



Leicester
City Council

Guidance Notes

**Licensing of
Hackney Carriage & Private Hire Vehicle Drivers**

GENERAL INFORMATION

The Town Police Clauses Act 1847 and Part 2 of the Local Government (Miscellaneous Provisions) Act 1976 provides the statutory basis from which the Council's powers and duties are derived for licensing of hackney carriages, private hire vehicles, operators and hackney carriage/private hire drivers.

These guidance notes provide information regarding the licensing of hackney carriage and private hire drivers.

DESCRIPTION

A hackney carriage or private hire vehicle driver is a person who has satisfied the licensing authority that he or she is a "fit and proper" person to drive either a hackney carriage or private hire vehicle and who has been issued a licence under the Town Police Clauses Act 1847 / the Local Government (Miscellaneous Provisions) Act 1976.

LICENCE FEES

These include elements for administrative and enforcement costs and a drivers badge.

A list of fees of fees is detailed online: <https://www.leicester.gov.uk/business/licences-and-permits/>

The fee is payable at the time of making the application online. If you do not proceed with your application or if your application is refused a proportion of the fee paid will be deducted to cover administrative costs incurred and the remainder of the fee will be refunded to you.

PERIOD OF LICENCE

A hackney and private hire vehicle driver's licence remains in force for no more than three years from the date on which the licence was granted.

PRE-LICENSING STANDARDS

The Licensing Authority has a duty to ensure that licences to drive hackney carriages and private hire vehicles are only granted to "**fit and proper**" persons.

In order to establish your suitability to be licensed as a hackney carriage and private hire vehicle driver, the Licensing Authority requires:

- (a) a criminal record check;
- (b) a medical examination;
- (c) a topographical knowledge test of Leicester City
- (d) a Driving Test
- (e) an English speaking test

You **must** have held a full British Driver's Licence, or a full EU driver's licence, giving an entitlement to drive for a period of at least 12 months. A provisional licence, even with a pass certificate, is not sufficient.

Your UK Driver's Licence must show your current address. If the Licence shows an incorrect address, a hackney carriage and private hire vehicle driver's licence will not be issued until it has been updated.

You **must** produce the following original documentation once you have made your application online:

- a) Your DVLA or EU Driver's Licence (including counterpart if you have a photocard licence)
- b) Photographic Identity **only** in the form of:
 - Passport or DVLA Licence Photocard
- c) As many of the following (originals only):
 - Birth Certificate (or similar official document if born outside the UK)
 - Replacement Birth Certificate
 - P45/P60 statement
 - Marriage Certificate
- d) One or two proofs of address in the form of:
 - Recent utility bill
 - Recent credit card statement
 - Recent bank statement
 - Recent mortgage statement
 - Recent insurance statement
- e) Two colour passport size photographs which are obviously a true likeness of yourself

THE CRIMINAL RECORD CHECK

IT IS AN OFFENCE TO GIVE FALSE INFORMATION OR TO OMIT ANY MATERIAL PARTICULARS IN RELATION TO AN APPLICATION.

When applying for the grant of a hackney carriage and private hire vehicle driver's licence, you must declare any convictions or cautions recorded against you unless they are regarded as "spent" under the terms of the Rehabilitation of Offenders Act 1974. The information given by you will be treated in confidence.

You must be aware that the Licensing Authority is empowered in law to check with the Disclosure and Barrings Service (DBS) for the existence and content of any criminal record held in your name. Information received from the DBS will be kept in strict confidence whilst the licensing process takes its course and will be retained for no longer than is necessary. You will be asked to verify and confirm any relevant information received from the DBS. A Code of Practice regarding a DBS Disclosure, is available from the Licensing Section.

The DBS make a statutory charge for this service which the applicant must pay. Details of this fee can be found in the licensing fees section of this form.

The disclosure of a criminal record or other information will not automatically debar you from gaining a licence unless the Licensing Authority considers that the conviction(s) renders you unsuitable. In making this decision the authority will consider all the circumstances of the offence(s) renders you unsuitable. In making this decision the authority will consider all the circumstances of the offence(s) including such things as the nature of the offence, how long ago and at what age you were when it was committed.

If you have been disqualified from driving, full details must be supplied of all offences which resulted in the period of disqualification – the details must include the precise offences, dates of offences and the penalties imposed. You may be requested to obtain a "Memorandum of Conviction" from the convicting court.

If there are convictions or other matters which may affect your suitability to be licensed as a driver, the application may be referred to the Neighbourhood and Environmental Services (Licensing) Sub-Committee for determination. You will have an opportunity to appear before, and/or be represented at, the Committee Hearing and further requirements in relation to this would be explained in writing.

If there are outstanding alleged offences, these may be taken into account and delay determination of an application.

IF YOU ARE REFUSED A DRIVERS LICENCE ON THE GROUNDS THAT YOU ARE NOT A FIT AND PROPER PERSON TO HOLD SUCH A LICENCE YOU HAVE THE RIGHT OF APPEAL TO THE MAGISTRATES COURT. DETAILS OF ALL RIGHTS OF APPEAL WILL BE EXAMINED IN WRITING SHOULD A LICENCE BE REFUSED.

Please note: We may ask for a new disclosure if your application has not been completed within 12 months of the date of your first disclosure.

RELEVANCE OF CONVICTIONS

Each application for the grant of a licence will be decided on its own merits.

Convictions for certain types of offences would generally be held to render an applicant unsuitable, subject to the circumstances of the individual case. The overriding consideration is the protection of the public.

The Licensing Authority, in order to ensure that applications are treated fairly and consistently has developed guidelines relating to the relevance of convictions for use in determining applications. A copy of the guidelines on convictions can be found on our website: <https://www.leicester.gov.uk/business/licences-and-permits/transport-and-street-licences-and-permits/taxi-licensing/>

The Licensing Authority has regard to the Rehabilitation of Offenders Act 1974 in determining whether offences should be taken into consideration when determining applications. Offences which are “spent” under the Act would almost certainly not be taken into account (although there are exceptional circumstances in which they would). A copy of the Rehabilitation of Offenders Act can be obtained from the Licensing Section.

THE MEDICAL EXAMINATION

A medical examination report is available to download and print from the website: <https://www.leicester.gov.uk/business/licences-and-permits/transport-and-street-licences-and-permits/taxi-licensing/>

You will need to arrange for a medical which must be carried out by your **own** medical practitioner who has access to your medical records. The form must be completed and sent to Leicester City Council Licensing Authority. The applicant must pay the medical practitioner’s fee, unless other arrangements have been made. The Licensing Authority accepts no liability to pay the medical practitioner’s fee. The medical examination report will be dealt with confidentially and further reports from doctors and specialists as are considered necessary in connection with an application will be sought. There are further notes & guidance at the front of the medical form.

Please note: We may ask for a new medical report if your licence application has not been completed within 12 months of the date of your first medical report and any medical that is more than four months old on application will not be accepted.

THE TOPOGRAPHICAL KNOWLEDGE TEST

Upon an application being made, an appointment will be arranged for you to take a topography test. The test is designed to assess your knowledge of the district (Leicester City), understanding and ability to use maps and street plans and of the legislation governing hackney carriage and private hire operations.

The test is a written one and takes the form of a series of “multiple choice” questions and some “true or false” type questions.

Assistance will be given in understanding the questions asked, if this is required. An ability to read or write English sentences is not required.

You will be provided, at the test, with outline maps and will be required to identify a number of places, streets, larger roads and areas or estates.

You should ensure that you are properly prepared for the test and you are advised to carefully study a good street guide of Leicester. In particular, you will need to be familiar with the one-way system, any pedestrian zones, "dead-ends" etc and to know various places people may wish to go, such as hotels, nightclubs, leisure centres etc. A list of the streets, places and areas included in the test can be found on our website: <https://www.leicester.gov.uk/business/licences-and-permits/transport-and-street-licences-and-permits/taxi-licensing/>

You will have an hour in which to complete the test and a high level of accuracy is required.

The "true or false" type questions will be, mainly, regarding the rules and regulations governing hackney carriage and private hire operations and whilst you will not be expected to already be familiar with these, you should be aware of the following facts:

- Hackney Carriages are the **only** vehicle which are allowed to pick up in the street or to stand on taxi ranks
- Private Hire Vehicles can only be used to pick up passengers who have booked previously
- In a Hackney Carriage, the driver can only charge according to the fare table issued by the Council or **LESS**. You cannot charge more than the approved fare for a journey commencing within the City under any circumstances – it is illegal
- If you receive a booking in a Hackney Carriage, you can only charge the approved fare from the point at which you pick up the passenger to the point you drop them off
- If you change your address, you must notify the Council within 7 days
- The proprietor must notify the Council of any accident damage to the car within 72 hours (3 days) **AT THE LATEST** – sooner if possible. You should, therefore, notify the proprietor of any damage **IMMEDIATELY**, or the Council if you are the owner
- You must take any lost property found in the car to the Police within 24 hours.
- You must not carry more people than the car is licensed for.
- You must not carry any person other than the paying passenger(s).
- You must wear your drivers badge at all times when you are working as a hackney carriage or private hire driver.
- You must take the shortest practicable route and must not unnecessarily prolong the journey in distance or time.
- You must not solicit for business by shouting or otherwise importuning the public.
- You must attend punctually to any booking
- You must convey a reasonable amount of luggage and assist with loading and unloading.
- You must not place advertising matter in the window of the vehicle.
- You must maintain the car in a clean and tidy condition and keep an approved fire extinguisher ready for use.

- You must be familiar with the workings of the taxi-meter, switch it to “hire” only when the passenger commences a journey and must not tamper with the meter in any way. The seal must remain intact.
- You must not leave a hackney carriage unattended when it occupies the first or second place on a rank.
- You must produce your licence on request to an authorised Officer of the City Council or Police Constable either forthwith or within five days at the appropriate place.
- An authorised Officer or Police Constable has the right to inspect a vehicle at any reasonable time.

A re-test fee is payable if you fail to attend the test without giving reasonable notice or fail to achieve the pass mark. Should you fail the test, a period of 28 days must expire prior to you being allowed to retake the test. You may take a maximum of four tests after which, the application for the grant of a licence will be refused.

DRIVING ASSESSMENT

Applicants must pass an assessment to show that they have the necessary driving skills to be a hackney carriage / private hire vehicle driver. These assessments may be taken with one of the three following providers:

- Defensive Driver Training
- IAM Road Smart
- Junction 17 Defensive Driver Training Ltd

Contact details are available on the licensing pages of the council’s website: <https://www.leicester.gov.uk/business/licences-and-permits/transport-and-street-licences-and-permits/taxi-licensing/>

The applicant must pay the required fee and provide a road worthy vehicle which can be either a standard motor vehicle or hackney carriage. The pass certificate must be produced to the Licensing Authority.

ENGLISH ASSESSMENT

All new applicants will be required to provide the Licensing Authority with evidence that they can speak English to an appropriate standard. This is in accordance with sections 51 and 57 of the Local Government (Miscellaneous Provisions) Act 1976.

Applicants must either show evidence that they were born in the United Kingdom or undertake an English assessment. Assessments can be carried out by Leicester College, who are independent of Leicester City Council. Each assessment will cost £50, which is payable directly to the college and the assessments will usually take place at Leicester College’s Abbey Park Campus.

Applicants will need to meet the requirements of Entry Level 3 (Established) before being licensed as a taxi driver. Anyone who does not reach this standard will be given advice about training to improve their English. However, anyone who does meet the standard will be given a letter to return to the Licensing Section. This will be supported by confirmation sent direct from the college to the council.

If you want to arrange an assessment, or for further information about the assessment itself, please contact Leicester College –

Telephone: 0116 224 4117 or 0116 224 4104 - ESOL Hub

Email: pgilbert@lec.ac.uk

Although we prefer applicants to be assessed at Leicester College, we will consider on a case by case basis whether to accept certificates obtained from registered providers showing that applicants have met the ESOL Entry Level 3 standard (or higher) in speaking and listening.

EQUALITY MONITORING

Applicants will be asked to complete an Equality Monitoring form. This will be separated from the application and will not affect our decision whether or not to issue a licence. Completion of this form is optional.

POST-LICENSING REQUIREMENTS

Once issued, a Hackney Carriage and Private Hire Vehicle Driver's Licence is subject to conditions of licence, legislative requirements and byelaws (in respect of hackney carriages). As a licensee, you must ensure compliance with these.

It should be noted that the **onus is on the licence holder** to comply with the law at all times and any advice or information given by the Council in this regard is advisory only without prejudice as an interpretation of the law is a function of the courts.

You will be issued with a Hackney Carriage and Private Hire Vehicle Driver's Licence, incorporating a photograph of yourself. The badge must be worn at all times you are working as a Hackney Carriage and Private Hire Driver.

From November 2015 all newly licensed drivers are required to complete a child sexual exploitation awareness course within three months of the date when their licence was granted. The cost of this is £20 and this fee will be added to the application fee at the start of the licensing process.

"On-street" enforcement is regularly carried out by Licensing Enforcement Officers to ensure compliance with all requirements. Licence holders are expected to co-operate fully with Licensing Enforcement Officers and with other enforcement agencies.

The Council may suspend, revoke or refuse to renew a licence for any of the following reasons.

- (a) that the licensee has, since the grant of a licence:
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Town Police Clauses Act 1847 or the relevant part of the Local Government (Miscellaneous Provisions) Act 1976; or
- (b) any other reasonable cause.

Appeal can be made to a Magistrates Court.

If the Hackney Carriage and Private Hire Vehicle Driver's Licence expires, is revoked or suspended, the Council may, by Notice, require the return of the drivers badge within fourteen days.

The licence is not-transferable. If a licensee wishes to renew a driver's licence, applications must be made to Leicester City Council prior to the date of expiry of the existing licence.

If a further licence is applied for after the expiry date of the existing licence, the application will be treated as a new application and the applicant will be required to produce the relevant identification, medical form, DBS Disclosure form, retake the topographical knowledge test and practical driving test.

Upon attaining the age of 45, and at intervals of 5 years thereafter until the age of 65 (that is attaining the ages of 45, 50, 55, 60, and 65) the licensee is required to have a full medical examination report from completed by his or her registered medical practitioner. Upon attaining the age of 65, a medical examination report is required on an annual basis.

DRIVER CODE OF CONDUCT

DRIVER'S CODE OF CONDUCT

Dress in a clean & respectable manner

Refrain from eating & drinking without hirer consent

Identification badge to be visible at all times

Vehicle to be clean & tidy

Ensure safety of passengers at all times

Receipt for fare to be given on request

Civil & orderly manner to passengers & other persons

Operator not to cause a noise nuisance

Do not sound horn to attract public attention for hire

Encouraging public to hire vehicle is not allowed

www.leicester.gov.uk/licensing

PLEASE NOTE

Whilst you may wish to make reasonable enquiries of the Licensing Authority's staff and agents (and they will be endeavour to be helpful in clarifying areas of doubt), you should take care not to act unreasonably towards them. Aggressive, abusive and intimidating behaviour, persistent shouting and unreasonable argumentiveness are in no-ones interest and will not be tolerated beyond acceptable bounds. Failure to heed this advise may result in a report being submitted to the Licensing Authority, which could result in a licence being refused on the grounds of the unsuitability of the applicant.

If, after carefully reading these guidance notes, you are unsure of any matter or require further assistance or advice, please contact the Licensing team on 0116 454 3030. Alternatively, you may make enquiries in person to:

The Customer Service Centre
Leicester City Council
York House
91 Granby Street
Leicester
LE1 6FB

Opening times are on the council's website: www.leicester.gov.uk