



Ashfield

DISTRICT COUNCIL

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE

APPLICATION PACK

Commenced 1st May 2018

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE APPLICATION PACK

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INTRODUCTION

It is important that you read this application pack in full before applying for or renewing a Hackney Carriage & Private Hire (Dual) Driver Licence.

This application pack does not replace the Council's Hackney Carriage & Private Hire Licensing Policy, and should be read as an abbreviated version of the relevant Hackney Carriage & Private Hire licensing content, in order to assist you in making any new or renewal application, and to understand the rules and regulations relating to the licence being applied for.

The Council licences Hackney Carriage and Private Hire drivers, Hackney Carriage vehicles and Private Hire vehicles, and Private Hire Operators. The authority for doing so was adoption of the Local Government (Miscellaneous Provisions) Act 1976, Part 2, together with the Town Police Clauses Act 1847 and 1889, and the Deregulation Act 2015.

Virtual Appointments: Due to the high volume of drivers, vehicles, and new applicants, all applications to obtain or renew a licence must be made by way of a **pre-booked Virtual Appointment** arranged with the Licensing Team. You do not physically attend the **Virtual Appointment**.

New Licence: Licences will be issued for a maximum duration of three years or for a lesser period if the Licensing Authority deems appropriate. In all cases a licence will only be issued subject to the Licensing Authority being satisfied that the applicant is "fit and proper" to be issued with the licence.

The Licensing Authority issues one type of driver licence, namely a Hackney Carriage & Private Hire (Dual) Driver Licence, which allows a licence holder to drive both Hackney Carriage Vehicles and Private Hire Vehicles licensed by Ashfield District Council.

Fit and Proper Person: Licensed drivers are in a position of trust, and therefore must remain fit and proper to hold a licence. In order to assess the suitability of an applicant the Licensing Authority will undertake any checks and apply whatever processes it considers necessary to determine whether an applicant is 'fit and proper' to hold a licence and ensure that licences are not issued to, or used by, unsuitable people.

In assessing the suitability of an applicant or licence holder, the Licensing Authority will consider the following factors:

- Criminality including cautions
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Right to work
- Medical fitness
- Standard of driving / driving ability
- General conduct / standards of behaviour (including online behaviour)
- The conduct of the applicant in making the application (e.g. whether they have acted with honesty and integrity during the application process).
- The previous licensing history of existing / former licence holders (including honesty and integrity).
- Theoretical knowledge of issues and matters related to the work of a licensed driver, including an assessment of English language and numeracy skills.

In addition, the Licensing Authority may need to verify information or obtain further information from other sources such as the Police, other local authorities, statutory & non-statutory agencies and Boards such as the Children and Adult Safeguarding Boards. An applicant will be required to provide consent at the application stage.

Renewal of Licence

It is the responsibility of the licence holder to apply for the renewal of the licence at the appropriate time. Under no circumstances will licences be issued without full and satisfactory checks having first been carried out, including Medical Reports, DVLA Disclosure and Enhanced Disclosure & Barring Service Report.

To avoid delay, applicants are advised to submit an application no later than 8 weeks before the expiry of their current licence, by way of a pre-booked Virtual Appointment arranged with the Licensing Team. A licence will not be renewed unless all of the necessary checks have been completed.

If you do not submit your complete application (including all necessary additional documents) before your current licence expires, then you must apply as a New Applicant, and complete all of the requirements placed on New Applicants. Under no circumstances will any previously taken Tests be permitted to be carried forward.

All licence holders are required to provide the Licensing Authority with their consent for an annual Enhanced Disclosure and Barring Service check and DVLA Driver Licence check to be carried out, in order to ensure that the Licensing Authority may undertake up-to-date background checks to assist with the grant and maintenance of the licence.

A check on the licence holders' health must also be obtained when submitting any renewal application by way of the appropriate Medical Report form.

Suitability

The Council reserves the right to require any applicant or existing licence holder to provide additional DVLA Disclosures, Enhanced Disclosure & Barring Service Reports or full Medical Reports if the Licensing Officer has reason to believe that such a person's circumstances may have changed since the application was made.

The Licensing Authority may get information about you from third parties, or give information to them to check the accuracy of information. This is to prevent or detect crime, or to protect public funds in other ways, permitted by legislation. These third parties include other local authorities and government departments.

The legislation states that the Council may grant a licence **ONLY** if it is satisfied that the person is fit and proper – **the onus is on the applicant to prove this, NOT the Council to demonstrate that they are not.**

Issuing / Suspending / Revoking / Withdrawing or Refusing to Renew a Licence

It must be clearly understood that the Hackney Carriage & Private Hire (Dual) Driver Licence is issued in good faith, and should any information supplied by the applicant prove to be false or misleading, the licence may be suspended. The licence may also be suspended if the drivers Department of Transport drivers licence is suspended or revoked by a Court of Summary Jurisdiction. Any caution, conviction or pending prosecution of any nature must be reported to the Licensing Officer regardless of nature, penalty or outcome immediately.

The attention of drivers and applicants for a Hackney Carriage & Private Hire (Dual) Licence is drawn to Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, whereby a District Council may suspend, revoke, or refuse the renewal of a licence where the driver has been convicted of any offence involving dishonesty, indecency, violence or any other reasonable cause. The Council reserves the right to consider other matters which do not amount to a conviction but which they feel are likely to be relevant to whether or not the applicant is a fit and proper person. These considerations also apply when considering whether to renew a licence.

Right to Work in the UK

The Council has a duty to ensure that only those persons who are entitled to work in the UK are issued a Hackney Carriage & Private Hire (Dual) Licence. For this reason all applicants (new and those applying to renew their existing licence) must provide evidence to show that they are entitled to work in the UK (without restriction; those persons who have restricted ability to work in the UK will NOT be granted a licence).

If you are granted full entitlement to work for 12 months at a time, you will be required to resubmit your documents every 12 months to show that your entitlement has been renewed / extended. If, at any time, your entitlement is removed, your licence will be revoked. Further information regarding what documents you can submit with your application to show your entitlement are given later in this document.

DVLA Driver Licence Check

The grant / renewal of a licence is subject to an annual check being made as to the status of your DVLA Driver Licence in respect of any relevant driving convictions. This DVLA check is also carried out at the time that the application is made or sooner if the Licensing Officer has reason to believe that it should be.

Enhanced Disclosure & Barring Service (DBS) Report

The grant / renewal of a licence is subject to an annual Enhanced Disclosure & Barring Service Report. **It is a condition of the licence that licence holders sign up to the DBS Update Service** - which allows for an instant online check to be carried out, and prevents delays when processing licence applications.

Medical Certificate (Group II Standard of Medical Fitness)

Before a licence can be issued the applicant must be certified fit to Group II Standard Medical Fitness to be a Hackney Carriage & Private Hire driver by a GP/Doctor who has access to the applicant's medical records. The approved form to be used for this purpose is included in this pack. Your GP/Doctor may charge a fee for this examination. Once licensed, applicants are required to undergo a medical examination for the following periods according to the applicant's age group:

**Aged to 45: Self-Certification at every licence renewal. Aged from 45: Medical Certificate every 5 years with Self-Certification at every licence renewal.
Aged 65 or over: Medical Certificate annually.**

CONTACT DETAILS: Licensing Team, Ashfield District Council, Council Offices, Urban Road, Kirkby-in-Ashfield, Nottinghamshire, NG17 8DA.

Telephone: 01623 457589

Email: licensing@ashfield.gov.uk

Website: www.ashfield.gov.uk/taxilicensing

NEW APPLICANT INFORMATION

A new applicant is a person who has not previously held a licence with this authority or whose licence has expired without a full and complete application to renew it having been submitted to the Licensing Team of Ashfield District Council.

First time applicants must at the time of submitting an application:

- Have held a current licence to drive a motor vehicle (not being a provisional licence) issued in accordance with the Road Traffic Acts, for a period of not less than 12 months prior to the date of application.
- Provide consent to the Licensing Authority to carry out an Enhanced Disclosure & Barring Services check
- Provide consent to the Licensing Authority to carry out a DVLA Driver Licence check.
- Provide the Licensing Authority with proof of his/her right to work in the UK.
- Provide the Licensing Authority with proof of his/her medical suitability.
- Make payment of the full fees due.

CRITERIA FOR NEW APPLICANTS TO PROVE THEIR SUITABILITY

DVLA DRIVER LICENCE CHECK

Ashfield District Councils prime consideration is to the safety of the travelling public. As a part of the vetting process, a check is carried out as to the status of your DVLA Driving Licence in order to assess whether there are any relevant endorsements (if any are present) that may impact on your application for a Hackney Carriage & Private Hire (Dual) Licence.

A Hackney Carriage & Private Hire (Dual) Driver Licence will not be issued to any new applicant who has not held a full United Kingdom driving licence carrying the applicant's current address, for a minimum of 12 months, or held a licence from another EEA state for a minimum of 12 months together with a DVLA counterpart showing the applicants current address.

You must also provide a copy of your driving record in English to include motoring convictions. Applicants who hold a DVLA driving licence are required to agree to the provision of a check on their driving history, and the approved form is included in this Application Pack.

The DVLA Driver Licence check is carried out online, however, on rare occasions it may need posting to the DVLA and this can take up to 3 - 4 weeks to complete.

ENHANCED DISCLOSURE & BARRING SERVICES (DBS) CHECK

The Enhanced Disclosure & Barring Service (DBS) Mandate is included in this Application Pack. The Enhanced DBS check will provide details of live/spent convictions, police cautions and other relevant information that will be considered when determining the application.

You are required to complete an Enhanced Disclosure & Barring Service Mandate and advised to sign up to the DBS Update service. If you have not been a resident in the UK for 5 years you will need to provide proof that you do not have a criminal record, such as a Certificate of Good Conduct from the country in which you have been resident (which must be in English) for the period you lived outside the UK.

Any documentation produced must be verifiable, and sufficient to enable a decision to be made in respect of the applicant's suitability to hold a Hackney Carriage & Private Hire (Dual) Driver Licence. The DBS check can take up to eight weeks to be issued even when all the forms are correctly completed, hence why we advise you to sign up to the DBS Update service in order to prevent delays to the issue of the licence.

If you have been previously convicted of either criminal or motoring offences that may not necessarily prevent you from being granted a licence, as it will depend upon what the offences were for, and how long ago they occurred. **However, you should note that it is an offence not to declare such information on your application to the Council.**

In cases where the Licensing Manager is unable to determine the grant of the licence, the matter will be referred to a "Hearing". You may wish to refer to our **Policy on Warnings, Offences, Cautions & Convictions** (which can be found on our website), which states the guidelines that the Licensing Authority and the Courts will have regard to when determining an application.

Previously issued Enhanced DBS certificates may be accepted if **a)** it is an Enhanced DBS Disclosure Certificate and has been processed in relation to the child and adult workforce employment position; and **b)** it has been issued within the last three months.

All licence holders shall notify the Licensing Authority of any convictions, cautions, or fixed penalty notices received during their licence period. Failure to inform the Licensing Authority of these during the licensing period may result in suspension, revocation and/or any other course of action deemed appropriate by the Licensing Authority.

A Hackney Carriage & Private Hire (Dual) Driver Licence will not be granted or renewed in the absence of a current Enhanced DBS Disclosure Certificate, or a satisfactory check having been carried out by way of the DBS Update Service.

Ashfield District Council has a Code of Practice in respect of checks carried out when assessing an applicants' suitability to hold a licence.

MEDICAL REPORT CRITERIA

Before a licence can be issued the applicant must be **certified fit by a GP/Doctor** (who has access to the applicants medical records) to be a Hackney Carriage & Private Hire driver.

The approved **Group II Standard Medical Report** form to be used for this purpose is included in this Application Pack.

SAFEGUARDING VULNERABLE PASSENGERS COURSE

It is a mandatory requirement for all new applicants to attend the Ashfield District Council "Safeguarding Vulnerable Passengers" Course as part of the criteria applicable to a new application for a Hackney Carriage & Private Hire (Dual) Driver Licence with this Authority. The cost of the course is included in the New Applicant fee payable to Ashfield District Council. However if you fail the test that is set at the end of the course, you will need to re-sit the test and pay a fee of £30.00 per retest.

When you submit your application, a space will be reserved for you on the next course, and you will be sent an email confirming this. Upon completing the course and passing the test, your application will be updated accordingly.

KNOWLEDGE TEST CRITERIA

New applicants must also undertake a **Knowledge Test** with this Authority. The test is devised so that applicants can prove that they have sufficient knowledge of the current standards, rules and regulation pertaining to the licence, the conduct required of licensed drivers, and that they can demonstrate a satisfactory level of English literacy and numeracy. As part of this process, applicants will be required to demonstrate that they possess a level of English language skills reasonably expected of a licensed driver.

The Knowledge Test consists of 20 multiple choice questions (you must pass at least 16), 5 questions that seek to evaluate your English language skills (you must pass at least 3), and 5 basic numeracy questions (you must pass at least 3). You are not permitted to take any aids or personal belongings with you into the room in which the test is taken, save for your copy of this Application Pack.

The test is marked by a Licensing Officer, and you will be notified of your result by email / post. If you pass the test your application will be updated accordingly.

LEARNING THE KNOWLEDGE & SAFEGUARDING

The Council conducts the tests, it does not teach the knowledge required, however to assist you a list of all rules and regulations, a summary of other laws and responsibilities applicable to Hackney Carriage & Private Hire drivers, and information relating to safeguarding vulnerable passengers can be found within this Application Pack.

RIGHT TO WORK IN THE UK

The Licensing Authority has a legal duty to ensure that any person to whom a licence is granted has the right to work in the UK. When you submit your application, you will also be required to provide evidence that you are entitled to work in the UK. Further information as to what documents can be used as proof of your entitlement to work in the UK can be found within this Application Pack.

GRANT OF LICENCE TO NEW APPLICANT

Following you submitting your completed application, and the Licensing Authority being satisfied with all of the necessary background checks, then the licence and badge will be issued and posted to you at your home address (or to your Operator if your application is being sponsored).

If any information that you have not previously declared on your application form is found to have come to light upon receipt of the DVLA check and / or Enhanced DBS check, or any information that you have provided conflicts with the Councils Convictions Policy, you may be refused a licence.

Ashfield District Council is committed to ensuring that all applicants have the right to put their case across at a Hearing when matters arise that fall foul of our Policies, in order that their application can be determined in a fair and reasonable manner.

Should you wish to proceed with your application to become a licensed driver, you should refer to the section "**Procedure for New Hackney Carriage & Private Hire (Dual) Driver Licence**" which will give further information on what to do next.

What happens if my licence has not been issued 6 months after I apply?

You will have to apply for another DBS and DVLA check at your own expense.

What happens if my licence hasn't been issued 12 months after I apply?

Your application will be null and void and you will need to reapply.

FEES & CHARGES

Fees once paid will on no account be refunded unless requested in writing (only the costs not already incurred by the Licensing Authority when a licence cannot be issued will be refunded). Fees and charges may also be amended from time to time to meet the reasonable cost of issue and administration.

Payment must be made in advance of the pre-booked Virtual Appointment with the Licensing Team. Payment must be by way of the Council's online payment facility. No application will be accepted or processed without payment of the full fees due having been made.

PAYABLE TO ASHFIELD DISTRICT COUNCIL	
HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE	
NEW LICENCE (3 YEAR FEE)	£247.20
RENEWAL LICENCE (3 YEAR FEE)	£212.80
ADDITIONAL DRIVER CHARGES	
DVLA DRIVER LICENCE CHECK (IF NO DVLA PHOTO-CARD)	£5.00
ENHANCED DISCLOSURE & BARRING SERVICES (DBS) REPORT	£44.00
VULNERABLE CHILDREN & ADULTS RETEST	£30.00
KNOWLEDGE TEST RETEST FEE (NEW APPLICANT)	£44.00
CHANGE OF NAME / ADDRESS	£15.00
REPLACEMENT BADGE	£10.50
COPY OF PAPER LICENCE	£5.00

HOW TO MAKE YOUR ONLINE PAYMENT

To make your online payment, please visit our web based payment facility at:

<https://www.civicaepay.co.uk/AshfieldEstore/estore/default/Catalog/Index?Area=>

Then under **Products & Services Catalogue** change the “filter” from **Ashfield District Council** to **Licensing Taxi**. A new page will load, and scroll down to select **Taxi – Driver Licence New**. Then follow the online prompts.

You will also need to select **Taxi – Enhanced DBS Police Check** (if you have not registered with the DBS Update Service). Again – follow the online prompts to pay for the Enhanced DBS Check, and post the completed Blue Enhanced DBS Form to our office.

PROCEDURE: NEW HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE

1. You will need to contact the Licensing Team to book a **“Virtual Appointment”** to submit your application. Please contact us on **01623 457589** to arrange this.
2. **Ahead of the “Virtual Appointment”** you must send an email to **licensing@ashfield.gov.uk** entitled **“NEW HVDL – Your Name – the time and date of the Virtual Appointment”**, and attach to your email the following:
 - **The completed Driver Application Form (Appendix One);**
 - **The completed DVLA Driver Licence Consent Form (Appendix Two);**
 - **The completed Group II Medical Report Form(certified by a GP/Doctor who has access to your medical records)(Appendix Three);**
 - **Proof of your entitlement to work unrestricted in the UK (i.e. Passport, Birth Certificate, or Residency Visa);**
 - **Your DVLA Driver Licence Photo-Card;**
 - **Your Passport;**
 - **Your National Insurance Number Card (or an official document stating it);**
 - **2 x Proof of your current home address (Bank Statement, Utility Bill, etc);**
 - **A Certificate of Good Conduct from your previous country of residence (only applicable if you have not lived in the UK for 5 consecutive years prior to submitting your application);**
 - **Your current Enhanced DBS Certificate (if you have one and have enrolled on the DBS Update Service); and**
 - **Proof of your online payments* for the Licence fee, and Enhanced DBS Check (only payable if you are not registered with the DBS Update Service) – see Fees & Charges (Page 7).**
 - **If you are not registered with the DBS Update Service, then you will need to complete and post the Blue Enhanced DBS Application Form that was sent to you with this Driver Application Pack.**
3. If all of the above are deemed satisfactory, you will be booked on the next available Knowledge Test and the next available Safeguarding Vulnerable Passengers Course. You will be given confirmation of the time and date for the Tests by email; and the Licensing Team will log your application, and if you have posted us the Blue Enhanced DBS Application Form we will verify the content and forward it to the Disclosure & Barring Service for processing.
4. The Disclosure & Barring Service will in due course issue the Enhanced DBS Certificate to you at your home address. When you receive it, please copy every page of it, and email it to the Licensing Team. You must also enrol with the DBS Update Service.
5. The grant of a licence is dependent upon the Licensing Manager being satisfied with the results of all of the background checks that are carried out, and you passing both the Knowledge Test and the Safeguarding Vulnerable Passengers Test.
6. If your application is successful, the licence and badge will be issued, and posted to either your home address or to your Operator (if you are being sponsored).
7. Should the Licensing Manager have any concerns over you being deemed “fit and proper” to hold a licence, the matter will be referred to a Hearing to be determined (please see: www.ashfield.gov.uk/taxipolicy).

PROCEDURE: RENEWING A HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE

1. You will be sent a **“Reminder Letter”** approximately 4 months before the expiry of your current licence. The letter will include an application pack.
2. You will need to contact the Licensing Team to book a **“Virtual Appointment”** to submit your application. Please contact us on **01623 457589** to arrange this.
3. **Ahead of the “Virtual Appointment”** you must send an email to **licensing@ashfield.gov.uk** entitled **“HVDL – Your Badge Number – the time and date of the Virtual Appointment”**, and attach to your email the following:
 - **The completed Driver Application Form (Appendix One);**
 - **The completed DVLA Driver Licence Consent Form (Appendix Two);**
 - **The completed Self-Certification Medical Form (Appendix Four);**
 - **Proof of your entitlement to work unrestricted in the UK (i.e. Passport, Birth Certificate, or Residency Visa);**
 - **Your DVLA Driver Licence Photo-Card;**
 - **Your Passport;**
 - **Your National Insurance Number Card (or an official document stating it);**
 - **2 x Proof of your current home address (Bank Statement, Utility Bill, etc);**
 - **A Certificate of Good Conduct from your previous country of residence (only applicable if you have not lived in the UK for 5 consecutive years prior to submitting your application);**
 - **Your current Enhanced DBS Certificate (if you have one and have enrolled on the DBS Update Service); and**
 - **Proof of your online payments* for the Licence fee, and Enhanced DBS Check (only payable if you are not registered with the DBS Update Service) – see Fees & Charges (Page 7).**
 - **If you are not registered with the DBS Update Service, then you will need to complete and post the Blue Enhanced DBS Application Form that was sent to you with this Driver Application Pack.**
8. If all of the above are deemed satisfactory, the Licensing Team will log your application, and if you have posted us the Blue Enhanced DBS Application Form we will verify the content and forward it to the Disclosure & Barring Service for processing.
9. The Disclosure & Barring Service will in due course issue the Enhanced DBS Certificate to you at your home address. When you receive it, please copy every page of it, and email it to the Licensing Team. You must also enrol with the DBS Update Service.
10. The grant of a licence is dependent upon the Licensing Manager being satisfied with the results of all of the background checks that are carried out.
11. If your application is successful, the licence and badge will be issued, and posted to either your home address or to your Operator (if you are being sponsored).
12. Should the Licensing Manager have any concerns over you being deemed “fit and proper” to hold a licence, the matter will be referred to a Hearing to be determined (please see: www.ashfield.gov.uk/taxipolicy).

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE: CONDITIONS

Hackney Carriage & Private Hire (Dual) Driver licences are issued subject to the following conditions. Failure to adhere to these conditions may result in the suspension or revocation of the licence.

1. The Driver shall behave in a civil and orderly manner at all times when carrying out his or her duties, and not act in a manner to a passenger, member of the public or other licence holder that may:
 - Cause any person to take offence at their actions;
 - Cause any person to believe their actions are inappropriate;
 - Cause any person to fear for their physical safety;
 - Cause any person to doubt their integrity; and
 - Bring in to disrepute the integrity of the Council for having issued a licence to such person.
2. The Driver shall be clean and presentable in appearance, and if one is supplied wear the uniform provided by the employer.
3. The Driver shall wear on his or her person, the badge issued by the Council for that purpose in a position clearly visible to passengers, and if requested produce it on demand to the passenger or Authorised Officer.
4. The Driver shall not at any time lend or give his or her badge or licence to any other person, save for the copy of the licence that is required by these conditions to be given to the Private Hire Operator.
5. The Driver shall report the loss of the licence and/or badge to the Council as soon as such loss becomes known, and arrange an appointment with the Licensing Officer for the issue of any replacement and make payment for any appropriate fee.
6. The Driver shall not at any time drive a vehicle if he or she no longer holds, has had suspended or is disqualified from holding a DVLA driving licence for that type of vehicle.
7. The Driver shall, before commencing to drive the vehicle, deposit a copy of his Hackney Carriage & Private Hire (Dual) Driver licence with his/her Private Hire Operator for retention by the Operator until such time as he/she ceases to be permitted or employed to drive the vehicle or any other vehicle used by the same Operator.
8. The Driver shall only drive vehicles licensed by Ashfield District Council, unless he or she is appropriately licensed to use a vehicle licensed by another Authority.
9. The Driver shall not drive a licensed vehicle if he or she is not insured to do so.
10. The Driver shall not drive a licensed vehicle without the licence plate securely attached to the rear bumper or rear bodywork of the vehicle (save for those Private Hire Vehicles that have been granted an Exemption Notice).
11. The Driver shall when driving or in charge of a vehicle, wear a seat belt at all times and understand that the Driver is only exempt from wearing a seatbelt when actually carrying passengers for hire or reward, and, when driving a Hackney Carriage plying for hire within the Ashfield District.

12. The Driver shall ensure that the all passengers aged 12 years or more or whose height is 135cm or more, wear a seat belt throughout the duration of the journey.
13. The Driver shall, when carrying passengers who are children aged under 12 years of age or whose height is less than 135cm, ensure that:
 - Children under 3 years of age, if carried in the front seat, are seated in the appropriate child car seat;
 - Children under 3 years of age, if carried in the rear seats, are secured by way of the appropriate child restraint;
 - Children under 3 years of age, if no child car seat is available, may travel unrestrained on the rear seats;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the front seat, are secured by way of the appropriate child restraint or seatbelt;
 - Children aged 3 years or more but under 12 years of age or up to 135cm tall, if carried in the rear seats, are secured by way of the appropriate restraints or seatbelts.
14. The Driver shall when driving the vehicle take all reasonable precautions to ensure the safety of passengers and other road users.
15. The Driver shall drive the vehicle with full regard to the speed restrictions in force on any roads travelled.
16. The Driver shall drive the vehicle with full regard to the conditions of the road and all climate hazards.
17. The Driver shall ensure that before the vehicle is used, that copies of the Certificate of Insurance, Certificate of Compliance and M.O.T. Certificate are available within the vehicle, so as to be available to an Authorised Officer upon request.
18. The Driver shall if it has been agreed, or whose employer has agreed, to attend a certain time and place, (unless delayed or prevented by some reasonable cause) attend with the vehicle as agreed.
19. The Driver shall not carry more people in the vehicle than the number of persons permitted by the vehicle licence (or as stated on the vehicle licence plate).
20. The Driver shall not carry any other person in the vehicle without the permission of the hirer.
21. The Driver shall when collecting any passenger proceed to the requested destination by the shortest available route, and if asked by the passenger, indicate the route they are going to take, subject to any directions given by the hirer.
22. The Driver shall deliver the passenger to their chosen destination as agreed when the booking was made, unless he or she has exceptional cause to do so, or is otherwise directed by the hirer.
23. The Driver shall:
 - Take a reasonable amount of luggage including wheelchairs and children's pushchairs (the pushchair shall be folded and secured in the luggage area of the vehicle);
 - Give reasonable assistance in loading and unloading luggage;

- Give reasonable assistance in removing luggage to or from the entrance of any building, station or place at which he or she takes up or sets down passengers.
 - Give reasonable assistance to elderly, vulnerable or disabled persons with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey.
24. The Driver shall when in charge of a designated Wheelchair Accessible Hackney Carriage or Private Hire Vehicle make the vehicle available for hire to any person requiring “wheelchair mobility assistance”, and provide any necessary assistance to assist the wheelchair user with entering or alighting from the vehicle, and any other reasonable assistance during the course of the journey. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
 25. The Driver shall not charge a higher price for any journey, for a person requiring “mobility assistance” than would otherwise be charged for a person without a need for the provision of “mobility assistance” for the same journey.
 26. The Driver of a vehicle which has been hired, by or on behalf of a blind or partially sighted person, or a disabled person who is accompanied by his / her assistance dog, or by a person who wishes such a blind or partially sighted person, or a disabled person to accompany him / her in the vehicle shall, carry the passenger and his dog, allow it to remain with the passenger and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption. The driver is not compelled to convey any other type of animal.
 27. The Driver shall if the hirer of a vehicle is accompanied by any animal(s) make sure that it is securely contained to the satisfaction of the driver, if he deems fit, carry the passenger and his animal(s) and not make any additional charge for doing so. If the Licensing Authority is satisfied that it is appropriate on medical grounds to exempt the person from the above requirement it shall issue a certificate of exemption.
 28. The Driver shall ensure that any animal(s) transported in the licensed vehicle are placed in the rear seating compartment of the vehicle.
 29. The Driver shall, if asked to transport an unaccompanied child or if a passenger requests that the Driver wait until they are safely inside the house, agree to such requests.
 30. The Driver shall not, without reasonable cause, unnecessarily prolong in distance or time, the journey for which the vehicle was hired.
 31. The Driver shall provide a written receipt to the hirer if requested to do so.
 32. The Driver shall immediately after the termination of any hiring of the vehicle or as soon after as practicable carefully search the vehicle for any property which may have been accidentally left there.
 33. The Driver shall deliver any property which is left in the vehicle as soon as possible and in any event within 24 hours to a Police Station in the Council’s district, and if

required to do so, leave it in the custody of a Police Officer having obtained a receipt for it. The Driver shall notify his/her Operator of such an action having been undertaken.

34. The Driver shall not sound the vehicle horn when arriving at an address to pick up passengers.
35. The Driver shall respect the request of a passenger should that passenger choose not to engage in conversation.
36. The Driver shall not play any radio or other sound reproducing equipment in the vehicle, except for the purpose of sending or receiving messages, without the express consent of the hirer.
37. The Driver shall not drink or eat in the vehicle whilst a passenger or passengers are on-board.
38. The Driver shall not whilst driving (including whilst stationary with the vehicle engine running and the handbrake not engaged) use a handheld mobile phone or any other handheld electronic mobile device, other than a two-way radio, which performs an interactive communication function by transmitting and receiving data.
39. The Driver shall comply at all times to the Health Act 2006 and shall not at any time smoke (including electronic cigarettes) or permit any passenger to smoke (including electronic cigarettes) in any licensed Hackney Carriage or Private Hire vehicle.
40. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand at any bus stop or in any bus lay-by.
41. The Driver shall not at any time when driving the vehicle permit the vehicle to be driven in any bus lane, with the exception of bus lanes that specifically permit such use.
42. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to stand in a disabled bay without displaying the appropriate badge or other lawful authority.
43. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be parked in such a position so as to cause an unnecessary obstruction or be in a dangerous position (e.g. double parked, parked at or close to a road junction).
44. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be driven on or become stationary on a footway.
45. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on double yellow lines, other than to allow passengers to board or alight from the vehicle.
46. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to be stationary on a single yellow line, in contravention of the notices displayed, other than to allow passengers to board or alight from the vehicle.

47. The Driver shall not travel on any restricted road within the Ashfield District boundary, unless he or she is either carrying a passenger, or travelling to collect a passenger, and such a restriction does not apply to the road when the Driver is carrying or travelling to collect a passenger.
48. The Driver shall not at any time when driving the vehicle cause or permit the vehicle to make any illegal manoeuvre, and/or cause any hazard, obstruction or inconvenience so as to contravene any traffic laws, regulations, orders or guidance outlined in the current Highway Code.
49. The Driver shall not drive a vehicle while having use of illegal drugs or misused legal drugs (including alcohol).
50. The Driver shall notify the Licensing Officer in writing, within 14 days, of any change in his or her details that have occurred since the most recent application made to the Licensing Officer (i.e. home address, telephone number, etc), and pay the appropriate fee for his/her record to be amended accordingly.
51. The Driver shall notify the Council in writing as soon as possible and in any event within 14 days of any illness or injury affecting his fitness to act as a driver, and if requested by an Authorised Officer must agree to a Medical Examination being carried out to ensure such illness / injury would not give rise to concerns for public safety.
52. The Driver shall notify the Council in advance, in writing, if he or she is to be away from the address shown on the licence (and recorded as the home address on the records of the Licensing Authority) for a period of more than 28 days.
53. The Driver shall declare all relevant motoring endorsements, and all offences, cautions and convictions on any application to renew the licence. No caution or conviction should be omitted from any application.
54. The Driver shall, if subject of any formal Police action including if arrested, released on Police Bail, charged with an offence, convicted of an offence, summonsed for an offence, reported for an offence or received a fixed penalty notice for an offence (including motoring endorsements) or accepts a caution, he or she must (within 14 days of the action) give full details of it to the Council in writing.
55. The Driver shall not willfully obstruct any Authorised Officer, or fail to comply with any requirement made by such a person without reasonable cause, or fail to give any such person any other assistance or information such person may reasonably require in the performance of his or her duties.
56. The Driver shall not whilst driving or in charge of a Private Hire Vehicle ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Private Hire vehicle; or permit any other person to do so.
57. The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle when outside of the Ashfield District Council area ply for hire or otherwise tout or solicit on a road or other public place any person to hire or be carried in any Hackney Carriage Vehicle; or permit any other person to do so.

58. The Driver shall not whilst driving or in charge of a Private Hire Vehicle offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
59. The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle when outside of the Ashfield District Council area offer the vehicle for immediate hire whilst the driver is on a road or other public place except where such an offer is first communicated from the Private Hire Operator to the driver by telephone, radio, or other such apparatus fitted to the vehicle.
60. The Driver shall not whilst driving or in charge of a Private Hire Vehicle park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.
61. The Driver shall when driving a Hackney Carriage or Private Hire Vehicle outside of the Ashfield District Council area not park on any rank in any other Council area, nor park in a "prominent position" (i.e. where people are likely to congregate, locations with a high level of footfall, near a taxi rank), and be in attendance of the vehicle without a booking having been made for him or her to be at such a location, that may encourage any person to approach the vehicle in the belief that the driver and the vehicle are available for immediate public hire.
62. The Driver shall not whilst driving or in charge of a Private Hire Vehicle, contact the Private Hire Operator to request a booking be made on behalf of any person.
63. The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle whilst travelling outside of the Ashfield District Council area, contact the Private Hire Operator to request a booking be made on behalf of any person.
64. The Driver shall not whilst driving or in charge of a Private Hire Vehicle park on any taxi rank whether within or outside of the Ashfield District Council area.
65. The Driver shall not whilst driving or in charge of a Hackney Carriage Vehicle park on any taxi rank outside of the Ashfield District Council area.
66. The Driver of a vehicle equipped with a taximeter shall ensure that the table of fares (whether that be the Hackney Carriage Statement of Fares & Charges as issued by Ashfield District Council, or the Table of Fares as issued by the Private Hire Operator) is displayed in a clearly visible position in the vehicle, provide an explanation of the table of fares if so requested by the passenger, and made available upon request to any Authorised Officer.
67. The Driver shall when driving a vehicle equipped with a taxi-meter ensure that during any hiring the face of the taxi-meter is at all times plainly visible to the passengers.
68. The Driver shall when driving a vehicle equipped with a taxi-meter set the meter into operation when the hirer starts her or his journey unless the hirer asks the hiring to engage the vehicle by time, or at the time pre-arranged for the journey to start as requested by the hirer.

69. The Driver shall if the vehicle is involved in an accident, inform the vehicle proprietor immediately, in order that the vehicle proprietor may contact the Licensing Officer within 72 hours of the incident occurring.
70. The Driver shall if the vehicle is involved in an accident, and is requested to do so, give his or her name and address and any other reasonable details, and the vehicle proprietors name and address, details of the vehicle insurance, and the licence number and registration number of the vehicle to any injured party or Authorised Officer.
71. The Driver shall when driving a Hackney Carriage to a taxi rank and finding that the taxi rank is occupied by the full number of Carriages authorised to do so, proceed to another stand, and not park on or near a taxi rank that is full.
72. The Driver shall when driving a Hackney Carriage on arriving at a rank that is not fully occupied station the vehicle immediately behind the last Hackney Carriage so as to face in the same direction.

When the Hackney Carriage immediately in front of the vehicle being driven by the Driver moves forward, the Driver shall also move forward to allow more Hackney Carriages to join the rank.

73. The Driver shall when driving a Hackney Carriage not cause an obstruction when parked on a taxi rank and when the vehicle is the first vehicle on the rank be in constant attendance and be ready to be hired at once by any person.
74. The Driver shall when driving a Hackney Carriage not park on a rank in the Ashfield District for any purpose other than for standing for hire.
75. The Driver of a Hackney Carriage when hailed by a customer within the Ashfield District Council area or when approached whilst waiting on an Ashfield District Council taxi rank, must, unless he or she has reasonable excuse, accept any hiring within the Ashfield District boundary if the destination is also within the Ashfield District boundary.

The fare for such a journey, will be calculated by the taxi meter, and the scale of charges applicable to journeys within the Ashfield District Council area shall apply.

76. The Driver of a Hackney Carriage when hailed by a customer within the Ashfield District Council area or when approached whilst waiting on an Ashfield District Council taxi rank, does not have to accept journeys that end outside of the Ashfield District boundary; the fare or rate of fare must be by agreement between the hirer and Driver before the journey commences.

Where no such agreement exists, and the journey is undertaken, the scale of charges applicable to journeys within the Ashfield District Council area shall apply.

77. The Driver shall carry a copy of these conditions within the vehicle and make them available for inspection by the hirer or any passenger, or Authorised Officer upon request, and be familiar with the conditions of the Hackney Carriage & Private Hire (Dual) Driver licence, and of the Enforcement Procedures as detailed in the Councils Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

- 78.** The Driver shall enroll with the Disclosure and Barring Services (DBS) Update Service and maintain any necessary agreements and arrangements with that Service so as to ensure that the Licensing Authority (should it have a reasonable requirement to do so) may access the licence holders DBS record in order to promote the objectives of public safety and safeguarding, and to prevent delay in the determination of the renewal of the licence.

A licence holder has a right of appeal to a Magistrate's Court against the imposition of the Conditions attached to a licence, by virtue of Section 300 – 302 of the Public Health Act 1936.

DRIVER DRESS CODE

Hackney Carriage and Private Hire licensing in the District of Ashfield plays an important role in portraying a positive image of Ashfield.

All licensees are expected to conduct themselves in a manner that serves to enhance the professional image of the Hackney Carriage and Private Hire trade, and promotes the concept that drivers of licensed vehicles are professional vocational drivers.

Employees working for companies operating their own dress codes will also be required to comply with this standard. The Licensing Authority requires all drivers to adhere to the following dress code:

Drivers must ensure that at all times a smart standard of dress and cleanliness is maintained which is acceptable to the general public.

The seasonal wearing of dress shorts or culottes as appropriate will be allowed and drivers must wear either a short sleeved shirt, blouse or collared polo shirt. Flip Flops and/or bare feet are not acceptable when on duty.

RESPONSIBILITIES FOR ALL DRIVERS

The Licensing Authority requires all its drivers to ensure that passengers are safeguarded when being transported in a licensed vehicle. The following are applicable:

Drivers are expected to:

- Ensure that they are fit to drive at all times;
- Ensure their vehicle is fit to be driven at all times;
- Not to use a vehicle which could put the public at risk;
- Remain professional at all times;
- Carry photo ID at all times, and wear it in accordance with any conditions of licence.
- Not to use offensive or inappropriate language;
- Not to swear;
- Not to behave in a manner that would make passengers feel uncomfortable, intimidated and/or threatened;
- Not to misuse personal information obtained during whilst working;
- Ensure a log is maintained which records all incidents, refusals and accidents involving passengers and/or reported to the Operator immediately and in any event before taking the next fare.

VULNERABLE PASSENGERS

Drivers and/or Operators must confirm that appropriate provisions are in place for any vulnerable passengers prior to accepting any bookings and/or commencing a journey.

A Driver/Operator would not be responsible for any alterations, but is responsible for ensuring the passenger is able to be transported safely and comfortably. If a responsible person is not accompanying a vulnerable passenger the Driver should make reasonable attempts to obtain contact details for a responsible person in case of an emergency.

If a Driver is unable to commence a journey due to safety concerns then all reasonable measures should be taken to ensure a responsible person is notified to enable alternative arrangements to be made.

REPORTING YOUR CONCERNS

If a driver is concerned about the safety, welfare or behaviour of an individual, they should report it to the Police by telephoning 101 (or in emergencies by calling 999), Crimestoppers, or the Nottinghamshire Multi-Agency Safeguarding Hub.

VEHICLE SAFETY

All licensed drivers are responsible for ensuring their vehicle is safe to carry members of the public and must refrain from driving it if there are any physical/mechanical concerns.

All concerns must be reported to the Private Hire Operator or the vehicle proprietor/owner as soon as practicably possible by the Driver. The vehicle must not be used until the concerns have been rectified.

RECOMMENDED MAXIMUM HOURS

There are no direct controls over the hours that Hackney Carriage and Private Hire drivers can work. There are, however, limits applicable to drivers and crews of heavy goods vehicles or public service vehicles. The Licensing Authority deem that the number of hours worked by drivers can impact public safety and as a result seeks to promote the same limits, namely:

- An average of 48 hours per week calculated over a 17 week period normally;
- In any single week up to 60 hours providing the 48 hour limit is maintained;
- Night work is limited to 10 hours per night unless there is an agreement to work longer hours;
- Working between 6 and 9 hours per day requires breaks totalling 30 minutes. If more than 9 hours is worked then breaks must total 45 minutes. Breaks must be of at least 15 minutes in duration.

The Licensing Authority recommends that these requirements are used as a guideline to ensure drivers are fit to drive and that public safety remains paramount at all times.

ENFORCEMENT PROCEDURES

It is this Authority's policy to deal with enforcement matters relating to an applicant or existing licence holders by means of Licensing Officers, the Director: Place & Communities, and the Courts. The expectation of the Authority is that any person who seeks the grant of a licence, or who holds a licence, meets with our definition of a "fit and proper" person. Licence holders maintain close contact with the public and are therefore not expected to behave or act in a manner that may:

- **cause any person to take offence at their actions**
- **cause any person to believe their actions are inappropriate**
- **cause any person to fear of their physical safety**
- **cause any person to doubt their integrity**
- **brings in to disrepute the integrity of the Council for having granted such a person a licence**
- **fail to adhere to the conditions and regulations pertaining to the licence**

Any complaints or enforcement measures are dealt with in the first instance by the Licensing Officers by way of a "Warning" system. Any failures on the part of an applicant or existing licence holder to uphold the Licensing Objectives or to adhere to the conditions and regulations pertaining to the licence may result in any of the following actions:

- **the issue of a Warning (appropriate to the incident reported)**
- **the issue of a higher level of Warning (appropriate to the incident reported and having regard to the history of the licence holder)**
- **the request for an interview to be held in accordance with the Police and Criminal Evidence Act 1984**
- **the issue of a Formal Caution**
- **the suspension or revocation of the licence**
- **the referral of the matter to a Sub-Committee Hearing**
- **the referral of the matter to the Legal department for possible prosecution**

You will find details of the Warnings and further actions that the Licensing Authority may take contained within our Convictions Policy that can be found on the Council website, or obtained from the Licensing Team.

SAFEGUARDING: VULNERABLE CHILDREN AND ADULTS

Human Trafficking is the crime of moving a person (adult or child) from one place to another into conditions of exploitation, using deception, coercion, the abuse of power or the abuse of someone's vulnerability.

Unfortunately vulnerable persons can be "moved" by criminals who chose to have the journeys carried out in licensed vehicles, without the drivers having any reason to believe that such a person is a victim of such a crime.

Licensed drivers are the eyes and ears of their communities through the work they do and the contacts they have, and if you are able to spot the signs of human trafficking and know how to report this crime, you can be a major force in tackling this terrible activity.

There are three main elements involved with Human Trafficking:

- **Movement:** recruitment, transportation, transfer, harbouring or receipt of people (adults or children).
- **Control:** threat, use of force, coercion, abduction, fraud, deception, abuse of power or vulnerability, or the giving of payments or benefits to a person in control of the victim.
- **Purpose:** exploitation of a person (adult or child), which includes prostitution and other sexual exploitation, forced labour, slavery or similar practices, street crime, forced marriage and the removal of organs forced to work, beaten, abused and too scared to escape.

HOW CAN YOU SPOT IF SOMEONE MAY BE VULNERABLE AND BEING EXPLOITED AND TRAFFICKED?

There are various tell-tale signals to look for. One sign on its own does not mean someone has been trafficked, but several signs together should give you cause for concern.

Perhaps the person shows signs of the following:

- Does not know their home or work address
- Allows others to speak for them when addressed directly
- Live or travel in a group, sometimes with other persons who do not speak the same language
- They are collected very early and/or returned late at night on a regular basis
- May have inappropriate clothing for the work they are performing, and/or a lack of safety equipment
- Their physical appearance may show signs of injury, malnourishment, unkempt
- They may be isolated from the local community and/or appear to be under the control or influence of others
- Have no cash of their own

HOW TO REPORT YOUR CONCERNS?

If you suspect that a person (adult or child) is vulnerable and may be the victim of abuse, exploitation and/or trafficking, you can report your concerns in confidence by telephoning:

- **Nottinghamshire Police:** 101 (or if an emergency 999)
- **Crimestoppers:** 0800 555 111
- **Nottinghamshire Multi-Agency Safeguarding Hub:** 0300 500 8090

WHY DO I NEED TO KNOW ABOUT SAFEGUARDING?

Everyone is becoming aware of the well-publicised issues relating to Child Sexual Exploitation and Human Trafficking that have occurred throughout the country.

These are abhorrent crimes, and the Licensing Authority has a duty to assist the Taxi and Private Hire Trade and the public in tackling this issue, and to protect those who are vulnerable and / or being exploited.

We need the help of taxi and private hire drivers and operators to identify those who commit these crimes, and protect those who most need our help.

This page and our website are devoted to helping you as a license holder or applicant to be aware of those who may be vulnerable or being exploited, and questions relating to this subject are posed within the Local Knowledge & Safeguarding Test that all new applicants must undertake as part of the criteria for the grant of a licence.

However, there is always more that can be done by everyone to help promote a better understanding of this subject, and we hope that this page and our website will assist you in being able to identify those at risk, how to protect those who may be vulnerable or being exploited, how to ensure that your actions do not negatively contribute to such persons becoming victims, and to whom to report your concerns.

WHERE CAN I FIND MORE INFORMATION ON SAFEGUARDING?

A full page devoted to Safeguarding, designed with help from the National Working Group and various other Councils can be found on the Council website:

<http://www.ashfield.gov.uk/taxilicensing>

If you are a new applicant, many of the questions posed in the Local Knowledge & Safeguarding Test will be more familiar to you if you have studied our online Safeguarding page.

As an existing licence holder, the information on the website will help you identify and support those persons in most need of help, and in turn support the authorities in tackling these abhorrent crimes and protecting the most vulnerable in our society.

TRANSPORTING DISABLED PASSENGERS

Customer Care starts from the moment that the customer hires the vehicle. There should be good customer relations between the driver and the customer. Talking to the customer to check what they require will make it quick and easy to give them a better service. Many disabled people have at some time experienced well-intentioned but clumsy assistance that has caused them discomfort and pain.

The way a driver gives the best possible service to each customer will vary for each customer and the type of disability that they have. **Always** ask what help (if any) a customer may need. Make sure you are familiar with any access and safety equipment in your vehicle. **Ask the customer if they are all right before you start the journey.**

If the passenger is in a wheelchair you should always:-

- Pull up as close as possible to the kerb;
- Always use the ramps;
- If necessary, tip up the back seat to give more space to manoeuvre the wheelchair;
- Insist that the passenger travels in the correct position as recommended by the vehicle manufacture. In the case of a London type cab this position will be facing the rear of the vehicle. **The wrong travelling position is unsafe;**
- Always make sure that the brakes of the wheelchair are on;
- Be polite and ask before touching or moving a passenger;
- **Always secure** the wheelchair and ask if the passenger needs help to fasten the seat belt provided;
- If it has been raised, lower the back seat if the passenger would prefer it;
- Avoid sudden braking or acceleration;
- Bring the wheelchair out of the vehicle backwards down the ramp and ask if the passenger would like the brakes on once they have been unloaded;
- Leave the passenger in a safe and convenient place, which enables them to move away independently.

When taking a person in a wheelchair up a kerb you should place your foot on one of the tipping levers (which project from the back of the wheelchair at ankle height) and pull the wheelchair onto its back wheels. Pull the wheelchair onto its back wheels so that its front wheels are level with the kerb and follow with the back.

When taking a person in a wheelchair down a kerb, again place your foot on the tipping lever and pull the wheelchair onto its back wheels. Gently lower the wheelchair down the kerb so that both of the rear wheels touch the ground at the same time, then lower the front wheels.

This method should only be used for kerbs and single steps; where there is a flight of steps; two people are needed for safety.

There are a number of wheelchair designs that are either too large for the ramps and to fit through the doorway or are unable to be manoeuvred when inside the vehicle. There are also some passengers whose size and build, or nature of disability (i.e. those passengers requiring extended leg rests) that precludes them from safely using a licensed vehicle.

However you cannot refuse to take a passenger in a wheelchair if your vehicle can safely take it.

It is against the law and the conditions attached to a drivers licence to refuse a wheelchair passenger.

It could lead to prosecution and your Hackney Carriage & Private Hire (Dual) Driver licence being revoked.

HOW TO ENSURE THE SAFETY OF WHEELCHAIR USERS

Both the restraint system for the wheelchair and the safety belt for the passenger **must be used on every occasion**. Failure to do so may render you liable in the event of an accident and could affect your insurance cover.

- In the interest of the comfort and safety of both the passenger and yourself, the ramps must be used to board a passenger using a wheelchair.
- Passengers using wheelchairs must **never** travel facing sideways or forward. It is not possible to secure the wheelchair or adequately protect the passenger in either position. They should always travel in the recess of the passenger bulkhead, facing towards the rear of the vehicle.
- The wheelchair restraint mechanism must always be attached to the rearmost main upright tubes on opposite sides of the wheelchair frame in a position that does not allow it to fall off or slide down. The restraint must never be attached to wheels, spokes or footplates.
- The brakes on the wheelchair must always be applied during the journey. You should remember that the brakes alone are not sufficient for wheelchair restraint. They do however give a little lateral stability during the journey, which provides reassurance for passengers.
- The wheelchair restraint mechanism isolating switch must always be in the “off” position before the journey begins. If it is left in the “on” position the wheelchair is still unrestrained.
- It is important to remember that the wheelchair restraint mechanism offers no security to the passenger. It is a legal requirement for passengers to wear seatbelts provided. Unless they hold a medical exemption certificate.
- Wheelchairs must always be taken out of the vehicle backwards.

EQUALITY ACT 2010

HOW DOES THIS AFFECT HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) LICENCE DRIVERS?

The Equality Act 2010 includes provisions relating specifically to Hackney Carriages and Private Hire vehicles and disability.

The information below provides details of the provisions contained within the legislation that place responsibilities on drivers of Hackney Carriages and Private Hire Vehicles.

- **To assist passengers in wheelchairs (if you drive a wheelchair accessible vehicle); and**
- **To carry guide dogs / assistance dogs.**

DUTIES ON DRIVERS TO ASSIST PASSENGERS IN WHEELCHAIRS

The Equality Act places duties on the drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles to provide physical assistance to passengers in wheelchairs.

The duties apply to the driver of any wheelchair accessible Hackney Carriage and Private Hire vehicle which are on the licensing authority's list of "designated vehicles".

Ashfield District Council maintains and publishes a list of designated vehicles and therefore the following duties apply to all drivers of designated wheelchair accessible Hackney Carriages and Private Hire vehicles (under Section 165 of The Equalities Act 2010):

- **To carry the passenger while in a wheelchair**
- **Not to make any additional charge for doing so**
- **If the passenger chooses to sit in a passenger seat, to carry the wheelchair**
- **To take such steps as are necessary to ensure that the passenger is carried in safety and reasonable comfort; and**
- **To give the passenger such "mobility assistance" as is reasonably required.**

WHAT DOES MOBILITY ASSISTANCE MEAN?

Mobility assistance essentially means helping passengers who use wheelchairs by providing physical assistance.

If the passenger wishes to remain in the wheelchair, the driver must help the passenger to get into and out of the vehicle.

If the passenger wants to transfer to a seat, the driver must help him or her to get out of the wheelchair and into a seat and back into the wheelchair; the driver must also load the wheelchair into the vehicle.

The driver must also offer to load the passenger's luggage into and out of the vehicle.

LISTS OF WHEELCHAIR ACCESSIBLE VEHICLES

Section 167 of the Act allows Licensing Authorities to maintain a list of “designated vehicles”, that is, a list of wheelchair accessible Hackney Carriages and Private Hire vehicles licensed in their area. The consequence of being on this list is that the driver must undertake the duties in section 165.

Ashfield District Council maintains and publishes a list of all licensed designated Wheelchair Accessible Vehicles on the Council website.

GUIDE DOGS / ASSISTANCE DOGS

Duties are also placed on Hackney Carriage and Private Hire drivers when driving licensed vehicles to carry guide dogs and other assistance dogs under the requirements of the Equality Act 2010; unless he / she is exempt from the duty to carry an assistance dog on medical grounds.

WHAT IF I HAVE A MEDICAL CONDITION WHICH PREVENTS ME FROM CARRYING OUT EITHER OR BOTH OF THESE DUTIES?

The Act allows for exemptions from the duties on medical grounds regarding providing mobility assistance and from carrying guide dogs / assistance dogs if the driver’s physical condition makes it impossible or unreasonably difficult for him or her to comply with these duties. It is the responsibility of drivers who require an exemption to apply for one from their Licensing Authority.

WHO DECIDES IF A DRIVER IS EXEMPT?

The local Licensing Authority decides if a driver should be exempt from the duties.

HOW WILL PASSENGERS KNOW THAT I AM EXEMPT FROM THE DUTIES TO ASSIST PASSENGERS?

The Licensing Authority will issue you with a special Exemption Notice which exempted drivers must display on their vehicles in order that passengers will know that the driver is exempt from one of more of the required duties.

I DO NOT HAVE ANY EXEMPTION FROM PROVIDING MOBILITY ASSISTANCE AND / OR CARRYING GUIDE DOGS OR ASSISTANCE DOGS AT PRESENT, HOW DO I APPLY FOR AN EXEMPTION FROM HAVING TO FULFIL THESE DUTIES?

You will need to contact the Licensing Team by telephoning 01623 457589 or by emailing licensing@ashfield.gov.uk to inform an Officer of your request, and for the necessary application form to be sent to you. When submitting your completed form, you will be required to provide evidence from your Medical Practitioner supporting your application and substantiating the medical reasons applicable to your request.

Your application will be determined by the Licensing Manager, and if successful you will be issued with the relevant Exemption Notice to display within the vehicle that will last for the duration of your current licence.

ENHANCED DISCLOSURE & BARRING SERVICE (DBS) REPORT INFORMATION

If you have not already enrolled with the DBS Update Service, you are required to submit an Enhanced DBS application form, which must be completed and posted to the Licensing Team ahead of your Virtual Appointment.

WHAT DOCUMENTS TO SUBMIT TO THE LICENSING OFFICER AT YOUR VIRTUAL APPOINTMENT

The applicant must be able to provide one document from Group 1, and 2 further documents from either Group 1, or Group 2a or 2b. At least one of the documents must show the applicant's current address.

If the applicant doesn't have any of the documents in Group 1, then they must be able to show: one document from Group 2a, and 2 further documents from either Group 2a or 2b. At least one of the documents must show the applicant's current address.

The organisation conducting their ID check must then also use an appropriate external ID validation service to check the application.

If it's impossible to process the application through the above means, the applicant must be able to show: a birth certificate issued after the time of birth (UK and Channel Islands), one document from Group 2a, and 3 further documents from Group 2a or 2b.

At least one of the documents must show the applicant's current address. If the applicant can't provide these documents they may need to be fingerprinted.

GROUP 1: PRIMARY IDENTITY DOCUMENTS

Passport
Biometric residence permit
Current driving licence photocard - (full or provisional)
Birth certificate - issued within 12 months of birth

Adoption certificate

Notes relevant to document:

Any current and valid passport
UK
UK, Isle of Man, Channel Islands and EU

UK, Isle of Man and Channel Islands - including those issued by UK authorities overseas, e.g. embassies, High Commissions and HM Forces
UK and Channel Islands

GROUP 2a: TRUSTED GOVERNMENT DOCUMENTS

Current valid driving licence photo card - (full or provisional)
Current driving licence (full or provisional) - paper version (if issued before 1998)
Birth certificate - issued after time of birth
Marriage/civil partnership certificate
HM Forces ID card
Firearms licence

Notes relevant to these documents:

All countries outside the EU (excluding Isle of Man and Channel Islands)
UK, Isle of Man, Channel Islands and EU

UK, Isle of Man and Channel Islands

UK and Channel Islands
UK
UK, Channel Islands and Isle of Man

GROUP 2b: FINANCIAL AND SOCIAL HISTORY DOCUMENTS

Mortgage statement
Bank or building society statement

Bank or building society account opening confirmation letter
Credit card statement
Financial statement, e.g. pension or endowment
P45 or P60 statement

Council Tax statement

Work permit or visa
Letter of sponsorship from future employment provider

Utility bill

Benefit statement, e.g. Child Benefit, Pension

Central or local government, government agency, or local council document giving entitlement, e.g. from the Department for Work and Pensions, the Employment Service, HMRC.

EU National ID card

Cards carrying

the PASS accreditation logo

Letter from head teacher or college principal

Notes relevant to these documents:

UK or EEA – **issued in last 12 months**

UK and Channel Islands or EEA – **issued in last 3 months**

UK – **issued in last 3 months**

UK or EEA – **issued in last 3 months**

UK – **issued in last 12 months**

UK and Channel Islands – **issued in last 12 months**

UK and Channel Islands – **issued in last 12 months**

UK – **valid up to expiry date**

Non-UK or non-EEA only - valid only for applicants residing outside of the UK at time of application – **must still be valid**

UK - not mobile telephone bill – **issued in last 3 months**

UK – **issued in last 3 months**

UK and Channel Islands – **issued in last 3 months**

Must still be valid

UK, Isle of Man and Channel Islands – **must still be valid**

UK - for 16 to 19 year olds in full time education - only used in exceptional circumstances if other documents cannot be provided – **must still be valid**

WHAT TO DO WHEN YOU RECEIVE YOUR ENHANCED DBS CERTIFICATE

The Disclosure & Barring Service will issue the Enhanced DBS Certificate and will post it to you at your home address. Please note that the Council does not receive a copy of it from the DBS Service.

Upon receipt of the Enhanced DBS Certificate you will need to send a scan of the **entire** Disclosure Report to **licensing@ashfield.gov.uk** clearly identifying your name on your email and, if held, your badge number.

If you are unable to send a copy to us electronically, then you will need to post it us at the Councils Urban Road Officer, but please mark your envelope: Private & Confidential, F.A.O. Licensing Officer, Taxi Licensing, and we will return it to you.

Please note that a licence and badge cannot be issued until we have received and processed your DBS Disclosure.

DBS UPDATE SERVICE

It is a condition of your licence that **you to sign up to the DBS Update Service.**

You can join the DBS Update Service using the “**F**” **Reference Number** in the top corner of the Blue Enhanced DBS Application Form whilst you are awaiting the issue of the Enhanced DBS Certificate, or within 30 days of the issue of the **Enhanced DBS Certificate you can enrol with the Enhanced DBS Certificate Number.**

Joining is simple – just go to: <https://secure.crbonline.gov.uk/crsc/subscriber>

The Update Service currently costs £13.00 per annum (compared to £44.00 for a full Enhanced DBS Form), and all that you need to do is set up a direct debit with the DBS (remember that if you set up a card payment, that cards have expiry dates) and provide written authorisation to the Licensing Officer at your renewal / annual declaration appointment for an Officer to carry out an online check.

If you fail to subscribe to the DBS Update Service or fail to correctly maintain your subscription, you will have to complete a new Enhanced DBS Form and pay the relevant cost for it to be processed.

GUIDELINES RELATING TO CRIMINAL CHECKS FOR PEOPLE WHO HAVE SPENT TIME OUTSIDE OF THE UK – CERTIFICATE OF GOOD CONDUCT

Where an applicant/driver has been absent from the UK, a Disclosure and Barring Service (DBS) check would not be sufficient evidence of his/her criminal record. All applicants/drivers (including those renewing a licence) must complete as part of the application form a questionnaire in order to ascertain what time, if any, the applicant has spent resident outside of the UK since the age of 10.

Applicants/drivers who have been resident in any other country or countries for 6 months or more will be required to provide a Certificate of Good Conduct from each country (unless previously seen by this Authority). For these purposes, a “Certificate of Good Conduct” means an extract from the judicial record or equivalent document issued by a competent judicial or administrative authority in the relevant country testifying to good conduct or to any criminal convictions recorded against the individual.

All Certificates of Good Conduct or foreign Police Check documents must be translated into English or another language by a translator approved by the Licensing Authority. The cost of obtaining an appropriate translation must be met by the applicant/driver.

All applicants/drivers who have been resident in the UK will be required to obtain an enhanced DBS check for the period of time they have been resident in the UK.

Applicants/drivers who are unable to provide the necessary DBS check or Certificates of Good Conduct to the satisfaction of the Licensing Authority, may be unable to satisfy the Licensing Authority that they are a fit and proper person to hold a driver’s licence and the application may be refused or any existing licence may be suspended/revoked. Any person aggrieved by a decision of the Licensing Authority has the right of appeal to a Magistrates’ Court.

PREVENTION OF ILLEGAL WORKING: RIGHT TO WORK IN U.K.

The Council has a duty to ensure that all those individuals it grants a licence to are entitled to work in the UK. For this reason the following documentation must be provided at your licence renewal appointment. Because the licence is issued every three years or less, these checks must be carried out in order for the Licensing Authority to have complied with any legal requirements placed on it.

List A – documents which show an ongoing right to work. If you can provide documents from list A, you do NOT need to provide any from list B.

1. A passport showing that the holder is a British citizen
2. A passport showing that the holder is a citizen of the UK and Colonies having the right to abode in the UK – passport has a ‘certificate of entitlement to the right of abode’ in it.
3. A passport showing that the holder is a national of a European Economic Area (EEA) country or Switzerland
4. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office (HO), the Border and Immigration Agency (BIA), a national of an EEA or Switzerland
5. A permanent residence card issued by the HO or BIA to the family member of a national of EEA or Switzerland
6. A Biometric Immigration Document issued by the BIA to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
7. A passport or other travel document endorsed to show that the holder is allowed to stay indefinitely in the UK, has the right of abode in the UK or has no time limit to their stay in the UK

Document combinations – one of the following:

8. An official document issued by a previous employer or Government agency i.e. HM Revenue and Customs, Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the permanent National Insurance number and name of the person
Plus:
 - a. An immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK
Or:
 - b. A full birth certificate/full adoption certificate issued in the UK which includes the name(s) of at least one of the holder’s parents
Or:
 - c. A birth certificate/adoption certificate issued in the Channel Islands, the Isle of Man or Ireland
Or:
 - d. A certificate of registration or naturalisation as a British citizen
Or:
 - e. A letter issued by the HO or the BIA to the holder which indicates that the person named.

List B – Documents which show a right to work for up to 12 months (where this is applicable the applicant will have to prove their right to work annually otherwise their licence will be revoked) (If you can provide documents from list B, you do NOT need to provide any from list A). You will need to provide either 1 or 2, with a combination of the following i.e. 3 + a or 3 + b; 4 or 5; 6; 7 or 8.:

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK 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 Immigration Document issued by the BIA to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.

Document combinations – first combination:

3. A work permit or other approval to take employment issued by the HO or BIA with:
 - a. A passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question

Or:

 - b. A letter issued by the HO or the BIA to the holder or the employer or prospective employer confirming the same

Second combination – must be checked by the BIA Employer Checking Service:

4. A certificate of application issued by the HO or the BIA to or for a family member of a national of a EEA country or Switzerland stating that the holder is permitted to take employment which is less than 6 months old
- Or:**
5. An application registration card issued by the HO or the BIA stating that the holder is permitted to take employment

Third combination:

6. A document issued by a previous employer or Government agency e.g. HM Revenue and Customs, the Department for Work and Pensions, Jobcentre Plus, the Employment Service, the Training and Employment Agency (Northern Ireland) or the Northern Ireland Social Security Agency, which contains the National Insurance number and name of the holder

One of the following must be provided, if a document showing your National Insurance number has previously been provided:

7. An Immigration Status Document issued by the HO or the BIA to the holder with an endorsement indicating that the person named in it can stay in the UK and is allowed to do the type of work in question
- Or:**
8. A letter issued by the HO or BIA to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the UK and is allowed to do the type of work in question.

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APPENDIX ONE:

APPLICATION FOR A HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE

This application form must be completed in full and legibly.

The default position under Section 53 of the Local Government (Miscellaneous Provisions) Act 1976 (as amended by the Section 10 of the Deregulation Act 2015) is for the Council to issue a licence for a maximum period of three years.

The Council does have the discretion to grant a licence for a lesser period than 3 years if it is appropriate in the circumstances of the case. Should you feel that this is appropriate, you will need to provide the necessary mitigation / evidence to support your case.

TYPE OF APPLICATION: **NEW** **RENEWAL** (tick appropriate box)

FULL NAME: _____

ADDRESS: _____

_____ **POSTCODE:** _____

HOME TEL. NO.: _____

MOBILE TEL. NO.: _____

EMAIL ADDRESS: _____

DATE OF BIRTH: _____

NATIONAL INSURANCE NO.: _____

HC & PH (DUAL) DRIVER LICENCE NO. (BADGE): _____

EXPIRY DATE OF HC & PH (DUAL) DRIVER LICENCE: _____

NAME OF YOUR TAXI / PRIVATE HIRE OPERATOR: _____

FULL DVLA DRIVER LICENCE NO.: _____

START DATE OF DVLA DRIVER LICENCE: _____

EXPIRY DATE OF DVLA DRIVER LICENCE: _____

DO YOU HAVE ENTITLEMENT TO WORK IN THE U.K.? YES NO (tick appropriate box)

You will be required to provide proof of your entitlement to work in the U.K. at your appointment with the Licensing Officer (see page 30 of the HC & PH (Dual) Driver Licence Application Pack)

HAVE YOU HELD / DO YOU HOLD A DRIVER LICENCE WITH ANY OTHER COUNCIL? YES NO (tick appropriate box)

IF YES, WHICH COUNCIL? _____

HAVE YOU EVER BEEN REFUSED OR HAD A LICENCE REVOKED BY ANY COUNCIL? YES NO (tick appropriate box)

IF YES, WHICH COUNCIL? _____

CRIMINAL CONVICTIONS: ALL APPLICANTS

Applicants **must** disclose **ALL CRIMINAL CONVICTIONS, PENDING PROSECUTIONS, OFFENCES AND CAUTIONS.**

All criminal convictions, pending prosecutions, offences and cautions may be considered when determining your application.

You **must** disclose all spent and unspent convictions as well as any overseas convictions, irrespective of age.

Please give details of all criminal convictions, pending prosecutions, offences and cautions irrespective of date of offences.

If you have **NO** previous criminal convictions, pending prosecutions, offences and cautions please write '**NONE**' on this line: _____

DATE OF OFFENCE: _____

NATURE OF OFFENCE: _____

NAME AND PLACE OF COURT: _____

SENTENCE OR ORDER: _____

REASON FOR OFFENCE: _____

DATE OF OFFENCE: _____

NATURE OF OFFENCE: _____

NAME AND PLACE OF COURT: _____

SENTENCE OR ORDER: _____

REASON FOR OFFENCE: _____

Please continue on a separate sheet if you have further declarations to make.

MOTORING CONVICTIONS: ALL APPLICANTS

Applicants must disclose **ALL MOTORING CONVICTIONS, PENDING PROSECUTIONS, OFFENCES AND CAUTIONS.**

All motoring convictions, pending prosecutions, offences and cautions may be considered when determining your application. You **must** disclose all spent and unspent convictions as well as any overseas convictions, irrespective of age.

Please give details of all **MOTORING** convictions, pending prosecutions, offences and cautions irrespective of date of offences.

If you have **NO** previous motoring criminal convictions, pending prosecutions, offences and cautions

please write '**NONE**' on this line: _____

DATE OF OFFENCE: _____

NATURE OF OFFENCE: _____

NAME AND PLACE OF COURT: _____

SENTENCE OR ORDER: _____

REASON FOR OFFENCE: _____

DATE OF OFFENCE: _____

NATURE OF OFFENCE: _____

NAME AND PLACE OF COURT: _____

SENTENCE OR ORDER: _____

REASON FOR OFFENCE: _____

Please continue on a separate sheet if you have further declarations to make.

SUPPORTING STATEMENT: ALL APPLICANTS

If you have declared any criminal/motoring convictions, pending prosecutions, offences and cautions, please provide any evidence/reasons/mitigation that you are now of good character, and what may have changed in your life, so that you can be considered a fit and proper person to hold a Hackney Carriage & Private Hire (Dual) Driver Licence (please continue on a separate sheet should you need to).



General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice.

Under the GDPR and DPA, Ashfield District Council, Urban Road, Kirkby in Ashfield, Nottingham. NG17 8DA is a Data Controller for the information it holds about you. The Council will hold the information above provided by you for assessing your application. The lawful basis under which the Council uses personal data for this purpose is Public Task.

The information provided by you includes the following special categories of personal data:

- **Physical or Mental Health**
- **Genetic / Biometric data**
- **Criminal History (including motoring offences)**

Special Category Data is used by the Council on the basis that such use is necessary for reasons of substantial public interest, in this instance Schedule 1, Part 2, 6(1), Statutory etc and government purposes in accordance with the provisions of the Data Protection Act 2018. When processing the information provided by you, it may also be necessary for the Council to 'process personal data relating to criminal convictions and offences', in accordance with Schedule 1, Part 3 (protecting individuals vital interests) within the provisions of the Data Protection Act 2018.

Your data will be held for a period of 6 years. Subject to some legal exceptions, you have the right to request a copy of the personal information the Council holds about you; to have any inaccuracies corrected; to have your personal data erased; to place a restriction on our processing of your data; to object to processing; and to request your data to be ported (data portability). The information provided by you may also be used for other functions carried out by the Council in accordance with GDPR and DPA. For more information about how the Council may use your data and to learn more about your rights please see the Council's Privacy Statement: www.ashfield.gov.uk/privacy

If you have any concerns or questions about how your personal data is processed, please contact the Council's Data Protection Officer at the address at the bottom of this form or by email to dpo@ashfield.gov.uk . If you are dissatisfied with the Council's response you can complain to the Information Commissioner's Office in writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone 0303 123 1113 (local rate) or 01625 545 745.

Disclosure & Barring Services (DBS): Privacy Notice

As part of the application process, Ashfield District Council (as a Registered Body) will apply for either a Standard or Enhanced DBS Check to assess the applicants' suitability to hold / continue to hold a licence.

Privacy Policy Declaration:

I, the undersigned, hereby declare that I have read the Standard / Enhanced Check Privacy Policy for applicants:

<https://www.gov.uk/government/publications/dbs-privacy-policies> and I understand how DBS will process my personal data and the options available to me for submitting an application.

Please tick here:

Consent to obtain electronic Standard / Enhanced Check result (if using the DBS Update Service):

I consent to the DBS providing an electronic result directly to the Registered Body that has submitted my application. I understand that an electronic result contains a message that indicates either the certificate is blank or to await certificate which will indicate that my certificate contains information. In some cases the Registered Body may provide this information directly to my employer prior to me receiving my certificate.

Please tick here:

Signature of Applicant: _____ **Date:** _____

Declaration

I, the undersigned, hereby declare that the information contained in this application is true and accurate to the best of my knowledge.

I understand that if I knowingly or recklessly make a false statement or omit any material particularly in giving information as part of this application I shall be committing an offence and will be liable for prosecution.

I give my consent to the Licensing Authority to undertake checks of my records by way of the DVLA, the DBS, my G.P. / Doctor, and any other relevant body in order to promote the objective of upholding public safety.

I confirm I have read the General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice above and Disclosure & Barring Services Privacy Notice below.

Signature of Applicant: _____ **Date:** _____

APPENDIX TWO:

Consent Form: DVLA Driver Licence Check

It is a requirement for the grant / continuation of a Hackney Carriage & Private Hire (Dual) Driver Licence that checks are carried out on all applicants / licensed drivers DVLA Driver Licences, in order to uphold the objective of safeguarding the public.

You are asked to give your consent for the Licensing Authority to undertake such checks on your DVLA Driver Licence either as part of the process for assessing a New Applicant, or when carrying out ongoing checks of an existing licence.

I hereby give my consent for Ashfield District Council, Licensing Team to use the DVLA (Driver and Vehicle Licensing Agency) Share Driving Licence Service to obtain all relevant information regarding my DVLA Driver Licence for this application and during the period for which the Hackney Carriage & Private Hire (Dual) Driver Licence is valid.

I am also aware that I have the option to pay £5.00 and use the DVLA (Driver and Vehicle Licensing Agency) Driving Entitlement Consent Form D906 (which will result in a paper disclosure being issued to the Licensing Authority), to obtain all relevant information regarding my DVLA Driver Licence, and that such consent applies for a period of 3 years.

NAME:

ADDRESS:

POSTCODE:

SIGNATURE:

DATE:

APPENDIX THREE:

GROUP II MEDICAL REPORT

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE

NOTE FOR MEDICAL PRACTITIONERS:

In completing this Medical Certificate, Medical Practitioners are asked to have regard to the recommendations by the **Medical Commission for Accident Prevention** in their book “**Medical Aspects of Fitness to Drive**”.

You may find it helpful to read DVLA’s “**At a Glance**” booklet; downloadable from: <https://www.gov.uk/government/collections/assessing-fitness-to-drive-guide-for-medical-professionals>

Examinations must be carried out in accordance with the Group II Medical Examination guide.

Photographic identification must be provided by the applicant before the examination takes place. This should be in the form of a DVLA Driver Licence Photo-card or a Passport. Please copy the identification document, sign and date it and attach the copy to the Medical Certificate form which will be returned to the Licensing Team by the applicant.

Please ensure that you have obtained permission to access the applicants full medical history before commencement of the examination.

This Certificate is not one which must be issued free of charge as part of the National Health Service. Ashfield District Council accepts no liability to pay for it. Unless any other arrangements have been made for the payment of the fee, the applicant is to pay.

NOTE FOR APPLICANT

The applicant may use his / her own GP for this Medical Examination or alternatively arrangements can be made to use any other Medical Practitioner who can offer a Group II Medical Examination and has written permission to access the applicants medical records.

Photographic identification must be presented to the GP carrying out the examination before the medical takes place i.e. DVLA Driver Licence Photo-card or a Passport.

A Medical Report will not be accepted without a photocopy of the photographic identification produced at the medical, signed and dated by the Medical Examiner.

Should you choose not to use your own GP then written permission to access your medical records will be required by the Medical Practitioner undertaking the examination.

This Group II Medical Certificate requires completing and certifying:

- **On first application for a Hackney Carriage & Private Hire (Dual) Driver Licence.**
- **When reaching the ages of: 45, 50, 55, 60 and 65.**
- **Annually when reaching the age of 65 years old, and on all other occasions required by Council (i.e. where health issues require frequent monitoring).**

Please note that an application will not be processed without the necessary certified Group II Medical Certificate when such a Certificate is required.

The Department for Transport “**Taxi and Private Hire Vehicle Licensing Best Practice Guidance**” recommends that the **DVLA Group II Medical Standards of Fitness to Drive** are applied to applicants for a Hackney Carriage & Private Hire (Dual) Driver Licence.

This medical guidance is provided for anyone who considers that they may have difficulty in meeting the required standard and who may wish to seek advice from their GP or the DVLA before requesting a medical appointment. The list of medical problems is not exhaustive, but covers those which may lead to refusal.

Epileptic Attack

Applicants must have been free of epileptic seizure for at least the past 10 years and have taken anti-epileptic medication during this period

Diabetes

Applicants who are insulin dependant diabetics will not be considered fit to hold a Hackney Carriage & Private Hire (Dual) Driver Licence unless they meet the DVLA criteria for category C1 licences, and are able to provide a minimum of 3 months blood glucose readings evidencing good management of this health issue.

Eye Sight

In addition to meeting the DVLA licence requirements to read a vehicle number plate, a visual acuity of at least 6/9 in the better eye and 6/12 in the worst eye (with or without glasses or contact lenses) together with a normal binocular field of vision is required.

Other Medical Conditions

Applicants who have had heart problems or disturbance of cardiac rhythm or who have persistent high blood pressure may not meet the required medical standards.

Applicants who have had recent severe head injury or major brain surgery may not meet the required standard.

Any condition, for example, Parkinson’s Disease, Multiple Sclerosis or other ‘chronic’ neurological disorder which is likely to affect limb power and/or co-ordination may not be accepted.

NOTE FOR APPLICANT & MEDICAL PRACTITIONER

When completing this Group II Medical Report form please note as to who must complete each Section of the form.

Section A: To be completed by the Applicant.

Section B: To be completed by the Medical Examiner.

Section C: To be completed by the Applicant.

Please remember to complete questions 1 – 13, and to sign and date the declaration and consent, before you attend your appointment with the Medical Practitioner.

All 6 pages of this document must be returned to the Licensing Team when providing your Group II Medical Report to the Council.

ASHFIELD DISTRICT COUNCIL

GROUP II MEDICAL CERTIFICATE:

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE

A. APPLICANTS DETAILS (to be completed by the applicant)

FULL NAME: _____

ADDRESS: _____

_____ POSTCODE: _____

CONTACT TEL. NO.: _____

EMAIL ADDRESS: _____

DATE OF BIRTH: _____

HC & PH (DUAL) DRIVER LICENCE NO. (BADGE): _____

PLEASE PROVIDE THE DETAILS OF THE DOCTOR AND THE SURGERY WITH WHOM YOU ARE REGISTERED.

DOCTOR'S NAME: _____

SURGERY ADDRESS: _____

_____ POSTCODE: _____

SURGERY TEL. NO.: _____

PLEASE PROVIDE DETAILS OF ALL MEDICATIONS YOU ARE CURRENTLY TAKING, AND THE HEALTH REASONS AS TO WHY SUCH MEDICATIONS ARE BEING TAKEN:

NAME OF MEDICATION	HEALTH REASON FOR TAKING MEDICATION

C. HEALTH SELF-DECLARATION (to be completed by the applicant)

Please circle either YES or No as applicable

1. MEDICATION

Are you receiving any prescribed medication?	YES	NO
--	-----	----

If you have answered YES, please take details of all of your medications to the Group II Medical Examination in order that the Doctor can assess your application.

2. VISION

Do you wear spectacles or contact lenses for driving?	YES	NO
---	-----	----

Do you have any other visual disorder? (such as glaucoma)	YES	NO
---	-----	----

3. BRAIN AND NERVOUS SYSTEM

Have you ever suffered from or been treated for the following condition(s)?		
---	--	--

Epilepsy	YES	NO
----------	-----	----

Sudden & disabling dizziness/vertigo	YES	NO
--------------------------------------	-----	----

Stroke or TIA (Transient Ischemic Attack)	YES	NO
---	-----	----

Serious head injury	YES	NO
---------------------	-----	----

Brain surgery	YES	NO
---------------	-----	----

Chronic Neurological Disorder e.g. Parkinson's ,Multiple Sclerosis	YES	NO
--	-----	----

4. DIABETES MELLITUS ("SUGAR DIABETES")

Do you have diabetes?	YES	NO
-----------------------	-----	----

If you have answered Yes, how do you manage it?

Diet alone	YES	NO
------------	-----	----

Diet and tablets	YES	NO
------------------	-----	----

Insulin injections	YES	NO
--------------------	-----	----

5. HEART AND CIRCULATION

Have you ever suffered from or been treated for the following condition(s)?		
---	--	--

High blood pressure	YES	NO
---------------------	-----	----

Angina (chest pain when exercising)	YES	NO
-------------------------------------	-----	----

Myocardial infarction (a heart attack)	YES	NO
--	-----	----

Palpitations	YES	NO
--------------	-----	----

Peripheral vascular disease (poor circulation)	YES	NO
--	-----	----

Congenital heart disease (for example, a hole in the heart)	YES	NO
---	-----	----

6. SLEEP AND BREATHING DISORDERS

Do you suffer with obstructive sleep apnoea?	YES	NO
--	-----	----

7. MOBILITY

Do you have any problems with arthritis, neck or back pain?	YES	NO
---	-----	----

8. DISABILITY

Are you registered as being disabled?	YES	NO
---------------------------------------	-----	----

Are you disabled in any way?	YES	NO
------------------------------	-----	----

9. Psychiatric illnesses and dependency		
Have you ever received medical attention or treatment for a psychiatric illness? (for example anxiety, depression)	YES	NO
Have you ever been dependent upon alcohol or drugs?	YES	NO

10. Hearing		
Do you have any impairment of hearing? (for example, do you wear a hearing aid?)	YES	NO

11. Hospital Treatment		
Have you been treated in hospital in the last five years?	YES	NO
<i>If you have answered YES, please bring details of your treatment to the medical</i>		

12. DVLA		
Have you ever needed to report a health concern to the DVLA?	YES	NO
Has the DVLA ever placed restrictions on your DVLA Driver Licence due to problems with your health?	YES	NO

13. General		
Have you ever suffered from or been treated for the following condition(s)?		
Chest trouble (chronic bronchitis, asthma, tuberculosis)	YES	NO
Stomach trouble (ulcer, colitis)	YES	NO
Have you any other medical condition that could affect safe driving?	YES	NO
If you have answered Yes please provide details below:		

Declaration and consent (applicant):

- I confirm that the information I have provided is accurate, and that I have not withheld any material details relating to my health.
- I understand that knowingly providing false information may render me liable to prosecution.
- I authorise the doctor completing this report to provide an opinion to the Licensing Authority of my health in relation to the standards required to hold a Hackney Carriage & Private Hire (Dual) Driver Licence.
- I authorise the doctor to retain and store this information in a manner consistent with the Data Protection Act.
- I authorise that the doctor (where this is not my GP) can have access to my medical records to assist him/her in determining my suitability to pass a Group II Medical Examination.

Signed: _____ Dated: _____

APPENDIX FOUR



SELF-CERTIFICATION MEDICAL REPORT (RENEWAL APPLICATIONS ONLY)

HACKNEY CARRIAGE & PRIVATE HIRE (DUAL) DRIVER LICENCE

Unless you have been requested to undertake a **Group II Standard Medical Examination** on renewal of your Hackney Carriage & Private Hire (Dual) Driver Licence, you are required to complete and submit this Self-Certification Medical Report.

The Licensing Authority reserves the right to request a further **Group II Standard Medical Examination** be carried out, where it is deemed appropriate (i.e. where there are health issues that require frequent monitoring, or where an existing health issue may give rise to concerns over the safety of the driver, his / her passengers, and / or other road users / members of the public).

This **Self-Certification Medical Report** must be provided to the Licensing Authority when submitting your application to renew your Hackney Carriage & Private Hire (Dual) Driver Licence by way of a pre-booked appointment with a Licensing Officer.

APPLICANTS DETAILS

FULL NAME: _____

ADDRESS: _____

_____ POSTCODE: _____

CONTACT TEL. NO.: _____

EMAIL ADDRESS: _____

DATE OF BIRTH: _____

HC & PH (DUAL) DRIVER LICENCE NO. (BADGE): _____

HAVE THERE BEEN ANY CHANGES TO YOUR HEALTH / MEDICATION SINCE YOU LAST SUBMITTED A GROUP II STANDARD MEDICAL CERTIFICATE TO THE COUNCIL?

YES NO (tick the appropriate box)

IF YOU HAVE ANSWERED "YES", PLEASE GIVE DETAILS BELOW:

PLEASE NOTE: IT IS AN OFFENCE TO FAIL TO DECLARE SUCH MATTERS

PLEASE PROVIDE THE DETAILS OF THE DOCTOR AND THE SURGERY WHERE THEY PRACTICE (THIS SHOULD BE THE DOCTOR WITH WHOM YOU ARE REGISTERED WITH).

DOCTOR'S NAME: _____

SURGERY ADDRESS: _____

POSTCODE: _____

SURGERY TEL. NO.: _____

PLEASE PROVIDE DETAILS OF ALL MEDICATIONS YOU ARE CURRENTLY TAKING, AND THE HEALTH REASONS AS TO WHY SUCH MEDICATIONS ARE BEING TAKEN:

NAME OF MEDICATION	HEALTH REASON FOR TAKING MEDICATION

PLEASE CONTINUE ON A SEPARATE SHEET SHOULD YOU HAVE NEED TO DO SO

Declaration

I, the undersigned, hereby declare that the information contained in this report is true and accurate to the best of my knowledge.

I understand that if I knowingly or recklessly make a false statement or omit any material particularly in giving information as part of this report I shall be committing an offence and will be liable for prosecution.

I give my consent to the Licensing Authority to undertake checks of my records by way of my G.P. / Doctor in order to promote the objective of upholding public safety.

I confirm I have read the General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018 (DPA) - Privacy Notice and the Disclosure & Barring Services Privacy Notice above.

Signature (Applicant): _____ **Date:** _____



**General Data Protection Regulation 2016 (GDPR) / Data Protection Act 2018
(DPA) - Privacy Notice.**

Under the GDPR and DPA, Ashfield District Council, Urban Road, Kirkby in Ashfield, Nottingham. NG17 8DA is a Data Controller for the information it holds about you. The Council will hold the information above provided by you for assessing your application. The lawful basis under which the Council uses personal data for this purpose is Public Task.

The information provided by you includes the following special categories of personal data:

- **Physical or Mental Health**
- **Genetic / Biometric data**
- **Criminal History (including motoring offences)**

Information in these categories is used by the Council on the basis that such use is necessary for reasons of substantial public interest, and in accordance with the provisions of the Data Protection Act 2018.

Your data will be held for a period of 6 years. Subject to some legal exceptions, you have the right to request a copy of the personal information the Council holds about you; to have any inaccuracies corrected; to have your personal data erased; to place a restriction on our processing of your data; to object to processing; and to request your data to be ported (data portability). The information provided by you may also be used for other functions carried out by the Council in accordance with GDPR and DPA. For more information about how the Council may use your data and to learn more about your rights please see the Council's Privacy Statement: **www.ashfield.gov.uk/privacy**

If you have any concerns or questions about how your personal data is processed, please contact the Council's Data Protection Officer at the address at the bottom of this form or by email to **dpo@ashfield.gov.uk**. If you are dissatisfied with the Council's response you can complain to the Information Commissioner's Office in writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or by telephone 0303 123 1113 (local rate) or 01625 545 745.

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