

# APPENDIX 7b – PROPOSED PH DRIVER LICENCE FORM

## SOUTHEND ON SEA BOROUGH COUNCIL

### APPLICATION FOR PRIVATE HIRE VEHICLE DRIVER'S LICENCE

SURNAME: .....

OTHER NAMES: .....

ADDRESS: .....

.....

.....

TELEPHONE NO: ..... DATE AND PLACE OF BIRTH: .....

PRESENT OCCUPATION: .....

PRESENT EMPLOYER: .....

Will you be employed as a full time or part time driver? .....

If part time, state how many hours each week: .....

Name of Proprietor: .....

Is this your first application? .....

How long have you held a full licence to drive a motor vehicle? .....

### **CAUTION**

**ANY PERSON GIVING FALSE INFORMATION OR WITHHOLDING INFORMATION IN THIS PART OF THE APPLICATION MAY COMMIT A CRIMINAL OFFENCE**

Have you been convicted of any offence in court? .....

Have you received a Police or other formal caution? .....

Have you received a Fixed Penalty Notice for any traffic offence? .....

If 'Yes' - details of all convictions, cautions and Fixed Penalty Notices must be shown below:-

(Applicants are reminded that they are not required to declare convictions which are 'spent' as defined in the Rehabilitation of Offenders Act 1974.) See form HC2.

OFFENCE	COURT	DATE	PENALTY

Convictions, Police cautions or other formal cautions or fixed Penalty Notices recorded since the completion of this form must be reported immediately to: The Hackney Carriage Office, Southend on Sea Borough Council, Civic Centre, Southend on Sea, and may render the licence liable to suspension.

I declare that my answers to the above questions are true to the best of my knowledge. I understand that if there are any omissions or incorrect statements of a serious nature, my application may be refused without further consideration or, if a licence has been issued, it will be liable to immediate suspension. I have read the Conditions printed overleaf and understand them.

Date: ..... Signature: .....

This form to be returned to the Hackney Carriage Office, Southend on Sea Borough Council, Civic Centre, Southend on Sea SS2 6ZG (TOGETHER WITH RECEIPT OF PAYMENT OF THE CORRECT FEE). Cheques/Postal Orders to be made payable to Southend Borough Council.

For Official Use Only

Credit Account No: U-DR-3100931

Fee:

Rec. No:

Licence No:



## **HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS' LICENCE LICENSING STANDARDS AND CONDITIONS**

1. Licensed drivers shall be reliable and of a good standard.
2. Licensed drivers shall be over 21 years of age and have held a UK or EU driving licence for a minimum of 3 years.
3. On first application for a licence, the applicant shall, at his/her own expense, undergo a medical examination by his/her own General Practitioner (or by a practitioner agreed by the Authority) to the criteria laid down in the 'Medical Aspects of Fitness to Drive' published by the Medical Commission on Accident Prevention (DVLA Group II standard). The results of such a medical examination shall be passed to the Authority or its representative. The Authority reserves the right to make enquiries of its Medical Advisor on the criteria laid down by the 'Medical Aspects of Fitness to Drive' in relation to any driver and may require any applicant or licensee to have further medical tests. The Authority must be notified of any medical conditions that may affect driving ability.
4. The Authority may require a driver at any time to undergo a medical examination by the driver's own General Practitioner (or by a practitioner agreed by the Authority). The results of such a medical examination shall be passed to the Authority or its representative. The Authority reserves the right to make enquiries of its Medical Advisor on the criteria laid down by the 'Medical Aspects of Fitness to Drive' in relation to any driver and may require any applicant or licensee to have further medical tests.
5. Licensed drivers shall notify the Authority of any medical conditions that may affect driving ability within seven days of the conditions becoming known.
6. A licensee who has reached the age of 45 years shall, at his/her own expense, submit him or herself for a medical examination, as detailed in 3. above, every five years until the age of 65 years and thereafter every year.
7. Unless medically exempted, it is the duty of every Hackney Carriage/Private Hire driver who has been hired:
  - a) by or for a disabled person with their guide, hearing or prescribed assistance dog, or
  - b) by a person who will be accompanied in a Hackney Carriage/Private Hire vehicle by such a disabled personto carry the disabled person's assistance dog free of charge and allow it to remain with the passenger.
8. On the first application, and at all times on renewal of the licence, or when otherwise required, at his/her own expense, applicants/existing licensees shall complete an application form and request for a check by the Disclosure and Barring Service. Any convictions, Police Cautions, other formal cautions or Fixed Penalty Notices recorded must be shown on the licence applications form. Omissions or incorrect statements of a serious nature may render any new application invalid and may result in the immediate suspension of any existing licence.
9. Applicants/licensed drivers shall:
  - a) produce a current driver's licence on first application and on any subsequent occasion if so required (the address shown on the licence must reflect the UK address where the applicant/licensee resides),
  - b) pass a driving test on the first application and, if required so to do, on any subsequent occasion,
  - c) on first application, at their own expense, be required to be trained in Disability and Disability Discrimination Awareness and produce an accredited certificate to confirm this. (Existing licensees are strongly advised to undertake this training and certification at their own expense.)
10. Applicants/licensed drivers shall pass a test on the first application and, if required to do so, on any subsequent occasion on Knowledge of the streets of the Borough, the Byelaws, the licensing standards/conditions of licence, the operation of the meter and knowledge of the fare tariff (except applicants/licensees of a restricted private hire driver's licence where Byelaws, licensing standards and conditions only will apply).

11. Applicants/licensed drivers shall:

- a) not have accrued more than 12 penalty points for motoring offences on a driving licence during the previous three years;
- b) not have been convicted of or have received a Police Caution or other formal caution for a serious motoring offence during the previous three years;
- c) not have been convicted of or have received a Police Caution or other formal caution for a criminal offence, eg dishonesty/public order offence/criminal damage/racially aggravated offence/common assault/actual bodily harm during the previous four years;
- d) not have been convicted of or have received a Police Caution or other formal caution for an offence of indecency or sexual offence during the previous five years;
- e) not have been convicted of or have received a Police Caution or other formal caution for a serious assault (eg grievous bodily harm, wounding) during the previous seven years;
- f) not have been convicted of or received a Police Caution or other formal caution for a drugs related offence during the previous three years.
- g) not have been convicted of or have received a Police Caution or other formal caution for any other offence, or followed a course of behaviour which the Licensing Authority does not consider fit and proper during the previous four years.

The Licensing Authority may use its discretion over previous convictions and may refuse to issue a licence or revoke an existing licence accordingly.

- 12. The following policy shall apply in relation to 11. of Hackney Carriage and Private Hire Drivers' Licensing Standards and Conditions. Please see **Statement of Policy** on Page 4 about relevant convictions/Police Cautions, other formal cautions or Fixed Penalty Notices.
- 13. Any convictions, Police Cautions or other formal cautions or Fixed Penalty Notices recorded since the completion of the application for a new licence shall be reported by the applicant within seven days.
- 14. A licensed driver shall notify the Authority within seven days of any new conviction, Police Caution or other formal caution or Fixed Penalty Notices recorded against him/her since his/her last application/renewal application.
- 15. A licensed driver who changes the place at which he lives shall notify the Council of such change of address within seven days.
- 16. Failure to comply with any of the Licensing Standards/Conditions may lead to a refusal to issue a licence or, for an existing licensee, a suspension or revocation of licence.
- 17. An appeal may be brought against the Licensing Standards/Conditions within 21 days from the date on which Notice of the Licensing Standards/Conditions is served on the applicant to the Magistrates Court situated in Victoria Avenue, Southend on Sea.
- 18. A licensee or applicant disappointed by a decision of the Authority in respect of an application also has the right of appeal to the Magistrates Court within 21 days of the notification of that decision.
- 19. Drivers' licences expire every three years, effective from 31 December 1997.

All relevant facts will be taken into account when consideration is given to an application for a driver's licence or when consideration is given to the suspension or revocation of an existing licence and it may be that additional or higher standards will be imposed. A person being considered for a licence who had surrendered his/her licence previously or who had not held one during the previous three months should be treated as a person being considered for a licence on the first occasion.

In respect of your application under the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976, please note:

**This Authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.**

## STATEMENT OF POLICY

*"When submitting an application for a licence to drive a Hackney Carriage or Private Hire vehicle, you are requested to declare any convictions, cautions or Fixed Penalty Notices you may have, unless they are regarded as 'spent' under the Rehabilitation of Offenders Act 1974. The information you give will be treated in confidence and will only be taken into account in relation to your application.*

*You should be aware that this Authority is empowered in law to check with the Disclosure and Barring Service for the existence and content of any criminal record held in the name of an applicant. Information received from the Police and the Disclosure and Barring Service will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.*

*If you have spent 6 months or more in one block of time abroad, you must produce evidence of a criminal record check covering that period from an official source which can be verified. This applies if you are a UK citizen or an overseas national. Records from Northern Ireland are not covered by the Disclosure and Barring Service, so you will also need to obtain evidence of a criminal record check. Overseas nationals will also be required to produce a Work Permit.*

*The above will not apply to persons who provide evidence that they are refugees or are seeking or have been granted Asylum. Such persons will be required, however, to produce a valid UK Work Permit and to produce evidence from the Home Office of their status.*

*The disclosure of a criminal record or other information will not debar you from gaining a licence unless this Authority considers that the conviction, caution or Fixed Penalty Notice renders you unsuitable. In making this decision this Authority will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant. (Please see Licensing Standards and Conditions on application form.) Any applicant refused a driver's licence or who has his/her existing licence suspended or revoked has a right of appeal to a Magistrates Court within 21 days of notification of the refusal, suspension or revocation.*

*If you would like to discuss what effect a conviction, caution or Fixed Penalty Notice might have on your application, you may telephone the Hackney Carriage Officer on 01702 215055 in confidence for advice."*

All relevant facts will be taken into account when consideration is given to an application for a driver's licence or when consideration is given to the suspension or revocation of an existing licence and it may be that additional or higher standards will be imposed. A person being considered for a licence who had surrendered his/her licence previously or who had not held one during the previous three months should be treated as a person being considered for a licence on the first occasion.