

## APPENDIX C

### CRITERIA TO BECOME A DRIVER

1. Any person who drives a hackney carriage must hold the appropriate vehicle driver's licence. Hackney carriage vehicle driver's licences are issued in accordance with section 46 of the Town Police Clauses Act 1847.
2. Any person who drives a private hire vehicle must hold the appropriate vehicle driver's licence. Private hire vehicle driver's licences are issued in accordance with section 51 of the Local Government (Miscellaneous Provisions) Act 1976.
3. The Council will issue a dual drivers licence, this will permit the licence holder to drive both hackney carriage and private hire vehicles, unless an applicant makes a specific request to the Council for either a hackney carriage driver licence or a private hire vehicle driver licence.

### Fit and proper person

4. The Council will not licence anyone to drive a hackney carriage or private hire vehicle unless it is satisfied that they meet all criteria to be deemed a fit and proper person. Licensed drivers provide a public service.
5. In considering the fit and proper person test all applicants on initial application and renewal must:
  - Provide a current and satisfactory enhanced Disclosure and Barring Service (DBS) check which will include a check against the Adult and Child Barring Lists;
  - undergo a medical examination to the DVLA Group 2 standard completed by your own GP or one that has access to your full medical history. All licensed drivers aged 65 years and over must undertake a medical examination annually and produce the report to the Council;
  - produce a document proving their right to work in the UK in line with the Home Office requirements for taxi drivers;
  - Complete a Statutory Declaration detailing the complete history of any criminal and motoring convictions, caution, reprimands, speed awareness courses and fixed penalty notices including any pending charges and 'spent' convictions;
  - The Council may also make additional enquiries through Staffordshire Police (and other relevant police forces, where appropriate), other relevant local authorities (particularly if a driver has been previously licensed by another authority) and any other appropriate organisation, agency or person in order to ensure the Council is in a position to make as accurate an assessment of the applicant's fitness to hold a licence as is reasonably practicable.
6. New applicants for drivers licence will need to provide:
  - their certificate proving they have successfully completed the Level 2 BTEC/NVQ (or equivalent) in the professional role of a Taxi/Private Hire Driver;
  - the certificate proving they have attended a satisfactory Safeguarding Training course within the last 3 months;
  - their certificate proving they have successfully completed the Council's in-house knowledge test;
7. With specific reference to existing licence holders, where there is any cause for a licence to be reviewed, the Council may require the licence holder to complete a further enhanced DBS check, the cost of which would lie with the licence holder. Where a licence holder refuses, this will be taken into consideration in determining their continuing fitness to hold a licence. Drivers with convictions may have their licences reviewed in-line with the Convictions Guidelines at Appendix J, and where they have fallen within the previous policy it may result in them being

referred to an authorised officer or Public Protection Sub-Committee to determine if they will be considered fit and proper.

8. When assessing the fitness of an applicant to hold a drivers licence, the Council will consider the applicant's criminal history as a whole, together with all other relevant evidence, information and intelligence including their history (e.g. complaints and positive comments from the public, compliance with licence conditions and willingness to co-operate with licensing officers) whilst holding a licence from the Council or any other authority. Particular attention will be given to patterns of behaviour, irrespective of the time-scale over which they have occurred, both in terms of proven criminal offences and other behaviour or conduct that may indicate that the applicant could put the safety and welfare of the public at risk.
9. It must also be recognised that the Council will consider all criminal history, behaviour and conduct irrespective of whether the specific history, behaviour or conduct occurred whilst drivers were directly engaged in hackney carriage or private hire work at the time or whether they occurred during the drivers' own personal time.
10. In addition, an important element associated with the fitness to hold a licence is the appearance and behaviour of a licensed driver. Consequently, the Council requires all licensed drivers to maintain a reasonable standard of appearance (see **Appendix B**) and behaviour when in contact and dealing with other road users, pedestrians, customers, the general public, other licensed operators and drivers of hackney carriage and private hire vehicles, Council officers and elected members at all times. Applicants and licensed drivers must also co-operate with any reasonable request made by an authorised officer of the Council or any police officer.

### **Criminal Record Disclosure**

11. Hackney carriage and private hire vehicle drivers are required to undertake an enhanced Disclosure and Barring Service (DBS) Check and due to the nature of the occupation such drivers are deemed to be an exempt occupation under the provisions of the Rehabilitation of Offenders Act 1974 (by virtue of the amended Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975).
12. The effect of this, in relation to hackney carriage and private hire drivers, is to render the Rehabilitation of Offenders Act 1974 not applicable and therefore convictions are never regarded as 'spent'. As a result, all convictions (including cautions), will be taken into account when considering a person's suitability to hold a driver's licence.

**Applicants are required to provide details of ALL convictions and cautions, including driving endorsements and disqualification periods relating to traffic offences.**

13. Although cautions are generally considered not as serious as convictions, they require an admission of guilt before they can be issued and are therefore will be treated in the same way, are a useful indication of an applicant's character and whether they are a fit and proper person to hold or be granted a licence.
14. A criminal record does not automatically prevent or bar an applicant from holding a drivers licence. However, it will be a significant factor when determining whether a licence should be granted or not. Where an applicant has previous criminal convictions, these will be considered in line with the guidance set out in **Appendix L**. However, the principal consideration will be to ensure the safety and welfare of the public.
15. Applicants who have not been resident within the United Kingdom for the five years prior to submitting an application, will be required to produce a certificate of good conduct or equivalent document (at their own cost) issued by the relevant Embassy or High Commission. Guidance can be found here:

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

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Such a certificate must be authenticated, translated and sealed by the Embassy or High Commission. The Council may contact the relevant Embassy, High Commission, solicitor or other appropriate body to verify any documents provided.

Proof of a right to work in the United Kingdom will also be required. For further details please see the Home Office Guidance issued to Local Authorities:  
<https://www.gov.uk/government/publications/licensing-authority-guide-to-right-to-work-checks>

Contact details for Embassies and High Commissions can be found from the Foreign & Commonwealth Office (FCO) on the [GOV.UK](https://www.gov.uk) website at <https://www.gov.uk/government/world>.

The FCO may be contacted for further assistance by telephone on 020 7008 1500, by email at [fcocorrespondence@fco.gov.uk](mailto:fcocorrespondence@fco.gov.uk) or by post at the FCO, King Charles Street, London, SW1A 2AH.

### Non-conviction information

16. In addition to information regarding convictions/cautions, applicants are expected to provide details of:
- all warnings, driving endorsements/disqualification periods relating to traffic offences, fixed penalties, penalty charge notices and any other similar sanctions;
  - any charges or arrests that they were or are the subject of in connection with criminal offences, whether or not actually charged with the offence, and
  - details of any allegations of involvement in criminal activity or where they have been questioned in connection with any alleged criminal activity
  - or inappropriate/unacceptable behaviour or any other relevant pending matter.

For existing licence holders, this information must be notified to the Council within 72 hours, in writing.

17. Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed. However, depending on the circumstances, it is unlikely that a decision on the application will be made until the conclusion of the criminal proceedings. Where the outstanding charge or summons involves a serious offence and/or the individual's offending history and behaviour/conduct indicates a pattern of unlawful or unacceptable behaviour/character, then the application is likely to be refused.
18. Where there is evidence and/or information that an applicant has been arrested or charged but not convicted of offences but the nature of this evidence/information suggests the applicant may not be a fit and proper person, the Council will give serious consideration to refusing an application or revoking an existing licence.

### DVLA and other relevant driving licences

19. A person applying for a drivers licence must be a minimum of 21 years old and have held a full DVLA/EC/EEA category B driving licence for at least 3 years at the time of application. This includes European Union (EU), European Economic Area (EEA) and Northern Irish licences. These requirements apply only to applications received on or after the date this Policy comes into force.
20. Throughout the currency of the drivers licence, the driver must possess a full driving licence in accordance with the above requirements. Where a driver has received a ban from driving under their DVLA licence they must return their taxi driver licence to the Council within 7 days.
21. Applicants are required to produce the original of their driving licence, whether it is a photo card or old style paper licence. Copies will not be accepted. A holder of a DVLA drivers licence must also provide a valid code to enable the Council to carry out an online check of their driving history.

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22. All applicants holding driving licences issued by countries other than the UK or those within the EU/EEA must produce a certificate to show a driving record from the country of issue. If the driving licence was not issued in the UK or EU/EEA then they must comply with the Government requirements on exchanging/applying for a DVLA licence.

### Knowledge test

23. All new applicants are required to pass the Council's written test before the Council will grant them a driver's licence. The test will be carried out in English.

The test comprises an exam covering the following areas:

- the highway code;
- taxi legislation;
- the Council's vehicle conditions and driver Code of Conduct;
- safeguarding and child sexual exploitation awareness;
- Disability equality
- Local area knowledge
- Working out fares and giving change;
- The understanding of and testing of written English

A 75% pass mark is required for each section, all sections must be passed at the same time and failure to answer certain questions correctly will result in automatic failure.

Where an applicant fails the knowledge test there is an additional fee for every subsequent test and every missed test. Once an appointment has been allocated for the test, the applicant must give 2 clear working days' notice to cancel an appointment otherwise they will be required to pay the test fee. In such circumstances the Council will deem that the applicant has failed the test.

Anyone failing the test will be entitled to re-sit the test twice, at a cost to themselves.

**If the applicant fails the test three times then the application will be cancelled and the applicant will be unable to reapply again for a licence until a minimum period of 12 months has elapsed from the date of the last failure and be treated as a new applicant.**

If any applicant has any particular needs as a result of a disability or otherwise he/she should let the Licensing team know and suitable arrangements can be made to facilitate the test.

24. Normal examination conditions will apply during the knowledge test. Any person found to be using unfair means during the test will be excluded from the test and will be required to take a fresh test and pay the appropriate fee. This may also affect their fitness and propriety to be granted a licence.
25. The holder of a driver's licence may be required to satisfactorily undertake a further knowledge test or tests at the discretion/request of an authorised officer of the Council or the Public Protection Sub Committee.
26. Failure to submit to or pass any knowledge test will permit the Council to refuse to grant or renew a driver's licence or to revoke or suspend the licence as required.

### Safeguarding and Child Sexual Exploitation Awareness

27. The Council requires all licensed drivers to attend Safeguarding and Child Sexual Exploitation Awareness training. For new driver applications, this must be completed **before** a licence is issued for the first time.

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Applicants for renewal of an existing driver licence must have completed the awareness training **before** their first licence renewal after this policy comes into force. All drivers will be expected to renew/refresh this training every 3 years.

The licensing Authority will accept attendance at a Safeguarding and Child Sexual Exploitation Awareness delivered by Staffordshire County Council as part of a home to school transport contract and training from other Local Authorities that meet the standard required by the Council.

The Council requires all licensed drivers to abide by the Council's 'Code of Conduct' which will be issued as a supporting document to a granted new or renewal application, a copy of which can be found at **Appendix B**.

### Medical requirements

28. The Council is permitted to satisfy itself that an applicant for a licence is mentally and physically fit and remains so during the currency of any licence. Consequently, all applicants for a Dual hackney carriage or private hire driver's licence are required to undertake a medical examination on initial application, at defined intervals thereafter and at any other such time as the Council require to ensure their fitness to drive.

The standards required are set out in the DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'. The standards are amended from time to time and can be found online at:

<https://www.gov.uk/government/publications/at-a-glance>

The standard required is the 'Group 2 Entitlement'.

29. All new applicants must undertake the medical examination and provide a satisfactory medical certificate before a licence is issued for the first time and then every 3 years in line with a renewal application. All licensed drivers aged 65 and over must undertake a medical examination annually and produce the report to the Council. Failure to do so may result in the licence being suspended or revoked.
30. The Council may also require drivers to undertake more regular medicals if their medical condition warrants it. The medical cannot be more than 3 months old at the time the licence is issued. It is therefore advisable to wait until the rest of the application process is complete before making arrangements for your medical.
31. The Council will not grant or renew, any driver's licence unless the medical examination requirements are complied with and the driver can demonstrate that they are medically fit to hold a drivers licence.
32. In particular, applicants must consider the medical conditions listed in the current DVLA publication 'At a Glance Guide to the Current Medical Standards of Fitness to Drive'), as the Council may refuse to grant an application or revoke an existing licence where an applicant is unable to meet the nationally recommended guidelines in respect of the listed medical conditions.
33. If, once licensed, the driver's medical circumstances change during the licence period, the driver must inform the Council within 7 days. The Council may require the driver to immediately undertake a further medical examination and provide an approved medical certificate confirming the outcome of this examination and the driver's fitness (or otherwise) to continue as a licensed driver.
34. Should an authorised officer of the Council have reason to believe that a licensed hackney carriage or private hire vehicle driver has a medical condition that renders them unfit to drive, a

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further medical examination will be requested. The cost of the further medical examination will be met by the licensed driver.

35. The medical must be filled out on the Council's medical application form. The medical must be carried out either by the applicant/driver's own GP or by a medical practitioner than can gain access to that individual's full medical history. Any other medical will not be accepted.
36. With respect to current licence holders, if it is deemed necessary to do so, a licence may be revoked or suspended in the interests of protecting the public until further medical examination(s) has/have been carried out or if the licence holder is unable to demonstrate that they are medically fit to hold a drivers licence.

### Medical Exemptions

37. Medical exemptions involving the carriage of disabled persons and assistance dogs may apply to new applicants or licensed drivers who suffer from certain medical conditions. Where this is the case, the applicant/licensed driver must provide sufficient proof from their GP, or independent medical specialist, confirming that the exemption is required in order for the driver to carry out their duties. The Council reserves the right to refuse to grant a licence if sufficient medical proof is not provided and it is deemed appropriate to do so. Examples of sufficient proof include results of blood tests, skin tests and evidence of the individual's clinical history. Drivers issued with medical exemption certificates will also receive a tactile exemption card in order that visually impaired customers can confirm the validity of the exemption.

### English speaking

38. Applicants must be able to converse orally and in writing in English to a standard that would be reasonably expected of a person undertaking a role as a hackney carriage or private hire driver. This will be tested as part of the Knowledge Test, BTEC/NVQ qualification and interview appointment. If an applicant cannot satisfy the authorised officers of the Council that their standard of English is suitable then the application may be referred to the Public Protection Sub-Committee or authorised officers.

### Code of Conduct

39. All dual drivers licence holders must comply with the Code of Conduct set out at **Appendix B**. The Code of Conduct is in addition to any matters set out within the main body of the Policy.