

BASILDON BOROUGH COUNCIL
GUIDANCE NOTES FOR APPLICANTS WHO HAVE SPENT TIME OUTSIDE OF THE UK

Before a local authority grants a driver's licence it must be satisfied that the applicant is a 'fit and proper' person. The Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority a certain amount of flexibility in determining what they can take into account in making this judgement.

Basildon Council has previously adopted a set of minimum 'suitability' standards that all drivers are expected to meet, however, the Licensing Committee, at its meeting on 24 November 2009, adopted a policy for dealing with applicants for new and renewal drivers licences that have spent significant periods of time outside of the UK with regard to revealing any history of criminal behaviour, bearing in mind that the **Disclosure and Barring Service (DBS)** remit does not extend outside of the United Kingdom.

The policy attached applies to persons who have spent time in both European Union nations and non-EU countries. Where an applicant has spent 6 months or more, in one block time abroad, will be required to provide evidence of a criminal record check covering that period from an official source, which can be verified. This applies if you are a UK citizen or an overseas national. Records from Northern Ireland are not covered by the Criminal Records Bureau, so applicants will also need to obtain evidence of a criminal check.

The Immigration Act 2016 amended existing licensing regimes in the UK to prevent illegal working in the hackney carriage and private hire vehicle sector. With effect from 1 December 2016, provisions within the Act mandate all licensing authorities not to issue licences to illegal migrants and to discharge this duty by carrying out checks. The provisions of the Immigration Act 2016 prevents people without lawful immigration status and the right to work from holding a taxi or private hire driver or operator's licence. This means that drivers and operators licences cannot be issued to people who are illegally present in the UK, who are not permitted to work, or who are permitted to work but are subject to a condition that prohibits them from holding such a licence. Where a person's immigration permission to be in the UK is time-limited to less than the statutory period of time of a driver or operator's licence, the licence must be issued for a duration which does not exceed the applicant's period of permission to be in the UK. In the event that the Home Office curtails or revokes a person's permission to be in the UK, any licence that person holds will automatically lapse.