

Conditions of Entry on to the Hackney Carriage Vehicle Licence Waiting List

1 As from 1 April 2002, the previously maintained separate hackney carriage vehicle licence waiting lists for category B (Brighton) and for category H (Hove) hackney carriage vehicle licences will be combined into one list, based on the annual credits earned by each person on those lists, and that combined list will be maintained henceforth;

2 a) Subject to condition 2 (b) below the following conditions will apply to every application made in respect of an application to be placed on the waiting list for a hackney carriage vehicle licence. All previous related arrangements will then cease to operate;

b) in these conditions “Carer” means a person who is engaged on a full time basis in the care of his or her children or dependant relative and not engaged in any other employment or business part time except as a part time hackney carriage or private hire vehicle driver. Where any exemption is granted in respect of Carers under the following, such exemption shall operate only for a maximum of two years;

3 To be eligible to apply for inclusion on the hackney carriage vehicle licence waiting list an applicant will have to fulfil the following requirements:

a) reside within 5 miles of the Council boundary,

b) have held a Brighton and Hove hackney carriage driver licence or a Brighton & Hove private hire driver licence for at least 12 months immediately prior to the date of application,

c) be working full time in the hackney carriage or private hire trade based in Brighton and Hove at the time of application,

d) not to be or have been the proprietor or part proprietor of a licensed hackney carriage vehicle in Brighton, Hove or elsewhere;

4 The waiting list will be maintained on an annual basis and the effective year of a list shall be from 1st May to the 30th April following;

5 Applications on forms supplied for inclusion on the hackney carriage vehicle licence waiting list for the next ensuing effective year must be delivered to the hackney carriage office by 31st March preceding. A fresh application will be required each year. The Council will accept applications received after this date only in the most exceptional extenuating circumstances;

6 On receipt of a valid application the applicant’s name will be entered onto the waiting list;

7 Application forms shall contain a certificate to be completed by drivers claiming to have driven Brighton and Hove licensed hackney carriage vehicles or Brighton & Hove licensed private hire vehicles on a full time basis and not to have been engaged in any other business or employment in the preceding drivers’ licensing year. Those applicants claiming Carers exemption should complete the appropriate section and supply a certificate from their doctor or

social security department. To be valid these certificates must be delivered to the hackney carriage office on or between 1st and 31st March at the end of the year claimed. The certificate must be accompanied by the expired licence to drive hackney carriages or private hire vehicles issued to the applicant for the year claimed;

8 A list of all applicants will be published in April annually with a record of each applicant's full time driving record. Objections to the accuracy of the information contained in the list must be made in writing to the Director of Environment and give all available details;

9 It will be the responsibility of each applicant to check that his/her name is included on the list and where a claim for full time working has been made that this is also noted;

10 No note will be taken of any claim to have worked full time in earlier years unless this has been noted on previous council records maintained for this purpose or of claims for Carers exemption in respect of previous year Carers;

11 a) No credit will be given for full time driving in the year claimed unless the relevant licence to drive has been held for the full period claimed
b) no Carers exemption shall be given to a person unless that person has been a Carer for the full period claimed or has held a Brighton & Hove hackney carriage or a Brighton & Hove private hire driver licence throughout the period s/he was not a Carer;

12 A record will be maintained in the hackney carriage office of the years of full time working completed or Carers exemption granted to persons who have claimed as above;

13 Full time driving shall be deemed to include absence from driving due to illness for any period(s) not exceeding in total three months in any licensing year (1st April to 31st March);

14 Applications for Carers exemption shall in the first instance be dealt with by the Head of Regulatory services. A claimant not satisfied with the decision of the Head of Regulatory services may request a referral of the matter to the appropriate committee or subcommittee of the council;

15 Convictions incurred by an applicant may result in a period of suspension from the list;

16 When a hackney carriage vehicle licence is made available it will be allocated to a person named on the effective waiting list and will normally be offered to applicants on the waiting list in order of priority, such priority to be determined by reference to the number of years on which the applicants name has been on the list. This will be subject to compliance with the following conditions:
a) the applicant must hold a current Brighton & Hove licence to drive hackney carriages or private hire vehicles.

- b) the applicant must at the time be working full time in the hackney carriage trade or the private hire trade in Brighton and Hove, including the times s/he was a Carer
- c) a hackney carriage vehicle licence will not be issued to a person who is or has been the proprietor or part proprietor of a licensed hackney carriage in Brighton, Hove or elsewhere
- d) the hackney carriage office must be satisfied that the applicant is financially able to provide and operate a hackney carriage vehicle
- e) the applicant must be a fit and proper person to operate a hackney carriage vehicle. Past record and previous convictions will be taken into account
- f) where two or more applicants have the same number of credit points (years), in order to rank them in order of priority
 - i) firstly the date of issue of their first hackney carriage or private hire driver licence will determine priority,
 - ii) secondly, subject to 16 (f) (i) above, applicants living in Brighton & Hove will be selected;

17 When making application all applicants will be required to disclose previous convictions.

