

## Planning and Public Protection Service

### Name of Policy / Procedure / Protocol / Plan:

### Procedure for the Grant/Renewal of a Hackney Carriage and Private Hire Driver Licence

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<b>Date agreed and implemented:</b>	Agreed: 12 <sup>th</sup> June 2013 Implemented: 1 <sup>st</sup> August 2013
<b>Agreed by:</b>	Licensing Committee
<b>Frequency of Review:</b>	Annual
<b>Review date:</b>	May/June 2014
<b>Equality Impact Assessment completed: (date)</b>	N/A
<b>Member involvement (if any)</b>	Licensing Committee
<b>Internal or Public Domain:</b>	Public Domain
<b>Head of Service Approval: (signature &amp; date)</b>	22 <sup>nd</sup> May 2013

#### VERSION CONTROL:

Reference:	Status:	Authorised by:	Date:
V01	Final	Licensing Committee	12.06.13

## 1. PURPOSE

To ensure consistency of administering and enforcing the Hackney Carriage and Private Hire legislation and the safety of the travelling public throughout the County of Denbighshire. This procedure aims to provide practical guidelines for officers accepting and processing applications for new and renewal drivers and ensure that legislation is adhered to.

## 2. RELATED DOCUMENTS

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Blue Book (Conditions and Policy)

Flowchart 1	Grant of a Private Hire/hackney carriage driver Licence
2	Renewal of a Private Hire/Hackney Carriage driver licence (no medical or DBS)
3	Renewal of a Private Hire/Hackney Carriage driver Licence (with DBS and medical)
4	Renewal of a Private Hire/Hackney Carriage driver licence (with medical)
5	Renewal of a Private Hire/Hackney Carriage driver licence (with DBS)

## 3. OFFICER DELEGATIONS

The Licensing Committee have delegated to the Head of Service who has subsequently authorised the following Officers to carry out the functions detailed below.

<b>FUNCTION</b>	<b>OFFICER</b>
Processing of application	Licensing Support Officer
Rejection of application	Public Protection Manager or Senior Licensing Officer
Referral of application to Licensing Committee	Public Protection Manager or Senior Licensing Officer
Grant/renewal of application	Public Protection Manager or Senior Licensing Officer
Refusal of application (as per conviction policy)	Head of Service or Public Protection Manager or Senior Licensing Officer

## 4. LEGISLATION

### Private Hire Drivers

Section 51 of the LG(MP)A76 give the Council the power to grant an application for a driver licence, provided that they are satisfied that the person is:

- a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence

- b) to any person who has not for at least 12 months been authorised to drive a motor car, or it not at the date of the application for a driver's licence so authorised.

## Hackney Carriage Drivers

Section 46 of the TPCA'47 gives the Council power to licence a hackney carriage driver. Section 59 of the LG(MP)A'76 contains identical requirements for hackney carriage drivers as for private hire drivers. .

## 5. NEW DRIVER APPLICATIONS (Flow Chart 1)

### Processing application for GRANT :

- i. Licensing Support Officer to check application form fully completed and all supporting documents are present :
- ii. DBS/Medical/Statutory Declaration/DVLA driving licence/photos/DVLA mandate, if not complete Support Officer to reject application – SLO to sign the rejection letter if application received via post
- iii. If all documents present and application form fully completed then you can proceed to process the DBS application form
- iv. Licensing Support Officer to check the required identification documents have been produced – must be original documents (see section below)
- v. Licensing Support Officer to receipt fee - Code to H290019422
- vi. Licensing Support Officer to complete section W & X on the DBS form and open process on the licensing system
- vii. Licensing Support Officer to pass DBS form/application to drive and all supporting documents to SLO
- viii. SLO to verify all information on the DBS is correct before signing and sending it in the post to DBS
- ix. SLO to complete DVLA mandate and send to DVLA
- x. SLO to update DBS spreadsheet and licensing system
- xi. SLO to inform the First Contact Team and School Transport of the application allowing 14 days for consultation (see section 17 below)
- xii. Applicant may now take his/her knowledge test (see section 12 below)
- xiii. Once DBS returned and comments from First Contact Team and School Transport (if applicable), SLO to scrutinise results and if a **SATISFACTORY DBS** received as determined by Policy– SLO to update DBS spreadsheet and enter DBS details on licensing system
- xiv. SLO to pass application to Licensing Support Officer for issuing licence and badge
- xv. Licence to be signed by SLO (authorised officer) and one copy sent to Licence Holder/one copy to go on file.
- xvi. **UNSATISFACTORY DBS** received as determined by Policy SLO to either:
  - a. Issue Licence with warning letter
  - b. Refer application to Licensing Committee – issue letter to applicant and invite First Contact Team and School Transport to meeting (if submitted representations)

- c. Refuse the application – right of appeal to magistrates Court within 21 days. No right to drive whilst appealing
- xvii. School Transport and First Contact Team informed of decision.
- xviii. Documents to be filed

## **6. RENEWAL DRIVER APPLICATION**

### Processing application for **RENEWALS**

Flowchart 2.	Renewal no medical or DBS
3	Renewal with DBS and medical
4	Renewal with medical
5	Renewal with DBS

- i. Licensing Support Officer to produce a monthly licensing system report detailing the driver licences due for renewal
- ii. Print renewal form and letter from licensing system and send out to licence holder. Please ensure that the renewal documents are sent out to licence holder with at least 6 weeks notice of expiry.
- iii. Renewal applications received - Support Officer must check to ensure that all the required information has been fully completed on the application form and signed/dated. If not rejection letter sent and signed by SLO
- iv. If the application requires supporting documents e.g. DBS or medical certificate please check documents thoroughly to ensure that they meet the requirements (see sections 10 & 11 below)
- v. Licensing Support Officer to inform the First Contact Team and School Transport of the renewal application allowing 14 days for consultation (see section 17 below)
- vi. Check correct fee received (see table of fees attached)
- vii. Licensing Support Officer to receipt fee – Code to H290019422
- viii. If application is a renewal with no medical/DBS then process on licensing system
- ix. Print 3 copies of the licence, one for applicant/one employer/one file
- x. Licence to be signed by SLO
- xi. Documents to be filed.

## **7. APPLICATION NOT RECEIVED BEFORE EXPIRY:**

- i. If the application is not renewed by the expiry date of the existing licence then SLO to issue a letter stating licence has lapsed and request return of driver's badge.
- ii. SLO to inform School Contracts and Social Services Contracts that licence not renewed

## **8. APPLICATION RECEIVED AFTER EXPIRY**

- i. If the renewal application is submitted after the expiry date then it must be rejected and a new full application submitted
- ii. SLO to issue a rejection letter stating reasons for rejection

## **9 DVLA DRIVING LICENCE**

Both parts of the DVLA driving licence must be produced with the application. We cannot accept the old style driving licence, it must be a photographic style licence for DBS purposes. If an applicant produces an old style licence we must reject the application and advise the applicant to apply for a new style licence. When accepting a new style licence the accepting Officer must be looking for the following:

- a. Does the name and address on the application match the one that appears on the DVLA driving licence – if not reject application
- b. Has the applicant held a DVLA driving licence for 12 months – if not reject application
- c. Has the applicant accrued any penalty points? If yes and there are 10 or more penalty points on the licence the application must be referred to the Licensing Committee by SLO for determination. For points less than 10 please pass the application to the SLO for determination – SLO to refer to Conviction Policy and if necessary take appropriate steps.

***If in doubt of any DVLA driving licence please see SLO.***

## **10. MEDICAL CERTIFICATE**

Part of the application procedure is for the production of a Group 2 medical certificate. Due to the cost involved in applicants having to undergo a medical, applicants do not have to produce this document with the application. Applicants can wait until a satisfactory DBS has been received and the passing of the knowledge test. **It should be noted that an application will not be granted until the production of a satisfactory medical certificate.**

Medical Certificates can be accepted from either the applicants REGISTERED GP or Occupational Health Unit at Glan Clwyd Hospital. The preferred option is the applicants GP but it is known that GP's only undertake medicals at a certain time and to obtain an appointment for a medical can sometimes result in applicants waiting weeks/months for an appointment.

## **11. DBS(previously known as CRB)**

The Disclosure and Barring Service (DBS) application form and supporting identification must accompany the application form for a licence. We cannot accept the DBS on its own. Officers must be satisfied that the applicant has met all other licensing requirements before applying to the DBS. There are guidance notes issued by the DBS that you must follow, which are attached. If you are in doubt about anything please consult with SLO.

## **12. KNOWLEDGE TEST**

All new applicants must sit a knowledge test and pass each section with 2 out of 3. The applicant must make an appointment for their test in order for the test paper to be prepared and to ensure a room is available. The test may be taken verbally if preferred by the applicant. Officers must ensure that they assist applicants with any disability, but they must not make any hints/clues to the answers. Officers may explain a question if the applicant does not understand.

If the applicant fails to pass the test then he/she may re-take the test after 7 days. If the applicant fails the test for a second time then each further test may be taken after 7 days but will be subjective to an administrative fee each time. There is no limit to the number of tests an applicant can take.

### **13. APPLICATION FORM**

The application form must be fully completed, signed and dated. If there is any part of the application form that has not be completed then the application must be rejected. If you reject the application please return **all** documents, do not keep any part of the application i.e. supporting documents.

### **14. REJECTION OF APPLICATION**

Rejection of application would take place if:

- a. the applicant has not fully completed the application form
- b. the applicant has not fulfilled the DBS requirements
- c. the applicant has not submitted a photographic driving licence

Insert reasons for rejection in the body of letter.

Rejection Letter must be signed by SLO

Documents and letter must be sent recorded delivery.

### **15. REFUSAL TO GRANT/RENEW**

A Local Authority is under a duty to grant a private hire driver licence if the applicant complies with all the application requirements.

A similar but not identical requirement exists in relation to hackney carriage drivers licences..

As this Council issues dual licences which allow a licensee to drive both hackney carriages and private hire vehicles, the process is treated the same.

### **16. RIGHT OF APPEAL**

Sections 52 and 59 of the LG(MP)A 1976 provide a right of appeal to a magistrates' court to anyone aggrieved by the refusal to grant a drivers' licence or by any conditions attached to such a licence.

### **17. PARTNER AGENCIES**

It will be standard procedure to consult with School Transport and Social Services on new applications. The purpose of this is to establish whether the applicant is known to either or both services and , whether in their opinion granting a licence could pose a risk to the public. If either service provides information to Officers and the DBS is returned clear, then the SLO will need to consult with the Licensing Manager as to whether the information received from our partners can be used to determine the

application. If the DBS reply shows convictions that would result in the application being referred to the Licensing Committee then the information from our partners can be used to assist Members in their deliberations.

## **18. COMMITTEE DECISION**

On occasions Officers may need to refer applications to the Licensing Committee for determination as to whether the applicant is a fit and proper person to hold an Hackney Carriage and Private Hire Vehicle Driver licence. Members may resolve to take one of the following decisions:

1. **Grant**
2. **Refuse**

Members need to give appropriate reasons for refusal

## **19. REVIEW OF PROCEDURE**

This procedure will be reviewed by the Licensing Section and Section Manager on an annual basis or sooner if changes to legislation are made.