

CALDERDALE METROPOLITAN BOROUGH COUNCIL

HACKNEY CARRIAGE DRIVER'S LICENCES
PRIVATE HIRE DRIVERS' LICENCES
COMBINED HACKNEY CARRIAGE/PRIVATE HIRE
DRIVER'S LICENCES

NEW APPLICATIONS

GUIDANCE BOOKLET

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A copy of the Hackney Carriage Drivers' Code of Conduct and Private Hire Driver' Licence Conditions MUST be read prior to the knowledge test being undertaken.

**SUMMARY OF REQUIREMENTS TO OBTAIN A
HACKNEY CARRIAGE DRIVER'S LICENCE,
PRIVATE HIRE DRIVER'S LICENCE or
A COMBINED HACKNEY CARRIAGE/PRIVATE HIRE
DRIVER'S LICENCE**

- ✓ **Over 21**
- ✓ **Held full DVLA driving licence for 2 years**
- ✓ **Medical Examination**
- ✓ **Criminal Record Check**
- ✓ **DSA Driving Test**
- ✓ **DSA wheelchair test (if driving hackney carriage)**
- ✓ **Knowledge Test**
- ✓ **Data Protection Mandate**

The guidance notes which follow give a full explanation of how to apply for a driver's licence.

**NOTES FOR APPLICANTS FOR THE GRANT OF A: -
HACKNEY CARRIAGE DRIVER'S LICENCE or
PRIVATE HIRE DRIVERS' LICENCE or
COMBINED HACKNEY CARRIAGE AND PRIVATE HIRE
DRIVER'S LICENCE**

GUIDANCE

Whilst it is hoped that these notes will be a useful guide, they are not to be taken as a comprehensive and authoritative statement of the law. Further information may be obtained from the Licensing Unit. Telephone No. 01422 393030 or e-mail licensing@calderdale.gov.uk.

LICENCE FEE

Please refer to the fees list. The fee is payable by cash, cheque, postal order, credit or debit card. Cheques should be made payable to "Calderdale MBC".

If you withdraw your application for the grant of a hackney carriage, private hire or combined hackney carriage/private hire driver's licence then the Council will make an administrative charge of 50% of the annual licence fee.

If your application is refused then the Council will make an administrative charge of 50% of the annual licence fee.

DVLA DRIVING LICENCE

You must have held a full DVLA driving licence for at least two years and be at least 21 years of age at the date of application.

PHOTOGRAPHS

You must produce one passport size colour photograph of yourself full face without a hat.

MEDICAL REPORT

You will need to arrange for your doctor to complete the Council's Medical Examination Report and Certificate and to sign the back of your photograph.

The Council makes no discrimination between Group 2 Medical Standards and medical requirements for hackney carriage and private hire drivers.

DISCLOSURE BARRING SERVICE ENHANCED DISCLOSURE

You are responsible for obtaining your own Disclosure Barring Service (DBS) Enhanced Disclosure – please see pages **6 to 8** of this booklet.

ALL NEW APPLICANTS need to obtain a Disclosure and Barring Service Enhanced Disclosure.

DRIVER TEST

All **NEW APPLICANTS** are required to undergo a driver test. You are responsible for arranging your own driver test – please see pages **14 to 15** of this booklet.

KNOWLEDGE TEST

All **NEW APPLICANTS** will be required to undergo and pass a knowledge test before the Council will grant a hackney carriage driver's licence, private hire driver's licence or a combined hackney carriage/private hire driver's licence.

The test will be a written test consisting of multiple choice questions. The questions will test your knowledge of the locations of places in Calderdale and your knowledge of the Council's private hire driver licensing conditions and hackney carriage driver's code of conduct –please see pages **18 to 19** of this booklet .

DATA PROTECTION MANDATE

All **NEW APPLICANTS** are required to complete the Data Protection Mandate.

HACKNEY CARRIAGE DRIVER'S LICENCES
PRIVATE HIRE DRIVERS' LICENCES
COMBINED HACKNEY CARRIAGE/PRIVATE HIRE
DRIVER'S LICENCES

NEW APPLICANTS

HOW TO APPLY

- Complete licence application form and the Data Protection Mandate.
- Obtain and complete a Disclosure and Barring Service Enhanced Disclosure application form - see pages **6 to 8**
- Obtain two passport size colour photographs of yourself (without a hat)
- Take Medical Examination Report form and one passport photograph to your doctor for completion - see page **1**
- The following should then be taken to the Licensing Unit:-
 - ✓ Licence application form
 - ✓ Medical Examination Report form
 - ✓ Disclosure and Barring Service Enhanced Disclosure application form together with two forms of identity (see pages 8 and 9)
 - ✓ One passport size photograph
 - ✓ DVLA driving licence *
 - ✓ Hackney Carriage or Private Hire Driver's Licence fee
or
 - ✓ Combined Hackney Carriage/Private Hire Driver's Licence Fee
- * Please note that if your driving licence is a photocard type licence you will need to produce both the card and paper parts of the licence
- Staff at the Licensing Unit will countersign your DBS Enhanced Disclosure application form and return it to you. Post the form to the Disclosure and Barring Service.
- Staff will also arrange for you to take the knowledge test carried out by the Council - **see pages 16 to 17.**

- The Disclosure and Barring Service will send you and the Licensing Unit a copy of your Enhanced Disclosure.
- Please note that if the DBS Enhanced Disclosure shows any convictions, cautions or other relevant information you will be subject to an interview carried out by officers of the Council. Only when the interview has been completed will a final decision be made as to whether or not you are considered to be a “fit and proper” person to hold a licence.
- If the Enhanced Disclosure does not show any convictions, cautions or other relevant information, arrange and undertake the driver test carried out by the Driving Standards Agency - see pages **14 to 15** and present your driver pass certificate at the Licensing Unit.
- The Council will then issue you with a hackney carriage driver’s licence, private hire driver’s licence or combined hackney carriage/private hire driver’s licence if they consider you to be a “fit and proper” person to hold such a licence. You will be notified by post when the licence is ready for collection.
- Produce your DVLA driving licence at the Licensing Unit when you collect your hackney carriage or private hire driver’s licence.
- If at any time the conduct of the driver leads to concerns by the Council as to whether they remain a fit and proper person, under the terms of section 59(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976, to hold a licence, the Council will investigate the conduct and if satisfied that the driver is no longer a fit and proper person the driver licence may be suspended and subsequently revoked.
- Examples of what the Authority may take into consideration when deciding whether an applicant is fit and proper are detailed in pages 10 to 15 of this booklet.

GUIDELINES IN RELATION TO THE COMPLETION OF THE APPLICATION FORM

Each applicant will be required to complete an application form, as a part of the application process.

The purpose of the application form is to provide the Council with information in order to allow it to establish whether a person may be considered to be 'fit and proper'.

FOR THAT REASON THE FORM MUST BE COMPLETED IN FULL AND ALL ANSWERS TO QUESTIONS MUST BE COMPLETELY AND ACCURATELY RECORDED. THIS REMAINS THE CASE EVEN WHERE ANSWERS TO THE QUESTIONS HAVE BEEN GIVEN TO THE COUNCIL PREVIOUSLY.

Any wilful inaccuracies, or if an applicant knowingly withholds information will be taken into account when determining the application. To knowingly withhold or submit misleading information may demonstrate a person's dishonesty. For that reason he or she would not be considered 'fit and proper'.

The application form is available in other formats or languages upon request. Any difficulty or uncertainty in completing the form should be directed to the staff of the Licensing Unit who will assist the applicant.

Should an applicant ask another person/friend to complete the form on their behalf, then it is recommended that the person completing the form reads each individual question to the person verbatim (albeit in an alternative format). The applicant's actual answer must be entered onto the form, not the writer's interpretation of it.

Once the form has been completed it is important to carefully check the details to see if any information has been omitted or incorrectly recorded.

At the end of the application form an applicant has to sign a declaration, which amongst other things, requires the applicant to state that the information on the form is true. Applicants should not sign the form if there is any part of it which they do not understand. If doubt exists, then advice should be sought from the Licensing Unit

During the course of any interview the applicant will be questioned regarding the information recorded on the application form.

**HACKNEY CARRIAGE DRIVER'S LICENCE/PRIVATE HIRE
DRIVERS' LICENCE /COMBINED HACKNEY CARRIAGE &
PRIVATE HIRE DRIVER'S LICENCES**

ENHANCED DISCLOSURE

- ◆ All applicants for the grant of a licence will be required to obtain an ENHANCED DISCLOSURE.
- ◆ Applicants who are applying for a licence which is valid for three years will also be required to obtain a criminal record check
- ◆ Please note that it will be the applicant's responsibility to obtain an Enhanced Disclosure and not the Council's responsibility.

HOW TO APPLY FOR AN ENHANCED DISCLOSURE

- Telephone the Disclosure and Barring Service (DBS) and ask for an ENHANCED DISCLOSURE in connection with your proposed employment as a hackney carriage/private hire driver.

The telephone numbers are: - 0870 90 90 844
0870 90 90 822
0870 90 90 811

(Please note that a basic disclosure or standard disclosure will not be accepted by the Council)

The DBS will ask you for the following information: -

- The registered body number of Calderdale Council
– this is 20800900007
- Your full name
- Any other name that you may have been known by
- Your current home address
- All the addresses where you have lived in the past five years
- Your date and place of birth
- Your National Insurance Number
- Your driving licence details

This is not a complete list, as the questions asked will depend upon the answers you provide. The information requested is to ensure that you have given your true identity and current address.

- Once your identity has been established the DBS will then send you a disclosure application form for you to complete.
- THE COMPLETED FORM MUST NOT BE SENT TO THE DBS BUT MUST BE TAKEN TO THE LICENSING UNIT TOGETHER WITH: -
 - ◆ Your DVLA driving licence
 - ◆ Your completed licence application form
 - ◆ One passport sized colour photograph of yourself (without a hat)
 - ◆ Your licence application fee (see page 1 of this booklet)

AND

- ◆ TWO items from the following list: -
 - ✓ CURRENT VALID PASSPORT - UK OR EEA (OR NON EEA IN COMBINATION WITH A BIOMETRIC RESIDENCE PERMIT OR CURRENT WORK PERMIT/VISA)
 - ✓ BIOMETRIC RESIDENCE PERMIT (UK)
 - ✓ BIRTH CERTIFICATE (UK & CHANNEL ISLANDS) – ISSUED WITHIN 12 MONTHS OF DATE OF BIRTH – FULL OR SHORT FORM ACCEPTABLE INCLUDING THOSE ISSUED BY UK AUTHORITIES OVERSEAS, SUCH AS EMBASSIES, HIGH COMMISSIONS AND HM FORCES
 - ✓ CERTIFIED COPY OF A BIRTH CERTIFICATE (UK & CHANNEL ISLANDS) – ISSUED WITHIN 12 MONTHS OF DATE OF BIRTH
 - ✓ MARRIAGE/CIVIL PARTNERSHIP CERTIFICATE (UK)
 - ✓ ADOPTION CERTIFICATE (UK)
 - ✓ HM FORCES ID (UK)
 - ✓ FIRE ARMS LICENCE (UK)
 - ✓ MORTGAGE STATEMENT (UK)**
 - ✓ BANK/BUILDING SOCIETY STATEMENT (UK)*
 - ✓ CREDIT CARD STATEMENT (UK)*
 - ✓ FINANCIAL STATEMENT ** - EG PENSION, ENDOWMENT ISA (UK)
 - ✓ P45/P60 STATEMENT ** (UK & CANNEL ISLANDS)
 - ✓ COUNCIL TAX STATEMENT ** (UK & CANNEL ISLANDS)
 - ✓ WORK PERMIT/VISA (UK) (UK RESIDENCE PERMIT)**
 - ✓ UTILITY BILL (UK)* - NOT MOBILE TELEPHONE
 - ✓ BENEFIT STATEMENT* - EG CHILD ALLOWANCE, PENSION
 - ✓ EU NATIONAL ID CARD
 - ✓ CARDS CARRYING THE PASS ACCREDITATION LOGO
 - ✓ A DOCUMENT FROM CENTRAL/LOCAL GOVERNMENT/GOVERNMENT AGENCY/LOCAL AUTHORITY GIVING ENTITLEMENT (UK & CHANNEL ISLANDS)* - EG DWP, EMPLOYMENT AGENCY CUSTOMS & REVENUE, JOB CENTRE, JOB CENTRE PLUS, SOCIAL SECURITY

- DOCUMENTS DENOTED WITH A * - IT SHOULD BE LESS THAN 3 MONTHS
- DOCUMENTS DENOTED WITH A ** - IT SHOULD BE ISSUED WITHIN THE PAST 12 MONTHS
- DOCUMENTS NOT DENOTED – IT CAN BE MORE THAN 12 MONTHS OLD

The Disclosure Barring Service require the Council to check these documents to confirm your current address.

- Staff at the Licensing Unit will countersign your disclosure application for an Enhanced Disclosure and return the form to you.
- Post the disclosure application form, together with a cheque or postal order for £44.00 to the Disclosure and Barring Service (DBS). You must write the application number shown on the front of your enhanced disclosure application form on the front of your cheque.
 - ❑ The DBS have stated that they aim to process 90% of enhanced disclosure applications within three weeks of the DBS receiving the completed application form together with any additional information they have requested.
 - ❑ The Council will not grant any hackney carriage driver's licence, private hire driver's licence or combined hackney carriage/private hire driver's licence without having received an Enhanced Disclosure.
 - ❑ The Council will not renew any hackney carriage driver's licence, private hire driver's licence or combined hackney carriage/private hire driver's licence without having received an Enhanced Disclosure
- The DBS will send you a copy of your Enhanced Disclosure and a copy will also be sent to the Licensing Unit.
- On receipt of the Enhanced Disclosure the Licensing Unit will process your application for a licence. The grant of a hackney carriage driver's licence, private hire driver's licence or combined hackney carriage/private hire driver's licence will be subject to the receipt of a satisfactory criminal record check and successful completion of the driver test and knowledge test.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

Note:-

For the purpose of these guidelines formal cautions and endorsable fixed penalties are regarded as though they were actual convictions.

General Arrangements for Determining an Application when a Criminal Conviction/Other information has to be taken into account.

All applications will be considered on merit, having regard to the Council's Statement of Policy and Guidelines Relating to the Relevance of Criminal Convictions.

Where an applicant has previous convictions or other information which may have been disclosed to the Council, then the applicant will be afforded the opportunity of an interview. The interview will be carried out in accordance with the provisions of the Police and Criminal Evidence Act 1984, and in most instances will be recorded.

The purpose of the interview is to assist the Council in meeting the requirements placed upon it under the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

The Council recognises that even though a person has been convicted of an offence, there may be a number of mitigating factors which should be taken into account. The interview will also afford an applicant the opportunity to provide the Council with an account of the circumstances that led to the commission of an offence.

For that reason, it is in the interests of the applicant to provide as full and honest account of these circumstances as is possible. Of particular importance, is that during the course of the interview, the applicant is noted to have answered the questions put to him in an honest and open manner.

If it is proved during the course of the interview that an applicant has attempted to mislead the Council or deliberately withhold or falsify information, then that matter will be taken into account and the effect on the outcome of the application may be detrimental.

The applicant's overall demeanour during the course of the interview will be taken into account.

An applicant has a right to consult with a legal advisor prior to the interview taking place and to have one present during the interview. If the services of an interpreter are required then one will be provided for the applicant at the Council's expense.

Should the applicant require further assistance, then a friend may accompany them and be present throughout the interview

The application will be determined by the Chief Law and Administration Officer. Before making that decision, full account will be taken of the information provided by the applicant during the course of their interview.

The Chief Law and Administration Officer will consider each application on its merits.

The applicant will be informed by letter as to the outcome. The Licensing Unit will always try to inform an applicant of the outcome of an application by no later than two weeks from the date on which an interview was carried out. In certain circumstances, where the Council may have received a high volume of applications, or where further information is required in order to determine an application, then it may not be possible to adhere to this time limit.

In the event that an applicant is refused the grant of a licence, then the applicant has a right of appeal to a Magistrates' Court within twenty-one days of the receipt of the Council's letter.

If an application is refused, then an applicant MAY immediately submit a further application. However, in such circumstances, and in any subsequent interview, the Council will require the applicant to demonstrate exactly why the reasons upon which the former application was refused are no longer valid.

Such an applicant may approach staff at the Licensing Unit for advice, prior to submitting a further application. It is an expensive and lengthy process to obtain a licence. Whilst staff at the Unit would never pre-determine an application, they can nevertheless offer appropriate advice on the likely outcome.

In such circumstances, the decision as to whether or not to submit a further application, remains firmly with the applicant, and any subsequent application would be considered entirely on merit.

GUIDELINES IN RELATING TO THE RELEVANCE OF PREVIOUS CONVICTIONS

Traffic Offences

Traffic Offences [Less serious]

Isolated convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, etc., should not normally prevent a person from being granted a licence.

Convictions relating to minor driving offences committed when the applicant was driving a Hackney Carriage or Private Hire vehicle will be considered in a more serious light.

Traffic Offences [More Serious]

A single speeding offence/ fixed penalty notification will not normally affect the outcome of an application. However, the fact that an applicant has received more than one conviction/penalty notice will have greater relevance.

It is generally acknowledged that an element of excessive speed is often the primary cause of road traffic accidents. An applicant who repeatedly drives in excess of speed limits may well constitute a threat to the safety of the travelling public

If an applicant has been disqualified from driving, a period of at least 12 months (after the restoration of the driving licence) should normally be allowed before an application is submitted.

Any convictions received when the applicant was driving a Hackney Carriage or Private Hire Vehicle whilst engaged on licensed activities will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application should be submitted.

Offences associated with drink/drugs

With a Motor Vehicle

A serious view will be taken of convictions of driving or being in charge of a vehicle whilst under the influence of drink or drugs. A conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence.

A person convicted of such an offence would be expected to demonstrate over a considerable period of time that he or she is capable of refraining from the commission of a similar offence in the future

If there is any suggestion that the applicant is an alcoholic or has a drug problem, a medical examination carried out by a doctor nominated by the Council will be arranged (the costs of which will be born by the applicant) as a part of the application process. This is in addition to the normal requirement to provide medical evidence.

Convictions for offences relating to alcohol or drug abuse committed when the applicant was driving a Hackney Carriage or Private Hire will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated before a licence application will be entertained.

Not in a Motor Vehicle

An isolated conviction for drunkenness or drugs need not bar an applicant from being granted a licence, although further consideration of the application will be required having regard to the circumstances of the offence. However, a number of convictions would usually merit refusal

Offences associated with indecency

As Hackney Carriage and Private Hire Vehicle drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will normally be refused, until they can demonstrate a substantial period of rehabilitation, and are able to satisfy the Licensing Authority that there is no likelihood of them committing offences of a similar nature in the future if granted a licence.

Applications will be refused in all cases where the applicant is recorded on the Sex Offenders Register.

Offences associated with violence/abusive behaviour

Applicants for the grant of private hire driver's licence or hackney carriage driver's licence or combined hackney carriage/private hire driver's licence should be aware that they are seeking a career, which will involve working in an environment which may prove extremely challenging on occasions. For that reason applicants should be of a certain disposition which enables them to deal

professionally with members of the public at all times, even when provoked.

For that reason, offences of a violent or abusive nature will be taken into consideration, and a substantial period of rehabilitation will have to be demonstrated.

Convictions for offences relating to violence or abuse, committed when the applicant was driving a Hackney Carriage or Private Hire vehicle, will be considered in an even more serious light.

Offences associated with dishonesty

Hackney Carriage and Private Hire Vehicle drivers are expected to be persons of trust.

Convictions for offences relating to dishonesty committed when the applicant was driving a Hackney Carriage or Private Hire Vehicle will be considered in a more serious light and a much longer period of rehabilitation will need to be demonstrated.

Offences Under The Town Police Clauses Act 1847 And Part II Of The Local Government (Miscellaneous Provisions) Act 1976 And Any Hackney Carriage Byelaws

The above legislation was implemented in order to safeguard the travelling public. For this reason, a serious view will be taken of convictions for offences of this nature.

PLEASE NOTE THAT THE INFORMATION PROVIDED ABOVE IS PROVIDED AS A GUIDE (ONLY) TO APPLICANTS IN ASSESSING THE POSSIBLE IMPACT OF PREVIOUS CONVICTIONS ON THE OUTCOME OF AN APPLICATION.

In considering an application, an assessment of the information obtained during the interview and a person's previous history, will be taken into account in deciding if that person may be considered to be a 'fit and proper' person to be licensed to drive a private hire or hackney carriage vehicle.

HACKNEY CARRIAGE DRIVER'S LICENCES
PRIVATE HIRE DRIVERS' LICENCES
COMBINED HACKNEY CARRIAGE/PRIVATE HIRE
DRIVER'S LICENCES

DRIVING TEST

- All applicants for the grant of a hackney carriage driver's licence, private hire driver's licence or combined hackney/carriage private hire driver's licence will be required to successfully complete a driver test carried out by the Driving Standards Agency (DSA). Any applicant who is applying for a licence to drive a hackney carriage will also be required to undertake the DSA test relating to the accommodation of wheelchair passengers. (Unless they have held a hackney carriage driver licence in the 12 months prior to their new licence application.

- Please note that it will be the applicant's responsibility to arrange the appointment to undertake the driver test and not the Council's responsibility.

HOW TO APPLY FOR A DRIVER TEST

- Telephone the Driving Standards Agency and ask for a driving test in connection with your proposed employment as a hackney carriage/private hire driver.

The telephone number is :- 0300 200 11 22

- Apply by post, by using the postal application form supplied in the information pack.

OR

- Book online at <http://www.dsa.gov.uk> and follow links from Book Your Driving Test Online.

At the DSA test centre, you **MUST** take with you: -

- A valid, signed UK (or Northern Ireland) photo card driving licence. Both parts of the licence (photo card and paper counterpart) must be presented.

OR

- An old style valid signed UK (or Northern Ireland) paper driving licence and a valid passport (This does not have to be a UK passport).

PLEASE NOTE THAT YOU WILL NOT BE ABLE TO TAKE YOUR DRIVING TEST IF YOU DO NOT PRODUCE THE DOCUMENTS LISTED ABOVE AND YOU WILL ALSO LOSE THE FEE YOU HAVE PAID FOR THE TEST.

- Once the test has been successfully completed, you will need to present your pass certificate to staff at the Licensing.
- On receipt of your pass certificate, the Licensing Unit will process your application for a licence and you will be contacted by post when your licence is ready for collection. The grant of a licence will be subject to the receipt of a satisfactory criminal record check and successful completion of the driver test and knowledge test.

HACKNEY CARRIAGEDRIVER'S LICENCE
PRIVATE HIRE DRIVER'S LICENCE or COMBINED
HACKNEY CARRAIGE/PRIVATE HIRE DRIVER'S
LICENCE

KNOWLEDGE TEST

All applicants for the grant of a licence will be required to successfully complete a knowledge test carried out by the Council.

- Please note that it will be the applicant's responsibility to arrange the appointment to undertake the knowledge test and not the Council's responsibility.
- Existing licence holders may also be required to successfully complete the knowledge test if an investigation of a complaint concerning the driver's knowledge has been substantiated.
- Failure to pass the test will result in the applicant having to rearrange to take another test at the next available appointment date. The application will not be progressed until such time as the test has been successfully completed.
- Applicants are able to take up to three tests free of charge. However, each subsequent test will incur a fee of £30.00.

HOW TO APPLY FOR A KNOWLEDGE TEST

- Applicants should visit the Licensing Unit and arrange to take the test at one of the allotted appointment times.

KNOWLEDGE TEST PROCEDURE

The knowledge test will be held in the Town Hall, Crossley Street, Halifax.

You will be advised of the time of the test appointment when you book your test.

Any applicant who arrives after the start of the test will be refused admission due to the disruption of other applicants who have already commenced the test. In this instance, you will be able to book a further test, however a charge may be levied.

Please ensure that all mobile telephones are turned off for the duration of the test.

The test will consist of three sections of multiple choice questions relating to all areas of the Calderdale Borough. It will also test your knowledge on the conditions/code of conduct attached to the grant of your licence (*a copy of these was included in your application pack*).

SECTION ONE – relates to the location of premises throughout Calderdale

SECTION TWO – relates to the conditions/code of conduct attached to the grant of a licence

SECTION THREE – relates to the most effective route to travel between specified locations

Each applicant will be allocated **ONE HOUR** in which to complete the test.

Any applicant completing the test early may leave their paper on the table and exit the room **quietly**. However no further time will be allowed for persons unable to complete the test within the sixty minutes.

Your results will be given to you at the end of the test session once the papers have been marked.

STATEMENT OF POLICY CONCERNING THE RELEVANCE OF CRIMINAL CONVICTIONS WHEN DETERMINING APPLICATIONS FOR GRANT OR RENEWAL OF HACKNEY CARRIAGE DRIVER'S LICENCES, PRIVATE HIRE VEHICLE DRIVERS' LICENCES or COMBINED HACKNEY CARRIAGE/PRIVATE HIRE DRIVER'S LICENCE

1. When submitting an application for the grant or renewal of a licence, applicants are required to declare all convictions and cautions that they may have.
2. In determining such applications Calderdale Council is required by law, to establish if a person is a 'fit and proper person' to hold such a licence. Whilst the legislation does not say exactly what may or may not constitute 'fit and proper' it does state that Councils may take into account a person's previous convictions and any other matters which they believe might be relevant.

At their meeting on 12th November 2007, Members of the Licensing and Regulatory Committee resolved that the Council be recommended to revise the policy in relation to the criteria upon which to assess applicants for private hire or hackney carriage licences, beyond the term 'conviction'. In addition, that the points criteria table, which formed part of the driver application package be revoked, and a more general guide be issued, which would better describe the application procedure, and include the general terms upon which an applicant's suitability will be assessed.

This policy was adopted by Full Council at their meeting on 5th December 2007.

3. The Council recognises that employment plays an important part in preventing ex-offenders from committing further offences in the future. Therefore Calderdale Council will pay due attention to the principles of rehabilitation, so that there are no unnecessary barriers to the employment of ex-offenders. However, one of the Council's primary roles as licensing authority is to protect members of the public who travel in Hackney Carriages and Private Hire Vehicles.
4. The personal needs of an applicant will also be taken into account, in order to establish a fair and satisfactory balance between the needs of the public and those of the applicant.

5. Applicants need to be aware that as a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, applicants for a licence are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that ALL convictions and cautions (including minor motoring convictions and fixed penalty notices) must be declared.
6. Offences can be dealt with in a number of ways. Sentences may include the imposition of Anti Social Behaviour Orders, and Binding Over Orders. Other offences may be dealt with by way of the issue of a Public Order Fixed Penalty Notices. The Council's application form requires applicants to declare if they are currently or have previously been the subject to any such orders/notices.
7. The Council will in all cases verify an applicant's identity and require an enhanced criminal record check (DBS) to be undertaken. Where the check reveals that the applicant has a record of convictions or cautions and warnings, we will consider these carefully on the basis of:-
 - How relevant the offences are to the licence applied for;
 - How serious the offences were; and
 - How recent they were.

We reserve the right to seek intelligence from all 'approved sources' such as the Police, Social Services Alcohol and Drug Rehabilitation Units, Probation Services, Child Protection Agency, General Practitioners, etc.

8. The Disclosure report, may also contain information concerning an arrest for an offence and details of any subsequent court proceedings which have taken place. Such matters will also be taken into account IF THE COUNCIL BELIEVES THAT THEY ARE RELEVANT AND MAY COMPLIMENT any other information in the report.

An applicant will also be required to disclose if they are currently on bail or have been reported for summons for an offence which has not yet been before a court.

9. The Council will pay special attention to criminal offences or information of a criminal nature which involves dishonesty, violence, drugs, alcohol, and sexual offences, together with serious offences connected with the driving of a motor vehicle.
10. Whilst a licence is in force, the Council will receive further information from the Police and Courts, of new convictions and cautions which may relate to drivers who are currently licensed by the Council. This will allow a decision to be made as to whether a licence holder may still be considered to be a 'fit and proper person' within the terms of the Local Government

(Miscellaneous Provisions) Act 1976. It is the responsibility of each licence holder to inform the Council of the imposition of any conviction, caution or the receipt of a fixed penalty notice during the period for which a licence has been issued.

11. A criminal record check is required on application, and thereafter, every three years.
12. Any applicant refused a driver's licence on the ground that he/she is not a fit and proper person to hold such a licence has the right of appeal to a Magistrates' Court. Such appeal must be made within 21 days of being notified of the Council's decision.

DISCLOSURE AND BARRING SERVICE

GUIDANCE FOR DISCLOSURE APPLICANTS

Introduction

The Disclosure and Barring Service (DBS), an executive agency of the Home Office, provides access to criminal record and other information to organisations in England and Wales through a service called Disclosure. Its specific purpose is to help organisations make more informed decisions when recruiting people into positions of trust.

The Disclosure Service is also available to other professional, licensing and regulatory bodies whose volunteers, employees and licensees are not necessarily in direct contact with the vulnerable, but still need to uphold the highest standards of professional performance and Disclosure can help improve these recruitment decisions as well.

Through the Disclosure Service, organisations can provide greater protection for the vulnerable members of our society and afford greater protection to their customers, staff, volunteers and ultimately their organisation.

What information is available through the Disclosure Service

The DBS's Disclosure Service provides access to a range of different types of information, such as information:

- held on the Police National Computer (PNC), such as: convictions, cautions, reprimands and warnings in England, Wales and those recorded from Scotland. There is also some Northern Ireland conviction data held on PNC;
- held by local police forces relating to relevant non-conviction information;
- from the Government's Protection of Children Act List (PoCA);
- from the Government's Protection of Vulnerable Adults List (POVA)
- held by the Department for Education and Skills (DfES) under Section 142 of the Education Act 2002 (formerly known as List 99).

Level of Disclosure

To provide this service, the DBS offers two levels of Disclosure, each representing a different level of check. The two levels of Disclosure are Standard and Enhanced.

These Disclosures cannot be obtained by members of the public and are only available to organisations for those professions, offices, employments, work and occupations listed in the Exceptions Order to the Rehabilitation of Offenders Act 1974.

Standard Disclosure

Standard Disclosures are primarily for posts that involve working with children or vulnerable adults. Standard Disclosures may also be issued for people entering certain professions, such as members of the legal and accountancy professions. Standard Disclosures contain the following:

- details of all convictions, cautions, reprimands and warnings held on the Police National Computer (PNC);

and if the position involves working with children or vulnerable adults and the relevant boxes have been marked on the application form to indicate this:

- information from the Protection of Children Act List (PoCA);
- information from the Protection of Vulnerable Adults List (POVA); and
- information held by the DfES under Section 142 of the Education Act 2002 of those considered unsuitable or banned from working with children.

Enhanced Disclosure

Enhanced Disclosures are for posts involving a far greater degree of contact with children or vulnerable adults. In general, the type of work will involve regularly caring for, supervising, training or being in sole charge of such people. Examples include a Teacher, Scout or Guide leader. Enhanced Disclosures are also issued for certain statutory purposes such as gaming and lottery licences.

Enhanced Disclosure contain the same information as Standard disclosures but with the addition of local police force information considered relevant by Chief Police Officer(s).

Why might I be asked to apply for a Disclosure?

You might have been asked to apply for a Standard or an Enhanced Disclosure if you will be working:

- with children or vulnerable adults;
- in an establishment that is wholly or mainly for children;
- in healthcare; or
- have applied to be a foster carer, adoptive parent or childminder.

A Disclosure may also be required for a range of other types of job or licences. To find out more please contact the CRB information line or alternatively visit our website.

Can I refuse to apply for a Disclosure?

Yes. However, there are some posts for which a disclosure is required by law. If you refuse to apply for a Disclosure in this instance, the organisation would be within their rights not to take your job or licence application any further.

If you are currently working and your employer asks you to apply for a Disclosure, you may be able to refuse if your contract of employment does not refer to a criminal record check.

I already have a Disclosure, can I use it again?

If you are asked to apply for a Disclosure and you already have one for a previous role, ask if the organisation is willing to accept it. When making this decision the organisation will take into account the length of time that has elapsed since that Disclosure was issued; the level of disclosure; the nature of the position for which the Disclosure was issued; and the nature of the position for which you are now applying. Ultimately, it will be the organisation's decision whether to accept it or not.

What if I have lived overseas?

If you have lived overseas for a substantial period of time, it may not be worth applying for a Disclosure, as the DBS does not generally have access to overseas criminal records. However, some organisations have a legal responsibility to check if a person is banned from working with children or vulnerable adults and can only do this through the Disclosure Service. We can also advise on how to obtain equivalent information from the overseas authority where available. You may wish to discuss this with your prospective employer.

How do I pay for my Disclosure?

The DBS charge a Disclosure application fee.

Payment for Disclosure can be made by credit/debit card, by personal cheque, or postal order. Some organisations may pay for the disclosure on your behalf. Please check with the person who has asked you to apply for the Disclosure if this is the case.

If you are a volunteer, the DBS will issue a Disclosure free of charge*.

How will I know which level of Disclosure is required?

The organisation that has asked you to apply will decide the appropriate level of Disclosure for the position.

CRB agents are unable to offer you any guidelines on this.

How do I apply for a Disclosure?

There are two ways of applying for a Disclosure. You will either be asked to:

- telephone the Disclosure application line on 0870 90 90 844, in which case you will need to provide the Registered Body name and number, or
- complete a paper application form handed to you by the person who asked you to apply.

In both circumstances, you will be asked to provide your name, address and date of birth, along with the Registered Body name and number, and the level of Disclosure. This will help the person who asked you to apply, confirm your identity. A guidance booklet on how to complete the form will be provided.

Who will receive my Disclosure?

When the application is processed, the DBS sends out a copy of the Disclosure, containing any information revealed during its searches, to you and the person who countersigned your form.

How do I know that the information contained on my Disclosure will remain confidential?

* A volunteer can be defined as a person who is engaged in any activity which involves spending time, unpaid (except for travelling and other approved out-of-pocket expenses), doing something which aims to benefit some third party other than or in addition to a close relative.

Organisations using the Disclosure Service must comply with the DBS Code of Practice, which is there to make sure the whole process works fairly and that any information revealed is treated fairly and securely. Also the DBS is committed to compliance with the Data Protection Act. This means that any personal information that you submit to us will be protected.

Under the provisions of the Code, sensitive personal information must be handled and stored appropriately and must be kept for only as long as it is necessary. The Code is published on the DBS website, or you can request a copy from the person who asked you to apply for the Disclosure.

What if I have a criminal record that may not be relevant to the position for which I am applying?

Safeguards and guidelines have been introduced to ensure that conviction information is not misused and that ex-offenders are not treated unfairly. Ex-offenders will retain the protection afforded by the Rehabilitation of Offenders Act 1974. In addition, the DBS and the Chartered Institute of Personnel and Development (CIPD) have developed guidance information for employers on this matter.

What if things go wrong?

The DBS has established a comprehensive complaints process and as part of our commitment to provide a high standard of customer service we will always:

- act fairly and impartially
- communicate effectively
- deal promptly with all enquiries
- endeavour to learn from our mistakes

For how long will Disclosures be valid?

Each Disclosure will show the date on which it was printed. Disclosures do not carry a pre-determined period of validity because a conviction or other matter could be recorded against the subject of the Disclosure at any time after it is issued.

Further Information

If you would like more information about Disclosure of the DBS please contact:

DBS information line:
DBS website

0870 90 90 811
www.homeoffice.gov.uk/dbs