

Taxi Policy Appendix B

Hackney Carriage and Private Hire Vehicle Licensing Applicant and Testing Procedures

Existing	<p>B1.1 Applications for new or renewal of a vehicle licence</p> <p>B1.2 To licence either a private hire or hackney carriage vehicle the proposed proprietor must complete and submit the relevant application form accompanied by the following original documents:</p> <ul style="list-style-type: none"> a. The Vehicle Registration Document (B1.4) b. Motor Insurance certificate c. Mot Certificate d. Proof of Road Tax e. Calibration Certificate (if hackney carriage) f. Vehicle Compliance Test certificate g. The Fee
Proposed	<p>B1.1 Applications for new/ renewals of a vehicle licence and Applications for Transfers etc.</p> <p>B1.2 Licences for private hire or hackney carriage vehicles or any renewals or changes to licences granted must be made to the Council and paid for either through the Council's dedicated online service or in person at any time the online service is not in operation. Where applicable the applicant must book a vehicle test at the time of application (see B1.20). The applicant must upload copies of the documents below and provide the originals to the Council at the time of their vehicles test :</p> <ul style="list-style-type: none"> a. The Vehicle Registration Document b. Motor Insurance certificate c. Mot Certificate d. Calibration Certificate (if hackney carriage)
Reason	To permit online applications. Remove requirement to provide road tax. This is not something the Council has legal power to enforce. The Council still check MOT validity online which highlights if road tax is or is not in place – the Council will then report this offence to the Police.

Existing	B1.20 The Vehicle Compliance Test can be booked by contacting the Council's Vehicle Testing Centre.
Proposed	B1.20 The Vehicle compliance test will be booked as part of the application process. Where conducted online the applicant will be required to pick a suitable available time slot. If at any time the online process is not available the applicant may contact the Council's vehicle testing centre by telephone or email to book a test of the vehicle. The Applicant must bring original copies of the documentation required in B1.2 to the test. The Council may not require sight of some documentation for licence renewals if it has previously seen a copy and the applicant has confirmed that no changes have occurred.
Reason	To permit vehicle tests to be booked online and original documentation to be provided.

Taxi Policy Appendix D

Driver & Operator Licence Procedures

<p>Existing</p>	<p>D1. Application Pre-requisites</p> <p>D1.1 Applicants must complete the Council application form and the procedure detailed in this appendix in order to evidence that they are a fit and proper person.</p> <p>D1.2 The applicant will need to ensure that prior to application they can produce the following:</p> <ol style="list-style-type: none"> 1. Possession of a full UK Drivers licence held for at least 12 months (subject to D3.1 below). 2. A medical certificate dated within the last calendar month confirming that the applicant meets the DVLA Vocational Group 2 Standards. 3. A relevant taxi driving test pass certificate. 4. Evidence of the applicants criminal record from any Country outside of the UK in which they have resided for 6 months or more. 5. Councils induction pass certificate. 6. Councils knowledge test pass certificate. 7. Evidence of passing such training courses as the Council may reasonably require as part of the application process, such as customer care, disability and vulnerable person awareness and communicating in English. <p>D1.3 The above pre-requisites will be required to be completed by an applicant in advance of an application being accepted and are the responsibility of the applicant to arrange and complete. Where appropriate the Council will provide relevant documentary advice in completing the above. The Council may levy an extra administrative charge for applicants who require significant assistance with the above.</p>
<p>Proposed</p>	<p>D1. Application requirements</p> <p>D1.1 The standard that the Council expects applicants to meet in order for a licence to be granted is set out in Section 6 of this Policy and provides that an applicant must:</p> <ol style="list-style-type: none"> a) Be suitable in terms of age and experience (6.3.1) b) Have held a driving licence for more than 12 months (6.3.2) c) Have a suitable driving standard (6.3.3/6.9.1) d) Be medically fit to carry out a licensed drivers duties (6.5.1) e) Be of suitable character as evidenced by their criminal record history (6.6.2).

	<p>D1.2 The Council will check and assess the following:</p> <ul style="list-style-type: none"> a) Criminal record (including an overseas check); b) Driving record; c) Driving standard; c) Medical history; d) Identity and Right to work entitlement; e) Suitability of the applicant in his or her understanding of their duty as a licensed driver. <p>D1.3 This appendix sets out the process to enable an applicant to satisfy the Council of the above in order to demonstrate that they are fit and proper to hold a licence.</p> <p>D1.4 The applicant shall be responsible for ensuring that they can satisfy the Council of the requirements of this appendix before submitting an application. The applicant should be confident in their ability to pass a relevant driving test, the Council's knowledge test and their medical.</p>
Reason	<p>Existing D1.2 required an induction certificate to be provided by an applicant as part of the application process and that all documents needed to be held before an application can be made. This is not compatible with an online process. The proposed paragraphs now directly refer to the sections of the approved Policy to make clear App. D is a process that works within the Policy not "policy".</p>

Existing	<p>D2. Applying for a licence</p> <p>D2.1 Where an applicant is ready to proceed with the above they must complete and submit the relevant application form and provide it with the following:</p> <ol style="list-style-type: none"> 1. A completed application form for a Disclosure and Barring Service (DBS) Enhanced Disclosure of the applicant's criminal record or the applicants DBS update service certificate number. 2. DVLA shared driving licence code or, where necessary, consent to a DVLA Data Subject Check form that permits the Council to confirm the individual's driving history. 3. Appropriate documentation to confirm the applicant's identity and address. As documents vary, the Council shall provide an updated list of acceptable documents for applicants. 4. A valid passport, travel document, EU national identity card and, for non EU/EEA residents proof of the right to work in the UK as a licensed driver. 5. National Insurance number. 6. A passport photograph of the applicant. 7. Evidence of passing the number of pre-requisites listed above in D1.2.
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	<p>8. The application fee must be paid before the licence can be granted.</p> <p>D2.2 Where an applicant fails to complete the application process within twelve months the application will be considered as withdrawn and a new application will need to be submitted. This is because the Council considers one year from the date of application to be sufficient for an applicant to complete the process. If an applicant fails to attend an interview with an officer or a regulatory sub-committee without a reasonable excuse the application will also be considered withdrawn.</p> <p>D2.3 Where applications are withdrawn there is no automatic refund entitlement of fees paid and if refunds are given the authority may charge an administration fee in so doing.</p>
Proposed	<p>D2. Applying for a licence</p> <p>D2.1 An application must be made to the Council via its online service system and the relevant payment made at the time of submission. If the online service is not in operation the application can be made in person.</p> <p>D2.2 Despite the use of an online form an applicant will on at least one occasion during their application process be seen in person by the Council for an appropriate identity check to take place and to assess their suitability to be licensed.</p> <p>D2.3 The applicant will submit their application on the Council's prescribed form and shall:</p> <ul style="list-style-type: none"> a) Confirm their name, current address and 5 year address history; b) Provide their driving licence entitlement; c) Submit a passport photograph; d) Confirm their national insurance number; e) Upload copies of their identity documents and entitlements; f) provide details of any licence they have previously held and if such a licence has been suspended or revoked or any disciplinary action taken; g) Confirm their criminal record and driving history; h) Agree to notify the Council of any convictions, cautions, endorsements, allegations, official police warnings, charges or grants of bail after the submission of the application and until the application is determined.

	<p>D2.4 Once the application has been submitted the applicant will be directed to obtain (if they do not already hold) the following:</p> <ul style="list-style-type: none"> a) DBS enhanced disclosure b) DVLA shared driving licence code c) Group 2 Medical d) Relevant Driving Test e) Certificate of conduct (if applicable) <p>D2.5 The applicant may upload any of the documents listed in D2.4 that they already hold provided that they comply with the further requirements of this appendix. Original documents must be produced to the Council before a licence will be granted.</p> <p>D2.6 The applicant will be required to book and attend the Council's induction and knowledge test. Original identity documents must be produced by the applicant at this stage. The applicant must attend the induction and knowledge no later than 3 months after the submission of their application. Failure to do so will result in either the withdrawal of their application or a requirement to repeat some stages of the application process.</p> <p>D2.7 All required documents must be submitted and the induction and knowledge test passed before an application will formally be accepted as complete and able to be determined by the Council.</p> <p>D2.8 Administrative assistance via appointment will be made available to enable an applicant to apply for a licence. The Council shall levy an additional charge for this. An applicant will remain responsible for the information given and arranging for relevant documentation to be obtained and provided.</p> <p>D2.9 If an applicant fails to complete the application process within 6 months of the submission of their application, the application will be considered incomplete and withdrawn. Extensions to this period may be allowed if the Council is satisfied that an applicant intends to, and can, complete the process within a reasonable future timescale. The applicant may be required to complete some stages of the application process again.</p>
Reason	<p>To revise the process to allow applications to be submitted online (or in person if that system is not working) and the induction to take place later. Also to put relevant safeguards in place to require the applicant to undertake to notify the Council of any conviction etc. that occurs between submission and grant of application.</p>

D3 Driving Licence

Minor Change	D3.1 <i>The applicant will be required to produce their original DVLA licence during the application process. The applicant must have held their entitlement to drive for at least 12 months prior to application.</i> Ordinarily the applicant will produce their photo card driving licence, however, where an applicant has not yet been issued with a photo card their original paper licence will be accepted.
Explanation	Words in italics replaced the following words: “The applicant must produce their current driving licence at the time of application” The words struck through are to be removed as this repeats para 6.3.2 of the Policy.

D3.2 The licence must show that the applicant is authorised by the DVLA to drive the relevant vehicle category covering a hackney carriage and private hire vehicle.

Existing	D3.3 Non UK licences must be converted to a UK DVLA licence before an application can be accepted as the driving licence is an important identification document enabling the Council to apply for an enhanced DBS and allows the Council to check the applicant's endorsement history.
Proposed	D3.3 Non UK licences must be converted to a UK DVLA licence before an application can be accepted as the driving licence is an important identification document and allows the Council to check the applicant's endorsement history. Subject to any future legislative changes due to the withdrawal of the United Kingdom from the European Union, EU driving licences will not need to be converted <u>if</u> an applicant has sufficient other documents to confirm identity <u>and</u> another method to enable the Council to check their driving licence history (this may require extra payment from the applicant).
Reason	Removed reference to applying for a DBS as it is proposed that the Council will not be doing this. Addition to reflect current position with EU law subject to any changes as a result of 'Brexit'.

D3.4. 'Automatic only' licences are acceptable subject to the applicant being able to fulfil the role of a taxi driver in its wider meaning. If such a driving licence is granted the licensed driver would be responsible for ensuring that they only licence and drive an automatic vehicle.

Existing	<p>D4. Enhanced DBS Disclosure</p> <p>D4.1 The DBS disclosure application form will normally be completed as part of the application process and submitted to the DBS by the Council following the appropriate payment by the applicant. The disclosure will be returned by the DBS directly to the applicant who must then submit their disclosure to the Council within one calendar month of its issue date. The Council will then, with the consent of the applicant, take a copy of the disclosure certificate.</p> <p>D4.2 An application for an enhanced DBS check will not be necessary where the applicant can produce an appropriate DBS certificate from another arm of the Council or is a member of the DBS update service.</p> <p>D4.3 An applicant with a record of criminal convictions, cautions, or other enforcement or civil penalties will not prevent a person from submitting an application. Such offences will only be considered when determining whether an applicant should be granted a licence. This consideration may include consultation with, and consideration of evidence from, the Police and any other relevant agency where there are relevant convictions. Details of Council guidelines can be found in Appendix E.</p> <p>D4.4 The Council may require another DBS disclosure to be applied for at any time if a further check is considered necessary.</p>
Proposed	<p>D4.1 An applicant will be required to apply for an enhanced criminal record disclosure to the Disclosure and Barring service (DBS) via a Council approved registered third party or, where available, through the Taxi Licensing Service. The cost of the DBS must be met by the applicant and is payable to the relevant registered body undertaking the check.</p> <p>D4.2 An application for an enhanced DBS check will not need to be made if the applicant has registered to the DBS update service following a previous enhanced check.</p> <p>D4.3 The DBS will post the disclosure directly to the applicant's home address and the applicant must ensure that this document is provided to the Council within 1 month of its issue date. If a DBS is not provided within this timescale the Council will require a new DBS to be obtained.</p> <p>D4.4 The Council may require another DBS disclosure to be applied for at any time during the application process if it is considered necessary or if the disclosure is more than 3 months old by the time the Council comes to determine an application.</p>

Reason	Amended to reflect possible change to require a DBS through a third party. Removed existing para D4.3 re convictions as it repeats the Para 6.8.4. Proposed D4.3 to require a DBS within 1 month of issue and D4.4 requires a new one if older than 3 months. Officers would not insist on this if the delay is due to a Council process, such as taking an applicant to a sub-committee.
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Existing	<p>D5 Certificate of good conduct</p> <p>D5.1 Where an applicant has, in the last 20 years, resided in a Country outside of the UK for a period of 6 months or more an equivalent DBS check (for example a Certificate of Good Conduct) from the relevant embassy, consulate or police force for each Country in which they have resided will be required.</p> <p>D5.2 The requirement that an applicant provides evidence of their criminal record from other countries in which they have resided is an important public safety measure and ensures that applicants that have not lived in the UK for a period of 20 years have their criminal history checked as substantively as those who have lived in the UK for that period of time.</p> <p>D5.3 The responsibility of obtaining the above certificate rests with the applicant who will be required to contact the relevant embassy for advice on obtaining the necessary documentation and paying any fee that is required.</p> <p>D5.4 Applicants must make all reasonable attempts to obtain a certificate of conduct from all Countries outside of the UK in which they have resided in for more than 6 months in the past 20 years. An exemption from this requirement will be allowed where the Council is satisfied that:</p> <ol style="list-style-type: none"> 1) The Country from which the disclosure is sought is one from which the Home Office currently confirm are unable to provide such disclosures AND 2) All reasonable attempts have been made by the applicant to obtain the certificate by following the procedure itemised under Procedure A below OR 3) The applicant, for reasons of which he or she has been granted asylum in the UK, cannot return to, or contact, his or her home Country for a criminal record disclosure or certificate of conduct. The
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	<p style="text-align: center;">Council will be required to be satisfied of this under Procedure B.</p> <p>D5.5 Procedure A</p> <p>a) All reasonable attempts must include as a minimum; writing to the relevant embassy in the UK or following the guidance published by the Home Office and completing in full any procedure set by either.</p> <p>b) Where there is no UK embassy or published procedure the applicant must write to the relevant police station in the area(s) in which the applicant has resided or, a relevant governmental department.</p> <p>c) If the applicant has not received a response to any letter after a period of 8 weeks the applicant must write a second follow up letter.</p> <p>d) If a procedure published by the Home office has not been completed within the timescales suggested by the Home Office, or where no timescale exists within 8 weeks, the Applicant must write a follow up letter.</p> <p>e) Where any letter has been written the applicant must send this recorded or registered post in order to provide the Council with evidence that this has been done and keep a copy of the letter he has sent.</p> <p>f) Where any response has been received the applicant must provide a copy of it to the Council.</p> <p>g) If an applicant has not been able to receive any response after 8 weeks of a follow up letter he may provide a written statutory declaration stating that that he has followed the procedure required by the Council in full and has been unable to obtain further information from that country and declare whether or not he has or has not been convicted of any foreign offences.</p> <p>h) Where a statutory declaration is permitted it will be on the proviso that should any information contrary to the declaration be received the Council will suspend or revoke any licence granted to the applicant.</p> <p>D5.6 Procedure B</p> <p>1) The applicant must satisfy the Council that he or she is unable to contact their home Country or any Country that the applicant has resided in for more than 6 months in the last 20 years due to reasons for which he or she was granted Asylum.</p>
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	<p>2) In order for the Council to be so satisfied the applicant must provide the full documentary evidence of their Asylum claim and the decision notice granting Asylum. If this cannot be provided the Applicant should contact the Home Office.</p> <p>D5.7 Further to the above procedures, Applicants will be required to provide written references from either their Home Office caseworker or another professional person or employer to verify their character</p>
Proposed	<p>D5 Overseas criminal record or Certificate of Conduction</p> <p>D5.1 Where an applicant has, since the age of 18, resided in a Country outside of the UK during the 20 years prior to his or her application, a criminal record certificate, equivalent to a DBS check, must be provided from that Country (or Countries).</p> <p>D5.2 The responsibility for obtaining the above certificate rests with the applicant. The applicant will be directed to the Home Office website for the relevant application procedure or required to contact the relevant embassy of the Country in which the applicant resided. The applicant is responsible for obtaining and supplying the necessary documentation and paying any fee that is required to obtain the certificate.</p> <p>D5.3 An applicant may be permitted to submit a statutory declaration instead of a Certificate of Conduct provided that the Council is satisfied that either:</p> <ol style="list-style-type: none"> 1) The Country from which the certificate is sought is one from which the Home Office currently confirm is unable to provide such certificates AND/OR all reasonable attempts have been made by the applicant to obtain the certificate; OR 2) The applicant, for reasons of which he or she has been granted asylum in the UK, cannot return to, or contact, his or her home Country for a criminal record disclosure or certificate of conduct. <p>D5.5 Reasonable Attempts to obtain</p> <p>In order to satisfy the Council that all reasonable attempts have been made the applicant must:</p>

	<p>1) Where there is a home office procedure</p> <ul style="list-style-type: none"> a) Follow and complete the set procedure; b) Follow the timescales set out in that procedure; c) Follow any “appeal” or “escalation” criteria set out in that procedure or contact the relevant body to request an escalation; d) Allow a reasonable time, based on the Home Office published turnaround times, for a response. <p>2) If there is no Home Office procedure:</p> <ul style="list-style-type: none"> a) Write to the relevant embassy in the UK and/or relevant police station or governmental department in the area(s) of the Country in which the applicant resided; b) Submit a further request in writing 4 weeks later if no acknowledgment is received or, if an acknowledgement is received, submit a further request 4 weeks after that or any time scale provided to the applicant by the relevant police station, embassy or governmental department. c) Wait a further four weeks following the further request. <p>3) Where the applicant has claimed Asylum</p> <ul style="list-style-type: none"> a) The applicant must satisfy the Council that he or she is unable to contact their home Country or any Country that the applicant has resided in for more than 6 months in the last 20 years due to reasons for which he or she was granted Asylum. b) In order for the Council to be satisfied that the applicant cannot contact any Country due to an Asylum claim, the applicant must provide the full documentary evidence of their Asylum claim and the decision notice granting Asylum. If this cannot be provided the Applicant should contact the Home Office. <p>D5.7 The applicant must be able to provide written evidence of any requests sent and acknowledgements received. It is strongly advised that where possible communication is done by email. Further to the above procedures, applicants may be required to provide written references from either their Home Office caseworker or another professional person or employer to verify their character.</p>
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	<p>D5.8 If an exemption is made to allow an applicant to provide a Statutory Declaration and it later becomes possible for a certificate to be obtained, the Council reserves the right to insist that the applicant obtains and provides that certificate.</p> <p>D5.9 Where a statutory declaration is permitted it will be on the proviso that should any information contrary to the declaration be received the Council will review any licence granted to the applicant.</p>
Reason	To simplify procedure following feedback from licensed drivers and experience of officers. Proposed D5.9 amends existing D5.5 to allow action to be taken if a stat dec. is permitted and later found to not declare convictions revealed. The word “review” has been inserted rather than “suspend” or “revoke” as, whilst that may almost certainly be the result, this can weaken appeal cases if the Council cannot show it considered all options.

D6 Medical Certificate

D6.1 The applicant must ensure that they are examined by a registered medical practitioner to the DVLA’s group 2 medical standards and provide a correctly completed medical certificate conducted by that practitioner confirming that the applicant meets the group 2 standard. The applicant is responsible for booking and paying for the medical test and ensuring that the Council receive a copy of the signed and completed certificate within one calendar month of it having been completed.

D6.2 A medical needs to be passed initially at the time of application and then again at ages 45, 50, 55, 60, 65 and annually thereafter, or at any other time as reasonably required by the Council (for example in respect of an ongoing; developing or arising medical condition that is a potential concern).

Existing	<p>D7. Induction and Knowledge test</p> <p>D7.1 The Council will run regular induction courses for potential applicants to attend prior to submitting an application. The purpose of such induction courses will be to provide applicants with the relevant information and advice on applying for licences and advising them on the legislative and policy requirements that apply to licensed drivers and vehicles.</p>
Proposed	<p>D7. Induction and Knowledge test</p> <p>D7.1 In order for a new applicant to satisfy the Council that they are fit and proper it is important for them to understand the relevant legislation and conditions that apply to them. For this reason an assessment will be carried out of new applicants to check their knowledge</p>

	and understanding and provide an opportunity for advice to be given to them about their duties as a licensed driver.
Reason	Removing requirement to attend prior to submission. Re-worded to allow flexibility to either be a DAS or Induction and Knowledge in its current form.

Existing	D7.2 The induction course will include training on a variety of topics that the Council may reasonably require applicants to evidence satisfactory performance and understanding in. Such training will include understanding the legislative provisions applicable to licensed drivers, vehicles and operators, the Councils policy expectations, customer care and disability and vulnerable person awareness. Training may vary depending on the changing nature of the taxi trade and the matters facing their role in society.
Proposed	D7.2 The induction is an introduction to being a licensed driver in Milton Keynes and is not a substitute for an applicant taking their own steps to understand the laws and conditions that may apply. The topics covered will vary depending on the changing nature of the trade, the law and Policy but as a minimum shall cover: <ul style="list-style-type: none"> • The applicable legislation • Compliance with licence conditions • Disability awareness • Safeguarding and CSE • English speaking • Customer service • The area of Milton Keynes
Reason	More clearly details what the induction course contains and removes the word “training” as Officers are simply providing advice and guidance and not liable for any offences committed by a licensed driver.

D7.3 A number of questions will be asked of applicants to assess their ability to converse in spoken English. If it is considered by the Officer or trainer conducting the induction that the applicant does not possess an acceptable standard of English the applicant will be required to undertake an English for Speakers of Other Languages Course (ESOL) course and return when their ability has improved. It is important that licensed drivers not only have a good level of communication skills to provide a reasonable level of service to members of the public but also for their own protection by being able to understand the rules that apply to them, report concerns to the Council or Police and avoid misunderstandings with customers. Depending upon circumstances some free courses may be available and details will be provided by the Taxi Licensing service.

Existing	D7.4 The applicant will be required to sit and pass a knowledge test either before or after application. The knowledge test will allow the applicant to show their understanding of the matters discussed on the induction course and their understanding of the Councils Policy. Part of the test will allow the applicant to evidence their knowledge of villages, major routes and places of interest and note within the borough of Milton Keynes (including schools, public houses etc.) as well as the Highway Code (including traffic signage).
Proposed	D7.4 The applicant will be required to confirm their understanding of the matters discussed to the satisfaction of the Council. The Council does not consider that this will pose any difficulty to an applicant with a suitable level of English, who pays attention to advice given to them during the induction, reads the Council Policy and take steps to familiarise themselves with the location of Milton Keynes.
Reason	To remove “before or after application” in existing D7.4 as it will now be “after”. Removes the detail that will be on the “knowledge test” as feedback from applicants indicated that some information on the test did not reflect what was in the guidance documents (now rectified).

Existing	<p>D7.5 If the applicant fails their knowledge test they will be able to re-take it a further 2 times provided a period of 21 days elapses between tests. This is to ensure that the applicant has sufficient time to revise.</p> <p>D7.6 If the applicant is unsuccessful on their third attempt their application will be refused as the applicant has not been able to evidence that they have the appropriate skills and attributes to satisfy the Council that they are fit and proper to be a licensed driver.</p>
Proposed	D7.5 If the applicant is unable to satisfy the Council of their suitability the application will be refused. An applicant may be permitted, at the discretion of the Council, to undertake elements of the induction and knowledge test on 2 more occasions in circumstances where the Council believes that the applicant may be able to demonstrate their suitability by taking further steps (i.e. further training, further reading of Council Policy). However, if the applicant is clearly unsuitable the Council may refuse after only one attempt.

Reason	To remove the arbitrary “re-test” requirement that an applicant must wait 21 days. To permit a refusal when the applicant is completely unsuitable (i.e. insufficient English ability).
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Existing TO BE DELETED	D7.7 A fresh application can be made but a period of 12 months is required to elapse before another attempt can be made to enable the applicant to develop the necessary skills. The Council believes that this policy is necessary to ensure that applicants do not continue to take the knowledge test to their own financial detriment when they do not have the necessary understanding to pass. However, if an applicant can evidence that exceptional circumstances exist that it would be fair and reasonable to allow a further test to be taken within a period of 12 months from the 3 rd failure the Council may depart from this Policy. If a driver is not able to satisfactorily complete the test due to difficulties with spoken or written English they may be required to take an ESOL course.
Reason	The arbitrary '12 month rule' for failure is not considered appropriate any longer. If an application is refused for failing their induction and knowledge test Officers will advise them not to return until they are able to pass. See proposed D11/.

Existing TO BE DELETED	D7.8 Where a former licensed driver has allowed their licence to lapse or it has been surrendered or revoked, the applicant may apply for a new licence and may be exempt from sitting parts of the induction test if they still retain the relevant pass certificates but must re-sit the knowledge test.
Proposed	D7.8 Where a licence holder has allowed their licence to lapse the applicant may apply for a new licence and be exempt from sitting parts of the induction and knowledge test provided that no more than 12 months have elapsed since the licence expired, that there are no concerns about the former licence holders suitability (i.e. complaints or offences on record) and the former licence holder can evidence that exceptional circumstances exist as to why the licence “lapsed”.
Reason	To remove the element that someone who has had a licence revoked can re-apply and not do the induction – this does not happen in practice. Also to require that if a driver allows his licence to lapse there must be exceptional circumstances for them not to do the induction.

Proposed	<p>D7.6 In addition to the induction and knowledge test the Council may also require licence holders to undertake other assessments either on a case by case basis or to reflect the changing nature of the role of taxi drivers in Milton Keynes to ensure that they are suitable in terms of experience. These include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Child Sexual Exploitation (CSE) • Safeguarding courses • Disability Awareness courses • English language courses • Further Relevant Driving Test <p>D7.7 Licence holders will be expected to undertake CSE and safeguarding training as a condition of their licence. If, a course is reasonably available to an applicant, prior to the grant of their licence, the applicant will be expected to undertake that. Failure to do so may indicate the applicant is not fit and proper and the application may be refused.</p>
Reason	To make clear that the Council can (and hopes) to make further courses to be required by Applicants to enable them to better fulfil their role.

D8 Identity documents and proof of entitlements

Existing	<p>D8.1 Copies of the documents required to verify an applicant's identity and that they are entitled to work in the UK as a licensed driver must be kept up to date and lodged with the Council. For instance; driving licences, medicals, passports and travel documents are necessary to ensure that a driver is legally able to continue to be licensed. It is therefore a condition of a licence that the applicant must provide up to date copies of these documents following their expiry. Failure to do so will result in suspension of a licence.</p>
Proposed	<p>D8.1 The applicant will need to provide to the Council their original DVLA issued driving licence, documents to prove their identity and their right to work in the UK. The documents needed to confirm an applicant's identity will be those required by the DBS for an enhanced disclosure. The documents needed to confirm an applicant's right to work will be those that are approved by the Home Office. An updated list of these will be maintained by the Council.</p>

	<p>D8.2 In general the documents required will be:</p> <ul style="list-style-type: none"> • DVLA Driving Licence • Passport • Travel permit, Visa or Residence card. • Utility bill or finance statement <p>D8.3 It will be a condition of any licence granted that the applicant must provide up to date copies of these documents following their expiry. Failure to do so will result in the suspension of a licence.</p> <p>D8.5 Right to Work</p> <p>D8.6 Amendments made to the 1976 Act by the Immigration Act 2016 prevent the Council from granting a licence beyond the expiry date of their right to work entitlement. Applicants need to ensure that any right to work entitlement enables them to be self-employed in in the United Kingdom. If an applicant does not evidence that they have the appropriate documentation a licence will not be granted.</p> <p>D8.7 Failing to satisfy the Council that appropriate right to work entitlement is held will result in the refusal of an application or, if after a licence is granted the suspension or revocation of a licence. Applicants are advised to ensure that they update and renew any right to work entitlement in good time to avoid delays that will prevent them from working. Applicants may be required to consent to a check with the Home Office and provide relevant home office case work reference numbers to enable the Council to check their entitlement.</p> <p>D8.9 Applicants with European Union passports have the right to work in the UK and will be granted a licence provided that their passport is in date. If the passport has expired the applicant may be required to provide other means to confirm their nationality and entitlement. This is subject to any legislative changes that take precedence once the United Kingdom withdraws from the European Union.</p>
Reason	Expanded to provide more detail re 'Brexit' and Immigration Act.

D9 Renewal applications

D9.1 Licences will normally be granted for 3 years unless the Council have considered it appropriate to grant a shorter licence. The majority of this Appendix will apply for renewals as with new applications.

D9.2 Drivers should be aware that the Council can refuse a renewal where:

- a) The driver has since the grant of the licence been convicted of an offence involving dishonesty, indecency or violence
- b) The driver has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty;
- c) The driver has been convicted of an offence under the 1976 Act or 1847 Act or failed to comply with the provisions of those Acts
- d) Any other reasonable cause. A reasonable cause would include convictions or cautions under any other legislation that call into question the suitability of the applicant, a breach of licence conditions

D9.3 Not only must a driver satisfy the Council that they are fit and proper on the initial grant of a licence, they must continue to remain fit and proper in the eyes of the Council throughout the duration of their licence and at the time of renewal. A DBS disclosure will be required on each renewal with consideration to the DFT guidance that a licensed driver should only have their criminal record checked every 3 years.

D9.4 Licensed drivers should note that any offence falling within a), b) c) and d) listed in D9.2 above can also result in the suspension or revocation of a licence prior to its expiry.

Existing	D9.5 Applications for renewal are expected to be made three months prior to the expiry date with all the documentation required submitted at that time to enable any checks of official records to be made prior the issue of a new licence. Failure to submit an application in such timescales may result in a renewed licence not being granted prior to the licence expiring.
Proposed	D9.5 Applications for renewal are expected to be made three months prior to the expiry date. Failure to submit an application in such timescales may result in a renewed licence not being granted prior to the licence expiring. The applicant will be expected to follow the process outlined in D2 of this Appendix as amended to not include the items of D2.4 c), d), and e) and the induction and knowledge test unless directed by the Council.
Reason	To restate the process (including online) in the D2 is followed.

D9.6 If an applicant's renewed licence is not granted prior to the expiry of an existing licence, the licence holder will not hold a valid licence and badge in

order to continue to work. The Council may, at its discretion, grant a short term licence to the applicant without prejudice to any future decision that may be made regarding the grant of their renewal application. This will however mean that the Council has to consider, process, assess and grant this short term licence. If the applicant applied to renew their licence later than three months prior to their licence expiry the applicant will need to apply for a short term badge and the Council will levy an administrative charge, should the Council be satisfied that the applicant is fit and proper.

Existing	D9.7	In cases where a medical condition of the applicant needs to be referred to the Council's Medical Consultant, a licence will not normally be renewed until a satisfactory report is received from the Councils Medical Consultant.
Proposed	D9.7	In cases where a medical condition of the applicant calls into question the suitability of the driver a licence will not normally be renewed until a satisfactory report is received from a relevant medical practitioner.
Reason		Remove reference to the Council's medical consultant and reference a relevant medical practitioner. This may be the applicants own or one appointed by the Council.

Proposed	D9.8	An applicant may be required to undergo such further training as the Council may require in order to grant a renewed licence based on any relevant history of an applicant. This may be to require an applicant to undergo the induction and knowledge test, a relevant driving test, safeguarding training or similar.
Reason		Reflects current practice for drivers whilst licensed as expressed in appendix E.

D10 Application for grant or renewal of Private Hire Vehicle Operator's Licence

- D10.1 The Council will not grant an Operator's licence to any person who is not "fit and proper" to hold such a licence. The application process requires the applicant to satisfy the Council that they are fit and proper.
- D10.2 Applicants for an Operator's licence may be an individual, more than one individual (joint applicants), partnerships, organisations, or limited or publicly limited companies.
- D10.3 Where the applicant is more than one individual or is its own legal entity (for example a company, partnership, or other organisation) the requirements of this part apply to all individuals forming that entity, the partners or directors, and the term 'applicant' should be construed as referring to each individual, partner or director where appropriate.

Proposed	<p>D10.4 An application must be made to the Council via its online service and payment made at the time of submission. If at any time the online service is not in operation the application can be made in person. The applicant will be required to confirm and evidence their criminal record (D10.6) licence history, financial history and if relevant, company history and the matters outlined in (D10.7).</p> <p>D10.5 Where the applicant is a Milton Keynes Licensed driver or an existing licensed Operator further identity documents will not be required to be uploaded if already held by the Council. New applicants will be required to confirm their identity.</p>
Reason	To permit online applications. Existing para's below are renumbered accordingly.

Existing	<p>D10.4 Evidence of Criminal Record</p> <ul style="list-style-type: none"> • For individual or partnership applications a subject access search (ACRO SAR1) dated within 3 months of the date of application must be provided for each individual or partner unless the applicant(s) wish to apply for an enhanced DBS disclosure. • For company applicants a subject access search must be provided for each director. Where a large company is involved the Council may only require criminal record checks from those directors with an operational involvement in ensuring compliance with the relevant applicable legislation. • Where the applicant holds an existing driver's license with the Council they do not need to supply a further criminal record check as they will have been subject to an enhanced DBS check within the last 3 years - subject to consideration of any convictions, cautions or other enforcement action occurring in the intervening period. • Applicants must provide evidence of their criminal record for any Country in which they have resided for a duration of 6 months or longer in the last 20 years. • Where a licence is granted, the Operator must inform the Council of any change in owner, partner, director etc. and the Council will require a criminal record check of that new owner, partner, director etc.
Proposed	<p>D10.6 Evidence of Criminal Record</p> <ul style="list-style-type: none"> • A criminal record disclosure must be provided for each individual, partner or director. Where a large company is involved the Council may only require criminal record checks from those directors or managers with an

	<p>operational involvement in ensuring compliance with the relevant applicable legislation.</p> <ul style="list-style-type: none"> • The following documents can be submitted as evidence of an individual's criminal record provided that they are no older than a month: <ul style="list-style-type: none"> ○ Basic Disclosure from the DBS ○ Subject Access Search (ACRO SAR1) ○ Enhanced disclosure • Where the applicant is a Milton Keynes Licensed driver a further criminal record check may not be necessary unless there has been any change to it since it was last considered. The Council however has the discretion to insist on a further criminal record check at any time for either an operator or driver. • Applicants must provide evidence of their criminal record for any Country in which they have resided for a duration of 6 months or longer in the last 20 years. • Where a licence is granted, the Operator must inform the Council of any change in owner, partner, director etc. and the Council will require a criminal record check of that new owner, partner, director etc. • The applicant will agree to notify the Council of any convictions, cautions, endorsements, allegations, official police warnings, charges or grants of bail after the submission of the application and until the application is determined.
Reason	To simplify the paragraphs.

D10.7 Further requirements

- Applicants must declare any bankruptcy, disqualification of directorship or prosecutions resulting from previous trading activities.
- Company applicants must declare any insolvency of the applicant, or previous companies in which the directors of the current applicant have been involved in; the disqualification of any directors, or any prosecutions or cautions against the company, or any previous company that any director has been involved with.
- Applicants must provide confirmation that their operating address either has or does not need planning permission for the proposed business.
- Where the Operator has an office which members of the public may attend or wait at, the Operator must produce an appropriate public liability insurance certificate.
- The applicant may be requested to produce a written statement or policy confirming how customer data is stored and be required to comply with any recommendations made by the Council.

- The applicant may be requested to sit a knowledge test designed for private hire operators to ensure that they understand the legal requirements relating to the operating of private hire vehicles.
- Where the applicant intends to licence a number of vehicles in its own name the Council may require the applicant to agree to a set arrangement for the testing and re-licensing of those vehicles.
- For renewal applications the criminal check can be up to 3 years old (subject to any notification of convictions or concerns received by the Council calling in to question the suitability of applicant.)
- The licence application fee. Fees will be determined annually and published separately.

Existing	D11 Applications – General Guidance
Proposed	D11 Determination of an application

- D11.1 When a criminal record disclosure is provided by an applicant it will be considered in the light of all the information provided. It is expected that applicants who intend to be considered fit and proper will ensure that the information given on their application form is correctly and truthfully provided and that ALL convictions and cautions are provided at the initial stage. A serious view will be taken of any applicant that seeks to conceal any caution or conviction in order to obtain a licence. **This is a criminal offence and, as such, is likely to lead, not only to consideration of the applicant as not being a “fit and proper person”, but criminal proceedings. Any information relating to criminal background will be kept only for as long as it is necessary.**
- D11.2 In the event that all the application stages are successfully passed and there are no convictions, cautions, driving endorsements or relevant enforcement history to suggest otherwise, the applicant will be considered to be a “fit and proper person” and the relevant licence granted. The consideration of convictions and cautions is explained in Appendix E.
- D11.3 Applications considered by the Council will result in either the determination of the applicant as a “fit and proper person”, indicated by the grant of a licence, or the application being refused. In the event of a refusal the applicant has the right of appeal to the Magistrates Court, such appeal to be lodged within 21 days of being notified of the decision.
- D11.4 Information disclosed will be kept in strict confidence and will be retained no longer than is necessary in order to determine an application and, where a licence is granted, for no longer than necessary after that licence has lapsed, in accordance with data protection legislation and the Council’s retention policy. It is an offence under the 1976 Act for any person to knowingly or recklessly make a false statement or to omit any material information required by the application, punishable by up to seven years imprisonment upon conviction.

Proposed	D11.5 An applicant may be required to attend an interview with Licensing or enforcement officers before a licence can be granted or to attend before a Regulatory Sub-Committee. Any applicant who fails to attend an interview with an officer or a regulatory sub-committee without a reasonable excuse will have their application determined in their absence. This may result in the application being considered withdrawn or refused.
Reasons	Replacement to existing para D2.2

Proposed	D11.6 Conditions will be attached to any licence granted. The standard conditions for a driver are contained in Appendix G of this Policy and for an Operator in Appendix J. Further conditions may be added to any licence granted by the Council on the individual merits of an application.
Reasons	To make clear that the conditions in Appendix G and J are minimum conditions and the Council may impose further conditions.

Proposed	<p>D11.7 If an application for a new licence is refused the Council will not consider a further application until a reasonable time period has elapsed. If the refusal is related to convictions or driving endorsements the timescales in Appendix E of this Policy will apply. If the refusal is related to a medical ground the Council will not consider a new application until the applicant has passed the relevant medical. If the refusal is due to the applicant being unable to pass the induction and knowledge test the period of time between the failure and when a new application will be permitted will depend upon the reasons for the failure and the steps the applicant can show he or she has taken to address those reasons.</p> <p>D11.8 If an application for the renewal of a drivers licence, or a new or renewal of an Operator's licence is refused the Council will not consider any further application for at least a period of 12 months, subject to any grounds in Appendix E which may indicate a longer period of time.</p>
Reasons	To make clear that the conditions in Appendix G and J are minimum conditions and the Council may impose further conditions.