

## **Becoming a Hackney Carriage or Private Hire Driver in Wirral**

### **Who can become a licensed Private Hire or Hackney Carriage Driver?**

If you have held a full driving licence for more than twelve months, you can apply to become a licensed driver. There is no age limit, but you will need to pass a medical examination.

You must satisfy the Council that you are a fit and proper person to hold a licence and you will undergo a number of checks and assessments to assist the Council to determine whether you are a fit and proper person.

### **What do I need to do to get a private hire or hackney carriage driver licence?**

You will need the following before a licence can be granted:

- VRQ Qualification
- Knowledge Test pass
- Safeguarding Training
- English Language Skills test pass (oral and written)
- Satisfactory DVLA driving licence
- Satisfactory Enhanced Certificate from the Disclosure and Barring Service (DBS) - Criminal record check - **dated no more than two months before your licence is issued**
- Satisfactory medical – **dated no more than two months before your licence is issued**
- MiDAS qualification - required in place of the Knowledge Test and VRQ if your licence is to be restricted to only carrying out work that is subject to a contract issued by Wirral Council to transport children to and from educational establishments
- Licence fee

### **How long will my application take?**

The time period will be influenced by the length of time taken for the return of the DBS certificate, when you undertake the necessary qualifications and when you are able to provide a medical assessment report.

### **What forms and documentation is required?**

To begin the application process applicants must submit a completed Application Form and submit a DBS application (further details of the DBS application process is contained within the New Driver Application Pack).

When an applicant is ready to submit an application they should contact Licensing to make an appointment.

During the appointment the following documentation will be required.

- DVLA Driving Licence in your current address
- DVLA driving licence check code
- Passport or full (long) birth certificate, issued in the UK
- 1 x other form of ID e.g. Utility Bill, Bank Statement, Birth Certificate (see DBS ID list enclosed).
- Application fee of **£125** (credit/debit card)
- **DBS** (criminal record check) fee **£43** (credit/debit card)

### **Do I need a medical?**

You will be provided with a medical assessment form which must be taken to your GP surgery or another Doctor who has full access to your medical records. The Doctor will examine you and complete the medical assessment form.

The completed medical assessment form cannot be accepted if it is more than two months old when you are issued with your licence.

[DVLA Group 2 Medical Standards](#) are applied, so if you are in any doubt about your health, you should contact your GP prior to making an application.

### **Do I need to declare “spent” criminal convictions?**

When applying for a hackney carriage or private hire driver licence all convictions may be taken into account, and you should therefore declare all convictions, even if they were a very long time ago and you do not know the exact dates.

Failure to declare convictions which are later identified (i.e. via DBS check) may indicate dishonesty which could be taken into account when considering if an applicant is a fit and proper person.

### **Do I need to declare cautions and fixed penalties?**

You must declare any police cautions and fixed penalties that you have received.

### **What is the knowledge test?**

The Knowledge Test is a written test that must be passed by all applicants for hackney carriage and private hire driver licences (except those applying for a licence only for transporting children to and from educational establishments under a contract issued by Wirral Council).

It is designed to test your knowledge of the Wirral, the Highway Code and the conditions of licence in preparation for when you obtain your licence. There are 4 sections as follows.

- Section 1 : 10 routes
- Section 2 : 20 spot locations
- Section 3 : 20 Highway Code / driving standards questions
- Section 4 : 20 questions relating to hackney carriage/private hire licence conditions and legislation

You will also sit the English Language Skills Written Test during the Knowledge Test.

Knowledge Test notes will be given to you when you submit your application.

**PLEASE NOTE:** You will be required to bring photographic ID (e.g. DVLA photocard driving licence) when sitting the Knowledge Test.

An applicant who fails to pass one or more sections of the Knowledge Test must re-sit the complete Knowledge Test. This re-sit of the test must take place within three months of the first test. An individual who fails to pass the test on the second attempt be prohibited from taking the test for a period of six months.

### **What is Safeguarding Training?**

Safeguarding is the action taken to promote the welfare of children and protect them from harm. The training is designed to provide information about the types of exploitation children can face, the signs to look out for, and what licence holders can do if they suspect a child is being exploited.

When you submit your application you will be booked onto one of the Safeguarding training sessions delivered by Wirral Council. The training is delivered online via Microsoft Teams and lasts approximately 2 hours.

### **What is the Vocationally Related Qualification (VRQ)?**

All applicants must obtain a Level 2 Certificate in Introduction to the role of the Professional Taxi and Private Hire Driver.

The VRQ course is provided by a number of organisations which can be found online.

### **Why have applicants got to pass an English Language Skills Test?**

It is important that licensed drivers can read and understand policies and guidance. Oral proficiency is of relevance in the identification of potential exploitation through communicating with passengers and their interaction with others.

Applicants must pass both a written and oral test. The written part of the test is part of the Knowledge Test; an appointment for the oral test will be arranged with applicants.

## **What is MiDAS?**

The Minibus Driver Awareness Scheme (MiDAS) is a nationally recognised standard for the assessment and training of minibus drivers. If you are applying for a licence to enable you to *only* undertake work that is subject to a contract issued by the Council to transport children to and from educational establishments you will be required to complete this course in place of the Knowledge Test and VRQ.

## **Do I need to do an NVQ?**

No. Once granted a licence applicants will have the option of completing the Level 2 National Vocational Qualification (NVQ) in Road Passenger Vehicle Driving on a voluntary basis. This is currently not a mandatory requirement of the licence, however drivers are encouraged to obtain this invaluable qualification

## **What is an Enhanced DBS check and why do I need one?**

An Enhanced DBS check provides details of an individual's convictions, cautions, reprimands or warnings recorded on Police central records and in the case of hackney and private hire drivers includes both "spent" and "unspent" convictions. It also provides information held locally by Police which is considered relevant to your application. It will form part of the assessment of whether you are a fit and proper person to hold a licence. Further information on how to submit your DBS application is contained within the New Driver Application Pack.

## **I have lived abroad. Do I need a criminal record check from that country?**

You will be required to obtain a criminal record check from any country you have lived in for more than three months. Details of how to obtain these can be found at <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

## **How do I obtain a DVLA driving licence check code?**

Go to [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence) You will be required to enter your driving licence number, National Insurance number and post code.

## **How long will it take to get a licence?**

The criminal record check can take up to 8 weeks. You cannot be granted a licence until after you have presented your DBS check to Licensing. If there is a record of criminal convictions you may be referred to the Licensing Panel which usually meets once a month.

The DBS is usually the longest part of the process but you will also have to pass the VRQ, Knowledge Test and a medical before a licence can be granted.

However you should be aware that it can take longer than this for your licence to be issued, particularly if your application is delayed due to convictions disclosed or if you fail the knowledge test and you have to resit.

There is a time limit of six months for an applicant to complete all the necessary requirements to be considered for the grant of a Hackney Carriage or Private Hire Driver Licence.

### **How long will my licence be valid for?**

Driver licences are normally valid for three years, however in some circumstances a licence may be issued for a shorter period.

### **How will I get my Licence?**

Once you have obtained all of the necessary documents, obtained the VRQ qualification, passed the Knowledge Test and you if you have no convictions, you can make an appointment with Licensing to complete the application process and obtain your licence.

### **Will I be granted a licence if I have penalty points on my driving licence?**

If you have penalty points on your licence you may be referred to the Regulatory Panel. See the Council's *Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences*.

### **Will I be granted a licence if I have a criminal record?**

If you have any criminal convictions your application will be referred to the Regulatory Panel. See the Council's *Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences*.

### **What is the Regulatory Panel?**

The Regulatory Panel consists of a number of Councillors who consider applications for licences that cannot be granted by officers. See the Council's "Statement of Policy and Guidelines relating the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences.

### **How much will it cost to obtain a Licence from the Licensing Authority?**

There are a number of fees payable to the Licensing Authority. There is an application fee of **£125** which is non-refundable should a licence not be granted for any reason. The DBS criminal record check costs **£43** which is payable at the same time as the application fee.

IF a licence is granted the licence fee of **£187** is payable.

### **How do I pay the fees?**

Payment is accepted by debit card and credit card during your appointment.

### **What other costs are involved in becoming a licensed driver?**

There are various costs involved in becoming a driver. The main ones are as follows:

- DVLA Group 2 Medical
- VRQ – currently funding is available in certain circumstances. You should check with the training providers who will advise you regarding this.

If an applicant also wishes to licence a vehicle as a hackney carriage or private hire vehicle the costs are currently

- Vehicle licence - £192 for a 12 month licence
- Vehicle MOT/Compliance test - approximately £50
- Vehicle insurance can be up to £2500 a year, and sometimes more

**Who can I contact for Further Information?**

For further information about Hackney and Private Hire Licensing, you can contact the Licensing Section by email [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk)

## Guidance for Online DBS Check

- Go to [www.dbsassist.co.uk/wirral/](http://www.dbsassist.co.uk/wirral/) **DO NOT** use a search engine to find the website. Type in the web address above in the address bar, exactly as shown.
- In DISCLOSURE AND BARRING SERVICE (DBS) APPLICATION, Click on **"Start Application"**
- In Organisation Reference enter **LICENSING**  
In Password enter **wirral** (all lower case)
- Click "Login"
- The blank application will then appear.  
Complete the application, (using the notes on the right hand side of the screen for guidance).
- Click in the box to indicate consent  
Click on "Submit"  
**Make a note of the unique form reference number**

# ID Requirements

## **3** ID documents must be produced

*(Originals only accepted. Photocopies or printed copies not accepted)*

1 Driving licence photocard (UK, EU, EEC)

**AND**

2 Passport or UK full (long) birth certificate or UK Biometric Residence Permit

**AND**

3 One of the following

- Marriage/Civil Partnership Certificate (UK)
- Adoption Certificate (UK)
- HM Forces ID Card (UK)
- Fire Arms Licence (UK)
- Mortgage Statement (UK) **less than 12 months old**
- Bank/Building Society Statement (UK) **less than 3 months old**
- Bank/Building Society account opening confirmation letter **less than 3 months old**
- Credit Card Statement (UK) **less than 3 months old**
- Financial Statement - e.g. pension, endowment, ISA (UK) **less than 12 months old**
- P45/P60 Statement (UK & Channel Islands) **less than 12 months old**
- Council Tax Statement (UK & Channel Islands) **less than 12 months old**
- Work Permit/Visa (UK) (UK Residence Permit) **valid up to expiry date ONLY**
- Utility Bill (UK) – Not Mobile Telephone **less than 3 months old**
- Benefit Statement - e.g. Child Allowance, Pension **less than 3 months old**
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK & Channel Islands)- e.g. from the Department for Work and Pensions, the Employment Service , Customs & Revenue, Job Centre, Job Centre Plus, Social Security **less than 3 months old**
- EU National ID Card - **must still be valid**
- Cards carrying the PASS accreditation logo (UK) - **must still be valid**

**\*\*\*\*\*These are the only acceptable forms of ID\*\*\*\*\***



## **Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences**

This Policy has been produced having regard to the Statutory Taxi and Private Hire Vehicle Standards issued pursuant to the Policing and Crime Act 2017 as well as guidance published by the Institute of Licensing, April 2018. The purpose of this policy is to explain how the Council will carry out its licensing functions when considering one aspect of whether an applicant is a fit and proper person to hold a licence.

### **Decision Making**

The powers of the Council will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on its merits, and the Council will provide reasons when an application is refused.

**MARCH 2021**

## 1 INTRODUCTION

- 1.1 The function of licensing is the protection of the public and the Council has an onerous responsibility. In making decisions regarding grant and renewal of licences it is, in effect, holding out the licensee as someone who can be trusted to convey passengers in safety.
- 1.2 The overriding aim of any Council when carrying out its functions relating to the licensing of Hackney or Private Hire Drivers, Vehicle Proprietors and Private Hire Operators (“operators”), must be the protection of the public and others who use, or can be affected by, Hackney Carriage and Private Hire services.
- 1.3 The relevant legislation provides that any person must satisfy the Council that they are a fit and proper person to hold a licence and that is a test to be applied after any applicant has gained any reasonably required qualifications. It is the final part of the process of an application when the decision is made, whether by a committee, sub-committee, panel, or an officer under a Scheme of Delegation. It involves a detailed examination of their entire character in order to make a judgment as to their fitness and propriety.
- 1.4 If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application to do so.
- 1.5 Licences for drivers, proprietors and operators of Hackney Carriages and Private Hire Vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
- 1.6 This document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person, namely the situation where a person has committed a criminal offence.
- 1.7 This document aims to provide guidance to any person with an interest in public hire and private hire licensing. In particular, but not exclusively:
  - Applicants for Private Hire and Hackney Carriage Licences (drivers, vehicles, and operators)
  - Licensing Officers
  - Members of the Regulatory Panel
  - Courts hearing appeals against local authority decisions
- 1.8 This guidance will be used for the determination of applications in relation to Hackney Carriage Drivers and Private Hire Drivers, Hackney Carriage and Private Hire Vehicles and Private Hire Operator Licences.
- 1.9 Where Licensing Officers have delegated powers to grant licences they will utilise these guidelines when making a decision to grant a licence. In all cases where applicants fall outside of this policy applications for licences will be referred to the Regulatory Panel (the Panel). Whilst Officers and the Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Panel may depart from the guidelines. In such cases the Panel will give reasons for this departure. Offences not specifically identified in these guidelines may also be considered depending on the circumstances.

1.10 In exercising its powers the Council must ensure:

- That a person is a fit and proper person
- That a person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safeguarding of children, young and vulnerable persons

## **2 DISCLOSURE AND BARRING SERVICE (DBS) CRIMINAL RECORD CHECK**

2.1 In respect of applications for Hackney Carriage and Private Hire Driver licences the Council can consider all convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.

2.2 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence.

2.3 Information received from the Disclosure and Barring Service (DBS) will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary, and in any event will be destroyed in accordance with the requirements of the Data Protection Act 2018 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

2.4 The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a licence. In respect of driver applications the Council will consider all information on an enhanced DBS and will take a serious view of any special Police warnings contained therein. Whether or not an applicant will be granted a licence will depend upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.

2.5 The Council may not be satisfied that an applicant is a fit and proper person to hold a licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.

2.6 In considering evidence of an applicant's good character and fitness to hold a licence, where previous offences or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant.

## **3 FAILURE TO DISCLOSE A CONVICTION**

3.1 When completing an application form for a Private Hire or Hackney Carriage Driver Licence it is an absolute requirement:

- To disclose **ALL** offences, including driving offences and all spent convictions, cautions, Police warnings and reprimands, and fixed penalties in the relevant box on the application form
- To inform the Council if you are under investigation in respect of any criminal offence, if you are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates, Crown Court or other Tribunal/Court have been commenced against you

- To inform the Council if you have had any anti-social behaviour orders (or other orders/injunctions made by a court) issued against you, including details of any sentences upon breach relating to anti-social behaviour.

3.2 Failure to fully disclose any of these matters may lead to an application being refused and to a prosecution.

3.3 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, with other services within the Council as well as other organisations.

Please contact us by emailing [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk) if you would like to discuss your application in confidence.

## 4 REGULATORY PANEL

4.1 In circumstances where an applicant has convictions which are outside of the timeframes referred to in this guidance and/or if there are any concerns about an applicant being 'fit and proper', the application will be referred to the Regulatory Panel who will consider the application. Applicants will be advised of the procedure which will enable their attendance before the Panel and they will be able to attend the Panel to put their case forward. Any person refused a licence has a right of appeal to the Magistrates' Court against the Council's decision within 21 days of being notified of the Council's decision.

4.2 Each applicant referred to the Panel will be considered on their individual merits. In those circumstances the Panel will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to grant a licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the applicant's suitability to hold a licence. Alternatively, the Panel may consider that, notwithstanding the applicant being free of offences for the relevant period, it would not be appropriate to grant a licence.

4.3 The overriding consideration of the Panel will always be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of the contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles.

4.4 Holding a Hackney Carriage or Private Hire Licence is a responsible position and the Panel takes its public protection role very seriously. The Panel will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued.

4.5 When considering applications for Hackney Carriage and Private Hire Driver Licences the Panel can consider all criminal offences, including spent convictions and will also take into consideration cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a court. The Panel will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.

4.6 Whilst an applicant may have a number of offences that, individually, meet the Council's policy guidelines, the overall offending history will be considered when assessing suitability for a licence. The Panel may depart from these guidelines at its discretion subject to the

circumstances. The policy guidelines provide a general guide to applicants on various types of offences.

## **5 GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS**

- 5.1 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for licences.
- 5.2 The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an application.
- 5.3 If an applicant has a conviction for an offence not covered by the guidelines, regard will be had to the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant when deciding whether to grant an application. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
- 5.4 An applicant with a current criminal conviction will not be permanently barred from obtaining a licence, but an applicant will generally be expected to be free from convictions for a number of years, depending on the nature of their particular offences, before a licence will be issued. Each case will be decided on its own merits.
- 5.5 Multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which may be taken into account despite being outside the timeframes referred to in these guidelines. Such cases will generally be referred to the **Panel**.
- 5.6 For the purpose of clarity, reference in these guidelines to "the completion of any sentence" shall be taken to mean the completion of any Community Order, or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court whether or not the term of imprisonment was suspended), whichever is later.

## **6 SEXUAL AND INDECENCY OFFENCES**

- 6.1 Where an applicant has a conviction for any offence involving, or connected with, illegal sexual activity a licence will not be granted. In addition, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

## **7 VIOLENT OFFENCES**

- 7.1 Where an applicant has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed. Where an applicant has committed more than one violent offence then the application will be refused.

Where an applicant has a conviction for violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since either the date of the offence, the date of conviction, or the completion of any sentence imposed, whichever is later. Given the range of offences that involve violence the Council will

carefully consider the nature of the offence and the sentence imposed when determining an application.

## **8 POSSESSION OF A WEAPON**

- 8.1 Where an applicant has a conviction for possession of a weapon or any weapon related offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

## **9 PUBLIC ORDER OFFENCES**

- 9.1 Where an applicant has a conviction for a public order offence a licence will not be granted until at least 5 years have elapsed from the date of the offence, the date of conviction or the completion of any sentence imposed, whichever is later. An applicant with more than one such offence in the previous 10 years will be expected to show a period of at least 7 years free of such offences from either the offence, the date of conviction, the date of conviction or the completion of any sentence imposed, whichever is later.

## **10 DRUG OFFENCES**

- 10.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply.
- 10.2 Where an applicant has committed an offence relating to the supply of drugs, or for the production or cultivation of drugs, a licence will not be granted until a period of at least 10 years have elapsed from either the offence, the date of conviction or the completion of any sentence imposed, whichever is later.
- 10.3 Where an applicant has committed an offence for possession of drugs or relating to the possession of drugs a licence will not be granted until at least 5 years have elapsed from either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.
- 10.4 If there is evidence of persistent drug use or dependency a specialist medical examination or a drugs test may be required at the applicant's expense. If an applicant was an addict then they would generally be required to show evidence of at least 7 years free from drug taking after detoxification treatment.

## **11 DISHONESTY OFFENCES**

- 11.1 Licence holders are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an idea of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. For all these reasons, a serious view is taken of any offence involving dishonesty. Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

## **12 PERVERTING THE COURSE OF JUSTICE**

12.1 Where an applicant has a conviction for any offence where perverting the course of justice is an element of the offence, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

## **13 DISCRIMINATION**

13.1 Where an applicant has a conviction involving, or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

## **14 EXPLOITATION**

14.1 Where an applicant has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes but is not limited to the following: slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse.

## **15 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING OFFENCES**

15.1 Where an applicant has been convicted of an offence concerned with or connected to Hackney Carriage or Private Hire activity a licence will not be granted until at least 7 years have elapsed since either the offence, the date of conviction, or the completion of any sentence imposed, whichever is later.

## **16 MOTORING OFFENCES**

16.1 An applicant's driving record will be taken into account when considering applications for driver licences. The Council will consider the nature and volume of motoring offences when considering applications. Hackney Carriage and Private Hire Drivers are professional drivers charged with the responsibility of carrying the public, and as such a higher standard of driving is expected compared to other road users. Multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally. A poor record of driving will raise doubts about an applicant's fitness and indicate a disregard for the law.

16.2 When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following categories of offences.

### **16.3 DRIVING OFFENCES INVOLVING LOSS OF LIFE**

16.3.1 An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. In such circumstances an application will not be granted.

## **16.4 DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS**

16.4.1 A serious view is taken of any motoring offence for driving, attempting to drive, being in charge of a motor vehicle whilst under the influence of alcohol or drugs, and failure to supply a specimen. Where an applicant has a conviction for drink driving or driving under the influence of drugs a licence will not be granted until at least 7 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later. An applicant with more than one offence of this type will not be granted a licence.

## **16.5 SERIOUS MOTORING OFFENCES**

16.5.1 Generally, the Council classes a serious motoring offence as having occurred when 6 or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than 6 penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Types of offences classed as a serious offence can include, but are not limited to, driving without insurance, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' procedure.

16.5.2 Where an applicant has a conviction for a serious motoring offence, a licence will not be granted until at least 7 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.

## **16.6 USING A HAND-HELD DEVICE WHILST DRIVING**

16.6.1 Where an applicant has a conviction for using a hand-held mobile telephone or hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.

## **16.7 MINOR MOTORING OFFENCES**

16.7.1 A minor motoring or vehicle related offence is considered to be one which does not involve the loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has not resulted in injury to any person or damage to any property including another vehicle and will normally result in less than 6 penalty points being imposed on a DVLA driving licence.

16.7.2 Where an applicant has 7 or more points on their DVLA driving record for minor motoring or similar offences a licence will not be granted until at least 5 years have elapsed since either the date of the offence, the date of conviction, the completion of any sentence imposed, or the completion of a driving disqualification, whichever is later.

If you have any queries regarding your application please contact us by email at [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk)

## **APPLICATION FOR A HACKNEY CARRIAGE OR PRIVATE HIRE DRIVER LICENCE**

Please read these notes carefully before completing the attached application form.

Further information can be found in the enclosed “**Becoming a Hackney Carriage or Private Hire Driver in Wirral**” and on the Council’s website: [www.wirral.gov.uk/taxi](http://www.wirral.gov.uk/taxi)

All sections of the application form should be completed in black ink using CAPITAL LETTERS.

### **APPLICANT INFORMATION**

You must include all your forenames.

You must include at least one contact telephone number as well as an email address so that we can contact you regarding your application.

### **CONVICTIONS CAUTIONS WARNINGS REPRIMANDS AND FIXED PENALTIES**

**ALL** criminal and motoring convictions **MUST** be disclosed on the application form, even if they are very old or you consider them to be “spent”.

Under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 no convictions are considered to be “spent” when applying for a Private Hire or Hackney Carriage Driver licence.

**IMPORTANT:** Failure to declare convictions may affect your application for a licence.

### **DRIVING LICENCE**

You must have held a full UK driving licence for at least 12 months.

Your driving licence must show your current name and address and should be in good condition. A driving licence which is defaced will not be accepted.

You will also be required to provide a DVLA driving licence check code when submitting your application. You must obtain this before your appointment. A code can be obtained online at [www.gov.uk/view-driving-licence](http://www.gov.uk/view-driving-licence).

### **PREVIOUS APPLICATIONS**

You must tell us if you have previously held a licence with Wirral Council or any other local authority.

### **DISCLOSURE AND BARRING SERVICE (DBS) CRIMINAL RECORD CHECK**

Prior to submitting your application for a licence you must complete the online application at [www.dbsassist.co.uk/wirral/](http://www.dbsassist.co.uk/wirral/) using the following details:

Organisation Reference : **LICENSING**  
Password : **wirral**

If you have lived outside the UK since the age of 18 you will be required to obtain a Certificate of Good Conduct from all countries you have lived in for 3 months or more.

## **SUBMITTING YOUR APPLICATION**

When you are ready to submit your application you should email [taxilicensing@wirral.gov.uk](mailto:taxilicensing@wirral.gov.uk) advising you wish to submit an application, and provide your *name* and *contact telephone number*. You will be contacted to arrange your appointment.

During the appointment you **must** produce the following:

- DVLA Photocard Driving Licence at your current address,
- DVLA driving licence check code
- UK Passport or full UK birth certificate, or non-UK passport with valid residence/work Permit

In addition to the above you **must** also produce one other form of ID as listed in the ID Requirements list which is included with the New Driver Application Pack.

The current fees can be found on the Council's website: [www.wirral.gov.uk/taxi](http://www.wirral.gov.uk/taxi)

## **OTHER REQUIREMENTS FOR A LICENCE TO BE GRANTED**

<b>Medical assessment</b>	You will be given the medical assessment form at your appointment
<b>VRQ</b>	You must contact one of the training providers shown on <a href="http://www.merseylearn.net">www.merseylearn.net</a> to arrange to undertake the course
<b>Knowledge Test</b>	You will be given knowledge test notes at your appointment and booked on to the test
<b>English Language Skills Test</b>	You must pass both a written and oral English Language Skills Test
<b>Safeguarding Training</b>	At your appointment you will be booked onto one of the Safeguarding training sessions organised by the Council.
<b>MiDAS</b>	This is a requirement in place of the Knowledge Test and VRQ if your licence is to be restricted to only carrying out work that is subject to a contract issued by the Corporate Director for Delivery Services to transport children to and from educational establishments.
<b>Certificate of Good Conduct</b>	Required from all countries outside the UK where you have lived for three months or more

## **PRIVACY POLICY**

Wirral Council takes your privacy seriously. We will only use your personal information to process your application and provide the products and services you have requested from us.

From time to time we may need to contact you with details of the service or information we require from you and we will do this using the contact information you provided on your application form. This can either be by post, email, telephone or text message.

Wirral Council has a duty to protect the public and we implement a number of security measures to maintain the safety of your personal information. Please be aware however that the information you provide on this application may be shared with other public bodies where required, such as Council Departments, Government Services and the Police, and your information may be used for the prevention of fraud or other serious offences.

If you require a copy of the data we hold or believe it to be inaccurate please contact Wirral Council's Information Manager Officer by email at [informationmanager@wirral.gov.uk](mailto:informationmanager@wirral.gov.uk)  
Information held by Wirral Council about individuals will be held securely and in compliance with the Data Protection Act 2018 (DPA) and the General Data Protection Regulations (GDPR). Information will not be held for longer than required and will be disposed of securely.

### **National Register of Taxi Licence Revocations & Refusals (NR3)**

Licensing Authorities are required to satisfy themselves that those holding hackney carriage and private hire licences are 'fit and proper' to do so; firstly during the determination of an application for a licence, and then at any time during the currency of a licence. This is done in a number of ways including officers checking against the NR3 database, which is hosted by NAFN ([www.nafn.gov.uk](http://www.nafn.gov.uk)). The NR3 register is available to all Licensing Authorities and may be used by them when determining an application.

It is important that we make you aware of the following:

- all applicants will have their details checked against the register, and any relevant information will be considered in assessing the application
- where an application is refused, or where a licence is granted but subsequently revoked, this information will be entered into the register

Please note this information will be processed in accordance with the DPA and GDPR. There is a lawful basis for processing the data, which is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller – that is, assessing whether an individual is a fit and proper person to hold a hackney carriage or PHV licence.

## APPLICATION FOR A PRIVATE HIRE OR HACKNEY CARRIAGE DRIVER LICENCE

**PLEASE COMPLETE THIS FORM USING CAPITAL LETTERS AND BLACK INK**

<b>Licence Type</b>	<input type="checkbox"/> Private Hire Driver
	<input type="checkbox"/> Hackney Carriage Driver

Section 1	Applicant details		
Surname			
Forename (s)			
Address			
		Post Code	
Date of Birth			
NI Number			
Telephone No.		Mobile	
Email address			

### **POLICY ABOUT RELEVANT CONVICTIONS**

The information you give will be treated in confidence and will only be taken into account in relation to your application.

You should be aware that the Licensing Authority is also empowered in law to check with the police for the existence and content of any criminal record held in the name of an applicant. Information received from the police will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the authority considers that the conviction(s) render you not to be a fit and proper person to hold a Private Hire or Hackney Carriage Driver Licence. In making this decision the authority will consider the nature of the offence, the sentence imposed and the lapse of time since the offence was committed as well as any other factors which may be relevant.

The Council's Statement of Policy and Guidelines relating to the Relevance of Convictions when considering applications for Hackney Carriage and Private Hire Licences provides further guidance regarding convictions – see [www.wirral.gov.uk/hcdriver](http://www.wirral.gov.uk/hcdriver) or [www.wirral.gov.uk/phdriver](http://www.wirral.gov.uk/phdriver)

Any applicant refused a licence on the grounds that they are not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court.

**Section 2****Convictions, cautions, warnings, reprimands, fixed penalties****All criminal and motoring convictions, cautions, warning, reprimands, fixed penalties must be disclosed**

Under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 no convictions are considered to be “spent” when applying for a Private Hire or Hackney Carriage Driver Licence.

You must list all convictions, cautions, warnings, reprimands and fixed penalties. You must also disclose if you are being investigated for an offence.

*If you do not have any, please write **NONE***

**Criminal convictions (no convictions are considered to be “spent”)**

Offence	Conviction date	Sentence

**Motoring convictions (current and “spent”)**

Offence	Conviction date	Sentence

**Cautions/warnings/reprimands/fixed penalties**

Offence	Offence date

**Investigations**

If you are being investigated for any offence (including motoring offences) you must provide details below

Date	Offence/investigation

**Have you ever attended a Speed Awareness Course?**

Yes  No

If Yes, please provide the date(s) you attended the course(s)

Have you been required to comply under the sex offenders notification requirements to sign the Sex Offenders Register?

Yes

No

### Section 3 Driving Licence

You must have held a full UK DVLA driving licence for at least 12 months before submitting an application.

The licence must display your current name and address and must be in good condition.

Driving licence No	
Start date	
Expiry date	
DVLA driving licence check code	

### Section 4 Previous applications

Have you ever made application to Wirral Council or any other Local Authority for a Hackney Carriage or Private Hire Driver, Vehicle or Operator Licence?

Yes

No

If yes, please provide the details below.

Local Authority	Type of Licence	Was the licence granted?		Period of licence
		YES	NO	

If a licence was refused, please provide the following details:

Local Authority	Type of licence	Reasons for refusal

Have you ever had a Hackney Carriage or Private Hire Driver, Vehicle or Operator Licence revoked or suspended?

YES

NO

If so, please provide the following details

Local Authority	Type of licence	Licence valid from	Date of revocation / suspension	Reasons

## Section 5 Right to work in the UK

Do you have the right to work in the UK? Yes  No

Your right to work in the UK will be checked as part of your licence application, this could include the licensing authority checking your immigration status with the Home Office. We may otherwise share information with the Home Office. You must therefore provide a document or document combination that is stipulated as being suitable for this check. You must provide the original document(s), such as your passport or biometric residence permit, so that the check can take place. The document(s) will be copied and the copy retained by the licensing authority. The original document will be returned to you. Your application will not be considered valid until all the necessary information and original document(s) have been produced and the relevant fee has been paid.

If there are restrictions on the length of time you may work in the UK, your licence will not be issued for any longer than this period. In such circumstances the check will be repeated each time you apply to renew or extend your licence. If, during this period, you are disqualified from holding a licence because you have not complied with the UK's immigration laws, your licence will lapse and you must return it to the licensing authority. Failure to do so is a criminal offence.

## Section 6 Residence outside the UK

Have you lived outside the UK since the age of 18 for a period of three months or more?

Yes  No

If Yes, please provide details of each country and the dates you were living there.

Country	Dates resident

You will be required to provide a **certificate of good conduct** (or equivalent) or a copy of your criminal record from each country in which you lived.

Please see: <https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants> for information on obtaining this document.

## Section 6 Documents that must be submitted with the application

- Completed DBS application form
- UK driving licence at your current address, with a DVLA driving licence check code
- EU passport or full UK birth certificate, or non EU passport with valid residence/work permit
- One further form of ID as shown on the enclosed ID Requirements list
- Application fee and DBS application fee – payable by credit/debit card
- Any other documents in support of this application – please state:

**This application will not be accepted if you fail to provide all the necessary documents.**

## Section 7 Declaration

I declare that to the best of my knowledge and belief, the answers given herein are true. I understand that if I knowingly or recklessly make a false statement or omit any material particular, I shall be guilty of an offence which is punishable by a fine.

If a licence is granted I undertake to comply with the conditions attached on the grant of the licence.

**Signature:**

**Date:**