

## **Application for a Driver's Licence Guidance Notes for New Applicants**

- Town Police Clauses Act 1847
- Local Government (Miscellaneous Provisions) Act 1976
- Read in conjunction with Eastbourne Borough Council's Byelaws and Licensing Guidance



- **Please make sure you read these notes and applications forms carefully prior to submitting your application, which must be completed by you.**
- **Incomplete and/or incorrect applications will be rejected and returned to the applicant.**
- **A non-refundable Application Fee is payable at the start of the application process. The fee covers the cost of processing your application, Enhanced DBS certificate, first English Language test & first Knowledge Test but does not include the cost of your Medical Test, Driving Standards Assessment, Blue Lamp disabilities awareness course or Blue Lamp safeguarding awareness course.**

### **INTRODUCTION**

These notes provide guidance on the licensing requirements for applicants wishing to become a Dual Hackney Carriage and Private Hire driver within the Eastbourne borough. The guidance is not intended to be an exhaustive or definitive statement of the law and all applicants should familiarise themselves with the provisions of the relevant Acts and Byelaws.

Should you have any questions relating to these notes or the application form, please use the contact us form that can be found on our website; you may also wish to seek independent legal advice.

### **PURPOSE OF LICENSING REGIME**

#### **APPLICANTS MUST BE 'FIT AND PROPER'**

The purpose of the Hackney Carriage & Private Hire licensing regime is to protect public safety and to ensure the provisions of an accessible service.

Applicants in respects of a Dual Hackney Carriage & Private Hire Driver Licence are considered within a framework of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The Licensing Authority shall not

grant a licence to an individual unless it is satisfied that the applicant is a 'fit and proper' person to hold such a licence.

New applicants with less than five years residence in the UK must supply a Certificate of Good Conduct from the relevant embassy of any country where they have lived for a period of more than one year, in addition to an Enhanced Disclosure covering their time in the UK.

New applicants with more than five years residence in the UK must supply a Certificate of Good Conduct from the relevant embassy of any country where they have lived for a period of more than one year or written reasons why they cannot provide this, in addition to an Enhanced Disclosure covering their time in the UK.

All Certificates of Good Conduct must be translated into English by an accredited translator and accompanied by a declaration to that effect.

Failure to provide this with your initial application will result in the application being deemed incomplete and therefore rejected.

Each application is considered on its merits and, in forming a judgement about the fitness and propriety of an applicant, consideration is given to a range of issues including the details of any relevant criminal convictions, any safeguarding matters (relating to violent, indecent or dishonest investigations), the results of your medical examination and, where necessary, the character references.

## **RELEVANT CONVICTIONS, WARNINGS, CAUTIONS & REPRIMANDS**

The 'Rehabilitation of Offenders Act 1974' provides the means for considering past convictions, cautions and warnings. The Act introduced a mechanism whereby certain convictions can be removed (or become spent) from an individual's record after a specified period of rehabilitation.

In 2002, the Court made an Order specifically exempting Hackney Carriage and Private Hire drivers from the relevant provisions of the 1974 Act. This means that **ALL** relevant spent convictions, cautions, warnings and reprimands can be considered in relation to a Driver's Licence application.

Therefore, when completing the application form, applicants are advised to disclose all matters irrespective of their age or nature. Applicants are advised that any conviction, cautions, warning or reprimands, including those for motoring offences, will be taken into account. Applicants who have not been resident in the UK will have to provide evidence of good conduct from their previous Country of residence at the time of application in order for their application to be considered.

## **WHO IS ELIGIBLE TO APPLY**

Eastbourne Borough Council's guidance currently states you must:

- Have held a full UK DVLA Driving Licence (for motor cars) or equivalent for at least 12 months

During the course of your application the Licensing Authority will assess you:

- Are a fully competent driver from your Driving Standards Assessment
- Have an understanding of the English language from your English Test
- Have a sound working knowledge of the roads, points of interest and principal buildings within the Eastbourne Borough from your Knowledge Test
- Are physically and mentally fit from your Medical Report
- Are of good character from your references and Criminal Records check

## **STEP ONE:**

### **YOUR APPLICATION FOR A DRIVER'S LICENCE**

You must complete the online application form yourself in full.

Please refer to these guidance notes in order to ensure that you are completing it fully and correctly. Make sure that you check the details on the online application form to ensure that it is completed correctly. **You will be committing a criminal offence if you fail to disclose matters and could face further proceedings.** A failure to disclose matters or where information is not correct may also result in the application being placed before a Licensing Sub Committee for determination.

Once you are satisfied that your application is correct, completed and signed, please submit the form, and pay the application fee. It is important that you submit **all supporting documentation** at the time of making your application. Your application will be delayed if you do not provide the required supporting documents.

You will need to include the following information and photos/scans of your supporting documents:

- Driving licence 'check code' from [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)
- HMRC Tax check code (if applicable) from [www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence#contents](http://www.gov.uk/guidance/complete-a-tax-check-for-a-taxi-private-hire-or-scrap-metal-licence#contents)
- Certificate of Good Conduct – translated into English (where you have resided outside the UK for a period of more than one year over the age of 18)
- Written reasons why you cannot provide a Certificate of Good Conduct if you have lived in the UK for more than 5 years but are unable to provide this.

- Group II completed and signed Medical form (note: must be less than 3 months old & from your own GP or other medical practitioner who has access to at least your last 2 years medical records)
- DSA equivalent driving assessment
- Blue Lamp disabilities awareness certificate
- Blue Lamp safeguarding awareness certificate

Your Disclosure & Barring Service application will now be an online process we will still need to check the documents listed below. **You must provide all of the following documents:**

- Current DVLA Driving Licence
- Passport (and/or, if applicable, your relevant work permit/settlement status code)
- Birth Certificate (if you do not have a passport)
- Formal documents showing your National Insurance Number (e.g. P45, P60, P2, benefit statement, wage slip etc.)
- Utility Bill (less than 3 months old, which must be in your name and shows your current residential address)
- Marriage Certificate **(if your name has changed since birth)**
- Deed Poll or other documentation **(if your name has changed since birth, other than by marriage)**

**Please ensure that photos/scans show the full document without any glare or shadows**

To get your DVLA check code go to the .GOV website ([www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence)). You will need your driving licence number, your national insurance number and your postcode in order to log into your details. If you have difficulties accessing this data online, you can apply for a check code by telephoning 0300 083 0013.

Information on how to get a HMRC tax check code are included on the application form & if this applies to you.

Links to the Blue Lamp courses can be found on our website here:

<https://www.lewes-eastbourne.gov.uk/licensing-and-registrations/taxi-licensing/taxi-driver-licence/>

Once your full application has been received & processed you will receive instructions on how to complete your online English Language Test & DBS application

The pass mark for the English Language Test is a 55 average & there are no limits on how many times the test is taken but each one will cost an additional charge, except the first which is included in the application fee.

Information on the English Language Test, along with guides & the option to pay for a practice test, can be found on the Pearson website here:

<https://www.pearson.com/english/versant/prepare.html?tab=english-test>

**PLEASE NOTE:** Should you not be able to produce the complete set of documentation listed above, you will not be able to submit your application and submit payment.

It should be noted that Eastbourne Borough Council does **not** provide any learning material for the knowledge test to new applicants; it is the responsibility of the applicant to prove to the Local Authority that they have the knowledge of the district to undertake this role.

A knowledge test can only be booked once you have submitted your completed application, passed the online English Test and a DBS certificate has been issued after completing the online DBS application.

**You do not need to provide the DBS certificate to the council unless requested. You must register for the DBS update service when you receive your certificate, as we will undertake DBS checks every 6 months if your application is approved. More information can be found here; (<https://www.gov.uk/dbs-update-service>)**

#### **FOLLOWING SUBMISSION OF YOUR APPLICATION**

Following the submission of your application, the Licensing Team will:

- Validate your online DBS application.
- Arrange your English language test.
- Make checks with East Sussex County Council's Safeguarding Unit in relation to the applicant's suitability to hold a licence with the Local Authority.
- Make checks with the Immigration Authority to check an applicant's right to work within the UK.

#### **STEP TWO:**

#### **PREPARING FOR THE KNOWLEDGE TEST**

You will need to familiarise yourself with the streets, public houses, points of interest and principle buildings within the Eastbourne Borough, together with the Council's licensing conditions, Policy and Byelaws. This will help you prepare for the Knowledge Test.

You will need access to a laptop or PC that has the Microsoft Teams app.

**Please note: The Local Authority does not provide training material to assist you with the Knowledge Test; the onus is on the application to demonstrate their knowledge of the local area to the Licensing Authority.**

The Knowledge Test is a computer-based system, that is taken remotely and overseen by a member of the Licensing Team. The test is designed to assess your knowledge of the Eastbourne Borough and the conditions placed upon licensed drivers either by our own Policy or the Act(s). The test includes compulsory sections covering Highway Code, road signs, numeracy, safeguarding and comprehension of English.

Applicants sitting the knowledge test must attain a pass score in each section of the knowledge test.

Applicants who do not achieve the necessary pass mark will fail the test. If you do not meet the required standard, a further appointment can be made for you to be re-tested, but each applicant has three attempts to pass the knowledge test before their application is refused and they will be unable to apply again for a minimum period of six months; you must therefore be properly prepared by the appointed date.

### **FAILURE TO ATTEND**

If you do not attend a knowledge test without reasonable excuse or fail to notify the Licensing Section in advance of your inability to attend a booked test, the Local Authority will consider that as a failed test, which counts towards your overall three attempts. A knowledge test can only be rescheduled once & must be attended on the second date or it will be marked as a failed test.

### **STEP THREE:**

#### **FINAL DOCUMENTATION NEEDED TO COMPLETE APPLICATION**

Once an applicant has successfully passed the knowledge test and received confirmation that their application is successful, they will need to submit the following documents to the Licensing Section:

- Passport sized photograph

### **KEEPING YOU INFORMED**

If there are any outstanding issues, a Case Worker will contact you to discuss matters. In the event of any Disclosure & Barring Service (DBS) disclosures which could affect your application, an appointment will be arranged with you for an interview with a Specialist Advisor

## REFUSAL OF LICENCE

If, in the opinion of the Council there are matters which call into question whether a person is 'fit and proper', the application will be referred to the Senior Specialist Advisor for consideration where the application may be refused or referred to the Council's Licensing Sub Committee for determination.

In the event of refusal, there is a right of appeal to the Magistrates Court within 21 days of the date of the decision made.

## STEP FOUR:

### GRANT OF LICENCE

Upon successful application, this authority issues the relevant licence applied for and will take the payment for the licence.

Your licence and badge will be sent via the post

New drivers will be given a numbered badge showing their photograph, licence number & licence expiry date, as well as other Council markings. The badge must be worn at all times and/or, displayed in a prominent position when driving the vehicle for hire and reward. All Driver Licences will require renewing before the expiry of the licence, you will be provided with separate guidance on this matter at the time of renewing.

A Driver Licence is issued subject to compliance with legislative and Council requirements. You should make yourself aware of the legislative requirements of becoming a driver.

A copy of the Council's conditions accompanies every licence. Failure to comply with any of the legislative and/ or licence requirements is an offence. Where breaches occur, or where drivers conduct is called into question, the licence may be suspended or revoked.