their operator (e.g. via radio, computer, mobile communications device or similar); and
- c) Further to (a) and (b) above, road works, diversions, traffic jams, traffic accidents etc. mean that it is not always appropriate to rely on satellite navigation equipment or similar.

Accordingly, Basildon Council requires that those who provide a hackney carriage/and or private hire driving service to the general public have a good working knowledge of the area in which they are licensed and of the Highway Code. Basildon Council therefore requires all new applicants to pass a knowledge test that will include questions on the Highway Code, hackney carriage and private hire licensing, places of interest, routes and directions.

The knowledge test is a computerised test and is broken down into three sections. Applicants have the opportunity to undertake the test on 4 occasions, and it is usual practice that applicants pass a section each time they take a test.

If an applicant fails four successive knowledge tests they will be required to wait at least 4 months (from the date of the most recent failure) before being permitted to re-apply. Prior to refusal, consideration will be given to requests made, by applicants, for a fifth and final knowledge test, however, the previous test results will be taken into consideration when determining whether an applicant will be entitled to take a further test. Where an application does not progress, the application fee only will be refunded (this does not include any other fees paid to the Council for a DBS check or a DVLA check). Where an application does not progress, applicants will be required to start the process again should they wish to re-apply i.e. restart the knowledge test, complete a further DBS application etc.

By way of ensuring that the knowledge test does not comprise an unnecessarily high obstacle or barrier of entry into the trade, the licensing service will seek to

keep the tests under review and ensure that the stringency of each test reflects the extant Highway Code and/or the complexity or otherwise of local geography and highway infrastructure.

Basildon Council will ensure that its knowledge tests are conducted in accordance with the procedures outlined at **Appendix D**.

Costs of knowledge test

As the satisfactory completion of the knowledge test is largely dependent on the attitude, diligence and effort of the applicant, Basildon Council does not currently make a separate charge for the knowledge test process.

Limitations and relevance of knowledge test

So as to allow applicants to reflect upon the test questions and/or prepare more thoroughly, Basildon Council will normally allow, (where eligible), applicants that fail any part of the knowledge or Highway Code tests to re-sit a test within a suitable period of time.

Other 'relevant knowledge and skills'

Further to the above, and in determination of an applicant's fitness and/or propriety, Basildon Council will also take account of any other factor that may be relevant to the conduct of a licensed hackney carriage and/or private hire vehicle driver and anything the applicant may say about himself or his application. This may include the following (or similar) issues –

- a) Handling emergencies;
- b) Day to day vehicle maintenance and care;
- c) Knowledge and skills in managing conflict/difficult situations and
- d) Knowledge and skills in meeting the needs of people with disabilities.

Basildon Council is aware of various assessments, courses and vocational qualifications that can help to determine the knowledge and skills possessed, however, it considers that these may not produce benefits, which are proportionate to the costs involved or the broader obstacles they may create to entry to the trade. Accordingly, the above examples should not be seen as a comprehensive or exhaustive checklist, or in any way be regarded as matters to be addressed in all cases. Basildon Council may require applicants or existing licence holders to undertake suitable assessments, courses and/or qualifications only where it considers it appropriate in the circumstances.

For these purposes, Basildon Council may consider assessments, courses and/or qualifications necessary where there are one or more demonstrable indicators of poor standards, practices, customer service or other similar

concerns connected to the role of a hackney carriage/private hire driver. For example:

- a) Where there are multiple driving licence endorsements, disqualifications etc.;
- b) Where there are previous complaints about driving standards, practices or service etc.;

NB: where appropriate, the costs of any such requirements will be paid for by the applicant.

Whilst such qualifications etc. are not necessarily a mandatory requirement to apply for a hackney carriage/private hire driver's licence, Basildon Council recognises the increasing needs and profile of its residents, visitors and the area generally through the development of the Basildon Plan. It will therefore keep these matters under review and may require specific training or assessment to be undertaken in the future.

English Language

An applicant will be required to undertake an English language 'speaking' assessment as a pre-requisite to the submission of the application form.

MEDICAL ASSESSMENT

The Council recognises that licensed drivers should have more stringent medical standards than those applicable to normal car drivers because they carry members of the public who have expectations of a safe journey; they are on the road for longer hours than most car drivers; and are required to assist disabled passengers, provide mobility assistance and handle luggage. Therefore they require the Group 2 Standards of Medical Fitness as applied by the DVLA to the licensing of lorry and bus drivers; as the appropriate standard for licensed Hackney Carriage and Private Hire Drivers.

Applicants shall provide a medical examination form, supplied by the Council, to the Council medical providers for completion on first application and every 5 years thereafter until the age of 65 years when annual examinations are required. Licence holders with certain medical conditions (for example neurological conditions) may be required to submit themselves for a medical assessment at more frequent periods (i.e. before 5 years). It may be that they will be required to adhere to additional requirements in order for them to retain their drivers licence.

Holders of Public Service Vehicles (PSV) and/or Large Goods Vehicle (LGV) licences will be required to undertake a Group 2 medical assessment with the

Council's recognised Medical Providers, regardless of whether or not they have recently undertaken a Group 2 Medical Assessment.

Licence holders must advise the Licensing Unit of any deterioration or other change in their health that may affect their driving capabilities.

Where there is any doubt as to the medical fitness of the applicant/licence holder, the Council may require the applicant/licence holder to undergo and pay for a further medical examination, or other assessment by a Doctor, or other medical examiner appointed by the Council (this may be on some occasions the applicants/licence holder's consultant/GP).

Where there remains any doubt about the fitness of any applicant/licence holder, the Miscellaneous Licensing Sub-Committee will review the medical evidence and make any final decision in light of the medical evidence available.

No licence shall be issued until medical clearance (if required) has been established.

A licence application will not be accepted/processed unless all elements of the application process have been completed.

Licensed drivers are under a legal duty to carry guide, hearing and other prescribed assistance dogs in their vehicles without additional charge. Drivers who have a medical condition which is aggravated by exposure to dogs may apply to the Council for exemption from the duty on medical grounds. If an applicant is successful they will be issued with an exemption certificate, and also be issued with a notice of exemption. The notice of exemption must be exhibited in the vehicle by fixing it facing forwards, either on the windscreen or in a prominent position on the dashboard.

DRIVING LICENCE CHECKS

There will be a mandatory requirement for all applicants to sign up and maintain the DVLA driving licence mandate in respect of allowing Basildon Council to undertake checks on driving licence entitlements and any new/existing convictions which might have an impact on the applicant's fitness to hold a licence issued by Basildon Borough Council.

DURATION OF LICENCE

The Council will normally issue licences for a three year period. However, the Council does have the discretion to issue licences for a shorter duration, if it considers this to be necessary given the circumstances.

DRESS CODE

It is recognised that the trade, both hackney carriage and private hire, play an important role in portraying a positive image of Basildon and are seen as key Ambassadors for the Borough.

Anything that serves to enhance the professional image of the hackney carriage and private hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers is to be welcomed.

To ensure that not only are the objectives above met but, also that driving is carried out safely, a Dress Code for licensed drivers has been set. This is provided at **Appendix F**. It is a condition of licence that drivers adhere to this requirement.

Employees working for companies operating their own dress codes will still be required to comply with the Council's standards.

CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS

It is essential that young, elderly and other vulnerable people are safeguarded and protected whilst being transported in a licensed vehicle. Accordingly a specific Code of Conduct must be complied with when working with vulnerable passengers. This is provided at **Appendix E**. It is a condition of licence that drivers adhere to this requirement.

RIGHT OF DRIVER TO WORK IN THE UK

By way of compliance with Immigration & Asylum legislation, Basildon Council is required to check an individual's immigration and asylum status; together with an individual's right to live and/or work in the UK.

To check these matters, Basildon Council will require all applicants to provide suitable and sufficient documents as proof of identity of the right to live and work in the UK. Examples of documents that may be provided include:

- A UK passport confirming that the holder is a British Citizen (or citizen of another EAS country – including Switzerland)
- Passport or other travel document endorsed to show that the holder is allowed to stay in the United Kingdom and undertake paid employment.
- Full UK Birth/Adoption Certificate.
- An Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the United Kingdom and undertake paid employment.
- A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency when produced in

combination with either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to undertake paid employment.

This list is not exhaustive and other documents may be accepted – further information will be provided by the Licensing Office on request.

Where appropriate, Basildon Council may check with, and/or refer any concerns about an individual's immigration and asylum status or their right to live and/or work in the UK to the relevant Government departments; currently the UK Border & Immigration Agency and HM Revenue & Customs.

RELEVANCE OF IMMIGRATION AND ASYLUM STATUS TO DRIVER LICENCES

As it will otherwise be unable to satisfy itself of the applicant's propriety, Basildon Council will normally refuse any application for a hackney carriage/private hire drivers licence where the applicant fails to provide or otherwise obtain suitable and sufficient evidence of identify and/or the right to live and work in the UK.

Where appropriate, Basildon Council will grant licences in accordance with any work permit(s) and/or restrictions and may, where it is entitled to do so, impose associated conditions and/or restrictions on the term, duration and extent of any licence accordingly.

Where an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

WORKING HOURS

There are no direct controls over the hours that hackney carriage/private hire drivers can work. There are however, limits applicable to drivers and crews of heavy goods vehicles and public service vehicles. Where it is known that a licence holder is driving a hackney carriage or private hire vehicle whilst also performing his/her full time occupation as a lorry or bus driver, the licensing authority will notify the relevant agency that governs driver hours for the holders of PSV and HGV licences.

The Council deem that the number of hours worked by hackney carriage/private hire drivers can impact on public safety and as a result seeks to promote the same limits in that area applicable to drivers and crews of heavy goods vehicles and public service vehicles. Drivers should refer to the guidance notes, "Do I need a break", **Appendix G**.

SUITABILITY CRITERIA

The Council has set out such criteria for Hackney Carriage and Private Hire Drivers as is considered necessary. These are set out in **Part 2**.

CONDITIONS

The Council may attach such conditions to Hackney Carriage and Private Hire Drivers Licences as are considered necessary. These are set out in **Part 3**.

PART 2

Basildon Borough Council will only issue licences to those applicants that it considers to be 'fit and proper' to hold a licence. These factors and criteria are detailed as follows:

SUITABILITY CRITERIA

1. A person being considered for licence to drive hackney carriages and/or private hire vehicles shall:-
 - 1.1 Complete an application form on which must be shown all convictions and cautions. Applications should be made on the appropriate form(s) and should include the following:
 - DVLA photo-card driving licence (or paper licence if the photocard licence is not held by the applicant).
 - Documents required as part of the DBS check (including 5 years continuous address history).
 - Proof that the applicant is legally permitted to work in the UK.
 - The correct fee (please contact the Licensing Section for up to date fees).
 - Any other documents an officer may ask you for to help progress your application.

(NOTE: Omissions or incorrect statements of a serious nature may invalidate the application or render the licence liable to immediate suspension/revocation. It is a criminal offence to make a false declaration. Please see Basildon Borough Council's policy on relevant convictions.)

- 1.2 Be over 21 years of age and have held a full UK Driving and Vehicle Licence Agency (DVLA) (or EU equivalent) driving licence for at least three years (please note that the requirement is to have held a full driving licence for at least three years, not three years since the date that you have passed your driving test). Applicants that hold full EU licences will have the length of time that they have held such licences taken into consideration, however holders of EU licences will only be issued with a licence for 12 months – the licence will not be renewed unless the EU licence is exchanged for a full UK licence (as required by national legislation.) Applicants MUST supply the DVLA issued driving licence or their European Community/European Economic Area (EC/EEA) licence upon submission of application.

SUITABLE & SUFFICIENT KNOWLEDGE, SKILLS & EXPERIENCE

- 1.3 Prior to the grant of a licence to drive hackney carriage and private hire vehicles, Basildon Council will require all applicants to provide the following:
- a) Evidence that they have passed a driving standards and proficiency assessment specifically designed for hackney carriage and/or private hire vehicle drivers, as the Council may direct. (NOTE: The cost of this assessment will be at the applicants own expense).
 - b) Produce an accredited certificate to confirm that they have been suitably training in Disability Discrimination Awareness to the required standard. (NOTE: Unless otherwise required by the Council, this requirement will not have to be repeated upon renewal of the licence).
 - c) A certificate of completion of a Safeguarding Children and Vulnerable People course. Existing licence holders will be required to complete a Safeguarding Children and Vulnerable People course in line with any implementation scheme to be determined by the Council.
 - d) Pass the computer based knowledge test of the streets and places of the Basildon Borough and answer questions on the Highway Code, byelaws and conditions of licence. (NOTE: At the discretion of Licensing Officers, a driver who has been licensed before by Basildon Borough Council may be required to undertake a further knowledge test).
 - e) A certificate of completion of an English Language 'speaking' assessment. The requirement for a test of this type will be applied to all applicants, including those who may be expected to speak English as a first language by virtue of their Country of birth. The standard of the English Language 'speaking' assessment will be determined by Basildon Borough Council.
- 1.4 Obtain an Enhanced Disclosure and Barring Certificate from the Disclosure and Barring Service (DBS) upon initial application and subsequently every three years. Applicants (who are not existing licence holders) are required, following their application, to sign up and maintain the DBS online update service in respect of all enhanced DBS disclosures received by the Council. The contents of this certificate will be assessed in accordance with the Council's policy on convictions in determining the fitness and propriety of the applicant. New and renewal applications will not be granted unless the applicant has supplied proof that they have signed up to the DBS online update service and completed the relevant permission for the licensing authority to undertake periodic disclosure checks with the DBS.

(NOTE 1: New applicants are required to complete a form supplied by Basildon Borough Council and return it together with the relevant fee for an enhanced disclosure, including any supporting, original documents that may be required by the Council.

NOTE 2: At the time of renewal, all existing licence holders are required to complete a form supplied by Basildon Borough Council and return it together with the relevant fee for an enhanced disclosure, including any supporting, original documents that may be required by the Council.

NOTE 3: All applicants, once they have received the enhanced DBS certificate, must sign up to the DBS online update service. This must be done within 19 days of the certificate being issued. Applicants will be required to provide the Licensing Office with the relevant reference number in order that periodic checks can be carried out and to complete a legal declaration giving permission for Basildon Council's Licensing Officers to carry out such checks.

NOTE 4: Applicants for Hackney Carriage/Private hire drivers' licences are exempt from the provisions of the Rehabilitation of Offenders Act 1974. Applicants MUST therefore disclose all previous cautions and convictions whether they are "spent" or not.

NOTE 5: When applying for a licence, regard should be had to the Council's guidance on the relevance of convictions. A copy of this guidance can be found on the Council's website www.basildon.gov.uk or may be obtained free of charge from the Council's Licensing Service. Any conviction or caution revealed that is relevant to an applicants' fitness for licensing will be taken into account when determining the application.)

- 1.5 The Council shall require all applicants for new hackney carriage and private hire drivers' 'combined' licences and restricted private hire drivers' licences to provide original documentary evidence to verify that they can legally work in the UK. A list of documents that will be accepted by the Licensing Authority can be obtained from the Licensing Team or can be found at www.gov.uk.

NOTE 1: When an applicant is subject to immigration controls, a licence will not be issued for longer than the period that the applicant has permission to undertake paid employment in the United Kingdom.

NOTE 2: If Licensing Officers are unsure about an applicant's right to work in the UK, they will discuss the applicant's documentation with the Home Office. If it transpires that the applicant is illegally in the UK (due to illegally entering or overstaying for example) Licensing Officers will assist the UK Border Force, Immigration Office or Police in their enquiries as necessary.

NOTE 3: All current licence holders will be asked to prove their right to work upon renewal of their licence. Submission of proof of right to work, if confirmed, will normally only be needed once. Applicants can only be licensed up to the date that their right to work will expire.

NOTE 4: For applicants who have limited permission to be in the UK, the check must be repeated at each subsequent application to renew the licence until such time as the applicant demonstrates that they are entitled to remain indefinitely in the UK and, as a result the restrictions on their ability to work have been removed.

- 1.6 Submit themselves for an independent medical examination to affirm that they meet the criteria laid down in the “Medical Aspects of Fitness to Drive” (Group 2 Standard) at such place as the Council may direct. Applicants will be required to submit themselves for a medical assessment on first application, then every 5 years to the age of 65, then annually. Applicants suffering from a known and notified medical disorder will be required to undergo a medical examination to Group 2 standards annually or any lesser period that the examining General Practitioner may decide. Basildon Council may also ask any applicant to provide proof of medical fitness at any other reasonable time. Applicants over the age of 70 years will be required to undergo an eyesight test upon initial application and annually in addition to the eyesight test conducted at the medical and submit a copy of the results to the Council. The applicant must submit the certificate of examination to the Council.

(NOTE 1: This examination will normally be arranged after passing the knowledge test at an additional cost to the candidate.)

NOTE 2: Under the Equality Act 2010, applicants/existing drivers may apply for a certificate of exemption from complying with the duties imposed by s165 (Passengers in wheelchairs) of the said Act on the following grounds:

- a) On medical grounds, or
- b) On the grounds that the person’s physical condition makes it impossible or unreasonably difficult for the person to comply, applicants will be asked to submit a letter requesting an exemption together with a medical letter from their own General Practitioner.

A copy of Basildon Councils Medical Exemption Criteria can be viewed on the Councils website or a copy obtained from the Licensing Team.

NOTE 3: Under the Equality Act 2010, applicants/existing drivers may apply for a certificate of exemption from complying with the duties imposed by s168 (Assistance dogs in taxis) and s170 (Assistance dogs in private hire vehicles) of the said Act on medical grounds

- 1.7 Where they have lived in a country, other than the UK, for one or more continuous periods of 6 months since the age of 10 years old, submit a ‘Certificate of Good Conduct’ issued by the relevant non-UK country. The certificate must be an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority for the relevant country. The certificate must document any convictions recorded against the individual or confirm ‘good conduct’.

(NOTE 1: The applicant must meet any cost incurred in obtaining the document(s). Failure to provide a certificate may prevent an application being considered. Failure to provide such information, without good reason, will be taken into account when a decision is made. The Disclosure and Barring Service website www.gov.uk/government/publications/criminal-records-check-for-overseas-applicants gives information about obtaining Certificates of Good Conduct, or similar documents, from a number of countries.

Note 2: When applying for a licence, regard should be had to the Council's guidance on applicant's that have spent time outside of the UK. A copy of this guidance can be found at **Appendix C** or on the Council's website www.basildon.gov.uk or may be obtained free of charge from the Council's Licensing Service.

- 1.8 Declare whether they hold or have held a licence to drive hackney carriages and/or private hire vehicles. (NOTE: Where an applicant currently holds, or has previously held, a licence to drive hackney carriages or private hire vehicles with another local authority, Basildon Borough Council will seek to verify the applicant's conduct as a licensed driver through a Local Authority check.) When an application is made to this authority for the grant of a new, or renewal of an existing hackney carriage and private hire drivers combined licence, Basildon Council's Licensing Service will check the NR3.
2. The licensing authority will consider each individual case on its merits, having regard to the need to protect public safety and whether the applicant has demonstrated, in the light of the information he or she has provided and all the evidence available, that they are a fit and proper person to hold a licence. All relevant facts will be taken into account and if justifiable reasons exist, it may be that additional or higher standards will be imposed. In certain cases, applications may need to be referred to the Council's Miscellaneous Licensing Sub-Committee (MLSC). In these cases, the MLSC make a decision on what length of licence to grant; or refuse to grant a licence. This is usually if the applicant has any conviction or police caution, reprimand or warning on your DBS record, but may also be for other reasons.
3. Once a licence expires, the applicant will be required to complete the application as if it were for a grant of a licence (i.e. the whole process must be undertaken from the start, regardless of how many years the applicant has held a licence previously. This will include any knowledge test, driving assessment etc., as set out in paragraph 1.3).
4. If a licence is not renewed prior to its expiry then that person will no longer be able to lawfully operate as a licensed driver.

5. Any person aggrieved by a decision of the Council to refuse to grant a licence has the right to appeal to the Magistrates Court within 21 days of that decision.

RESTRICTED PRIVATE HIRE DRIVER'S LICENCE

PRE LICENSING STANDARDS

A 'Restricted' Private Hire Driver's Licence will ONLY be issued to a driver for the purposes of collecting and returning vehicles for testing, servicing or repairing and that driver is not permitted to carry passengers. Such a licence will NOT be issued for any other purpose. A person being considered for a Restricted Private Hire Driver's Licence shall:-

- a) Complete an application form on which must be shown all convictions and cautions. (NOTE: Omissions or incorrect statements of a serious nature will render the licence liable to immediate suspension. It is a criminal offence to make a false statement. Please see 1.3 in relation to Basildon Borough Council's policy on relevant convictions).
- b) Be over 21 years of age and have held a full UK Driving and Vehicle Licence Agency (DVLA) (or EU equivalent) driving licence for at least three years. Applicants MUST supply a DVLA issued counterpart (until withdrawn by the DVLA) or their European Community/European Economic Area (EC/EEA) licence upon submission of the application.
- c) Provide evidence that they are employed by a garage or, if they are self-employed that they trade as a garage for the purposes of testing, servicing or repairing vehicles.
- d) Attend an interview with the Licensing Officer and answer questions on the Licence Conditions and the Highway Code. The applicant for a 'restricted private hire drivers' licence' is not required to submit themselves for a knowledge test. Should the applicant wish to take up the driving of hackney carriage or private hire vehicles other than in the course of the above criteria, they will be required to submit an application for a hackney carriage and private hire combined drivers licence and fulfil all the suitability criteria.
- e) Not be required when applying for a 'restricted private hire driver's licence' to be vetted by the Disclosure and Barring Service (DBS).
- f) Not be required when applying for a 'restricted private hire driver's licence' to submit themselves for an independent medical

examination to affirm that they meet the criteria laid down in the “Medical Aspects of Fitness to Drive.

- g) The licence for a ‘restricted private hire driver’s licence’ will be issued for a maximum period of 12 months.
2. Legal proceedings will be taken against any driver with a restricted licence found driving any licensed vehicle for public hire or hire and reward within the Borough of Basildon.

PART 3

HACKNEY CARRIAGE / PRIVATE HIRE DRIVER'S LICENCE

CONDITIONS OF LICENCE

INTRODUCTION

These conditions of licence are made pursuant to Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 and Section 46 of the Town and Police Clauses Act 1847. In order that a reliable hackney carriage/private hire service of an acceptable standard is provided under a Basildon Borough Council licence, the following conditions will apply:

To ensure that licensed drivers are reliable and of a good standard, a person being considered for a drivers licence shall satisfy all aspects of the Council's suitability criteria (Part 1) before obtaining a licence.

CONDITIONS OF LICENCE

1. DRIVER LICENCE

- 1.1 A combined hackney carriage/private hire drivers licence is valid for a maximum of three years (depending on the type of application that is submitted).
- 1.2 Where a licence holder also holds a drivers licence issued by another licensing authority and the licence is subsequently refused or revoked, the licence holder is under a duty to advise Basildon Council's Licensing Service of the refusal or revocation of the licence.
- 1.3 The licensee must not at any time lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator/Proprietor.
- 1.3 A person shall not drive a private hire vehicle or hackney carriage for hire and reward without holding a valid hackney carriage/private hire drivers licence. The holder shall also deposit a copy of that paper licence for examination by his proprietor, both at the commencement of their employment and immediately after any renewal of the licence.
- 1.4 The driver of a private hire vehicle shall produce the licence for inspection on request by an authorised officer of the Council or any Police Officer.

- 1.5 No licensed driver shall act as a hackney carriage/private hire driver without the consent of the licensed proprietor of the vehicle.
- 1.6 The licence holder shall notify the Licensing Authority of a change of his/her home address within seven days.

2. DRIVER BADGE

- 2.1 The driver must at all times, when driving a licensed vehicle for hire or reward/public hire, wear the driver's badge issued by the Council on a prominent visible place on the outer clothing.
- 2.2 The driver's badge remains the property of the Council. Upon expiry of the licence and badge (whether application to renew has been made or not) the badge must be returned to the Council within 7 days of expiry or other such time as the Council may specify.
- 2.3 The badge must be returned to the Council immediately the licence is suspended, revoked or becomes invalid for any reason (e.g. expiry).
- 2.4 The licence holder must notify the Council immediately if they have lost their badge or the badge has been stolen.
- 2.5 No person shall damage, deface, mutilate or obscure a driver's badge or any part of it.
- 2.6 Where a licence holder's immigration status changes, for example their permission to be in the UK has been curtailed, they have been served a deportation order or they have been convicted of an immigration offence, the licence holder is required to return the licence to Basildon Borough Council's Licensing Office within 7 days. NOTE: A licence holder who fails, without reasonable excuse, to return the licence and ID badge to Basildon Borough Council, commits an offence.

3. CONDUCT OF DRIVER

- 3.1 The driver must dress in accordance with the Basildon Council's Licensed Driver Dress code (**Appendix F**)
- 3.2 The driver must comply with the Basildon Council Code of Conduct in relation to working with vulnerable passengers. (**Appendix E**)
- 3.3 The driver shall behave in a civil and orderly manner at all times when carrying out their duties, and not act in a manner to a passenger, members of the public or other licence holder that may:

- Cause any person to take offence at their actions;
 - Cause any person to believe their actions are inappropriate;
 - Cause any person to fear for their physical safety;
 - Cause any person to doubt their integrity;
 - Bring into disrepute the integrity of the Council for having issued a licence to such person
- 3.4 The driver must afford all reasonable assistance with passenger luggage as may be required. At the conclusion of the journey the driver must similarly offer all reasonable assistance to passengers leaving the vehicle and assist them with luggage or any disability aids or wheelchair.
- 3.5 Convey a reasonable amount of luggage including wheelchairs and children's pushchairs, provided they can be carried in a safe manner.
- 3.6 Particular care must be taken with unaccompanied children and vulnerable adults. Drivers must remain alert to safeguarding matters related to children and vulnerable adults. Drivers should ensure that children and vulnerable adults leave the vehicle directly onto the kerb and immediately outside their destination (if it is safe and legal to do so).
- 3.7 The driver must take all reasonable steps to ensure the safety of passengers entering or conveyed in or alighting from the vehicle, especially those passengers with a disability.
- 3.8 The driver must not smoke tobacco or like substance in the vehicle at any time as provided by the Health Act 2006. This also includes a ban on electronic inhaler type cigarettes and 'vaping'.
- 3.9 The driver must not, without the express consent of the hirer, drink or eat in the vehicle (water may be drunk) or play any radio or sound reproducing instrument.
- 3.10 Not at any time, use a handheld mobile phone or any other handheld mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data, when driving under hire.
- 3.11 Not drive a vehicle while having use of illegal drugs or having misused legal drugs (including alcohol).
- 3.12 Not drive whilst affected by the appropriate use of legal drugs.

- 3.13 The driver of a licensed vehicle must ensure that none of the markings/signs/notices that are required to be displayed on the vehicles becomes concealed from public view or be so damaged or defaced that any figure or material particular is rendered illegible.
- 3.14 The driver of a private hire vehicle must if he/she is aware that the vehicle has been hired to be in attendance at an appointed time and place or he/she has otherwise been instructed by the operator or proprietor of the vehicle to be in attendance at an appointed time and place punctually attend at the appointed time and place unless delayed or prevented by sufficient cause.
- 3.15 When picking up the hirer, make his presence known in person or by use of any electronic means and shall not attract the hirer's attention by sounding their horn, shouting or making any other disturbing noise.
- 3.16 Where there is reasonable cause to believe that there is a need to assess a licence holder's English language literacy and numeracy skills because of a substantiated complaint(s) or an expressed concern from an identified person, an authorised officer may require, in writing, a licensed driver to undertake such testing at his/her own expense. A reasonable time scale up to 3 months will be set for the test to be successfully undertaken. If unsuccessful, or there is a failure to attend, the licence of the driver may be suspended and consideration given to its revocation.
- 3.17 During the lifetime of a driver's licence, an authorised officer of the Council may require a licence holder to undertake reasonable and appropriate training to meet these expectations and requirements. Such a requirement would be in writing. A reasonable timescale of up to 3 months will be set for the training to be successfully undertaken at a place designated by the Council. If there is a refusal or failure to attend, or the licensed driver does not meaningfully participate in the training or attain the training accreditation the licence may be suspended and consideration given to its revocation. The cost of such training will be borne by the licence holder.
- 3.18 Drivers must undertake an inspection of any vehicle that they are driving whilst working as a private hire/hackney carriage driver. This inspection must be undertaken at least daily and before the first carriage of fare paying passengers in the vehicle whilst it is being driven by the licence holder. The checks to be carried out by the driver must include all vehicle maintenance items listed in the annex to the Highway Code entitled 'vehicle maintenance, safety and security'. In addition, a check must be made to ensure that all signage and notices that are required by Basildon Borough Council licensing conditions are permanently affixed to the vehicle. A record must be made by the driver to confirm that the checks

have been undertaken, this record must be available for inspection by any authorised officer of the Council.

- 3.19 Not at any time drive a vehicle if he or she no longer holds, has had suspended or been disqualified from holding a DVLA driving licence for that type of vehicle.
- 3.20 Not, whilst driving or in charge of a Private Hire Vehicle, permit the vehicle to be parked or ply for hire on a taxi rank.
- 3.21 Not, by calling out or otherwise, tout or solicit persons to hire the vehicle and shall not make use of the services of any other person for that purpose.
- 3.22 Not tamper with or permit any person to tamper with the taximeter in the vehicle. The meter must be sealed at all times, unless there is a need to remove the seal for repair. However, should this be the case, it must be reported to the Licensing Service and the vehicle presented to have the meter resealed as soon as possible.

If the meter has to be adjusted or repaired the driver must inform the Licensing Service as soon as reasonably practicable. Where the meter has been adjusted by a meter agent that is not authorised by the Council's meter agent scheme, the vehicle must be presented for inspection by the Council as soon as possible after such repair or adjustment. If the meter has to be adjusted or repaired when there is no officer of the Council available to inspect it (e.g. over the weekend or Bank Holiday periods) then the driver must inform the Licensing Service as soon as reasonably practical for inspection by the Council. Where the meter has been repaired or adjusted by an authorised meter agent, the certificate issued by the meter agent must be presented to the Council as soon as possible after such repair or adjustment).

- 3.23 When hired to drive to any particular destination shall, subject to any direction given by the hirer, proceed to that destination by the shortest route and not, without any reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.

4. Physical, Mental Fitness and Medical Evidence

- 4.1 Up to the age of 65 years, drivers shall undergo a medical examination to DVLA Group 2 standard as to their fitness to drive, every five (5) years, or any lesser period that the examining doctor may decide and submit a certificate of examination to the Council.

- 4.2 Those drivers suffering from known and notified medical disorders and those over 65 years of age, will be required to undergo a medical examination to Group 2 standards annually or any lesser period that the examining doctor may decide and submit a certificate of examination to the Council.
- 4.3 Drivers over the age of 70 years are required to undergo an eyesight test annually in addition to the eyesight test conducted at the medical and submit a copy of the result to the Council.
- 4.4 Licensing Officers may make a medical referral to such place as the Council may direct, specifically where a driver suffers from a serious medical condition during the period between their last Group 2 medical assessment and the next medical assessment. This is to affirm that they continue to meet the criteria laid down in the 'Medical Aspects of Fitness to Drive' (Group 2 Standard).
- 4.5 A driver, who has a proven medical condition that prevents him/her from assisting passengers in wheelchairs or carrying any Guide or Assistance dog, must submit a letter to the Senior Licensing Officer requesting an exemption together with a medical letter from their own GP. Any Medical Exemption Certificate must be displayed clearly at all times when driving the vehicle.
- 4.6 The licence holder must notify the Council, in writing without undue delay of any change in medical condition.

(NOTE: To all of the above, all medical examinations will be at the expense of the individual driver at such independent clinic or hospital as the Council may direct.)

5 Enhanced DBS requirements

- 5.1 During the life of a licence, where considered appropriate, Basildon Borough Council may require the licence holder to undertake a further enhanced DBS check and provide the certificate for that check to the licensing office.

6 Dress Code of Licensed Drivers

- 6.1 The driver shall, at all times, be clean and respectable in person and appearance. (NOTE: Basildon Borough Council has a policy in relation to dress code which can be found at **Appendix F**)

7 Passengers

- 7.1 The driver shall not convey or permit to convey in the vehicle a greater number of persons than that prescribed on the licence plate of the vehicle. In addition the driver must ensure that seat belt legislation is complied with in respect of all persons conveyed in the vehicle.
- 7.2 No other person shall be carried in the vehicle when hired, without the expressed consent of the person hiring the vehicle.
- 7.3 The driver shall, if requested by the hirer of a vehicle, provide him/her with a written receipt for the fare or payment paid.
- 7.4 The Equality Act 2010 places a statutory duty on a driver of a “designated taxi” or a “designated private hire vehicle”, who is not in possession of an exemption certificate issued under S166, to carry wheelchair-bound passengers and to provide mobility assistance.

The duties imposed are as follows:

- a) General duties (which take effect on 6 April 2017):
- carry the passenger while in the wheelchair;
 - not to make any additional charge for doing so;
 - if the passenger chooses to sit in a passenger seat to carry the wheelchair;
 - to take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and
 - to give the passenger such mobility assistance as is reasonably required.
- b) Mobility Assistance is assistance:
- a) to enable the passenger to get into or out of the vehicle;
 - b) if the passenger wishes to remain in the wheelchair, to enable the passenger to get into and out of the vehicle while in the wheelchair;
 - c) to load the passenger’s luggage into or out of the vehicle; and
 - d) if the passenger does not wish to remain in the wheelchair, to load the wheelchair into or out of the vehicle.
- c) The above duties only apply when the vehicle has been hired-
- I. by or for a disabled person who is in a wheelchair, or
 - II. by another person who wishes to be accompanied by a disabled person who is in a wheelchair.

7.5 Duty to carry guide dogs and assistance dogs

The driver must not fail or refuse to carry out a booking by or on behalf of a person with disabilities who is accompanied by an 'assistance dog' unless the driver has a Medical Exemption granted by the Licensing Authority and is displaying the Exemption Certificate in the approved manner or in the vehicle.

Any animal belonging to or in custody of any passenger should remain with that passenger and be conveyed in the front or rear of the vehicle. (Note: Guide and assistance dogs can normally be identified by the colour of their coat and harness)

Drivers are advised to have a blanket/towel which is kept in the boot of the licensed vehicle to be used where he/she may have concerns about excess dog hair being left in the vehicle.

8. Lost Property

8.1 The driver of a licensed vehicle shall:

- a) Immediately after termination of the hiring, inspect the vehicle for any property that may have been left in the vehicle.
- b) On finding any property left in the vehicle, the driver shall carry it as soon as possible and in any case within 72 hours, to the Environmental Health Service, Basildon Centre, St. Martin's Square, Basildon.

9. Animals (General)

9.1 Except for those animals identified in paragraph 7 above, the driver should offer all reasonable assistance in the carriage of animals, unless there is a medical reason for not doing so which is covered by a specific exemption provided by Basildon Borough Council or any other reasonable excuse (i.e. the animal is likely to soil the vehicle rendering it unsuitable for the further carriage of passengers).

10. Use of Unlicensed Drivers

10.1 The use of an unlicensed driver is strictly forbidden. If a driver wishes to be employed in such a capacity, then he/she must deposit with the proprietor a copy of his/her licence, which authorises him/her to drive.

10.2 The proprietor will retain that copy until such times as the driver ceases to be permitted or employed to drive the licensed vehicle. It is the responsibility of the driver to notify the proprietor of the vehicle if he/she ceases to be permitted to drive.

11. Convictions, Cautions, Penalty Points

11.1 A driver MUST disclose to the Council all cautions, convictions, charges, driving offences, disqualifications or fixed penalty notices (FPN's) occurring since the submission of their application for a licence.

11.2 In the event that the licence holder is arrested, the licence holder shall report the fact in writing to the Council's Licensing Service immediately or within 72 hours.

11.3 In the event that the licence holder is charged or summonsed for any alleged criminal offence, then within seven days of being charged or of receipt of the summons, he/she shall report the fact in writing to the Council's Licensing Service giving the particulars of each alleged offence and in which court the proceedings are pending.

11.4 In the event that the licence holder is cautioned for, or convicted of, any criminal offence, he/she shall report the fact in writing or by email to the Council's Licensing Service giving details of any penalty imposed within 7 days.

11.5 Following conviction or the issue of a fixed penalty notice which results in penalty points being endorsed on the licence holder's DVLA licence, that DVLA licence must be produced to the Council's Licensing Service within seven days of its return from the DVLA, court or fixed penalty office following the endorsement of the offence.

11.6 Proceedings resulting in no further action being taken, the licence holder must notify the Licensing Authority within 7 days of the outcome.

11.7 In the event of a conviction before a court resulting in disqualification from driving, a licensed driver shall immediately inform the Council's Licensing Service and surrender their driver's badge.

11.8 What should be reported?

- Any conviction (criminal or driving matter);
- Any caution (issued by the police or any other agency);
- Issue of any Magistrates Court summonses against you;
- Issue of any fixed penalty notice for any matter;

- Any harassment order, or other form of warning or order within the criminal law including anti-social behaviour orders or similar;
- Arrest for any offence (whether or not charged);
- Any acquittal following a criminal case heard by a court.

11.9 Fixed Penalty Notices

The driver must notify the Council in writing of any fixed penalty notice within 7 days of the receipt of such notice.

This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the council if they opt to attend a speed awareness course rather than have their licence endorsed.

11.10 Arrest for any offence

Whether charged or not the driver must notify the Council within 72 hours or within 72 hours of their de-arrest for an alleged offence(s).

12. **Customer and other personal information**

12.1 Driver must ensure that any personal information obtained during the course of their business is stored securely, and only retained for as long as is absolutely necessary. Access to this information must be restricted to those that will use it for the purposes for which it has been collected.

12.2 Personal information must not be used for any other purpose other than that for which it was collected without the express permission of the individual to which the information relates.

For example, telephone numbers provided by customers so that they can be alerted/updated by SMS text message with regard to a booking they have made must only be used for this purpose. The information must not be retained by the driver after the text message has been sent, and/or used for any other purpose (such as unsolicited marketing calls).

13. **Surrender of Drivers Licence**

13.1 If circumstances are such that a licensed driver does not intend to work as a hackney carriage/private hire driver in Basildon for a period exceeding 4 months, they must surrender their licence to the Council. The licence must be surrendered as soon as it becomes clear that the holder will not be working for a period exceeding this time.

- 13.2 Once the council is in receipt of the licence, the licence will be suspended until such time as the holder is in a position to commence work again. The council reserves the right to undertake any checks in relation to the licence holder that may be required to ensure that the driver remains a fit and proper person to hold a licence. Such checks may include a medical examination, DBS disclosure and checks with other agencies.

Examples of circumstances that may require the surrender of the licence include:

- The licence holder intends to spend an extended period of time outside of the UK
- The licence holder is ill or unable to work for some other reason

This is not an exhaustive list.

14. Duty to cooperate on regulatory matters

- 14.1 Licensed drivers must co-operate with authorised officers of the council in all matters relating to the regulation of the licensed vehicle trade.
- 14.2 However nothing in this condition affects the licence holder's statutory protection afforded by other legislation.

15. Display of Vehicle Plate

- 1.1 The driver shall ensure that the vehicle plate is displayed in the correct position and is clear and legible at all times.

16. Fares and Fare cards

- 16.1 The driver of a licensed vehicle shall:-
- a) At the commencement of a hired journey, where a meter is fitted, ensure that the meter is set to indicate that the vehicle is hired until the termination of the hiring.
 - b) Cause the meter to be properly illuminated throughout any part of the hiring during the hours of darkness and at any other time when requested to do so by the hirer of the vehicle.
 - c) Not cause the fare recorded thereon to be cancelled or concealed until the hirer has had reasonable opportunity of examining it and has paid the fare.

- d) Be entitled to demand and take for the hire the displayed rate of fare approved by Basildon Borough Council, or, by negotiation, a lesser fare. The driver must not charge a fee higher than that calculated by the rate of fares set by the Council at the termination of the journey.
- e) When driving a Hackney Carriage, ensure that a table of fares is displayed in a clearly visible position in the vehicle, and provide an explanation of the table of fare if so requested by the passenger.
- f) When driving a Private Hire Vehicle, equipped with a taximeter, ensure that a Table of Fares as issued by the Private Hire Operator/Proprietor is kept within the vehicle and made available to any passenger or Authorised Officer who so requests.
- g) The driver must not demand from any hirer of a private hire vehicle a fare in excess of any previously agreed for that hiring between the hirer and the operator or if the vehicle is fitted with a taximeter and there has been no previous agreement as to the fare the fare shown on the face of the taximeter.

17. Certificate of Motor Insurance

- 17.1 The driver will be responsible for ensuring that any vehicle driven by them is insured as a licensed vehicle and that he/she is personally covered to drive such vehicle. The conditions relating to insurance of motor vehicles are contained in part 6 of the Road Traffic Act, 1988.

18. Condition of Vehicle

- 18.1 The driver will be responsible for ensuring that any vehicle driven by them is in a roadworthy condition and complies with any legislation in place at that time and complies with the Basildon Borough Council's conditions of licence pertaining to that vehicle.

19. Suspension

- 19.1 A licensed driver who is convicted (including cautions and warnings) for any offence may be subject to his/her licence being suspended or revoked with immediate effect.

20. Appeals

- 20.1 An appeal may be brought to a Magistrates Court against any licensing condition within 21 days from the date on which the licence is granted.

RESTRICTED PRIVATE HIRE DRIVERS LICENCE

CONDITIONS OF LICENCE

1. A 'Restricted' Private Hire Drivers Licence will ONLY be issued to a driver for the purposes of collecting and returning vehicles for testing, servicing or repairing and that driver is not permitted to carry passengers.

The holder of a 'Restricted Private Hire Drivers Licence' shall:

- a) Provide evidence that they are employed by a garage or, if they are self-employed that they trade as a garage for the purposes of testing, servicing or repairing vehicles, when requested to do so by an Authorised Officer of the Local Authority or Police Constable.
- b) Not, at any time, lend his or her badge or licence to any other person.
- c) Wear on his or her person, the badge issued by the Council for that purpose and if requested produce it on demand to the Authorised Officer or Police Constable.
- d) Report the loss of the licence and/or badge to the Council as soon as loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement.
- e) Not drive a private hire vehicle for Hire and Reward.
- f) If the vehicle is being used by the holder of a restricted private hire driver's licence, the vehicle is the responsibility of the licence holder to ensure that the correct level of insurance cover is provided under third party liability and a copy of that insurance document must be provided with the application.

1. APPLICATION PROCEDURE

- 1.1 Applications should be made on the appropriate form(s) and should include the following:
- a. DVLA photocard driving licence (or paper licence if the photocard licence is not held by the applicant);
 - b. Documents required as part of the DBS check (including 5 years continuous address history);
 - c. Proof that the applicant is legally permitted to work in the UK and/or the supporting documents;
 - d. The correct fee;
 - e. Any other documents that an officer may ask you for to help progress your application.
- 1.2 Once an application form and the relevant supporting documentation has been submitted, Officers will start to process the information.
- 1.3 All applicants will have their details checked against the National Register of Hackney Carriage /Private Hire Drivers Licence Refusals or Revocations and any relevant information taken into account in assessing the applications. Where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register.
- 1.4 During the processing of the application form, applicants are advised to study for the various assessments that they will be required to complete prior to the licence being issued (i.e. the knowledge test/driving assessment).
- 1.3 Upon successful completion of the various assessments and the presentation of a DBS that confirms the applicant's suitability to hold a licence, officers will determine the application, by delegated authority, and grant a licence for the maximum period of 3 years.
- 1.4 Where there is a discrepancy in the information provided by the applicant (i.e. an undeclared conviction or spent conviction that comes to light as a result of the DBS check), Officers do not have the delegated authority to grant a licence, therefore the matter would have to be considered by local Councillors at a meeting of the Miscellaneous Licensing Sub-Committee. (Please see "What happens at a Sub Committee" below).

- 1.5 In certain cases, the application may need to be referred to the Council's Miscellaneous Licensing Sub-Committee (MLSC). In these cases the MLSC may make a decision on what length of licence to grant, or to refuse to grant a licence. This is usually if you have any conviction or police caution, reprimand or warning on your DBS record, but may also be for other reasons.
- 1.6 Once a licence expires, the applicant will be required to complete the application as if it were for a grant of a licence (i.e. the whole process must be undertaken from the start, regardless of how many years the applicant has held a licence previously).
- 1.7 If a licence is not renewed prior to its expiry (or if a renewal application is received, but the application is not determined prior to the expiry of the licence) then that person will no longer be able to lawfully operate as a licensed driver.

2. WHAT HAPPENS AT A SUB-COMMITTEE

- 2.1 The Miscellaneous Licensing Sub-Committee consists of Borough Councillors who will determine your application based on the criteria of whether you are a 'fit and proper' person to hold a licence. Any medical matters or convictions can be referred to the sub-committee. You will be notified of the date of this meeting, and you may be accompanied. You will receive a letter explaining the decision of the Sub-Committee and how to appeal against a decision, if you are dissatisfied with the decision, or any conditions imposed on your licence.

DBS APPLICATION PROCEDURE

As part of the application process, the Council will undertake a check of your criminal record. A failure to declare a conviction, caution or pending police action on your application form will be taken into account and may have a significant impact on how your application will be determined, or whether the licence will continue.

The hackney carriage/private hire application pack includes a Disclosure & Barring Service (DBS) Application form (this is a white and pink form). It will also include a DBS “Applicants Guide” booklet. The booklet will help you fill in the DBS application form and to provide the correct documents for identification. The DBS also have a “code of practice” a copy of this document is available on the DBS website <https://www.gov.uk/government/organisations/disclosure-and-barring-service>

Complete the DBS application form accurately and in BLACK pen. If you fill it in in another colour the Licensing Service, acting on behalf of the DBS will have to reject it and will pass it back and ask for a new form to be completed. Any missing information or errors on your form will mean the DBS will reject the form and you will have to do another one and pay the fee again.

You should bring this form back to the Licensing Office with the correct fee and all the documents required to prove your identity. You must bring this form back in person. If you post it, the form cannot be accepted. **DO NOT POST THIS FORM DIRECTLY TO THE DBS.**

Where information is contained on documents or required on forms e.g. last name, first name, address(s) then this information must be identical on all the forms and all the documents that you supply. (So your surname, first & second name(s) must be the same on your hackney carriage/private hire driver licence application and your DBS application, passport and DVLA driving licence).

You will have to complete the DBS application when you make your first application for a hackney carriage/private hire driver’s licence and then every three years.

If your licence lapses you will have to start the whole application process again which will mean doing another DBS record check.

Once the Council has receive your DBS application form, and verified the documentation that you have provided, it will submit the form to the DBS for processing. You are able to track your application online via the DBS website (address above).

Once the DBS have completed all relevant checks, they will send you your Enhanced Disclosure Certificate in the post. The Council will not be provided with a copy of the certificate by the DBS.

Once you have received your certificate from the DBS you must provide it to the Council so that it can be reviewed and considered as part of the application process. The Council will use the information contained within your Disclosure Certificate (along with other information) to assess whether you are a fit and proper person to hold a driver licence, it will do this with reference to the council's policy relating to the relevance of conviction and cautions etc.

Your application will not progress until the council has received the Enhanced Disclosure Certificate for you.

Once you have provided a copy of the Enhanced Disclosure Certificate to the Licensing Service, you must register your certificate with the DBS online update service. You will need to have your Enhanced Disclosure Certificate Number in order to do this.

POLICY IN RELATION TO APPLICANTS THAT HAVE SPENT TIME OUTSIDE OF THE UK

**Basildon Borough Council Environmental Health Services
Licensing of Drivers of Hackney Carriages and Private Hire Vehicles**

Policy guidelines on establishing the suitability of applicants who have spent time outside of the UK

1. Background

- 1.1 Licensing laws require the local authority to determine whether an applicant for a licence is a 'fit and proper' person to hold a licence. As part of this process, it is standard procedure to request an 'enhanced' disclosure from the ***Disclosure and Barring Service (DBS)***. The Council will then decide whether any information contained in the disclosure means that the applicant should not be granted a licence.
- 1.2 Basildon Council will consider the history of residence rather than an applicant's origin since the DBS is unable to provide criminal record information for non-UK countries. Where an applicant has been absent from the UK for a continuous period of more than 6 months, a DBS check alone would not be sufficient evidence of the person's entire past record. It is therefore possible for a licence applicant to have a '*clean*' UK criminal record but have committed a serious criminal offence outside of the UK, of which the DBS is unaware.
- 1.3 These guidelines relate only to the procedure for ensuring that the applicant is suitable for licensing in terms of their past convictions and eligibility to work in the UK. Applicants should also refer to other criteria adopted by the Council for establishing an individual's overall suitability for licensing.
- 1.4 The Immigration Act 2016 has amended existing licensing regimes in the UK to seek to prevent illegal working in the hackney carriage and private hire sector. With effect from 1 December 2016, the provisions of the Immigration Act 2016 mandates all licensing authorities not to issue licences to illegal immigrants and to discharge their duty through immigration checks.

2. Policy Guidelines

- 2.1 All applicants (including those renewing a licence) must complete a questionnaire as part of the application process. This will state what periods of time, if any, the applicant has spent resident outside of the UK since the age of 10.
PLEASE NOTE: Under s57 of the Local Government (Miscellaneous Provisions) Act 1976 it is an offence to knowingly or recklessly make a false statement or to omit information required by the Council.
- 2.2 Applicants who have continuously stayed in any other country for 6 months or more will be required to provide a Certificate of Good Conduct (or similar documentary evidence) from each country in which they have resided. For these purposes, a Certificate of Good Conduct means an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority in the relevant country testifying to good conduct or to any criminal convictions recorded against the individual. The applicant must meet any cost incurred in obtaining the document(s).
- 2.3 An Environmental Health Manager may also decide to approach directly the relevant Embassy, appropriate official body or government agency to verify the authenticity of the submitted documents. The applicant will be advised of any costs to be incurred and the applicant would have to meet these costs.
- 2.4 Where necessary, documents must be translated into English or another language by a translator approved by Basildon Borough Council Environmental Health Services. The applicant must meet the cost of obtaining an appropriate translation.
- 2.5 Notwithstanding the above requirements, all applicants will be required to obtain an *enhanced* DBS check to cover the periods of time they have been resident in the UK.
- 2.6 All licence applicants are required to provide evidence that they are lawfully permitted to be present in the United Kingdom and that they are lawfully permitted to work in the United Kingdom without conditions that prohibit them from holding such a licence. Where a person's immigration permission to be in the UK is time-limited to a period less than the statutory length for a driver or operator's licence, the licence will only be issued for a duration that does not exceed the applicant's period to be in the UK. In the event that the Home Office curtails or revokes a person's permission to remain in the UK, any licence that person holds will automatically lapse.

- 2.7 Obtaining a licence does not verify that the holder has an unqualified right to work in this country.

3. Applicants unable to comply

- 3.1 It is possible that some applicants, such as refugees who are seeking or who have been granted asylum, may not be able to provide the documentation described above. As a result, such individuals may have their applications referred to a committee of the Council for determination. However, in all cases the licensing authority must be satisfied that the candidate is a fit and proper person before granting a driver's licence.
- 3.2 The absence of a Certificate of Good Conduct or equivalent document will not prevent an application being considered but the failure to provide such information without good reasons will be taken into account when making the decision.
- 3.3 Where an applicant is unable to produce a Certificate of Good Conduct or equivalent document, it is recommended that he or she should produce references and any other appropriate documents from reputable individuals or bodies who can vouch for his or her conduct abroad (including reference to the absence or otherwise of any criminal offences committed in that country).
- 3.4 The absence of original documentation that proves the applicant's right to remain and work in the UK will result in the application being refused.
- 3.5 Incomplete applications will not be accepted and will be returned to the applicant.

4. Appeals

- 4.1 Any person aggrieved by a decision by the Council to refuse the grant of a licence may appeal to a magistrates' court within 21 days of receiving written notification of the decision.
- 4.2 Further details of how to appeal would be given at the time of refusal.

KNOWLEDGE TEST PROCEDURES

1. INVIGILATION

- 1.1 An invigilator will monitor your behaviour during the test, and ensure that the test is conducted in accordance with test rules.
- 1.2 If, in the opinion of the invigilator, the test has not been conducted in accordance with the test rules, all test results are void.
- 1.3 If you have any questions before or during the test, you may ask the invigilator. However, the invigilator will not explain subject-specific terms or expressions or otherwise say or do anything that could be interpreted as giving applicants an advantage.

2. First Language

- 2.1 All questions and answers will be provided in English only.
- 2.2 No translation or interpretation of questions/answers, or other such matters associated with the test shall be permitted and/or accepted.

3. Equipment, materials and other items

- 3.1 You must not use or have in your possession any of the following equipment/materials whilst taking your test.
 - a) Mobile phone
 - b) Calculator
 - c) Pager
 - d) Laptop/pc
 - e) Other communications equipment
 - f) Other (multi) media equipment
 - g) Paperwork/documentation
 - h) Any books, magazines or similar
 - i) Any other equipment/materials that may help with the test.
- 3.2 If you are in possession of any of the above items at the time of taking your test, you must ensure that these are handed to the invigilator for supervision before taking the test. Possession and/or use of any such equipment/materials will result in automatic disqualification and all results will be void.

- 3.3 Except the invigilator, you are not permitted to take anyone else to sit with you whilst taking your test. Contact and/or discussion with anyone else during the test will result in automatic disqualifications and all results will be void.

4. Cheating

- 4.1 A serious view will be taken of any action(s) that may be interpreted as cheating during a test. Hackney carriage/private hire drivers are expected to be persons of trust. Therefore, in all cases of proven or otherwise suspected cheating, all test results will be void. Suspected cheating may also be taken into consideration in determination of an applicant's propriety.

5. Safety and Welfare

- 5.1 If the fire alarm goes off during a test, you should evacuate the building with the invigilator. You must remain with the invigilator at all times until the disruption is over. Where appropriate, you may need to make an appointment to retake the test at a future point.
- 5.2 Should you need to leave the test room during the test (e.g. to use the toilet), you must ask the invigilator. The invigilator may accompany the applicant to ensure that the test is conducted in accordance with test rules.
- 5.3 If you feel unwell and/or too ill to continue the test, please tell the invigilator. Where appropriate, you may need to make an appointment to retake the test at a future point.

6. Points of dispute

- 6.1 If you feel aggrieved by the results of your test or believe that the results of your test are incorrect, you should direct your concerns or enquiries (in writing) to the Senior Licensing Officer, Basildon Council, St. Martins Square, Basildon, Essex SS14 1DL or email licensing@basildon.gov.uk

CODE OF CONDUCT WHEN WORKING WITH VULNERABLE PASSENGERS

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example. In addition, an individual should be considered vulnerable if they do fall within the description above, but their condition is such as to render them more susceptible to harm than may otherwise be the case (for example as a result of being under the influence of alcohol or drugs).

This code of conduct aims to promote good safeguarding practice for drivers and staff working with vulnerable passenger in the taxi or private hire trade. The following safeguarding principles should be embedded into driver working practices:

- Drivers must carry photo ID at all times, and wear it in accordance with the conditions of licence.
- A vulnerable passenger must not be transported in the front passenger seat of the vehicle.
- The driver/operator must confirm that appropriate provision has been made for the vulnerable person to arrive safely at point of delivery, prior to accepting the booking or commencing the journey. This does not necessarily mean that the driver/operator is responsible for the provision of appropriate measures, however if appropriate measures are not in place then the driver/operator must not undertake the journey.
- When making a journey with vulnerable passengers, photo-identification should be produced to the carer responsible for the vulnerable person. If necessary, the driver should obtain a record of the carer's contact details if there is no chaperone.
- If a vulnerable passenger is refused service a responsible person should be informed so that alternative arrangements can be made. For example, this situation may arise if the customer has an assistance dog and the driver has a medical exemption granted by the Council.
- Drivers should always ask if a vulnerable passenger needs help, and should not make assumptions.
- A log should be maintained by drivers when a service has been provided to a vulnerable passenger including the details of any incidents occurring/actions taken or refusals of service.

- Drivers and operators must remain alert to issues around the safeguarding of children and vulnerable adults. If a driver/operator is concerned about the safety, welfare or behaviour of a vulnerable person, they should report this to the police by telephoning 101 (or in appropriate cases by call 999). Drivers and operators can also make referrals to the Safeguarding Team at Basildon Council.
- If a driver/operator is concerned about someone else's conduct, they should report their concerns to the Council's Licensing Department (01268 206925) or Crimestoppers (0800 555111).
- Drivers must remain professional at all times and should not:
 - Touch a person inappropriately;
 - Make offensive or inappropriate comments (such as the use of swearing or sexualised or discriminatory language);
 - Behave in a way that may make a passenger feel intimidated or threatened;
 - Attempt to misuse personal details obtained via the business about a person.

Drivers Dress Code:

General Conditions

All drivers are required to dress smartly and to maintain a clean and tidy appearance at all times.

Clothing should not be dirty, ripped, snagged or holed or contain words or graphics that are offensive or suggestive.

The following is a guide as to what the Council considers “smart dress”

Items of clothing allowed:

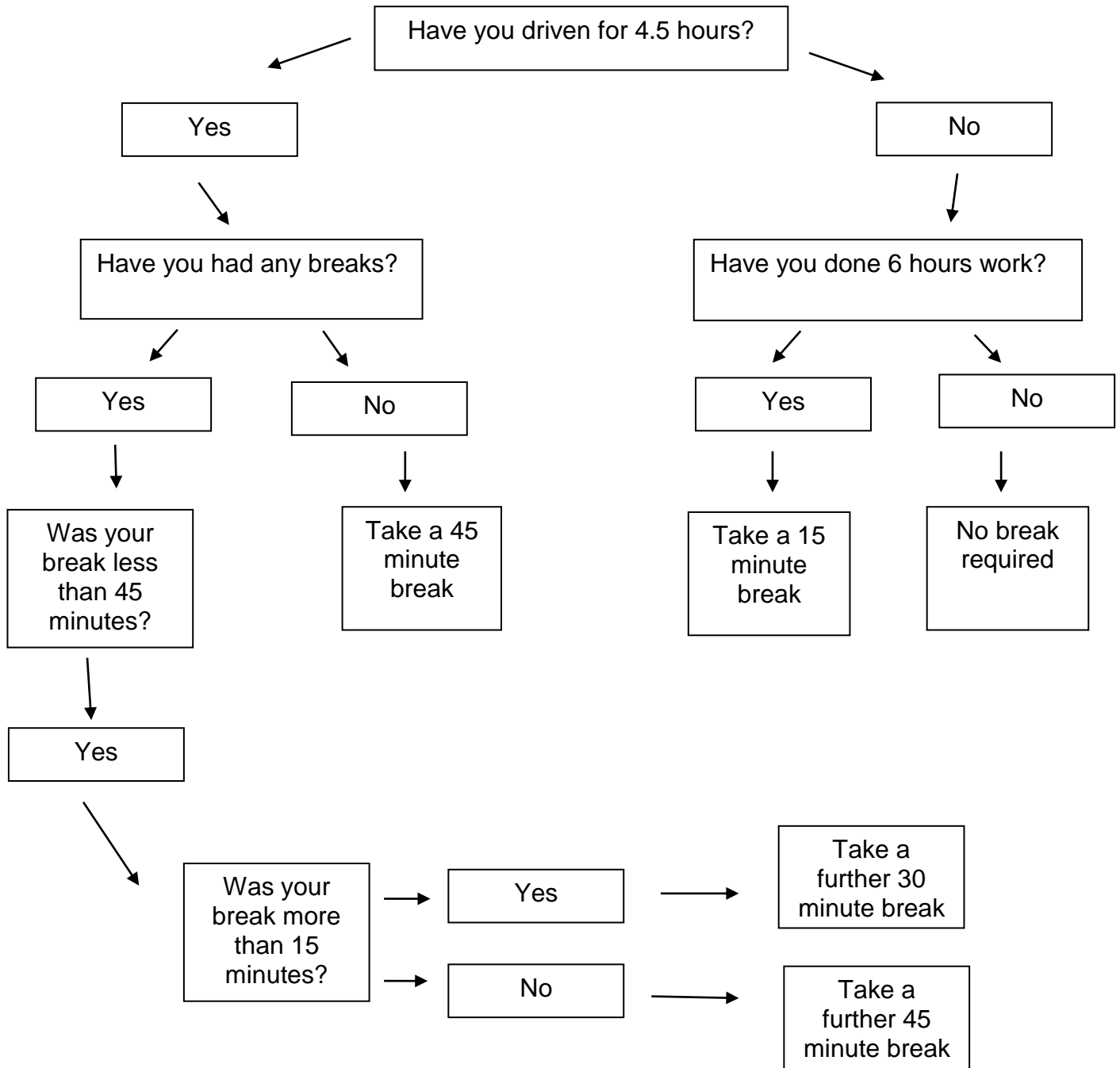
- Shirt or suitable blouse or other top;
- Polo shirts;
- Sensible trousers i.e. tailored knee length shorts, chinos, quarter length trousers;
- Knee length skirt or dress;
- Shorts may be worn only if properly tailored and of sufficient length when the driver is seated as not to offend against decency;
- Shoes, footwear should fit around the heel of the foot;
- Cultural dress is also acceptable providing it meets similar standards of decency and smartness

Items of clothing not allowed:

- Vest or singlet;
- Sports shirts, like football, rugby or cricket tops and or shorts;
- Track Suit or jogging bottoms;
- Ripped Jeans;
- Short skirt or dress;
- Bare midriff and similar clothes;
- Baseball caps
- Flip-flops and other beach-type footwear.

Appendix G

Guidance Notes on Driver Working Hours – Do I need a break?



REMEMBER TIREDNESS KILLS – TAKE A BREAK