



**Brighton & Hove  
City Council**

**FIRST APPLICATION OR RENEWAL OF A  
HACKNEY CARRIAGE VEHICLE LICENCE**

This form must be completed when a vehicle is to be licensed or re-licensed and whenever a hackney carriage vehicle is obtained by transfer.

Please write in Capital letters. Please complete all parts of this form. PLEASE ✓ YES/NO boxes.

**1. Type of Licence Required**

Renewal

Replacement Vehicle

Transfer

First Application

Make	Model	Saloon	Estate	Multiseater non WAV	WAV	Colour	Plate No.
Diesel	Petrol	Hybrid	Electric	Date of 1st registration	No. of Doors	Registration No.	

**2. About the Applicant**

Enter below details of the applicant(s) for the licence who is a proprietor or part proprietor of the vehicle, or person(s) concerned as company secretary and director(s) of a company which is the proprietor of the vehicle. In the case of a company state at (i) the secretary followed by all directors.

(i) Mr/Mrs/Miss/Ms: \_\_\_\_\_ Surname: \_\_\_\_\_

Forenames(s): \_\_\_\_\_

Home Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ e-mail: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ National Insurance Number: \_\_\_\_\_

(ii) Mr/Mrs/Miss/Ms: \_\_\_\_\_ Surname: \_\_\_\_\_

Forenames(s): \_\_\_\_\_

Home Address: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ e-mail: \_\_\_\_\_

Date of Birth: \_\_\_\_\_ National Insurance Number: \_\_\_\_\_

**OFFICE USE ONLY**

DOCUMENTS - Please ensure all necessary documents are submitted with this application and ✓ boxes below:

Expiring or Surrendered  
Hackney Carriage Licence

Vehicle Registration  
Document

Certificate of insurance  
or Cover Note

\*Certificate of Compliance

Declaration of Convictions

\*Certificate of Fitness

CCTV Compliance Certificate

\* *New vehicles are exempt from these*

Plate Deposit fee £ \_\_\_\_\_ Licence fee £ \_\_\_\_\_ Substitute Vehicle fee £ \_\_\_\_\_

Date Application Received \_\_\_\_\_ Proprietor YES/NO \_\_\_\_\_ Other (NAME) \_\_\_\_\_

Date Licence Issued \_\_\_\_\_ Valid From \_\_\_\_\_ Until \_\_\_\_\_

Officer \_\_\_\_\_ Debtor Number \_\_\_\_\_

## Additional Applicants

Enter below details of the applicant(s) for the licence who is a proprietor or part proprietor of the vehicle, or person(s) concerned as company secretary and director(s) of a company which is the proprietor of the vehicle. In the case of a company state at (i) the secretary followed by all directors.

- (i) Mr/Mrs/Miss/Ms: \_\_\_\_\_ Surname: \_\_\_\_\_  
Forenames(s): \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ e-mail: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ National Insurance Number: \_\_\_\_\_
- (ii) Mr/Mrs/Miss/Ms: \_\_\_\_\_ Surname: \_\_\_\_\_  
Forenames(s): \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ e-mail: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ National Insurance Number: \_\_\_\_\_
- (iii) Mr/Mrs/Miss/Ms: \_\_\_\_\_ Surname: \_\_\_\_\_  
Forenames(s): \_\_\_\_\_  
Home Address: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_ e-mail: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_ National Insurance Number: \_\_\_\_\_

## 3. CCTV

- (i) Is the vehicle equipped with CCTV? YES  NO   
If YES, please give details of data controller: \_\_\_\_\_
- (ii) Please provide the controller's registration number with the Information Commissioner \_\_\_\_\_
- (iii) Does the system comply with the Home Office Surveillance Code of Practice? YES  NO
- (iv) Does the system comply with the Information Commissioner's CCTV Code of Practice? YES  NO
- (v) Does the system have sufficient capacity for at least 28 days of good quality pictures? YES  NO
- (vi) Has the system been checked to make sure it is recording correctly? YES  NO
- (vii) Please complete compliance certificate provided with renewal. YES  NO

## 4. About the Vehicle

- (a) Number of passengers for which a licence is sought? \_\_\_\_\_
- (b) Will the vehicle be equipped with two-way radio or a data unit? YES  NO   
If "yes" please specify the organisation operating the radio control: \_\_\_\_\_
- (c) Is the vehicle equipped with a taxi meter? YES  NO
- (d) Address at which the vehicle will usually be kept? \_\_\_\_\_
- (e) Is the vehicle currently licensed by another authority? YES  NO   
If yes by where? \_\_\_\_\_

## 5. Insurance

- State Insurance Company and Policy Number: \_\_\_\_\_ Expiry Date: \_\_\_\_\_
- Who is the policy Holder? \_\_\_\_\_
- Who are named drivers? \_\_\_\_\_
- State whether the vehicle is owned by:
- (i) Individual Proprietor  (ii) Partnership  (iii) Registered Company  (Please tick one box only)

If the vehicle is owned by a partnership or by a company state:

Business or Company name: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Business/registered address: \_\_\_\_\_

Name of registered keeper of the vehicle: \_\_\_\_\_

Is there a hire purchase agreement in respect of the vehicle? YES/NO If YES please state: \_\_\_\_\_

(i) Name and address of Finance Company: \_\_\_\_\_

(ii) Name and address of hirer(s) \_\_\_\_\_

Is there a leasing agreement in respect of the vehicle? YES/NO If YES please state: \_\_\_\_\_

(i) Name and address of the lessor: \_\_\_\_\_

(ii) Name and address of the lessee(s): \_\_\_\_\_

## 6. Intended Use

Do you intend that the hackney carriage will be used to ply for hire within the area of Brighton & Hove City Council? YES  NO

Do you intend that the hackney carriage will be used entirely or predominantly for private hire outside the area of Brighton & Hove City Council?

YES  NO

## 7. Wheelchair Accessible Vehicles

Is the vehicle wheelchair accessible? YES  NO

If YES, who will be driving the vehicle?

Name: \_\_\_\_\_ Badge No.: \_\_\_\_\_

Please provide training certificate or DSA wheelchair pass certificate. YES  NO

Name: \_\_\_\_\_ Badge No.: \_\_\_\_\_

Please provide training certificate or DSA wheelchair pass certificate. YES  NO

The Council maintains a list of designated wheelchair accessible vehicles under the Equality Act 2010 s167 on its website and wishes to see more wheelchair users receiving a service equal to that provided to the rest of the taxi using public. If you would like to be contacted directly by members of the public who require a wheelchair accessible vehicle please provide a contact phone number, email or the number or name of your operator that the Council may display on its website. This should be contact details that you are prepared to have in the public domain and it will be your responsibility to keep us informed of any change of details. If you consent to your details being displayed, please provide the following information

Tel: \_\_\_\_\_

Email: \_\_\_\_\_

Operator Phone Number: \_\_\_\_\_

## 8. Declarations

WARNING It is an offence knowingly or recklessly to make a false statement or to omit any material particular:  
DISCLOSURE AND BARRING (DBS) Brighton and Hove City Council complies with the DBS Code of Practice. Available on request.

Give details of all Convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related) recorded against you and any Pending Proceedings.

Note: Failing to disclose cautions / convictions or any of the above will be regarded as a serious breach of the terms of the licence and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licenced driver. See guidance on page 6.

**Criminal Convictions/Cautions**

Please give details of all Criminal Convictions/Cautions **(if none write none)**

Date of Conviction	Court	Offence	Penalty

**Conditional Cautions, Community Resolutions, Anti Social Behaviour Orders, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related)**

Please give details of all as above **(if none write none)**

Date	Court	Type of Record	Penalty / Action

**Pending Court/Criminal Proceedings**

Please give details of all Pending Proceedings **(if none write none)**

Date of Conviction	Court	Offence	Penalty

**Motoring Convictions**

Please give details of all Motoring Convictions accrued in last 4 years **(if none write none)**

Date of Conviction	Court	Offence	Penalty

Have you ever held any type of Hackney Carriage or Private Hire Vehicle Licence which was revoked or suspended? YES  NO

Has any partner ever held any type of Hackney Carriage or Private Hire Vehicle Licence which was revoked or suspended? YES  NO

Has the company or any of the Directors or the Company Secretary ever held any type of Hackney Carriage or Private Hire Vehicle Licence which was revoked or suspended? YES  NO

If YES, please give details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **9. Your Declaration, All applicants - read this section and sign the declaration below**

### **Privacy Notice**

*The Council is the data controller for purposes of the Data Protection Act (2018) and EU General Data Protection Regulation as of May 2018 and is registered as a data controller with the Information Commissioner's Office (ICO)*

*Brighton & Hove City Council are committed to protecting your personal information. As a data controller we have a responsibility to make sure you know why and how your personal information is being collected in accordance with relevant data protection law.*

### **Purposes & lawful basis of processing**

We are collecting your data for the purpose of licensing hackney carriage vehicles. In order to process your application we must receive the following documents:

- Certificate of compliance
- Certificate of fitness
- CCTV compliance form
- Insurance certificate
- V5

Your data may also be used, once you are a licence holder, to carry out any investigations if necessary and any resulting enforcement action that is required.

We may also use your contact details for communication purposes to support you as a licence holder. This may include updates in legislation and on road and traffic news from around the city. We may also use it to communicate with you in relation to the prevention and detection of crime, for example we may ask for witnesses to events, or email you missing person alerts.

Our lawful basis for processing is performance of a task carried out in the public interest or official authority, as the council has powers under the Local Government (Miscellaneous Provisions) Act 1976. We also have a legal obligation under this act to ensure that only fit and proper persons hold a driver's licence.

We also have another legal obligation under The Air Quality (Taxis and Private Hire Vehicles Database (England and Wales) Regulations 2019.

We also process special category data, and our lawful basis for doing so is substantial public interest, specifically relating to the Data Protection Act 2018, Schedule 1, Part 2, Paragraph 12 'Statutory etc. and government purposes'; Paragraph 18 'safeguarding children and individuals at risk'.

### **Who we will share your data with**

Your name and badge number will be entered onto the Hackney Carriage & Private Hire Public Register and made available to the public.

We may use the information we hold about you to assist in the detection and prevention of crime or fraud. We may also share this information with other bodies that inspect and manage public funds, including Council Tax and Housing Benefit, as well as externally with the Police, Revenues and Customs, UK Visas and Immigration and the Department for Work and Pensions.

Your information may also be shared with the National Fraud Initiative, the NR3 Register run by the National Anti-Fraud Network to ensure only fit and proper persons are licenced, as well as with the Department for Environment, Food & Rural Affairs.

### **How long we will hold your data (retention)**

We will hold your data for the length of time you are a licence holder plus six years. If your licence is revoked or refused we will hold your data for up to 25 years.

### **Transferring data outside the European Economic Area**

Your information is not processed outside of the European Economic Area.

### **Your information rights**

Under GDPR you have certain rights concerning your information.

For further information on your rights visit <https://www.brighton-hove.gov.uk/privacy>

**Further information**

- If you would like to discuss this further please contact our Information Governance Team on **01273 295959** or **data.protection@brighton-hove.gov.uk**
- The council also has a Data Protection Officer, who can be contacted via **https://www.brighton-hove.gov.uk/dpo**
- You can also contact the ICO for further information or to make a complaint:  
Information Commissioner's Office  
Wycliffe House Water Lane Wilmslow Cheshire SK9 5AF  
Phone: **0303 123 1113** (local rate) or **01625 545 745** if you prefer to use a national rate number  
**https://ico.org.uk/global/contact-us/email/**  
**https://ico.org.uk/make-a-complaint/**

**Declaration** Please issue me with the licence I have applied for on this form. I declare that to the best of my knowledge and belief the statements made on this form are true and correct and that no material particular has been omitted.

Signed \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Signed \_\_\_\_\_ Date \_\_\_\_ / \_\_\_\_ / \_\_\_\_

WARNING: You will be liable to prosecution if you knowingly give false information in order to obtain a Licence.

**If you require any help filling in this form please telephone (01273) 294429**

**Notes to Proprietors**

**1. Vehicle Standards** - Vehicles must be M1 ECWVTA (EC Whole Vehicle Type Approved) and in the case of conversions hold a National Small Series Type Approval (NSSTA) or Individual Vehicle Approval (IVA) Certificate.

**2. Age Limits** - In the case of a first application for a hackney carriage vehicle licence, petrol vehicles must meet the Euro 4 Emission Standard and not normally exceed 10 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence. Diesel vehicles must meet the Euro 6 Emission Standard and not normally exceed 10 years of age from date of initial DVLA registration and not more than 10 years of age in the case of any subsequent application for renewal of licence.

Note: Vehicles must not be left hand drive.

**3. Multi-seater Vehicles** - All new or replacement multi-seater vehicles (vehicles capable of carrying 5 to 8 passengers) must be wheelchair accessible.

**4. Insurance "write-offs"** - Vehicles that are Category C & D insurance "write-offs" may be licensed provided that a Vehicle Identity Check (VIC) certificate has been issued for category C and written confirmation from the insurer is provided confirming they are aware that the vehicle is a C or D write-off"

**5. Livery** - Hackney Carriage Livery is stipulated by the Council with the licence conditions.

**6.** The proprietor of a Hackney Carriage is required by law to retain the Hackney Carriage Drivers Licence of any person who drives his Hackney Carriage.





## Brighton & Hove City Council

### **GUIDELINES RELATING TO THE RELEVANCE OF CAUTIONS AND CONVICTIONS, CRIMINAL BEHAVIOURAL ORDERS, INJUNCTIONS TO PREVENT NUISANCE AND ANNOYANCE, COUNTY COURT AND HIGH COURT JUDGMENTS AND FIXED PENALTY NOTICES WHEN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENCES.**

The council is empowered in law to check for the existence and content of any criminal record held in respect of an applicant for a hackney carriage or private hire vehicle, driver or operator licence. When submitting an application for such a licence an applicant is required to declare all convictions (whether or not spent), Cautions, Conditional Cautions, Community Resolutions, Criminal Behaviour Orders, County Court and High Court Injunctions, including Injunctions to prevent nuisance and annoyance or Fixed Penalty Notices (personally or business related), they have recorded against them, and any pending proceedings.

Note: Failing to disclose cautions/convictions or any of the above will be regarded as a serious breach of the terms of the license and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licensed driver.

As the idea of what "Fit and Proper" means, has not been defined, it will be at the officers discretion to decide what is relevant information and from what source it can be obtained. To be relevant, evidence has to be more than mere suspicion or innuendo. Public protection is an important function and as such all information that may mean that a person or persons are not fit and proper will be considered.

Where there are aggravating factors such as hate crime (homophobia; racism and so on), this will be taken into account.

In making its decision the council will consider the nature of the information, its own guidelines on the relevance of Cautions, Convictions, Conditional Cautions, Community Resolutions Anti-Social Behaviour Orders, Criminal Behaviour Orders, Injunctions to prevent nuisance and annoyance, County Court and High Court Judgments and Fixed Penalty Notices (personally or business related), in the licensing process and any other factors which may be relevant. These guidelines will also be taken into account in relation to renewal applications, and decisions to suspend, revoke or not to renew a licence.

- Each case will be decided on its own merits with the overriding objective of protecting the public.
- A person with a conviction for a crime need not be permanently barred from obtaining a licence but should be expected to remain free of any conviction (depending on the nature of the offence) for, at least 3 to 5 years (however more serious offences may attract a longer period and in certain circumstances a lifetime applicability) before any application is entertained. The nature of the offence will be taken in to account when deciding on the period that they should be offence free. However, persons with convictions for sexual offences of any nature or any offences related to children, vulnerable adults or other serious crime will not normally be issued with a licence. Persons subject to pending proceedings for such offences will be properly investigated and if appropriate will have any licence suspended or revoked / not renewed pending the outcome of the hearing of the case at court. If they are subsequently convicted or acquitted then the matter will be reviewed again.
- Some discretion may be appropriate if the serious offence is historic, isolated and there are exceptional mitigating circumstances. However, as stated above, the overriding consideration must be the protection of the public.
- Hackney carriage and private hire drivers are classed as 'regulated occupations' by the Rehabilitation of Offenders Act 1974 (exemption order as amended) which means that the Rehabilitation of Offenders Act 1974 does not apply to them (and thus their convictions are never spent). Furthermore, in respect of applications or renewals for Hackney Carriage Proprietor or Private Hire Operators Licences, the Council as a judicial authority under the Rehabilitation of Offenders Act 1974 may take into account spent convictions involving serious offences, (e.g. Death by Dangerous Driving, Drug Offences, Offences of Violence, Sexual offences, Dishonesty Offences or offences of an habitual nature).
- Cautions require an admission of guilt and are never spent. The Council must therefore treat a caution as an admission of guilt and cannot be required to go behind the decision of the police or enforcing body. The age and gravity of the offence for which the caution has been accepted will be taken into account as for convictions.
- Fixed penalty notices and Community Resolutions are now used in relation to a range of offences and they will be taken into consideration depending upon their number, the nature of the offence and all the circumstances including the applicant's lack of compliance.
- Civil actions including injunctions are also a relevant factor where it has an impact on the driver being fit and proper. These will be assessed on a case by case basis.



## **Note: Suspension and Revocation**

The authority has the power to use its discretion to suspend or revoke or refuse to renew a drivers' licence depending on the seriousness of any established misbehaviour. Since the 2012 case of Singh v Cardiff City Council it has been ruled that an Authority cannot impose an interim suspension so the decision to suspend, revoke or refuse to renew must be a final one made after a considered determination of all the facts in a particular case. This will include the driver having an opportunity to put their case in person to an officer in the spirit of natural justice.

Fresh case law and or government guidance may change this position

## **Immediate Suspension**

The Council in determining its powers of immediate suspension or immediate revocation will consider each case according to its merits. Where, after investigation, it is satisfied that the interests of public safety require such a course of action or an offence is committed of such a serious nature as to warrant such action, the decision will normally be to suspend or revoke with immediate effect. For the purpose of these guidelines, cautions will be treated as convictions.

## **Police Bail**

Hackney Carriage and Private Hire Drivers are expected to adhere to this Policy's definition of "fit & proper" person. A person who already holds a licence with the Authority, if arrested for an alleged offence, and subsequently released by the Police on Bail, or released while still being investigated depending upon the nature of the alleged offence, can expect action to be a possibility. Where Suspension is put in place, normally the suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts. The matter will then be reviewed.

## **Police Recommendation**

Hackney Carriage and Private Hire drivers maintain close contact with the public, often carrying unaccompanied and vulnerable passengers, and are therefore expected to adhere to this Policy's definition of a "fit and proper" person. Any person, who in the view of the Police Officer represents a threat to the safety and well-being of the public, should expect action by the Director of Neighbourhoods, Communities & Housing. Any suspension shall remain in force until (the licence expires or) such time as the case is resolved by either the Police or by the Courts

## **Offences or allegations involving an element of sexual exploitation or violence against children or vulnerable persons**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted. The authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list, other than in exceptional circumstances. As these offences cover a wide range of behaviour each case will be considered on its own merit. A very serious view will be taken of rape sexual assaults, gross indecency particularly where a child or adult with vulnerability is concerned. Allegations of sexual assault where drugs are a feature will also be considered to be very serious.

Except in the most exceptional of cases an existing driver or applicant that is arrested, charged, cautioned or convicted of offences that fall into the above category will have his/her licence suspended, revoked, refused or not renewed .

The same applies in relation to offences or behaviour involved violence against children or vulnerable adults including to any modern slavery/trafficking/forced marriage

## **Child Protection and Safeguarding**

When considering whether an applicant or driver is fit and proper and moreover what risk the driver presents to others, the authority will take into consideration all information that represents more than gossip, speculation and unsubstantiated innuendo. In addition to sexual activity and violence as referred to above this section relates to general issues around the protection of the vulnerable and could for instance include forced marriage; radicalisation and genital mutilation by way of example ( and in so far as they are not already actionable).

In making its enquiries the authority will rely on all relevant information provided by other departments of the council. This will include information provided by Children's Services and the Local Authority Designated Officer (LADO) responsible for child protection. Issues raised on any DBS check will also be pursued and may be relevant evidence even where no charge follows. Enquiries will be made of the Police.

Where the authority has reasonable cause for concern based on the information from these and other relevant sources it will act appropriately to safeguard children and young persons. As the prevention of child sexual abuse is such an important issue, there will be a presumption in favour of protective measures.

This also extends to other vulnerable groups who may be at risk of exploitation. This may mean that based on this information an applicant will not be allowed to proceed or an existing driver may have his/her licence suspended, revoked or not renewed. The nature of the issue will determine time periods for refusal or revocation.

## **Exploitation**

Where an applicant or existing licence holder 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 other than in exceptional circumstances be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

## **Drugs**

An applicant or existing driver with a caution / conviction for a drug related offence should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained or a minimum of three years after detoxification treatment if applicant was drug dependent. Where the offence involves supply or production of drugs then the minimum period will normally be 7 years, but will be determined by the facts of the situation assessed on its own merit.

Where there is evidence of prohibited drug use or abuse of prescription medication the applicant or existing driver will be expected to produce medical evidence to confirm to the Council's satisfaction that they are free of substances ( in so far as it impacts on their driving). The Council reserves the option to seek its own expert medical evidence where necessary.

## **Possession of a Weapon**

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted normally until at least 7 years have elapsed since the completion of any sentence imposed. As this offence covers a wide range of behaviour each case will be judged on its own merit. A serious view will be taken where a weapon was used or displayed in a public area.

## **Violence**

As hackney carriage and private hire drivers maintain close contact with the public, a grave view will be taken with applicants who have cautions / convictions for grievous bodily harm, wounding, assault causing ABH, assault PC or common assault / battery ( and any other offence that has an element of violence such as affray or false imprisonment).

Dependent on the nature of the assault a minimum of three years free of cautions / convictions should be shown before an application is entertained. Any grant of a licence will be entirely at the authorities' discretion and will depend on the facts known to the authority and even then a strict warning will be administered. An existing licence holder could expect his licence to be suspended or revoked if convicted of these offences. The same applies where evidence of violent behaviour has been adduced before the civil courts.

The authority reserves the right in relation to violence but also other offences as appropriate to seek / obtain independent medical advice about the individual concerned.

## **Crimes Resulting in Death**

Where an applicant or existing licence holder 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 normally be licensed.

## **Criminal Damage**

As this offence covers a wide range of behaviours each case will be judged on its own merits. A serious view will be taken if the offence involves deliberate fire setting, the offence was committed in a group, the damage caused was of high value or the offence had a clear racial/ religious or homophobic motivation. An applicant with this type of more serious conviction/caution should normally be required to show a period of at least three years free of any caution / convictions before any application is entertained. Existing drivers convicted or cautioned for these types of serious criminal damage offences could normally expect to have their licence revoked.

## **Dishonesty**

Licence holders are expected to be person of trust. The widespread practice of deliveries for companies, taking children to school and families on holiday shows this trust. It is easy for dishonest drivers to defraud foreign visitors when giving change, or other customers by taking them by other than the shortest route. Lost property can be kept by unscrupulous drivers. For these reasons a serious view will be taken of any cautions / convictions involving dishonesty. In general, a minimum period of at least three years free of any cautions / convictions will be required before entertaining an application for a hackney carriage or private hire drivers licence by the Council. Any existing driver convicted of offences involving dishonesty may expect any licence held to be suspended or revoked and a possible ban on holding a hackney carriage or private hire driver's licence for three year period at minimum after conviction. The same applies where evidence of dishonest behaviour is adduced before the civil courts.

The amount of time will be at the discretion of the authority and will be determined by the facts of the situation

## **Discrimination / Hate Offences / Harassment**

An applicant or existing licence holder with a caution / conviction relating to discrimination or harassing another person or legal findings against them in the civil courts for a discrimination or harassment related matters should be required to show a period of a minimum of three years free of any caution / convictions / incidents before any application is entertained.

Where no court finding has been made but the authority has formed the view based on evidence that there are issues of concern then they may act.

## **Minor Road Traffic Offences**

A minor traffic or vehicle related offence is one which does not involve 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 vehicles).

Isolated convictions or fixed penalty notices for minor traffic offences should not prevent a person from proceeding with an application. Any new applicant must have held a full drivers licence as issued by DVLA for a period of twelve months without any period of suspension during those twelve months. Licence holders convicted during the period of licence of such an offence may be warned as to future conduct, or where appropriate may have their licence suspended or revoked for up to a time depending on the circumstances.

## **Major Road Traffic Offences**

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance.

Where there is an isolated historic conviction for reckless driving, dangerous driving or driving without due care and attention and similar offences, these will merit for new applicants at least a warning as to future driving and advice on the standards expected of hackney carriage and private hire drivers but may lead to suspension or revocation of their licence. For applicants with more serious offences such as convictions for causing death by dangerous/careless driving a licence will not normally be granted. Existing drivers can expect their licence to be revoked and no further application will normally be considered until a period of at least seven years has elapsed from conviction.

## **Driving under the influence of Drink or Drugs/Using a hand held telephone or hand a held device**

- with a motor vehicle.

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 the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

- Where an applicant has a conviction for using a hand held mobile telephone or a hand held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later. Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades
- Drunk or Evidence of Drug use but not in a motor vehicle.

An isolated caution / conviction for drunkenness or possession of drugs need not debar an applicant from obtaining a licence, however, a number of cautions / convictions for these matters could indicate dependency necessitating a medical examination, and possibly suspension or revocation.

- Where an applicant has a conviction for using a hand-held mobile telephone device whilst driving, a licence will not be granted until at least 1 year has elapsed for a first offence and 5 years for subsequent offences since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

## **Insurance Offences**

- with a motor vehicle.

A serious view will be taken of any caution/convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily debar an applicant provided he has been three years free of any caution/conviction, but strict warning will be given as to future behaviour. More than one caution/conviction for these offences will raise grave doubts as to an applicant's fitness to hold a hackney carriage or private hire licence.

- A driver found guilty of driving passengers for hire and reward whilst without insurance will normally have his hackney carriage or private hire driver's licence revoked immediately and be banned from holding a hackney carriage or private hire driver's licence with the Council for a minimum of five years.
- Any applicant with three insurance offences or more will not normally be considered fit and proper to hold a hackney carriage or private hire licence with the Council.

## **Hackney Carriage and Private Hire Offences**

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use set out elsewhere), a licence will not normally be granted until at least a minimum of 3 years have elapsed since the completion of any sentence imposed

## **Vehicle use Offences**

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not normally be granted until at least a minimum of 3 years have elapsed since the completion of any sentence imposed.

## **Breaches of Licensing Conditions (not connected with Hackney / Private Hire), Public Spaces Protection Orders, Community Protection Notice, other Local Authority Offences and Fire Authority Offences**

Isolated convictions / cautions for breach of licensing conditions or other local authority offences should not prevent a person from proceeding with an application but these offences may be considered when determining if an applicant should be granted a licence. Anyone found to be in breach of a Public Spaces Protection Order (PSPO) or issued a Community Protection Notice (CPN) will be considered liable for investigation. These matters may be considered when determining if an applicant should be granted a licence. Licence holders committing offences during the period of licence may be warned as to future conduct and may lead to revocation or suspension of any hackney carriage or private hire licence held with the Council.

## **Criminal Behaviour Orders/Injunctions or any other order under the Anti-Social Behaviour and Policing Act 2014**

Criminal Behaviour Orders/Injunctions to prevent nuisance and annoyance during their current term or within three years of their final date should not prevent any person from proceeding with an application, but it will be considered, taking into account all the circumstances, and severity of the behaviour, when determining if an applicant should be granted a licence.

If the driver is already licenced then in all likelihood this will lead to suspension or revocation.

## **County/High Court Injunctions**

Any Court injunction and/or order relating to anti-social behaviour especially those for harassment or violence (including domestic violence) within the last three years should not prevent any applicant from proceeding with an application, but will be considered when determining if an applicant should be granted a licence, taking into consideration the nature and severity of the behaviour and all relevant circumstances.

If the driver is already licenced then in all likelihood this will lead to suspension or revocation.

## **Other Issues**

If any applicant or Licensed driver is or has been under investigation in the Court process relating to, or subject to any order finding that is a breach of any statutory provision or is subject to an adverse court finding which is or maybe of concern to the licensing authority then the authority can refuse, suspend or revoke a licence, for that period it deems appropriate subject to proper reasons being given.

## **Scanners**

Anyone convicted of the use of a radio scanner will normally be banned from holding any licence for a minimum of a five-year period.

## **Notes**

Any information disclosed to the Council will be kept in strict confidence and will only be taken into account in relation to the application and will be retained no longer than necessary. It is an offence for any person knowingly or recklessly to make a false statement or to omit any material particular in giving information required by the application for a licence, punishable by up to seven years imprisonment upon conviction.

Under the Immigration, Asylum and Nationality Act 2006, all employers have a responsibility to prevent illegal working in the United Kingdom (UK). Under sections 15-25 of the Act employers are required to make document checks on every person they intend to employ. It is a criminal offence to employ someone who has no right to work in the UK. The Act gives a statutory defence against prosecution to employers where they can show they have checked and copied certain original documents. Employers are also obliged to ensure that recruitment practices do not discriminate against individuals on racial grounds.

## Countries Which are Part of the EEA

### 3.1

Nationals of countries in the European Economic Area (EEA) and Switzerland can live and work in the UK without needing to apply under the UK's points-based system. Nationals of the following countries can work here without any restrictions:

Austria	Greece	Netherlands
Belgium	Hungary	Norway
Bulgaria	Iceland	Poland
Cyprus	Irish Republic	Portugal
Czech Republic	Italy	Romania
Denmark	Latvia	Slovakia
Estonia	Liechtenstein	Slovenia
Finland	Lithuania	Spain
France	Luxembourg	Sweden
Germany	Malta	Switzerland

However, we must not employ any individual on the basis of his or her claim to be a national from an EEA country or Switzerland and documentation which must be requested to prove the right to work in the UK

## Appendix A: List of acceptable documents

### List A

#### Validity of passports and travel documents

You should, where possible, check current passports or travel documents which have not expired. However, if a person does not have one then you can accept evidence of their right to remain and work in the UK in an expired passport or travel document. It is crucial that you check that the stamp or endorsement in the document continues to allow the person to work by virtue of their status (i.e. their stay is indefinite) or the date of the end of their permitted stay has not expired.

If you have to rely solely on an expired passport or travel document to show you that a person has the right to remain and work in the UK, then you must take particular care when examining photographs and comparing these with the current appearance of the person presenting them. Also, you should note the date of birth on the expired document and satisfy yourself that this is consistent with the current appearance of the holder.

**You should note however that there are two instances when this does not apply. A Certificate of Entitlement to the Right of Abode must be endorsed in a valid passport and a Biometric Residence Permit must not have expired to be considered acceptable as evidence of right to work.**

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the United Kingdom and Colonies having the right of abode in the United Kingdom.
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a national of a European Economic Area country or Switzerland.
4. A permanent residence card issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the family member of a national of a European Economic Area country or Switzerland.
5. A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom, or has no time limit on their stay in the United Kingdom.
6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the United Kingdom, has the right of abode in the United Kingdom, or has no time limit on their stay in the United Kingdom.
7. An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the United Kingdom or has no time limit on their stay in the United Kingdom, **when produced in combination with** an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.
8. A full birth certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's parents, **when produced in combination with** an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.
9. A full adoption certificate issued in the United Kingdom which includes the name(s) of at least one of the holder's adoptive parents **when produced in combination with** an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.
10. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.
11. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, when produced in combination with an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.

12. A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.

13. A letter issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the United Kingdom **when produced in combination with** an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.

#### **List B**

1. A passport or travel document endorsed to show that the holder is allowed to stay in the United Kingdom and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.

2. A Biometric Residence Permit issued by the UK Border Agency to the holder which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question.

3. A work permit or other approval to take employment issued by the Home Office, the Border and Immigration Agency or the UK Border Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the United Kingdom and is allowed to do the work in question, or a letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer confirming the same.

4. A Certificate of Application issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old **when produced in combination with** a positive confirmation letter from our Employer Checking Service.

5. A residence card or document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to a family member of a national of a European Economic Area country or Switzerland.

6. An Application Registration Card issued by the Home Office, the Border and Immigration Agency or the UK Border Agency stating that the holder is permitted to take employment, **when produced in combination with** a positive confirmation letter from our Employer Checking Service.

7. An Immigration Status Document issued by the Home Office, the Border and Immigration Agency or the UK Border Agency to the holder with an endorsement indicating that the person named in it can stay in the United Kingdom, and is allowed to do the type of work in question, **when produced in combination with** an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.

8. A letter issued by the Home Office, Border and Immigration Agency or UK Border Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the United Kingdom and is allowed to do the work in question **when produced in combination with** an official document giving the person's National Insurance Number and their name issued by a Government agency or a previous employer.

#### **Appendix B: Documents That Are Not Acceptable For Proving Right To Work**

The following documents are not acceptable for proving a person has the right to work in the UK and will not provide you with a statutory excuse against payment of a civil penalty:

1. A Home Office Standard Acknowledgement Letter or Immigration Service Letter (IS96W) which states that an asylum seeker can work in the UK. If you are presented with these documents then you should advise the applicant to call us on 0151 237 6375 for information about how they can apply for an Application Registration Card;

2. A National Insurance number on its own in any format;

3. A driving licence issued by the Driver and Vehicle Licensing Agency;

4. A bill issued by a financial institution or a utility company;

5. A passport describing the holder as a British Dependent Territories Citizen which states that the holder has a connection with Gibraltar;

6. A short (abbreviated) birth certificate issued in the UK which does not have details of at least one of the holder's parents;

7. A licence provided by the Security Industry Authority;

8. A document check by the Criminal Records Bureau;

9. A card or certificate issued by the Inland Revenue under the Construction Industry Scheme.





**Brighton & Hove  
City Council**

NOVEMBER 2019