

## **Driver's Licence - Pre-Licensing Conditions**

1.0 In order that licensed drivers are reliable and of a satisfactory standard, a person being considered for a driver's licence shall:

- 1.1 - have attained the age of 21 years;
- 1.2 - have held a full DVLA licence granted under the Road Traffic Acts to drive a motor car with a manual gear box, for not less than THREE years. (See Note 5);
- 1.3 - not have been disqualified from driving at any time within the immediately preceding TWO year period; A driver who has obtained a pass certificate from the Driving Standards Agency in respect of the Taxi/Private Hire Test Assessment is considered to be of a satisfactory standard regardless of the period which has been elapsed since disqualification;
- 1.4 - not have accumulated more than EIGHT penalty points endorsed upon his driving licence within the immediately preceding TWO year period;
- 1.5 - not have been cautioned for or convicted of a criminal offence involving the threat and/or use of violence and/or any offence of a sexual nature, unless that conviction is deemed spent by virtue of the Rehabilitation of Offenders Act 1974;
- 1.6 - not have been cautioned for or convicted of a criminal offence involving the element of dishonesty within the immediately preceding THREE year period, unless that conviction is deemed spent by /virtue of the Rehabilitation of Offenders Act 1974;

### **2.0 The applicant shall produce:**

- 2.1 - his current valid DVLA driving licence on which is shown the applicant's home address;
- 2.2 - in the case of first application under these conditions only, either his birth certificate or current passport and, where there is a change of surname, either marriage certificate or deed poll, as appropriate;
- 2.3 - in the case of first application only, two satisfactory written references as to character from persons to whom the applicant shall have been recently known for a minimum period of TWO years. (See Note 1);
- 2.4 - a Medical Report in the form prescribed by the Council before the application shall be determined, unless a current Medical Report is held by the Council. In certain cases the Medical Report may be referred for further medical consultation or assessment;

### **3.0 Form of application**

- 3.1 - The applicant shall satisfactorily complete an application form on which must be shown all cautions and convictions which by virtue of the Rehabilitation of Offenders Act 1974 are deemed not to be spent. (See Note 2).
- 3.2 - The application form, together with all relevant documents, two passport size recent colour photographs of the applicant and the fee shall be presented in person by the applicant for the purpose of an interview with an authorised officer.

4.0 In the case of first application only, the applicant shall pass the Council's knowledge test on the first or subsequent occasions.

5.0 A person being considered for a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence who has surrendered such a licence previously or who has not held one during the previous TWELVE months shall be treated as a person being considered for a licence on the first occasion.

**Note 1**

References from relations of the applicant will not be accepted as suitable.

**Note 2**

Applicants should be aware that the Council will make enquiries with regard to this application to the Criminal Records Bureau.

**Note 3**

All relevant information will be taken into account when consideration is given to an application for a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence and it may be that the standards and conditions are waived or varied or added to at the discretion of the Council.

**Note 4**

The Council reserves the right to alter the number of penalty points specified in 1.4 hereto, to accord with any alteration made by Statute or Order by the Secretary of State.

**Note 5**

The Deregulation (Taxis & Private Hire Vehicles) Order 1998 amends the Local Government (Miscellaneous Provisions) Act 1976 to include Northern Ireland Driver Licences.

The Driving Licences (Community Driving Licence) Regulations 1996 also permits full driver licences issued by EC Member States to count towards the qualification requirement.

**Schedule 1 - Interpretation**

In these Conditions

"Licensed Driver" means "the holder of a combined hackney carriage & private hire vehicle driver's licence".

"Council" means "Brentwood Borough Council".

**Driver's Licence - Pre-Licensing Conditions**

1.0 In order that licensed drivers are reliable and of a satisfactory standard, a person being considered for a driver's licence shall:

- 1.1 - have attained the age of 21 years;
- 1.2 - have held a full DVLA licence granted under the Road Traffic Acts to drive a motor car with a manual gear box, for not less than THREE years. (See Note 5);
- 1.3 - not have been disqualified from driving at any time within the immediately preceding TWO year period; A driver who has obtained a pass certificate from the Driving Standards Agency in respect of the Taxi/Private Hire Test Assessment is considered to be of a satisfactory standard regardless of the period which has been elapsed since disqualification;
- 1.4 - not have accumulated more than EIGHT penalty points endorsed upon his driving licence within the immediately preceding TWO year period;
- 1.5 - not have been cautioned for or convicted of a criminal offence involving the threat and/or use of violence and/or any offence of a sexual nature, unless that conviction is deemed spent by virtue of the Rehabilitation of Offenders Act 1974;
- 1.6 - not have been cautioned for or convicted of a criminal offence involving the element of dishonesty within the immediately preceding THREE year period, unless that conviction is deemed spent by /virtue of the Rehabilitation of Offenders Act 1974;

## **2.0 The applicant shall produce:**

- 2.1 - his current valid DVLA driving licence on which is shown the applicant's home address;
- 2.2 - in the case of first application under these conditions only, either his birth certificate or current passport and, where there is a change of surname, either marriage certificate or deed poll, as appropriate;
- 2.3 - in the case of first application only, two satisfactory written references as to character from persons to whom the applicant shall have been recently known for a minimum period of TWO years. (See Note 1);
- 2.4 - a Medical Report in the form prescribed by the Council before the application shall be determined, unless a current Medical Report is held by the Council. In certain cases the Medical Report may be referred for further medical consultation or assessment;

## **3.0 Form of application**

- 3.1 - The applicant shall satisfactorily complete an application form on which must be shown all cautions and convictions which by virtue of the Rehabilitation of Offenders Act 1974 are deemed not to be spent. (See Note 2).
- 3.2 - The application form, together with all relevant documents, two passport size recent colour photographs of the applicant and the fee shall be presented in person by the applicant for the purpose of an interview with an authorised officer.

4.0 In the case of first application only, the applicant shall pass the Council's knowledge test on the first or subsequent occasions.

5.0 A person being considered for a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence who has surrendered such a licence previously or who has not held one during the previous TWELVE months shall be treated as a person being considered for a licence on the first occasion.

**Note 1**

References from relations of the applicant will not be accepted as suitable.

**Note 2**

Applicants should be aware that the Council will make enquiries with regard to this application to the Criminal Records Bureau.

**Note 3**

All relevant information will be taken into account when consideration is given to an application for a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence and it may be that the standards and conditions are waived or varied or added to at the discretion of the Council.

**Note 4**

The Council reserves the right to alter the number of penalty points specified in 1.4 hereto, to accord with any alteration made by Statute or Order by the Secretary of State.

**Note 5**

The Deregulation (Taxis & Private Hire Vehicles) Order 1998 amends the Local Government (Miscellaneous Provisions) Act 1976 to include Northern Ireland Driver Licences.

The Driving Licences (Community Driving Licence) Regulations 1996 also permits full driver licences issued by EC Member States to count towards the qualification requirement.

**Schedule 1 - Interpretation**

In these Conditions

"Licensed Driver" means "the holder of a combined hackney carriage & private hire vehicle driver's licence".

"Council" means "Brentwood Borough Council".

## **BRENTWOOD BOROUGH COUNCIL**

### **LICENSING OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVERS**

#### **POLICY STATEMENT REGARDING THE RELEVANCE OF CONVICTIONS**

1. The fact that a person has a criminal record does not necessarily mean that he or she is unfit to hold a Combined Hackney Carriage & Private Hire Vehicle Driver's Licence. A balanced judgement concerning an applicant's fitness and propriety will be made, taking into account only those offences which are considered relevant to the applicant's suitability.

2. In deciding the relevance of convictions, offences committed many years in the past will have less relevance. Similarly, a series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. The importance of rehabilitation will be weighed against the need to protect the public.

3. To ensure consistent and fair treatment as to whether a criminal or motoring conviction renders an applicant unsuitable, the following guidelines will be applied:

(a) Each case will be decided on its own merits.

(b) An applicant with a current conviction for crime need not be permanently barred from obtaining a licence but should expect to remain free from conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public.

(c) The following examples afford a general guide on the action to be taken in respect of convictions.

(i) Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and, even then, a strict warning should be administered.

(ii) Dishonesty

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. For these reasons, a serious view should be taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

### (iii) Indecency Offences

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences should be refused until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case, if a licence is granted, a strict warning as to future conduct should be issued.

### (iv) Drugs

An applicant with a conviction for a drug-related offence should be required to show a period of at least three years free of convictions before an application is entertained or five years after detoxification treatment if he/she was an addict.

### (v) Drunkenness

#### With a Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant has an alcohol dependency, a special medical examination should be arranged before the application is entertained. If the applicant is found to have an alcohol dependency, a period of at least five years should elapse after successful completion of a course of rehabilitation treatment before a further licence application is considered.

#### Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above).

In some cases, a warning may be sufficient.

#### (vi) Major Traffic Offence

An isolated conviction for reckless driving or driving without due care and attention, etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers.

More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of one to three years free from convictions has elapsed.

#### (vii) Minor Traffic Offences

Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding, etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence, then a hackney carriage or private hire vehicle driver's licence may be granted after its restoration but a warning should be issued as to future conduct.

With regard to the accruing of nine points by drivers who already hold such a licence from the Council, bearing in mind the number of miles they drive, it is expected that they might be more likely than the average motorist to get convictions for minor speeding offences. A formal written warning will normally be issued by the Head of Environmental Health & Public Protection Services,

provided that the total of nine penalty points was reached in increments of no more than three and in periods longer than two years.

(d) Where the applicant does not meet the criteria set out in the Council's Combined Hackney Carriage & Private Hire Vehicle Driver's Licence Pre-Licensing Conditions, applications will be considered by the Licensing/Appeals Committee and the Committee will have regard to the set criteria.

## **PRIVATE HIRE VEHICLE OPERATOR'S LICENCE**

### **PRE-LICENSING CONDITIONS**

1.0 In order that a satisfactory and reliable private hire vehicle service is provided in the Borough, a person being considered for a Private Hire Vehicle Operator's Licence shall:

1.1 have been a full time licensed Private Hire Vehicle Driver or Hackney Carriage Driver within the Borough for not less than TWO years immediately preceding the first application.

1.2 be a person who would not be refused a Private Hire Vehicle Driver's Licence or a Hackney Carriage Driver's Licence by virtue of any caution or conviction contained in the Pre-Licensing Conditions for such licences.

1.3 satisfactorily complete an application form on which must be shown all cautions and convictions recorded against him except those which are spent by operation of the Rehabilitation of Offenders Act 1974.

1.4 in the case of first application only, produce two written references as to character from persons to whom the applicant shall have been recently known for a minimum period of TWO years. (See Note 1).

NOTE 1 References from relations of the applicant will not be accepted as suitable.

NOTE 2 All relevant information will be taken into account when consideration is given to an application for a Private Hire Vehicle Operator's Licence, and it may be that the standards and requirements are waived or amended or added to at the discretion of the Council.

NOTE 3 A licence will not be issued in the name of a company or partnership if any officer of that company or member of that partnership would be refused a licence to drive a Private Hire Vehicle or Hackney Carriage by reason of convictions recorded against him.

NOTE 4 Where a Private Hire Vehicle Operator's Licence is granted, the Local Planning Authority will be advised accordingly.

#### SCHEDULE 1 - INTERPRETATION

In these Conditions

"Council" means "Brentwood Borough Council".

"Borough" means "Brentwood Borough Council Administrative Area".