



## **Appendix 2**

### **Hackney Carriage and Private Hire Driver Fit and Proper Person Policy**

All applicants and licence holders shall satisfy the Council that they are a fit and proper person to hold such a licence. The Medical Fitness Policy and Training Policy shall form part of the fit and proper person test.

Fit & Proper Person is the statutory test set out in the relevant legislation and is a pre-requisite before an applicant can be granted a licence. There is no statutory definition of Fit & Proper Person but there is case law that aides the Council's understanding of its meaning. In simple terms, it means the applicants suitability to hold a licence by complying with the minimum expected standards as detailed in the Policy.

Drivers must at all times remain fit & proper persons whilst licensed. In the event of complaint or reported incident the driver's fitness will be considered in the context of the fit & proper person policy, with reference to the guidelines relating to the relevance of criminal behavior, and appropriate action taken.

#### **DVLA Licence check**

1. All new applicants for Hackney carriage and private hire drivers' licences and all existing licensees on their next application for renewal shall be required on application (and on renewal every three years thereafter) to provide information in the form of a DVLA history check;
2. Applicants who hold a;
  - a. community licence,
  - b. exchangeable licence or
  - c. Northern Ireland driving licence

may still be granted a Hackney carriage or private hire driver licence. Such applicants will be required to exchange their driving licence to a **Full DVLA Driving Licence before** the renewal of their first private hire or Hackney carriage driver licence.

### **Enhanced Disclosure and Barring Service (DBS) Check and DBS Update Service**

3. The following shall be in place for all applicants and drivers:
  - a. An enhanced DBS certificate, or future equivalent must be provided to the satisfaction of the Licensing Team;
  - b. The applicant must subscribe to the DBS Update Service , or future equivalent and maintain subscription to the service;
  - c. Information relating to the applicants DBS Update Service Details and a Consent Form shall be provided to the satisfaction of the Licensing Team
4. The Council will have the right to require a further DBS check to be completed at the licensees expense at any time during the currency of the licence should the Council have reason to doubt the fitness of the licence holder to hold the licence.
5. In the event of a delay of 6 weeks or more for a DBS application to be returned the Licensing Team may inform the Chair of the Public Safety and Protection Committee of the delay.
6. If an applicant or licence holder does not continuously subscribe to the DBS Update service or the status of a DBS certificate changes the applicant will be required to;
  - a. Provide a new enhanced DBS Certificate or future equivalent;
  - b. Subscribe to the DBS Update Service , or future equivalent;
  - c. Provide information relating to the applicants DBS Update Service Details and a Consent Form shall be provided to the satisfaction of the Licensing Team

Any pending applications may not be determined and existing licences may be revoked or suspended until these steps are completed to the satisfaction of the Licensing Team.

### **Medical Fitness**

The Council's current medical requirement is summarised as follows;

#### **Medical test**

7. Applicants shall demonstrate that they have satisfied the medical standard as specified by the Council. Applicants shall supply a Council medical examination report completed by their own GP, or other doctor who works at the applicant's own registered medical practice. This will be a Group 2 medical as specified by the (DVLA) for PCV/HGV drivers. A completed medical examination report must be provided by new applicants. Existing drivers must supply a medical examination report as follows:

- i. Every five year period from the age of 45,
- ii. Annually from the age of 65

The Council will also have the right to recall the licence holder at any time during the lifespan of the licence for a medical examination should the Council have reason to doubt the fitness of the licence holder to hold the licence.

### **Skills Requirement**

The Council can require applicants or licence holders to pass certain tests and undertake training in order to hold or continue to hold a licence. The Council can also require existing drivers to undertake mandatory training so that their skills and knowledge are refreshed. This training may be a condition of the renewal of the licence. The current requirements are set out below

#### **Knowledge Test**

8. All new applicants must pass a knowledge test as specified by the Council relevant to the licence type applied for, i.e. Hackney carriage or private hire driver licences. The test will include a requirement that the applicant demonstrates a sufficient level of communication skills to be a licence holder.
9. Current private hire driver licence holders applying for a Hackney carriage driver licence must pass the knowledge test at the Hackney carriage standard.

### **Gold Standard**

10. All new applicants for a Hackney carriage or private hire driver licence must provide information to the Council to show they have completed the Bristol Gold Standard training programme.
  
11. Applicants who already hold a current Hackney carriage or private hire driver licence do not have to undertake the Bristol Gold Standard training if applying for the alternative licence.

### **Driving Test**

12. All new applicants must pass a further driving test as specified by the Licensing Manager in consultation with the Chair of the Public Safety & Protection Committee.

### **Training for Existing Licensed Drivers**

13. All existing Hackney carriage and private hire drivers will be required from time to time to attend mandatory training as set by the Council. Completion of any training may be a requirement of licence renewal

Fit and Proper Person Policy – Draft – DBS update service

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