



Basingstoke and Deane

TOWN POLICE CLAUSES ACT 1847

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

HACKNEY CARRIAGE DRIVER'S LICENCE

Under the above legislation, no person can act as a driver of a hackney carriage vehicle without having a current hackney carriage driver's licence.

Notes to Applicants

Before a hackney carriage driver's licence may be granted, the applicant must:

1. Complete and give to the Council an application on the form provided.
2. Satisfy the Council that he/she is a fit and proper person to hold a private hire driver's licence.
3. Pay the current licence fees.
4. Be 21 years old (or over).
5. Undergo a test of his/her geographical knowledge of the roads situated within the Borough of Basingstoke and Deane and to so satisfy the Council's Licensing Officer as to such knowledge. The test also includes English, numeracy, general driving and law elements. Appointments should be booked with officers on 01256 844844.
6. Have held a full (not a provisional) driving licence for at least 12 months prior to the date of the application. This driving licence must be produced to the Council for examination. Holders of non UK driving licences will be required to have registered their non UK licence with the DVLA and produce a DVLA counterpart licence in order for the necessary driving history checks to be carried out.
7. Complete and sign a Intelligent Data Systems Data Protection Mandate.
8. Produce a Council issued completed DVLA Group 2 medical form signed by their GP or a Doctor at the surgery where they are registered that confirms that he/she has been examined in accordance with the medical form. Any fee charged by the doctor is payable by the applicant.

Special Note

If the applicant has reason to believe there may be doubt on medical grounds as to whether the Council will grant the request for a hackney carriage driver's licence, the applicant should contact the Licensing Officer before making arrangements (and thus incurring expenses) for a medical examination to take place.

9. Make an appointment with the Licensing Team to complete a criminal records check form. You will be advised what evidence of identification you will need to bring with you when you make the appointment
10. If born or having lived outside the UK for any period of time submit, at their own expense, a translated and sealed 'Statement of Good Conduct'. This is to be obtained from the embassy or relevant authority of each country where they have lived since the age of ten years old. This will provide an equivalent test to the enhanced Criminal records check required for UK applicants. Advice on how to obtain the Statement(s) of Good Conduct can be obtained from the Licensing Team.
11. Provide evidence that they have the right to live and work in the UK.
12. Undertake and pass (producing a pass certificate) the **DSA Hackney Carriage Assessment (wheelchair enhanced) test**. Appointments and payment must be made direct with the DSA on 0870 0101 372. There is a fee payable. Please check with the DSA for the current fees. The test can be taken at the Driving Test Centre in Basingstoke (Brighton Hill Centre) or at any other DSA test centre. Applicants are responsible for providing a suitable wheelchair accessible vehicle and insurance. This does not need to be a currently licensed vehicle but one which would meet the size and design specifications for this Borough. Note: If an applicant already has successfully completed the DSA Private Hire Assessment in a saloon vehicle, then he can upgrade to Hackney Carriage by completing and producing a pass certificate for the wheelchair exercise only at a reduced cost.
13. Produce to the Council a Personal Public Liability Insurance with a cover of £2,000,000. (N.B. this provides a driver with insurance cover for incidents that may happen when he/she is away from his/her vehicle).

14. Provide the name and address on the application form for a reference and who must be:
 - (i) a prominent member of the community who has known the applicant personally for at least three years (e.g. Magistrate, Lawyer, Teacher or Clergyman, etc.), and
 - (ii) a person to whom the applicant has been known for at least three years who is not connected with his/her family, the taxi or private hire trade.
15. Provide other such information as may be required by the Council and comply with other such conditions as the Council may consider reasonably necessary.

Additional notes.

New drivers will be licensed for one year. On renewal an application may be made for a 3 year licence subject to the discretion of the Licensing Manager

An applicant for a licence must disclose to the Council details of all convictions and cautions recorded against them on the application forms. He/she must also disclose any medical or other condition that may impact on their suitability to hold a hackney carriage drivers licence.

Licence holders who fail to renew their licences prior to the expiry of their existing licence will be treated for all purposes as new applicants.

Applications for renewal must be sent at least 10 working days before the existing licence expires.

Holders of hackney carriage drivers licences will also be authorised to drive licensed private hire vehicles but only in accordance with the lawful permissions authorised by that licence type. (See notes at page 4)



**GUIDANCE FOR THE DRIVERS OF PRIVATE HIRE VEHICLES
PLYING FOR HIRE AND TOUTING (FOR HOLDERS OF HACKNEY CARRIAGE
DRIVERS WHEN DRIVING PRIVATE HIRE VEHICLES)**

Only a licensed hackney carriage ('taxi', 'black cab') may ply for hire. A hackney carriage driver's licence enables the driver to drive either hackney carriages or private hire vehicles. Drivers of private hire vehicles (i.e. those who drive any vehicle other a hackney carriage) are not allowed to ply for hire.

Plying for hire is an offence under the Town Police Clauses Act 1847 and carries a maximum penalty of £2,500.

The following guidelines are issued to assist hackney carriage drivers who may in the course of their licence drive licensed private hire vehicles.

1. You **must not** draw attention to yourself as being available for hire. Any act or gesture accompanied by a conversation with a member of the public suggesting you are available for hire without a prior booking from your licensed operator will be seen as unlawful.
2. If approached by a potential passenger you **may** only hand out a business card bearing the number of your licensed operator.
3. A driver is not permitted to offer or provide his/her own number.
4. Drivers **must not** accept bookings from **anyone** other than their licensed operator.
5. You are **not** to allow any passenger to enter your vehicle without first having received a booking via your licensed operator.
6. Any vehicle movement with a passenger on board without a booking allocated by a licensed operator is **illegal**.
7. You **must** wear your badge at all times whilst working in order to identify yourself as a licensed driver.
8. You are **not** allowed to set down or pick up passengers from a taxi rank even if booked through an operator.

BASINGSTOKE AND DEANE BOROUGH COUNCIL

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Hackney carriage and private hire drivers are listed as regulated occupations within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. No conviction is categorised as spent under this Order. **All** categories that criminal offences fall into are deemed to be relevant to the role of a private hire and hackney carriage driver.

Therefore we take into account **all** convictions when considering an application for a driver's licence, irrespective of offence; sentence imposed or age when the offence is committed. **ALL motoring and criminal offences must be declared on the application form.**

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

General Policy

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of 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 should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted:-

(a) Minor Traffic Offences

Convictions for minor traffic offences, eg 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 driver's licence may be granted after its restoration but a warning should be issued as to future conduct.

(b) Major Traffic Offences

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

(c) Drunkenness

(i) With 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 alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of five years should elapse after treatment is complete before a further licence is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar 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.

(d) 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

(e) Indecency Offences

As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importing 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.

(f) Violence

As hackney carriage and private hire 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.

(g) Dishonesty

Hackney carriage and private hire 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. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. 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.

4. Procedure

The procedure will be for the Licensing Manager to enquire about convictions and to interview applicants or licensed drivers where convictions have occurred. The Licensing Manager will on receipt of a completed hackney carriage drivers licence application take the Council’s policy into account and make a decision in respect of the individual circumstances. The Licensing Manager may, if she wishes, instead refer the matter to the Licensing sub committee for decision. If the Licensing Manager refuses to grant a licence, the applicant will also be able to appeal to the Licensing sub committee.