



TO THE CHAIRMAN AND MEMBERS OF THE **LICENSING COMMITTEE**

You are hereby summoned to attend a meeting of the Licensing Committee to be held on Tuesday, 23 January 2018 at 6.30 pm in the Council Chamber, Civic Offices, Gloucester Square, Woking, Surrey GU21 6YL.

The agenda for the meeting is set out below.

RAY MORGAN
Chief Executive

NOTE: Filming Council Meetings

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AGENDA

PART I - PRESS AND PUBLIC PRESENT

1. Minutes
To approve the minutes of the meeting of the Licensing Committee held on 10 October 2017 as published.
2. Declarations of Interest
To receive declarations of disclosable pecuniary and other interests from Members in respect of any item to be considered at the meeting.
3. Urgent Business
To consider any business that the Chairman rules may be dealt with under Section 100B(4) of the Local Government Act 1972.

Matters for Determination

4. Introduction of BTEC Qualification for Licensed Taxi Drivers (Pages 3 - 22)
Reporting Person – Matt Cobb

5. Surrey-wide Convictions Policy (Pages 23 - 88)
Reporting Person – Joanne McIntosh

AGENDA ENDS

Date Published - 15 January 2018

For further information regarding this agenda and arrangements for the meeting, please contact Doug Davern on 01483 743018 or email doug.davern@woking.gov.uk



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LICENSING COMMITTEE - 23 JANUARY 2018

INTRODUCTION OF BTEC QUALIFICATION FOR LICENSED TAXI DRIVERS

Executive Summary

Taxis (Hackney Carriages) and Private Hire Vehicles (PHVs) are vital to our communities, providing essential transport links for many. The Local Government Association Taxi and PHV Licensing – Councillors' Handbook, states that the Licensing Authority is responsible for ensuring the public travel safely and receive a good level of service, and that the council systems attract good, reputable drivers.

In order for us to do this, Woking Borough Council's Licensing Department is seeking to introduce the adoption of the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver as a mandatory requirement for all Taxi or Private Hire drivers in Woking.

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL that

- That (i) the change in requirements for all new drivers to complete the BTEC Level 2 Certificate be approved; and
- (ii) the change in requirements for all current drivers to complete the BTEC Level 2 Certificate within 3 years be approved.

This item will need to be dealt with by way of a recommendation to the Council.

Background Papers:

None.

Reporting Person:

Matthew Cobb, Senior Licensing Officer
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Matthew Cobb, Senior Licensing Officer
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Date Published:

15 January 2018

Introduction of BTEC Qualification for Licensed Taxi Drivers

1.0 Introduction

- 1.1 Taxis (Hackney Carriages) and Private Hire Vehicles (PHVs) are vital to our communities, providing essential transport links for many. The Local Government Association Taxi and PHV Licensing – Councillors' Handbook, states that the Licensing Authority is responsible for ensuring the public travel safely and receive a good level of service, and that the council systems attract good, reputable drivers.
- 1.2 Hackney Carriage (taxi) and Private Hire Operators, drivers and vehicles are principally governed by a regulatory framework including:-
 - Local Government (Miscellaneous Provisions) Act 1976;
 - Town Police Clauses Act 1847;
 - Rules, Regulations and Conditions for taxi and private hire licences and vehicles, as approved by Woking Borough Councils Licensing Committee.
- 1.3 Sections 51, 57 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the 1976 Act) collectively bar a Council from granting either a Hackney Carriage or Private Hire Driver's Licence to an applicant unless the Council is sure that the applicant is a 'fit and proper person' to hold such a licence. Furthermore, existing drivers must act in a way as to satisfy the Council that they continue to be 'fit and proper' to hold a licence.
- 1.4 Under these provisions the Council's 'fit and proper person' test currently includes the following:
 - Criminal records check with the Disclosure and Barring Service (DBS);
 - Driving history check with the Driver and Vehicle Licensing Authority (DVLA);
 - Medical Check;
 - Successful completion of a practical driving assessment; and
 - Topographical/knowledge test
- 1.5 Hackney Carriage (taxi) and Private Hire Operators, drivers and vehicles all receive copies of their driver and vehicle licences accompanying their badges and vehicle plates. These licences clearly state the legal requirements of being in possession of respective licences, as well as expectations of behaviours.
- 1.6 Although there are many competent and professional drivers in Woking, the Licensing Department has experienced an increase in instances of minor infractions committed by drivers, and complaints regarding attitudes, behaviour and competence, these could be eliminated and avoided with greater awareness and a strengthened skill base. Comments and complaints have been received from a variety of sources, such as the travelling public, other road users, local groups such as the Woking Access Group, as well as from Licensing Enforcement events.
- 1.7 Woking Borough Council has a duty of care to other road users and the general public to ensure that licensed drivers are equipped to the highest possible standards and delivering an outstanding service.
- 1.8 In order for us to do this, Woking Borough Council's Licensing Department is seeking to introduce the adoption of the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver as a mandatory requirement for all Taxi or Private Hire drivers in Woking.

Introduction of BTEC Qualification for Licensed Taxi Drivers

- 1.9 Woking Borough Council Licensing would like to strengthen the local trade through professionalising and increasing the knowledge of our drivers with this qualification. The BTEC qualification is a nationally recognised programme and, accredited on the Qualifications and Credit Framework (QCF)
- 1.10 This qualification is based on current best practice needed to be a modern taxi/private hire driver. The purpose of the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver is to allow drivers to improve their skills in customer service, and provide the knowledge and skills to be ambassadors for Woking through a professional, safe and reliable service to the community.
- 1.11 Currently there is no formal training requirement, with a reliance on the local area knowledge test formulated and administered by the Licensing Team. A number of other Local Authorities do however require drivers to obtain a qualification. If the requirements for driver registration in the Borough were set lower than neighbouring Councils, we could run the risk of attracting drivers with lower standards of behaviour and customer care than elsewhere. This would be detrimental to the local economy, potentially put passengers at risk of harm and could adversely impact the Council's reputation with its residents and those visiting the Borough.
- 1.12 The Department of Transport has also recommended a nationally recognised qualification as being best practice, stating in 2010 that "There may well be advantage in encouraging drivers to obtain one of the nationally-recognised vocational qualifications for the taxi and PHV trades." (*Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance - March 2010*)
- 1.13 The Department for Transport has also stated that "Authorities may wish to note that nationally recognised qualifications and training programmes sometimes have advantages over purely local arrangements (for example, in that the qualification will be more widely recognised)." (*Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance - March 2010*)
- 1.14 As well as covering the core functions of a driver this BTEC also focuses on vital skills needed to be able to offer a professional service such as communication, wheelchair accessibility, customer service, legislation, vehicle maintenance and driving safety.
- 1.15 The Department for Transport states that "The Department is aware that, in some cases, taxi drivers are reluctant to pick up disabled people. This may be because drivers are unsure about how to deal with disabled people, they believe it will take longer for disabled people to get in and out of the taxi and so they may lose other fares, or they are unsure about insurance arrangements if anything goes wrong. It should be remembered that this is no excuse for refusing to pick up disabled people and that the taxi industry has a duty to provide a service to disabled people in the same way as it provides a service to any other passenger. Licensing authorities should do what they can to work with operators, drivers and trade bodies in their area to improve drivers awareness of the needs of disabled people, encourage them to overcome any reluctance or bad practice, and to improve their abilities and confidence. Local licensing authorities should also encourage their drivers to undertake disability awareness training." (*Department for Transport Taxi and Private Hire Vehicle Licensing: Best Practice Guidance - March 2010*).
- 1.16 As the contents of the BTEC include units on passengers who require assistance, we believe this would not only alleviate concerns raised by the Woking Access Group but would also improve the overall ease of use for those who require Wheelchair Accessible Vehicles, as well as ensuring that Drivers are complaint and understanding of their legal requirements as highlighted by Section 165 of the Equality Act 2010.

Introduction of BTEC Qualification for Licensed Taxi Drivers

2.0 Proposal

- 2.1 It is proposed that all new applicants for Drivers Badges be required to obtain the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) prior to being licensed. This would be in addition to the requirements listed in 1.4 above and any further requirements introduced from time to time.
- 2.2 It is proposed that existing drivers are given three years from adoption in which to complete the BTEC.
- 2.3 After this date, all renewal applications for applicants who do not hold the qualification will be assessed for determination. The authority will need to consider each case on its merits. The only grounds on which the Council can refuse to renew a licence are those set out in Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, of which the applicable ground would be 'any other reasonable cause'. The Council would therefore need to take into account all relevant factors, including the driver's history and reasons for not having completed the training before deciding whether there was reasonable cause to refuse to renew their licence.
- 2.4 Licences are renewed every three years at which time each drivers registration is reviewed against the requirements listed in paragraph 1.4 and in addition this would include a driver holding the BTEC qualification.
- 2.5 Applicants and existing drivers would be responsible for arranging to attend a course directly. To assist, the Council will supply a list of local course providers. A number of delivery modes are available (e.g. day and evening courses held over consecutive days or weeks) and support both during the course and assessment is available to candidates with learning difficulties such as dyslexia.
- 2.6 Applicants will fund the course directly, which costs approximately £250-350. However in some instances central government funding is available.

3.0 Course Details

- 3.1 The BTEC course is a nationally recognised course comprising of nine different modules, covering legislation, vehicles, driving, customer service and disabilities:

Unit 1: Health and Safety in the taxi and private hire work environment

Unit 2: Road safety when driving passengers in a taxi or private hire vehicle

Unit 3: Professional customer service in the taxi and private hire industry

Unit 4: Taxi and private hire vehicle maintenance and safety inspections

Unit 5: The regulatory framework of the taxi and private hire industry

Unit 6: Taxi and private hire services for passengers who require assistance

Unit 7: Routes and fares in the taxi and private hire vehicle industries

Unit 8: Transporting of parcels, luggage, and other items in the taxi and private hire industries

Unit 9: Transporting of young children and young persons by taxi or private hire vehicle

Introduction of BTEC Qualification for Licensed Taxi Drivers

- 3.2 To achieve a full BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) Candidates must complete all nine units.
- 3.3 As each course provider has their own timetables and arrangements, the time frame can vary considerably on how long the course can take. However, the majority of course providers are aware that the course is to be fitted in amongst the drivers and applicants busy work schedules, and offer a wide variety of options, such as intensive two day courses, or the allowance for the workload to be spread out over a period of days to best facilitate the applicants schedules.
- 3.4 A list of course providers will be maintained by Woking Borough Council. Whilst ultimately, these providers would not be endorsed or recommended specifically by the Council, any provider would be able to request to be included on the list. Each provider would set their own fees for the Course, and be responsible for scheduling their own timetable. Drivers would be responsible for paying all fees associated with the Qualification direct to the course provider and would be advised to contact a provider to best suit their needs.
- 3.5 In order to give an example of the variety of course providers, details of the course providers that Guildford Borough Council are aware of are attached as Appendix 1, and a summary of some of the time frames that some of the providers advise is attached as Appendix 2.
- 3.6 Whilst a list of course providers is given in Appendix 1, it is important to remember that the applicant is not limited to choosing from these providers. As the course is a nationally recognised course it is provided by many other organisations unlisted. The applicant is free to apply to any of the colleges or training providers that carry the BTEC Level 2 Certificate Introduction to the role of the professional Taxi and Private Hire driver, and it would be up to them to ultimately choose where and when they wanted to carry out the course. The list is provided purely for an example.

4.0 Consultation

- 4.1 On the 15th of August 2016, Woking Borough Council Licensing Authority carried out a consultation with members of the trade as well as local taxi and private hire businesses, responsible authorities and relevant Councillors.
- 4.2 At the time, both the BTEC and a 'points based' offences system were being considered, and the consultation letter dealt with both subjects.
- 4.3 A total of 1005 (one thousand and five) letters and 40 (forty) emails were sent out notifying the basic details of the BTEC and Points System, linking to our online website which gave a much more detailed overview – and inviting comments or suggestions prior to the 19th of September 2016. A copy of this letter is attached as Appendix 3.
- 4.4 Woking Borough Council received 32 replies to the consultation, giving views both positive and negative on the BTEC. A summary of these are attached as Appendix 4.
- 4.5 Careful consideration has been given to the results of the consultation process. Having assessed the result of the Consultation – it is clear that the largest concern relates to the issue of “grandfather rights” – i.e. that those drivers who have been driving for an extended period should not have to carry out the BTEC as they are able to display that they are all good drivers without any issues.
- 4.6 An analysis of the complaints, suspensions, refusals and revocations over the year 01 January 2017 to 31 December 2017 demonstrates that there is no evidence that new

Introduction of BTEC Qualification for Licensed Taxi Drivers

drivers are any more likely to generate complaints or issues than drivers who have been driving for a period of time, and as such it seems that improved training would benefit all aspects of the Hackney Carriage and Private Hire trade. The result of this analysis is attached as Appendix 5.

- 4.7 Having considered this issue it has been proposed that existing drivers be allowed a 3 years period in which to obtain the BTEC.
- 4.8 It is also to be noted that Guildford Borough Council carried out a similar consultation when considering the introduction of a BTEC for their drivers. The outcome was similar – with a majority support from the public and the trade for an improved training scheme for applicants, but reluctance from the existing drivers that they themselves should be required to attend. The BTEC has been introduced and Guildford Licensing Authority has received positive comments in relation to this requirement. A few of the positive comments that Guildford College received from drivers who have completed the training are attached as Appendix 6.

5.0 Summary

- 5.1 The Licensing Departments main aim is to ensure the safety and comfort of the travelling public, it is believed that it can be improved by following the Department for Transport's best practice guidance relating to nationally recognised qualifications and training programmes.
- 5.2 The BTEC course is designed to develop, support and enhance the knowledge of prospective or existing drivers and will help begin or develop careers in transporting passengers. It is our ambition that this will ensure that drivers are as qualified as in neighbouring areas, it will help local drivers to secure more contracts and return customers and will support the local economy through greater visitor and customer satisfaction which in turn will lead to greater numbers of return visits to Woking.
- 5.3 It is proposed that Licensing Committee consider the benefits that a BTEC qualification would bring should it be implemented as part of the application process for Taxi and Private Hire Drivers as well as for existing drivers.

Financial

- 5.4 None

Human Resource/Training and Development

- 5.5 An improvement in Driver skills and abilities would hopefully result in a decrease in complaints and as such a reduction in officer time spent dealing with them. This should mean a slight reduction in financial costs.

Community Safety

- 5.6 An improvement in driver skills and abilities would mean an improvement in community safety.

Risk Management

- 5.7 An improvement in driver skills and abilities would mean potentially safer transport for the travelling public.

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Sustainability

5.8 None

Equalities

5.9 The introduction of the BTEC and the improvement of drivers understanding of their requirements in relation to passenger assessment would go towards ensuring drivers are compliant with the Equality Act 2010.

REPORT ENDS

APPENDIX 1 - EXAMPLE LIST OF THE VARIETY IN COURSE PROVIDERS

PROVIDER	CONTACT DETAILS	WEBSITE
Guildford College	Guildford College Stoke Road Guildford Surrey GU1 1EZ Tel: 01483 44 85 00 Email: info@guildford.ac.uk	http://www.guildford.ac.uk/CourseInformation/ShortCourseDetails.aspx/727000198451648/Professional%20Qualifications
Value Group Training Services	Unit 7-8 Whittle Road, Churchfields, Salisbury, Wiltshire. SP2 7YS 01722 333333 claregreen@salisburyvaluecars.co.uk	http://valuegrouptrainingservices.com/trainingbtec.htm
Driver Periodic Training	Driver Periodic Training Ltd Brooklands House Petersfield Avenue Slough SL2 5DY 01753 424515 info@dptraining.org.uk	http://www.learninginmotion.co.uk/index.php/btec/
Eastleigh College	Eastleigh College Chestnut Avenue Eastleigh Hampshire SO50 5FS 023 8091 1000 goplaces@eastleigh.ac.uk	http://www.eastleigh.ac.uk/careers/motor-vehicle/course-listing/level-2-certificate-in-professional-taxi-and-private-hire-driver-(edexcel)-part-timefaculty/
PDM Training Consultancy	Pavilion Business Centre, Stanningley Road Pudsey Leeds LS286NB 0113 2709637 appadmins@jtdsgroup.com	http://www.pdmtc.co.uk/
Skills UK	Syke Breck Farm Blidworth Lane Blidworth Nottinghamshire NG21 0NZ 01623 499200 jackiec@skillsuk.org	http://www.skillsuk.org/2.html
PTDQ	Logis-Tech Associates, UK 0141 423 6911 07941582561 ptdq@logis-tech.co.uk	http://www.ptdq.org/level-2-course
Unite	The Old Faith School	https://www.liverpoollep.org/membe

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	Bute Street Liverpool Merseyside United Kingdom L5 3LA thomas.mcintyre@unitetheunion .org 0151 207 7522	rship/member-directory/unitetaxieducation/
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APPENDIX 2 - COURSE TIME FRAMES

- Eastleigh College runs their courses over six evening sessions and requires all candidates to attend Eastleigh College to complete training. There are a set of online tests to complete.
- DPT states that the course will normally be delivered over 2 sessions lasting approximately 7 hours each which includes the online testing and the wheelchair assessments. However, they realise that the industry is 24/7 and they do try to be as flexible as possible to fit training around work commitments. This may include evening and weekend courses, and use of the workbook and private reading/study is encouraged. As many drivers find it difficult to get 2 days off to do the training, DPT has also developed an open learning route where the driver studies in his own time, and when ready comes and takes the relevant test. This way, the applicant has access to the DPT tutors at any time and they can re-sit the tests as many times as they like at no extra cost. DPT has stated that they find this route more suitable to experienced drivers who are already working in the industry.
- Value Group Training Services advise that the BTEC, An Introduction to the role of the professional taxi and private hire driver, can be delivered and assessed in a classroom near to the applicant. The course is broken down into 3 x 6 hour modules. These modules can be delivered on days and at times to suit the applicant, or alternatively, they be delivered as an intensive course – the choice is up the applicant and they should contact the provider for further information.
- Guildford College state that they began with the intention of running the course one day a week for six weeks but from talking to drivers on the rank in Guildford they soon decided to run it two days a week for three weeks, there is also the possibility of three days a week for two weeks.

APPENDIX 3 - COURSE OVERVIEW FROM GUILDFORD COLLEGE



Introduction to the Role of the professional taxi and private hire driver

Program delivery

	Deliver	Exam
Week 1	Unit 1, 2, 3	1, 2, 3
Week 2	Unit 4, 5, 6	4, 5, 6
Week 3	Unit 7, 8, 9	7, 8, 9

Observation in the last week

The Edexcel BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver (QCF) is designed to develop, support and enhance the Knowledge of prospective or existing drivers who wish to begin or develop a career in transporting passengers.

Adult learners studying for the qualification bring with them a wealth of important experience which will be utilised to maximum effect by tutors.

Exam Questions

Tests are delivered through the Edexcel Onscreen Testing System, The tests will operate on a test banking system. Where a group of learners is taking a test at the same time, different learners will be presented with different tests from the bank. Each test will have a set number of questions each worth 1 mark. The main question format is to choose the correct response from one of four answers, either through answering a question or completing a statement. There is no use of questions with more than one right answer. No questions will require specific manipulation, such as “drag and drop” and there are no videos. Some images are used and may be presented in colour. After completing the test, each learner will receive a score report which will show the learner’s individual strengths and weaknesses against the areas covered on the test.

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Test number	Unit names	Number of questions	Duration of test
1	Unit 1: Health and safety in the taxi and private hire work environment	24	35
2	Unit 2: Road safety when driving passengers in a taxi or private hire vehicle	30	45
3	Unit 3: Professional customer service in the taxi and private hire Industry	20	35
4	Unit 5: The regulatory framework of the taxi and private hire industry	60	75
5	Unit 6: Taxi and private hire services for passengers who require Assistance <i>(Learning outcomes 1, 2, 3 and 4 only)</i>	30	45
6	Unit 7: Routes and fares in the taxi and private hire vehicle industries	20	35
7	Unit 8: Transporting of parcels, luggage and other items in the taxi and private hire industries	20	35
8	Unit 4: Taxi and private hire vehicle maintenance and safety inspections	25	35
9	Unit 9: Transporting of children and young persons by taxi or private hire vehicle	25	35

APPENDIX 4 – CONSULTATION LETTER

Consultation on potential introductions to WBC Practice and Policy

If this letter arrives addressed to more than one person/company, please ensure all are informed.

You are being contacted as a group or individual whose input has been deemed desirable or relevant in order to consult upon any potential changes to Woking Borough Councils Licencing Practices.

As you are aware, Woking Borough Council, as the Licensing Authority, has a duty of care to ensure the safety of the general public as well as ensuring that the standards of the service being provided are high and something that the drivers and operators should be proud of.

Firstly, in order for us to do this, Woking Borough Councils Licensing Department is considering bringing in a points based system that allows us to easily identify those who repeatedly breach the conditions on their licences and deal with them accordingly. Not only does this make it easier for us to establish which drivers consistently flout regulations, it provides clarity to the drivers in that the boundaries become clearer, and goes part of the way to eliminating the grey areas of officer discretion.

Secondly, following in the footsteps of many local Council Authorities, and upon recommendation from the Department of Transport, Woking Borough Council will be looking in to the introduction of a BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver becoming a requirement in order to drive a Taxi or Private Hire Vehicle in Woking. It is our belief that this would help raise the standards of the Taxi and Private Hire Vehicles in Woking Borough, and thus maintain a continual and good service that the trade can be proud of.

Further information on the proposed schemes can be found online at <http://www.woking.gov.uk/planning/licensing/taxi/taxiconsultation2016>

Please note that this consultation ends on the 19th of September 2016, and any suggestions or comments should reach the Licensing Team in writing at the Civic Offices by 4.45pm on 19th of September 2016.

Kind regards,

Woking Borough Councils Licensing Department

For further information please don't hesitate to contact us on 01483 755855 or by emailing licensing@woking.gov.uk

APPENDIX 5 – SUMMARY OF REPLIES TO WBC CONSULTATION

On the subject of “Grandfather Rights”

- “ something that could potentially replace [*the topographical test*] and be of benefit to the driver and ultimately the customer is great but perhaps also employing a degree of “grandfathering” rights would also be prudent”
- “I am not against the decision of introducing this however am against the fact that you will look to make qualified drivers who have been driving over 35 years do this BTEC course.”
- “I think it should be new applicants, or badge holders who have held their badge for less than 5 years.”
- “I don’t think there is requirement for BTEC LEVEL 2 for current taxi badge holders as most of drivers have done Nvq level course voluntarily, however I do think it should be implemented on new drivers.”
- “I strongly oppose this for current badge holders. I think its unfair & time consuming for current drivers, most of them have been driving taxis over long period and have done Nvq voluntarily, I believe its good idea to implement this on new applicants.”
- “I strongly believe that existing licensed drivers like myself should not have to pay to take the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver and that only new applicants for Drivers Badges/existing licensed drivers who have not already obtained the EDI Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) qualification should be required to obtain this. Why would someone who has already been a professional taxi/private hire driver for years need to take an "Introduction to the Role of the Professional Taxi and Private Hire Driver"? I believe that it is completely unnecessary for drivers who have already completed the EDI Level 2 NVQ Certificate in Road Passenger Vehicle Driving (Taxi and Private Hire) to now have to complete this BTEC Level 2 as the qualifications are very similar. I do not believe that forcing us to take another qualification will help raise the standards of the Taxi and Private Hire Vehicles in Woking Borough at all.”
- “I believe asking drivers who has worked in the borough for over 25 years to do a BTEC is being disrespectful because they have served the trade very well without any complaints and now the Council is slapping them in the face saying that what they have been doing for all this time has not been great, the BTEC it has to be brought in should be obligatory to new applicants not existing ones who have been working in the borough for a very long time.”
- “I would find it demoralising, that I have to do a course in something which is second nature after all this time.”
- “Most of what is in the Btech, strikes me as common courtesy/sense and I thought most of it was covered in the licensing and passing of the Hackney/Private Hire test. It shouldn’t be, nor would I have thought it necessary to teach courtesy, especially when it is a drivers livelihood at stake.”
- “The BTEC Level 2 Certificate is called - Introduction to the Role of the Professional Taxi and Private Hire Driver and as such I feel that this should be part of any new Taxi Driver Application. I do not think that we should make any existing Licensed Taxi Driver take this course.”

Introduction of BTEC Qualification for Licensed Taxi Drivers

- “I have been a taxi driver since 1991. I have rented my plate for the last 25 years, and there has never been a complaint made against me. The proposed qualifications and assessments, I do not believe, would add any value to my already outstanding service.”
- “I do not think that existing drivers should be made to do this. This should be put in place for new drivers. I myself have been in the Taxi/ Private hire business for over 14 years, and find it ludicrous that drivers such with a wealth of experience with no breaches should be penalised to sit this course.”
- “I think that BTEC Level 2 certificate will be a burden both mentally and financially on taxi drivers and also only covers one perspective of the taxi service. Most taxi drivers have years of experience, already know the rules and regulations and have read by-laws.”
- “I have been in this industry for over nine years. Three as a chauffeur, four as a private hire driver and just under two years as a Hackney driver. I have gone through all the variations of the trade and have built my skills in these trades. I believe that experience is the key and this is why I am opposed to the BTEC.”
- “I have been a Hackney licensed taxi driver in Woking for the last 18 years and I have never had any problem or complaint about the service that I have provided. I am now at the age of 63 and feel that by asking me to take this course you are undermining me. Communicating with customers has never been a problem as I have been able to take customers to wherever they need to go without any difficulty, at the same time I have been able to provide a professional service to customers. So I feel there is no need to have a BTEC certificate in order for me to do my job as I clearly demonstrated I have been able to do so throughout the time that I've been a Woking Hackney taxi driver. So for existing drivers I feel that they should be exempt from this BTEC course. I suggest bring out the course for new applicants which could be a criteria for them.”
- “I do not think existing drivers should be made to do this. This should solely be for new drivers if they are looking to join. I have been a taxi driver in Woking for over 10 years now and find it baffling drivers with such experiences with no previous breaches should be asked to complete this course.”
- “If such a course were to come into place, this should not be mandatory to existing drivers and should only be a requirement to new drivers. On the whole the quality of drivers we have on our borough is good and I do not think it is fair to penalise all drivers by introducing this course.”
- “The BTEC Level 2 course should only be targeted at new applicants and problematic existing drivers who continually breach and disregard their licencing conditions and have complaints made against them!”
- “It will be wholly unfair and waist of time and money for some one who is been in the trade for 20 odd years plus and never had a complaint against them.”
- “Having been in the taxi and private hire industry under Woking borough council for over thirteen years I personally feel that a BTEC is irrelevant and cannot be compared to what I have learnt first hand and this is why I am against the BTEC.”

On the subject of Safety Aspects

- The BTEC is hugely unpopular with the trade in other parts of the Country, the argument usually goes that why is it necessary to have a written qualification when the most important thing is safety of the travelling public, which is regulated separately. Furthermore, it is often said that

Introduction of BTEC Qualification for Licensed Taxi Drivers

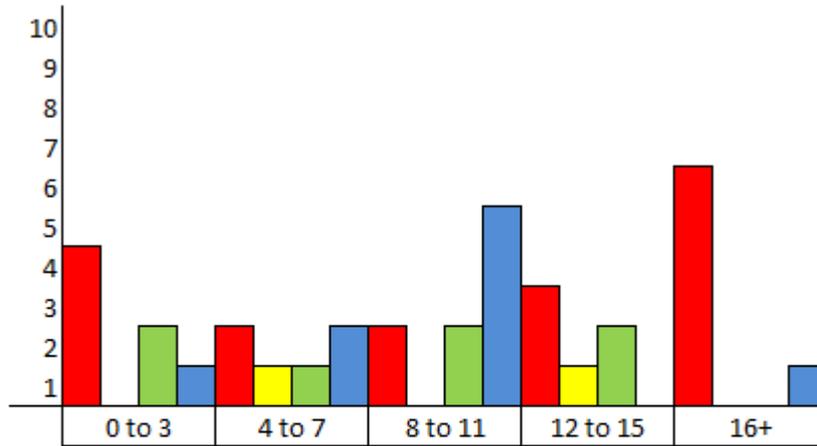
most drivers do not have great written skills, or English is an additional language, and so feel unduly penalised by the imposition of a written qualification.

On the subject of Time and Money

- Whilst I am not totally opposed to taking this, I do wonder for whose benefit it is. Is it just another Government scheme that takes up our time and money that in the taxi/private hire business already costs a lot of money for not very much return?
- from my undertaking the BTEC costs around the £300 and is over a course of a few days, as we are self employed taxi drivers, taking out the time is very difficult, as the balance of work and life is difficult as it is. Will the council pick up the cost of the BTEC for each driver? Having to do a medical, pay for the badge, as well as a DBS is quite a costly process and putting the BTEC for existing drivers is just pushing the boat out too far.
- I believe that forcing existing drivers to do the Btec would be stressful and hit drivers hard financially and would not serve any purpose
- Mass training initiatives. Schemes brought in to ensure that people were trained to a certain standard but have not been maintained. The Training Companies profited highly from these schemes - no one else did.
- The cost and time to study and pass these exams will result in less earnings and not being able to pay my bills.
- I do not agree with the btec because I've already done mbq level 2 it was funded by the government the majority of our drivers have done mbq level 2 and it's not that the drivers have to pay Money to get this btec done and which drivers that don't have the Money and Please try to consider the drivers Financial States is not good
- We agree that training is important, however, training needs to be proportionate to the work that is being carried out. A qualification for the sake of a qualification will not add to the service provided. We are of the opinion that for the job, the introduction of a qualification of this type is unnecessary and too onerous. People depend on this industry for their livelihood, and where time is money, skills need to be relevant and proportionate, and not be unnecessarily time-consuming

APPENDIX 6 – ANALYSIS OF GRANDFATHER RIGHTS

Number of Years Driving	Complaints	Suspended	Refused	Revoked	Total
0 to 3	4	0	2	1	7
4 to 7	2	1	1	2	6
8 to 11	2	0	2	5	9
12 to 15	3	1	2	0	6
16 +	5	0	0	1	6

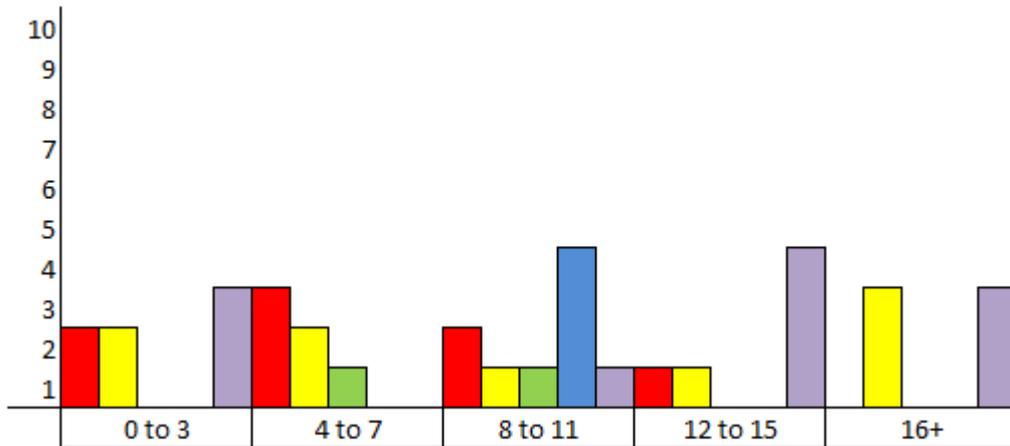


Number of incidents by numbers of years driving



Introduction of BTEC Qualification for Licensed Taxi Drivers

Number of Years Driving	Criminal Activities	Dangerous Driving	Medically Unfit	No Right to Work	Unprofessional behaviour	Total
0 to 3	2	2	0	0	3	7
4 to 7	3	2	1	0	0	6
8 to 11	2	1	1	4	1	9
12 to 15	1	1	0	0	4	6
16 or more	0	3	0	0	3	6



Type of incidents by numbers of years driving



Introduction of BTEC Qualification for Licensed Taxi Drivers

APPENDIX 7 – COURSE COMMENTS

The following comments have been received by Guildford College from drivers and applicant who have completed the BTEC Level 2 Certificate in Introduction to the Role of the Professional Taxi and Private Hire Driver.

“The B Tech course at the college was very helpful and was fitted around my school run so I did not lose any money.”

-G.D

“I would say that the course was relevant and interesting and run at times which suited the drivers.”

-K.K.

“After doing the course at [course provider], [the tutor] made it easy for you to get to grips with all of the requirements to be a professional taxi/private hire driver. I have found it easier to understand the national rules and regulations because I have been able to sit and discuss them with other drivers and the tutor.”

-J.C.

“As I am a new Private Hire Driver, I felt the course was very enlightening, it made me fully aware of the customer service required to the members of the public. Also, very helpful in making me aware of the regulations of the taxi and private hire industry and in general very informative. I also feel a lot of taxi/private drivers would benefit from this Btec course as the industry has changed and updated over the years.”

-R.H.

LICENSING COMMITTEE - 23 JANUARY 2018

SURREY-WIDE CONVICTIONS POLICY

Executive Summary

This report details the consultation process and responses on the proposed changes to the Taxi and Private Hire Licensing Policy to help prevent the sexual exploitation of vulnerable children and adults by introducing consistent standards across Surrey.

The consultation responses for both Woking and across Surrey were largely in favour of both the proposals.

The key changes are:

- Adopting a consistent taxi and private hire convictions policy across Surrey
- Mandatory Child Sexual Exploitation (CSE) training for all taxi and private hire drivers in Surrey

The reason for the recommendations is to help protect vulnerable children and adults from sexual exploitation.

Recommendations

The Committee is requested to:

RECOMMEND TO COUNCIL That

- (i) **The Surrey wide Taxi and Private Hire Convictions Policy at Appendix 3 be adopted;**
- (ii) **the requirement for all existing taxi and private hire drivers to undertake mandatory CSE training by 1 May 2019 be approved; and**
- (iii) **the requirement for all new taxi and private hire drivers to undertake mandatory CSE training from the 11 April 2018 be approved.**

This will need to be dealt with by way of a recommendation to the Council.

Background Papers:

None.

Reporting Person:

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Contact Person:

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Ext. 3038, E Mail: Joanne.Mcintosh@woking.gov.uk

Date Published:

15 January 2018

1.0 Introduction

- 1.1 The report informs the Committee on the consultation results of the proposed amendments to the Taxi and PHV Licensing Criminal Convictions Guidelines.
- 1.2 It asks the Licensing Committee to recommend to Council to adopt the proposed policy changes.

2.0 Background

- 2.1 The current Taxi and Private Hire Criminal Convictions policy adopted on the 14 July 2016 introduced positive changes to protect public safety. Since the introduction of the policy, The Surrey Safeguarding Children Board (SSCB) and its partners including all 11 Surrey Local Authorities have agreed a Child Sexual Exploitation Strategy and action plan, which aims to develop a co-ordinated response to child sexual exploitation (CSE) across the County. Licensing targets include taxi and private hire licensing, premises licensed under the Licensing Act 2003, participation in Operation Make safe and information sharing.
- 2.2 Achieving the targets, helps enable Surrey Local Authorities to fulfil their statutory responsibilities defined in Section 11 of the Children's Act 2004 to safeguard children and to promote welfare effectively. Delivery of the strategy supports the SCCB's statutory duties to co-ordinate activities to safeguard and promote the welfare of children in Surrey, as well as ensuring the effectiveness of what is being done by partners.
- 2.3 Two actions identified within the CSE action plan and related to taxi and private hire are:
 - Adopting a consistent taxi and private hire convictions policy across Surrey
 - Mandatory CSE training for all taxi and private hire drivers in Surrey
- 2.4 The two changes will raise the standards of public safety across Surrey and build on the positive steps already taken to protect the most vulnerable in our communities.

3.0 Consultation

- 3.1 On 10 October 2017, the Licensing Committee were briefed on the proposal to introduce the above policy changes. Reigate and Banstead Borough Council hosted a six week consultation on behalf of all 11 Surrey Local Authorities between 23 October and 4 December 2017. Each Local Authority publicised the consultation with Woking specifically:
 - Advertising the consultation on the Council's website
 - Promoting through social media
 - Sending a newsletter to all private hire and taxi drivers inviting them to participate in the consultation
- 3.2 The organisations below were also invited to respond to the consultation:
 - Institute of Licensing
 - Transport for London
 - Local Government Association
 - National Association of Licensing and Enforcement Officers
 - All District and Borough Councils in the South East of England
 - Surrey Police

- 3.3 The 396 consultation responses received have been analysed collectively, these are shown in Appendix 1. Responses from the taxi and private hire trade and those who live, work or visit the County are presented separately for comparison purposes.
- 3.4 There has been separate analysis of each Local Authority area. A summary of responses in respect of Woking can be found at Appendix 2.

4.0 Convictions Policy - Consultation results

- 4.1 Local Authorities across Surrey are seeking to standardise the information they take into account when determining if someone is 'fit and proper' by adopting the same convictions policy.
- 4.2 The consultation results showed support across Surrey for introducing the convictions policy with 73% (69% of the taxi and private hire trade and 76% of those who live and work in the County) in agreement with the relevant convictions and free from conviction timescales being included in the new policy and used when determining if a person is 'fit and proper'.
- 4.3 There was also strong support for people banned from working with children or vulnerable adults not normally being granted a taxi or private hire licence with 87% (93% of those who live or work in Surrey and 78% of the Surrey taxi and private hire trade) in agreement that it should be included in the policy.
- 4.4 Introducing this element in the policy removes the unacceptable risk, which currently exists of those banned from working with children and vulnerable persons not being permitted to drive under a Surrey County Council contract but potentially being granted a licence by a Surrey District or Borough Council.
- 4.5 Following analysis of all the consultation responses amendments have been made to the draft convictions policy. All consultation comments can be found at: http://www.reigate-banstead.gov.uk/info/20119/taxi_and_private_hire_licensing/902/taxi_and_private_hire_policy_consultation_2017_results. The key proposed changes to the policy are:
- Including the ability to consider relevant records or information from a reliable source other than the police when determining if an applicant is fit and proper.
 - Clarifying that the policy applies to applicants, which includes companies.
 - Confirming Councils will only depart from the policy in exceptional circumstances.
 - Clarifying that the 'Offences involving a weapon' heading does not include firearms offences which are in a separate section.
 - Increase relevant years for offences involving weapons to 5 years, as consultation feedback highlighted the current standard is too low particularly compared with 5 years for obstruction offences.
 - In the alcohol and drug offences section, drunkenness offences not involving a motor vehicle are an addition as they are already in one Local Authorities' policy and excluding them would result in lowering the existing standard.
 - Minor grammatical changes.
 - Changes to clarify the elements that are 'policy' and 'guidance'.
- 4.6 Several respondents wished to see a blanket ban for applicants with certain convictions. When applying the convictions policy, all Licensing Authorities must judge each case on its merits and an absolute prohibition cannot be imposed therefore a mandatory ban is not appropriate and the phrase 'normally would be refused' is used within the policy.

- 4.7 A number of respondents felt that common assault is different from other offences in the 10 year category and a lower number of years would be more appropriate. It is not proposed to lower the period for common assault as it is considered a relevant serious offence and Local Authorities have discretion, as they must judge each case on its merits.
- 4.8 The revised version of the convictions policy taking into account the consultation responses and proposed by all Surrey authorities is at Appendix 3. Appendix 4 is a version of the draft policy with the proposed amendments highlighted.
- 4.9 Prior to the policy being implemented training would be arranged for Licensing Officers, Solicitors and Licensing Committee Members to help ensure consistency of application.
- 4.10 Further changes to the convictions policy may be required in the future to comply with guidance issued by organisations such as the Department of Transport or the Institute of Licensing to standardise the convictions policies across the Country.
- 4.11 In the future all 11 Local Authorities will aim to keep the convictions policy consistent across Surrey as guidance and best practice changes.

5.0 Mandatory CSE and Safeguarding Training – consultation results

- 5.1 Surrey Local Authorities want to take appropriate steps to protect the most vulnerable in our society by introducing mandatory CSE and safeguarding training for taxi and private hire drivers. A number of Local Authorities have already introduced this requirement.
- 5.2 Results of the consultation showed support for the proposal with 69% (56% of the Surrey taxi and private hire trade and 73% of those who live and work in the County) agreeing that taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver.
- 5.3 In total 64% of all respondents support Child Sexual Exploitation training for existing drivers but there was a difference between responding groups. 72% of respondents who live and work in Surrey supported the proposal of existing taxi and private hire drivers having to complete additional training on Child Sexual Exploitation and Safeguarding. There was less support, only 41%, from the respondents working in the taxi and private hire trade for existing drivers being required to undergo the training.
- 5.4 Whilst it is acknowledged there is not widespread support amongst trade respondents the public were in strong support of the proposal and Local Authorities have a social responsibility to take steps to prevent CSE. Due to the nature of their work, the taxi trade are in a unique position to be able to identify CSE therefore it is recommended to retain the proposal requiring existing drivers to complete the training.
- 5.5 If approved, Surrey Local Authorities are ready to implement an online training programme, which would be free for one year to all existing drivers. The training would take approximately one hour to complete and include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter and each Local Authority will make arrangements for completion of the course.

6.0 Consultations

- 6.1 Surrey Safeguarding Children Board have been involved throughout and endorse these proposals.

- 6.2 Having reviewed the consultation results, the Surrey Licensing Officers Group and Surrey Solicitors Group continue to support the introduction of a common convictions policy and mandatory CSE training across Surrey. The Surrey Chief Executive Group supports the introduction of these proposals with one Chief Executive monitoring implementation of these proposals.

7.0 Implications

Financial

- 7.1 There are no financial implications of adopting the revised convictions policy.
- 7.2 The Surrey Chief Executive Group has agreed to pay for the CSE training for one year to support its introduction so there is no cost to existing drivers.

Human Resource/Training and Development

- 7.3 There are no human resource implications arising from these proposals.

Community Safety

- 7.4 By taking a clearer and collective approach to our Criminal Convictions Policy, the Council is ensuring its duty to protecting the public is met, as it ensures all drivers are 'fit and proper' and safe to operate a public service or private hire vehicle.

Risk Management

- 7.5 Whilst nothing at all like the events that took place in Rotherham have taken place in Woking, by improving the Policy and ensuring it is clear where the Council stands on the issuing of licences to offenders, it will hopefully minimise the risk not just to the general public, but also the risk to the status of Woking Borough Council should someone re-offend.

Sustainability

- 7.6 There are no sustainability implications in adopting the proposed changes to the policy.

Equalities

- 7.7 There are no equality and diversity implications in adopting the proposed changes to the policy.

Legal

- 7.8 The basis for the changes within the policy is to ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.
- 7.9 There is no statutory requirement to have a taxi and private hire licensing policy; however, it is good practice to do so. A policy assists with consistent decision-making; however each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

8.0 Conclusion

- 8.1 Officers recommend that both the convictions policy and Child Sexual Exploitation (CSE) training for all new and existing taxi drivers be adopted as presented to help ensure consistency across all Surrey Local Authorities in protecting children and vulnerable adults from CSE.
- 8.2 Adopting these two changes to the Taxi and Private Hire Licensing Policy will help ensure a co-ordinated and consistent response across Surrey to prevent the sexual exploitation of children in Surrey.

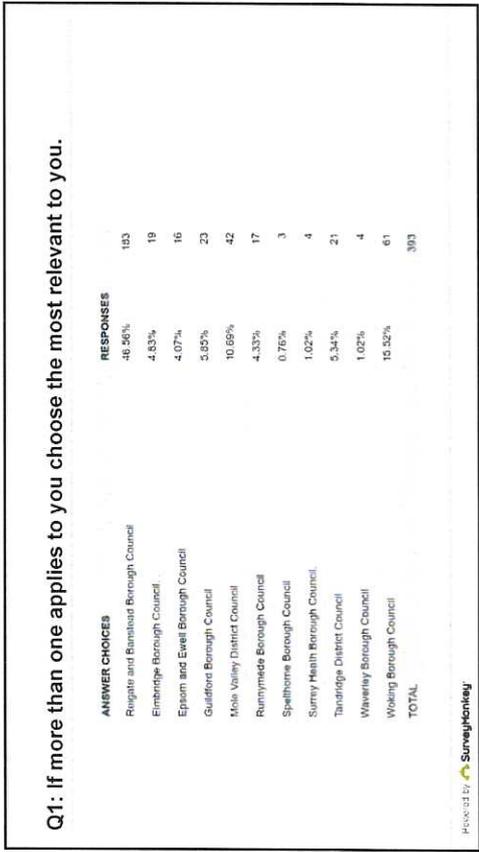
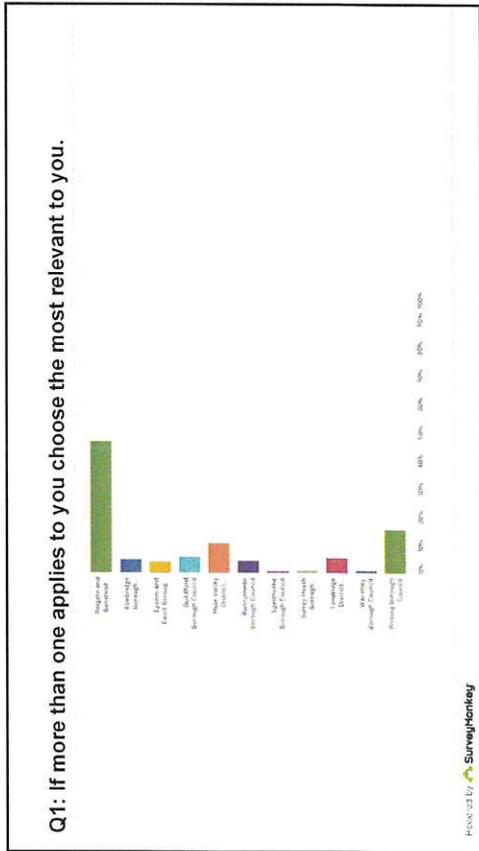
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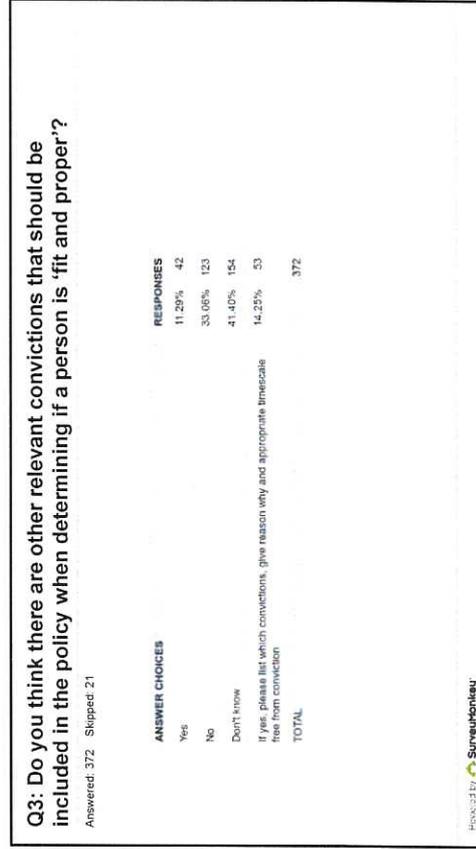
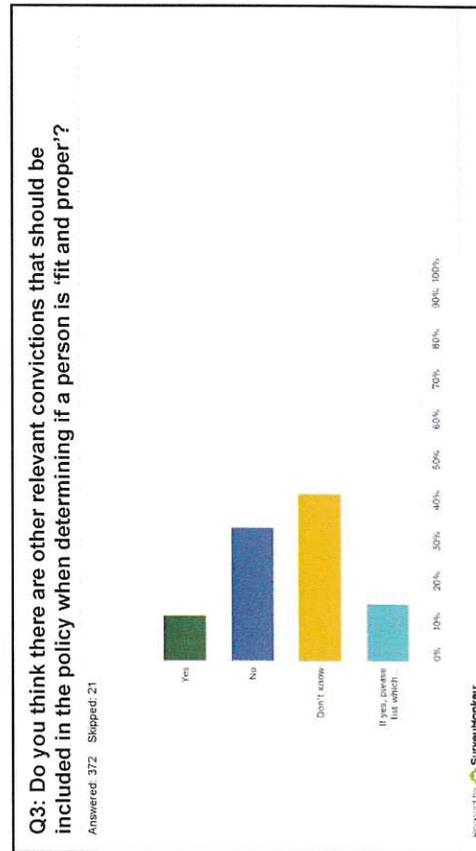
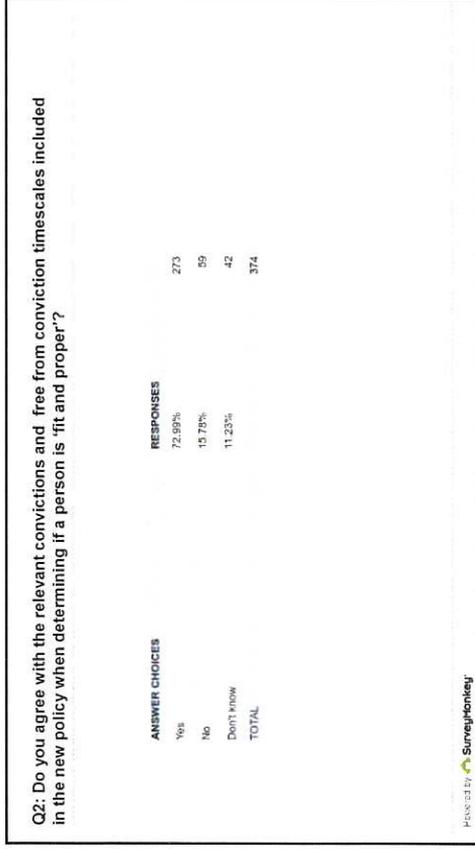
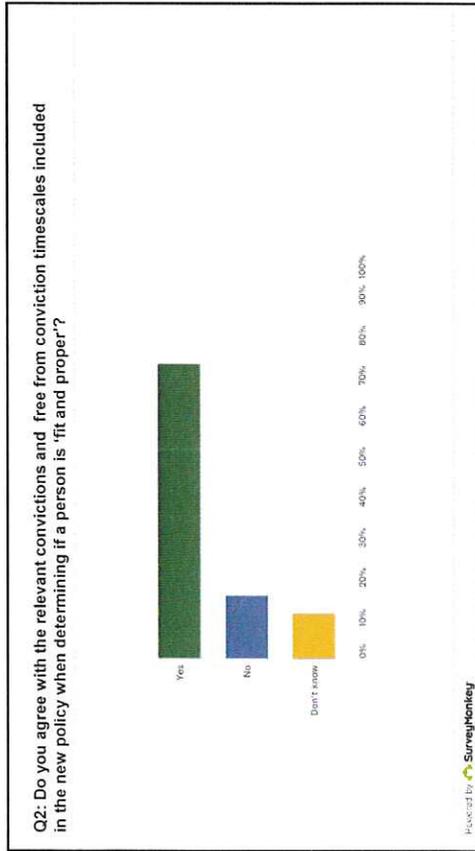
Combined Surrey Boroughs and Districts survey results 2017
Your view on Taxi and Private Hire Conviction Policy and Safeguarding Training
 Wednesday, December 06, 2017

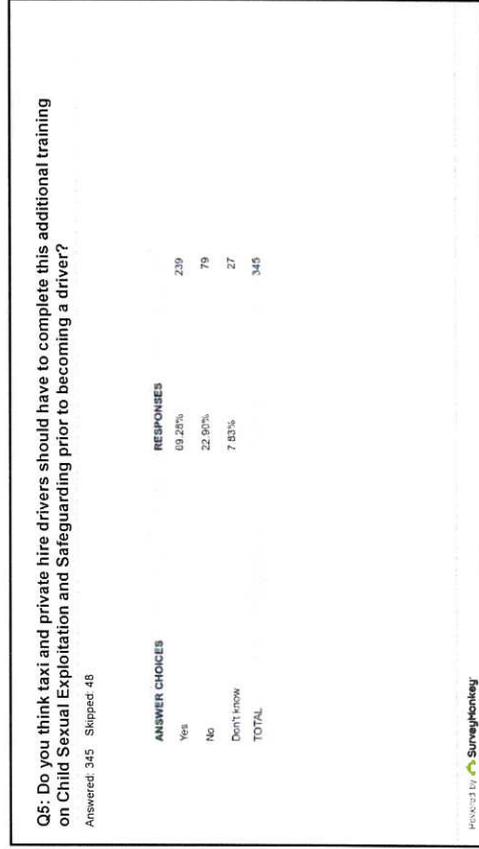
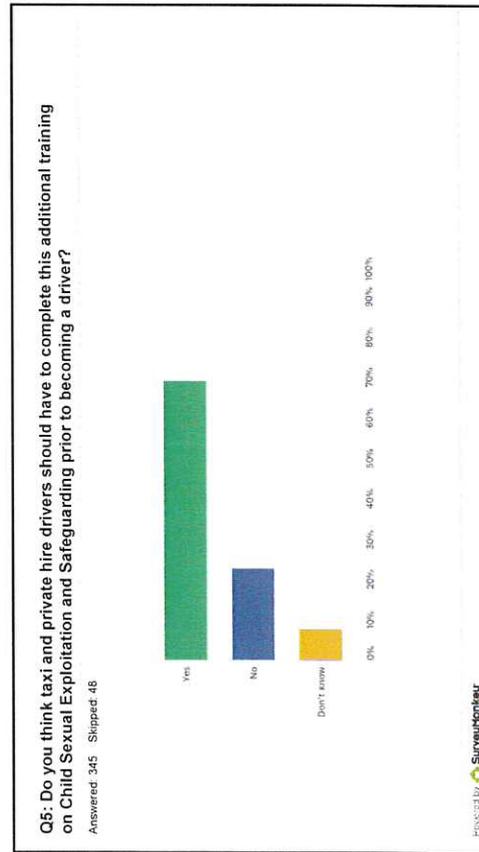
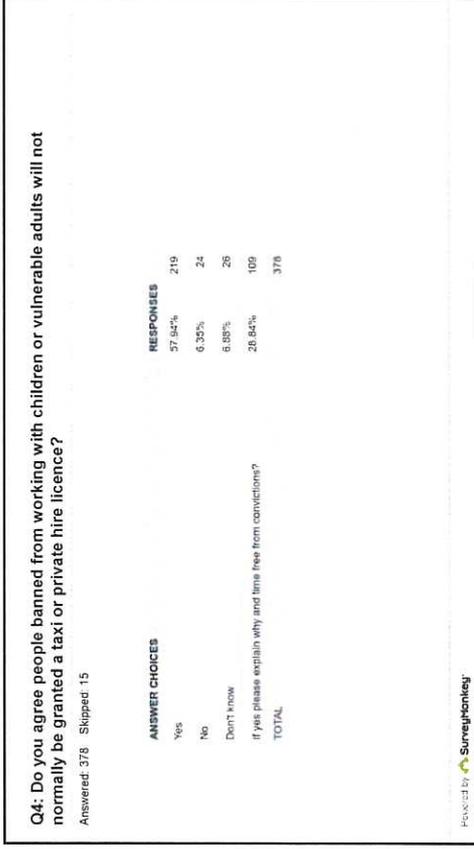
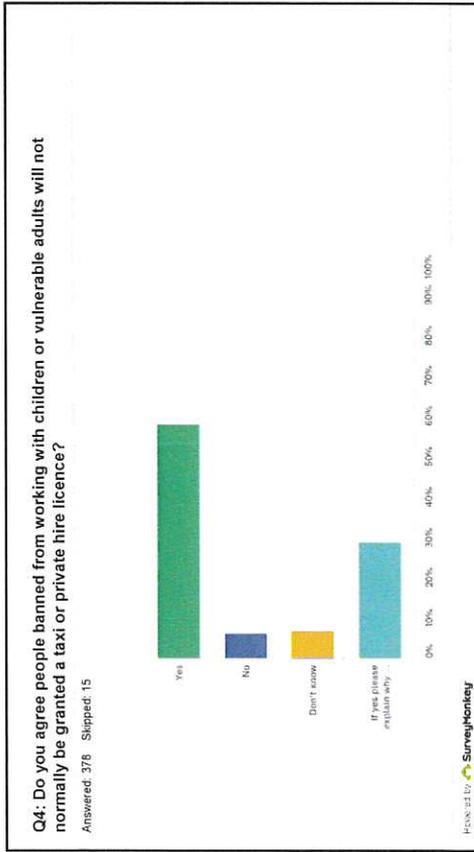
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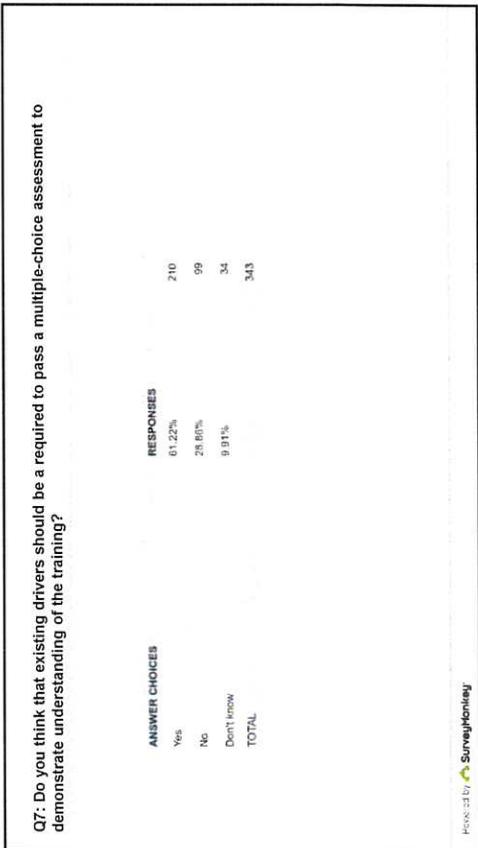
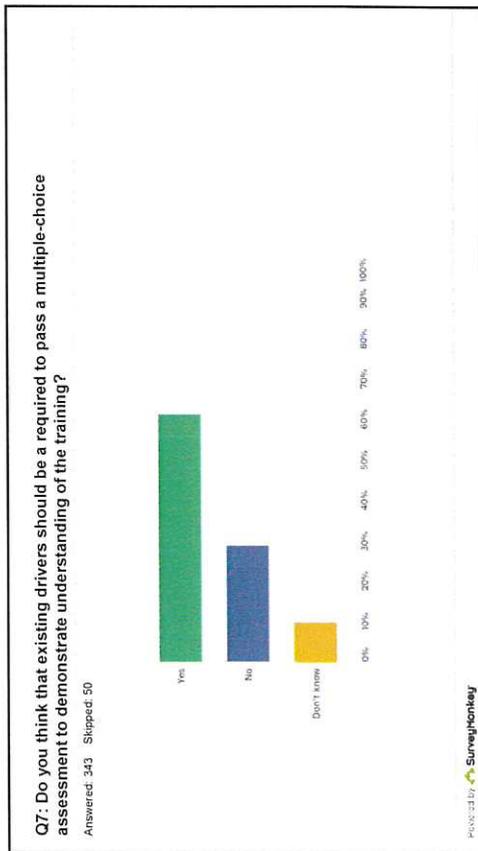
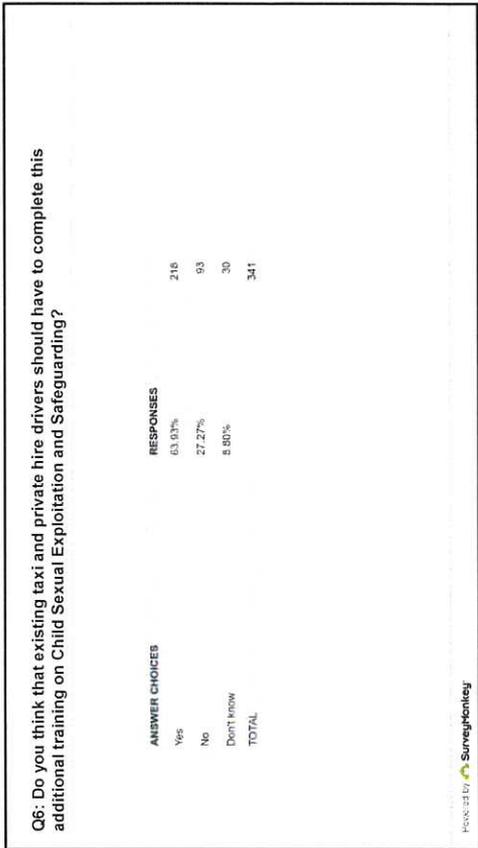
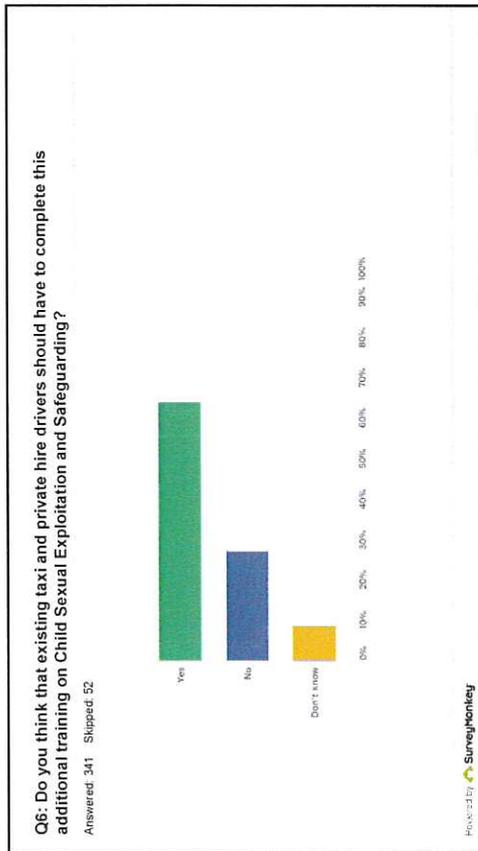
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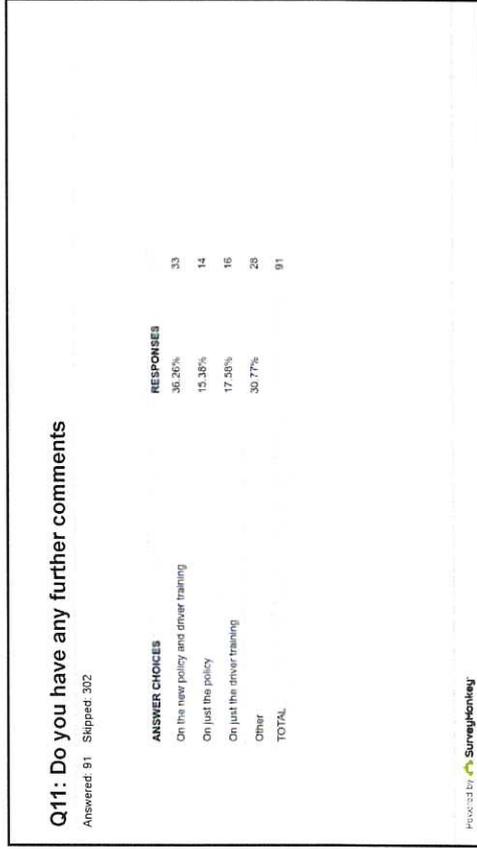
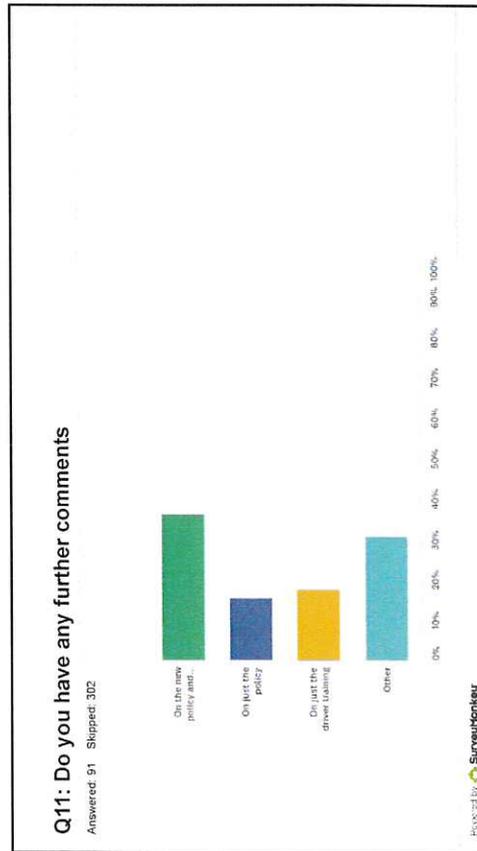
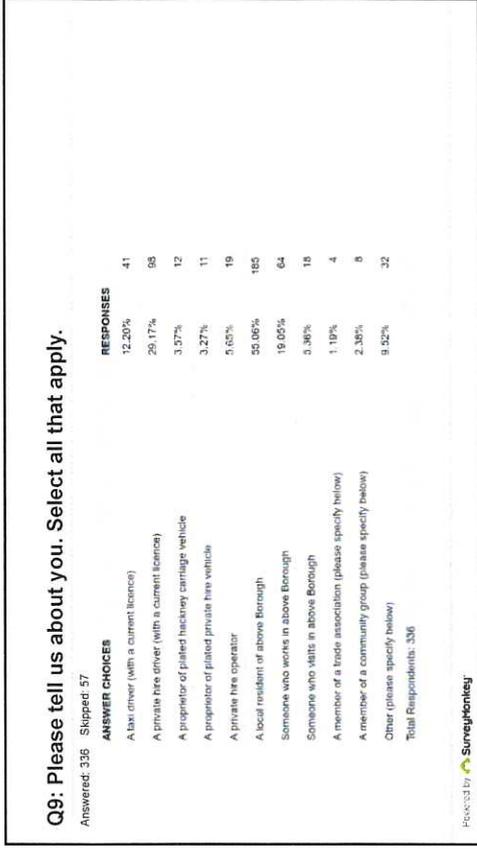
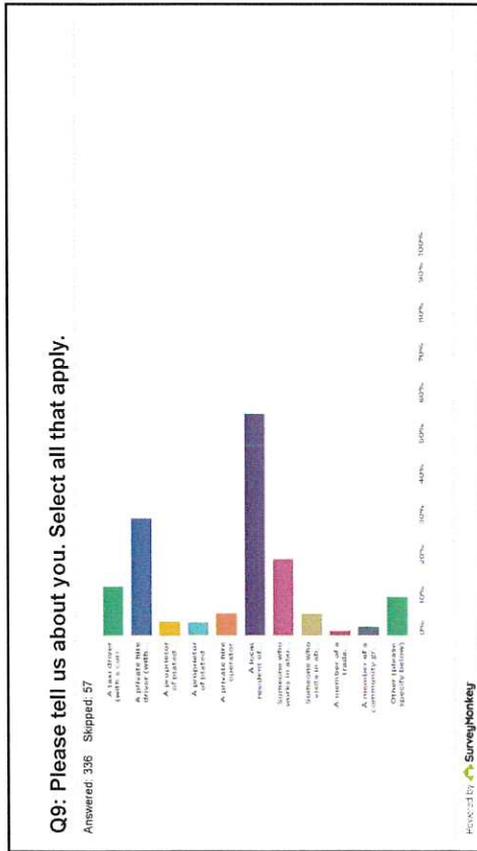
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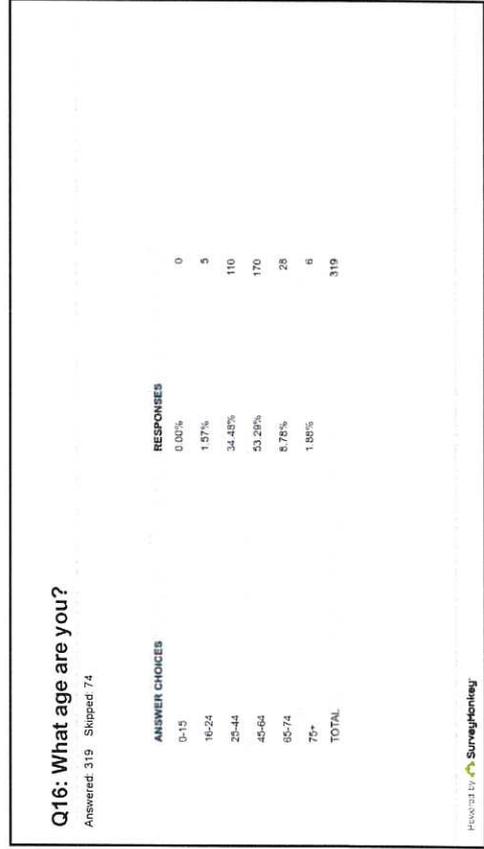
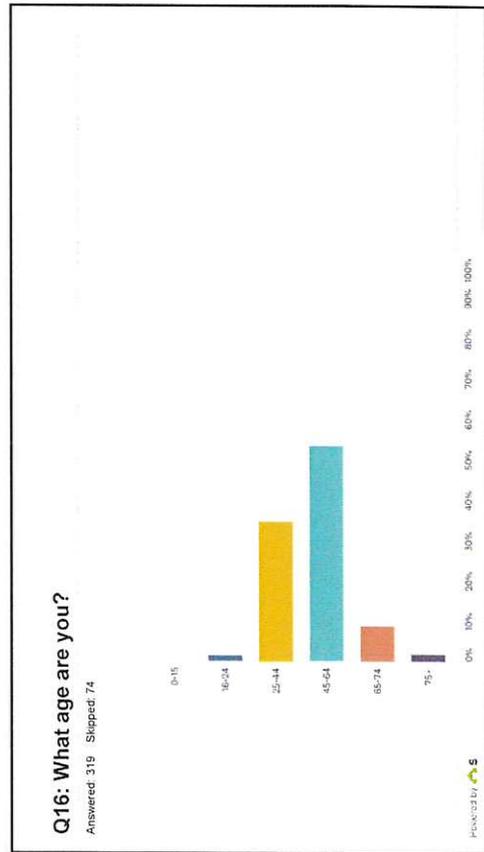
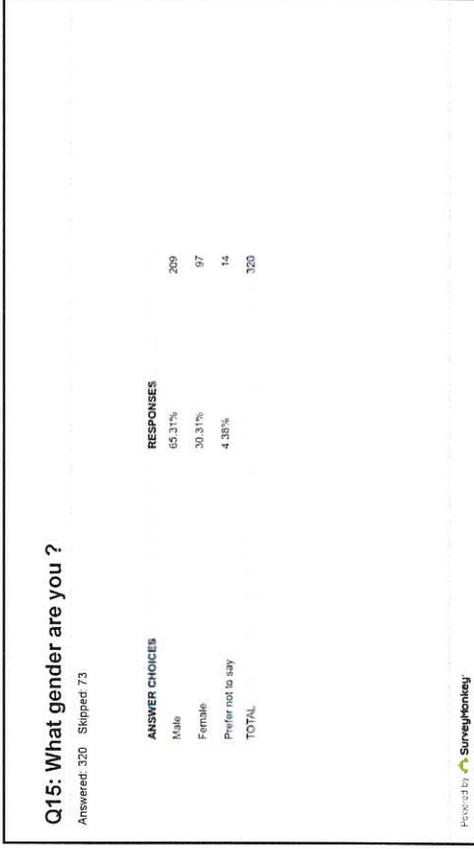
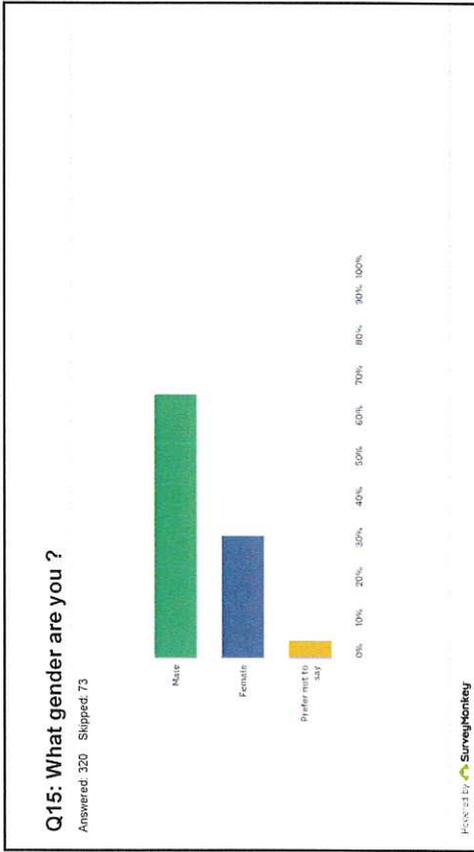


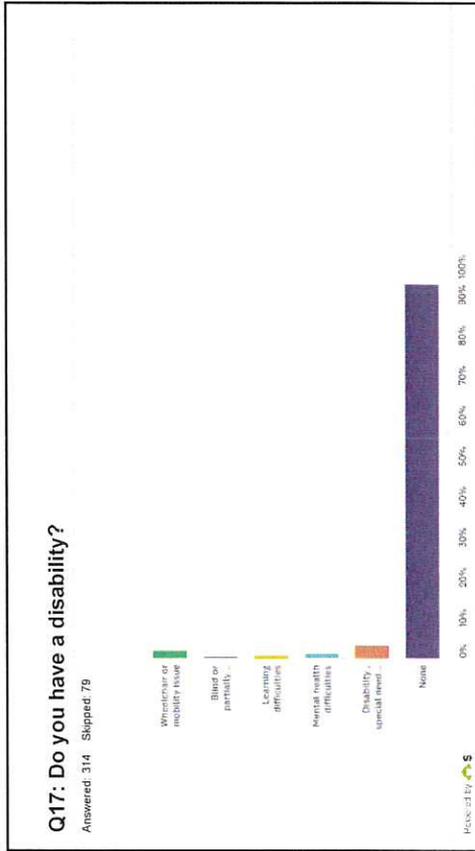












Q17: Do you have a disability?

Answered: 314 Skipped: 79

ANSWER CHOICES	RESPONSES
Wheelchair or mobility issue	6
Blind or partially sighted	1
Learning difficulties	2
Mental health difficulties	4
Disability - special need or medical condition not listed	10
None	281
TOTAL	314

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Live or work in Surrey survey results 2017
 Your view on Taxi and Private Hire
 Conviction Policy and Safeguarding Training

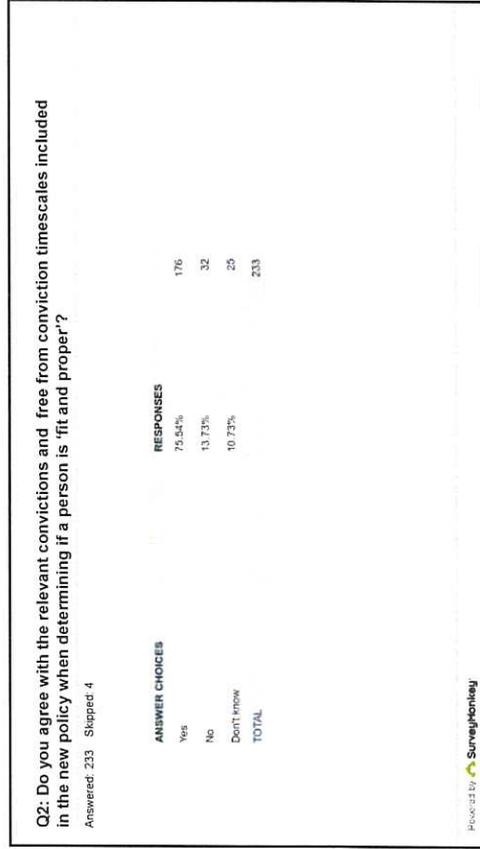
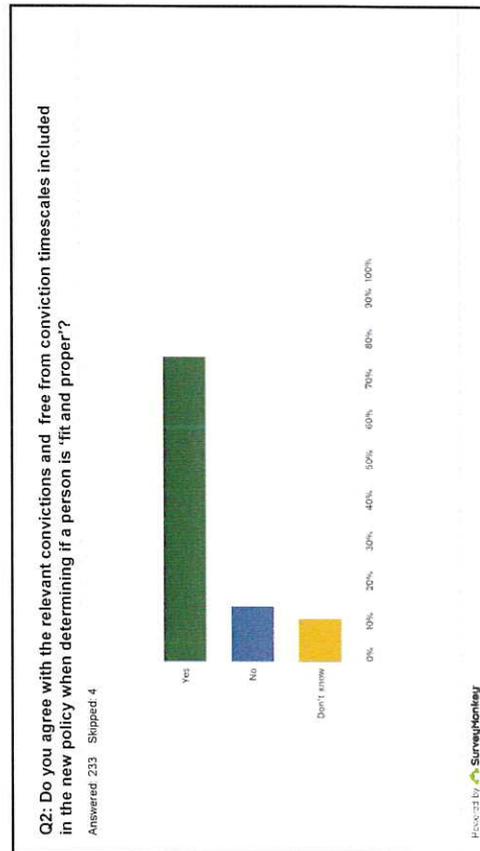
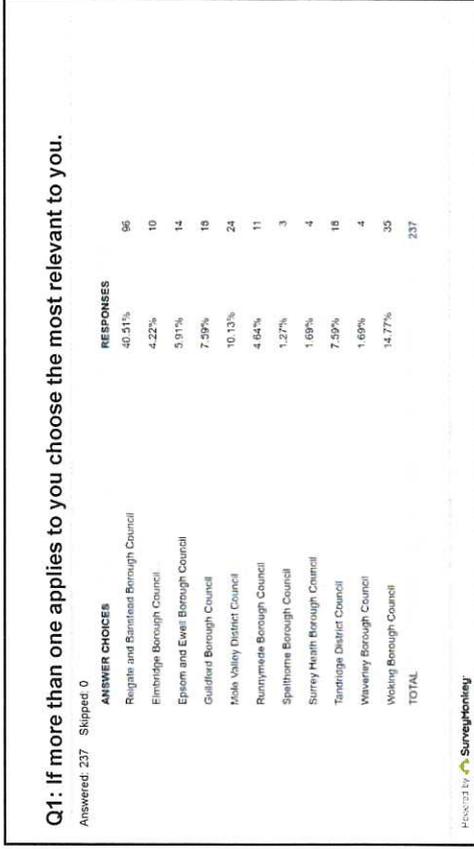
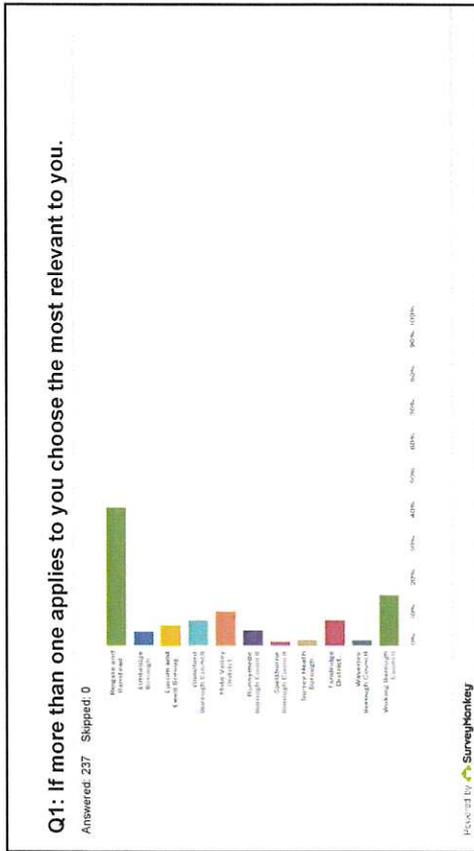
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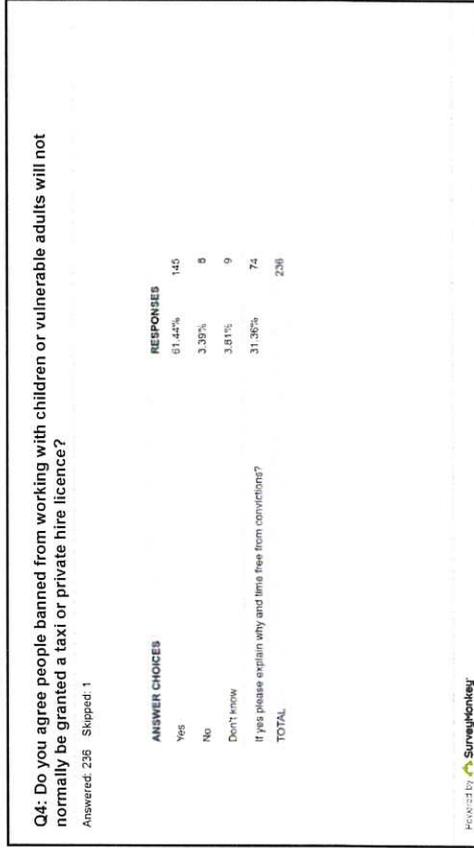
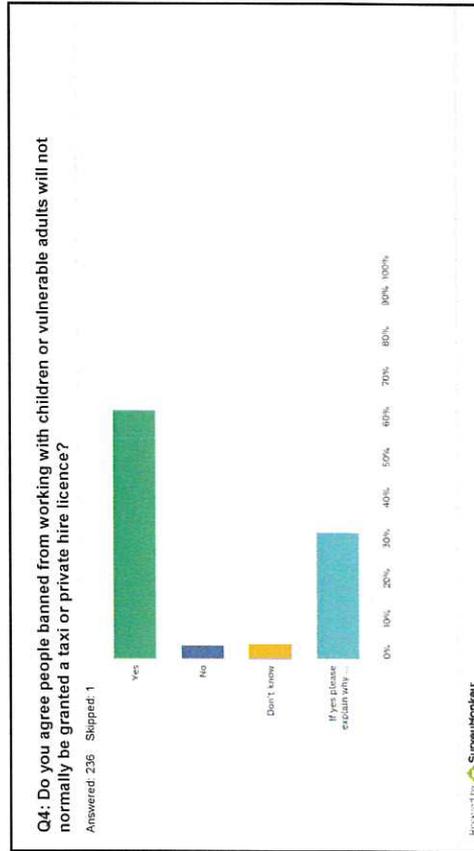
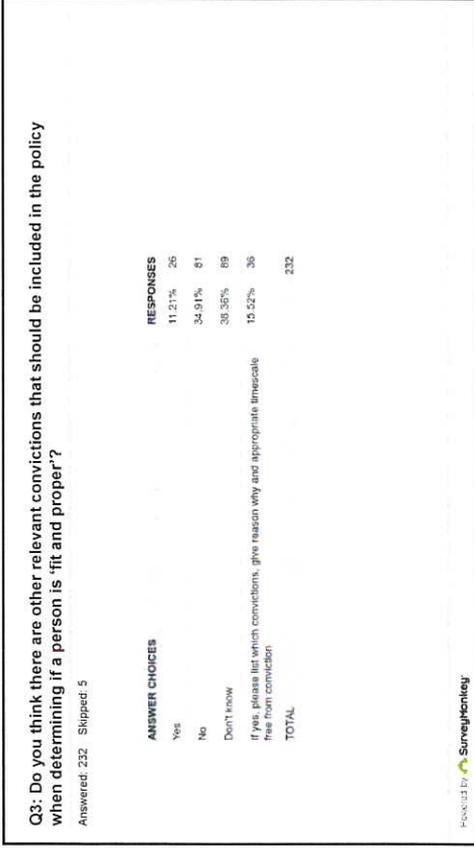
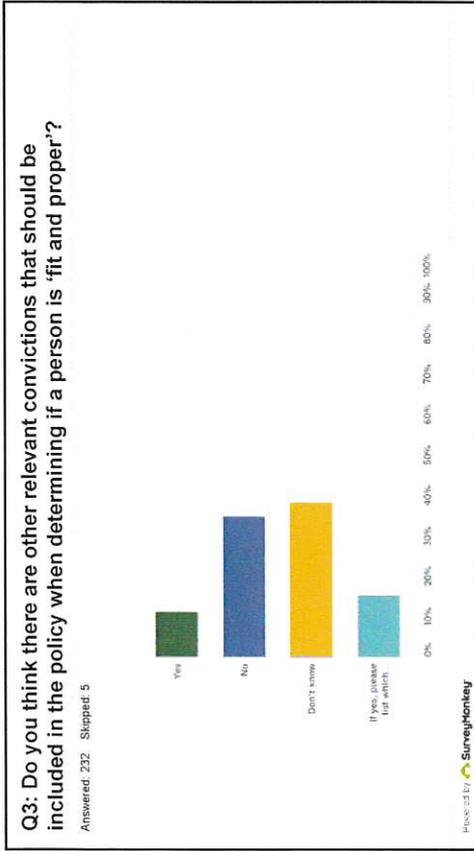
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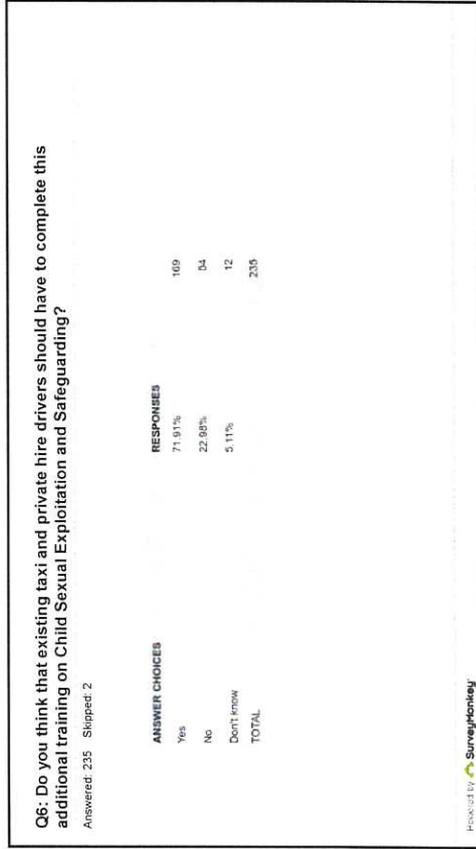
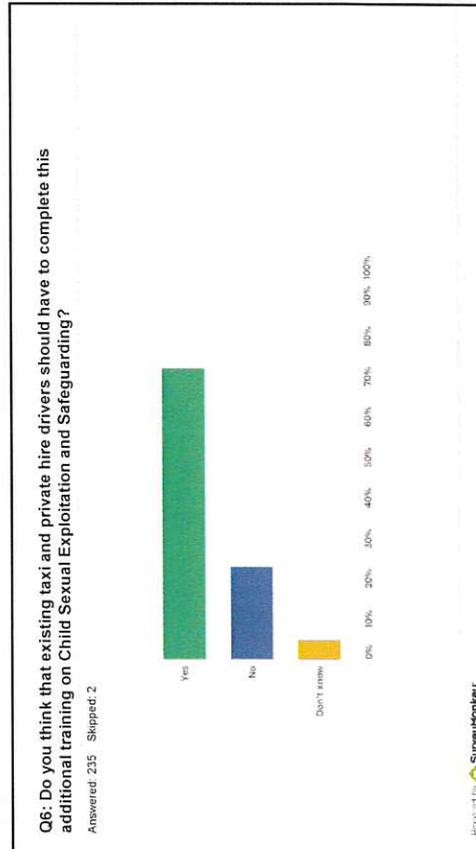
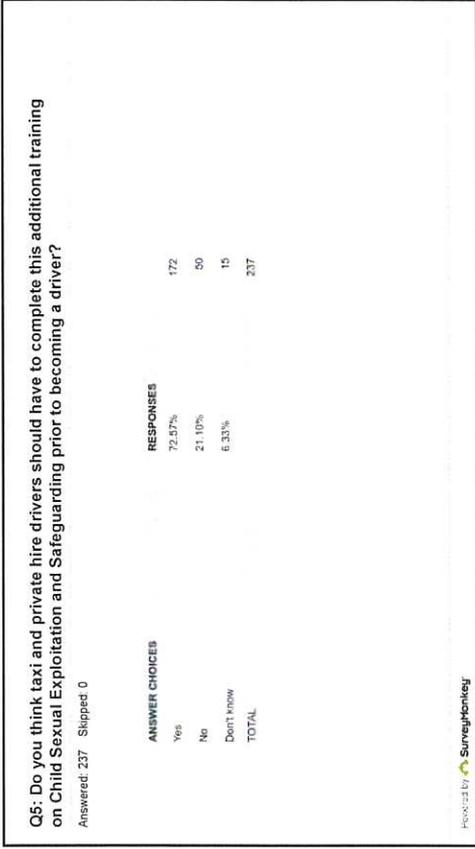
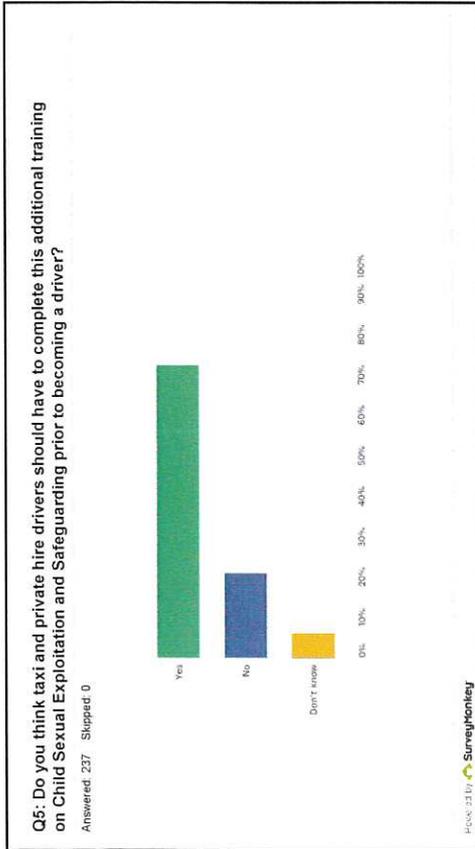
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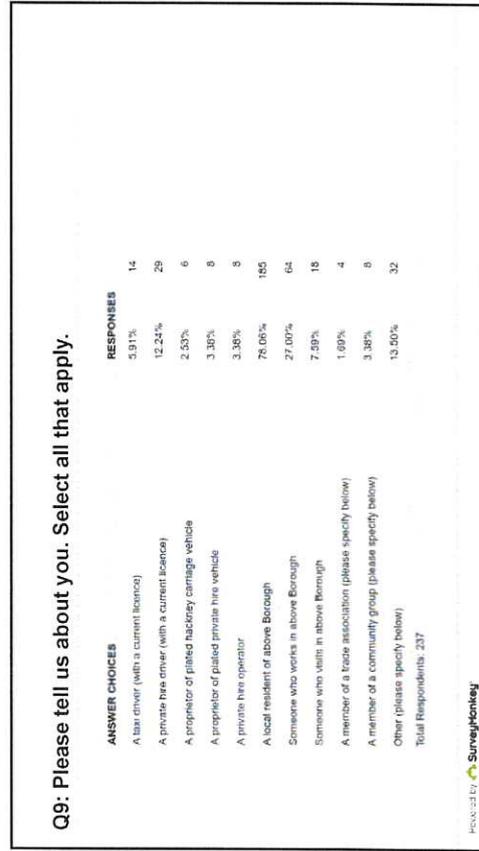
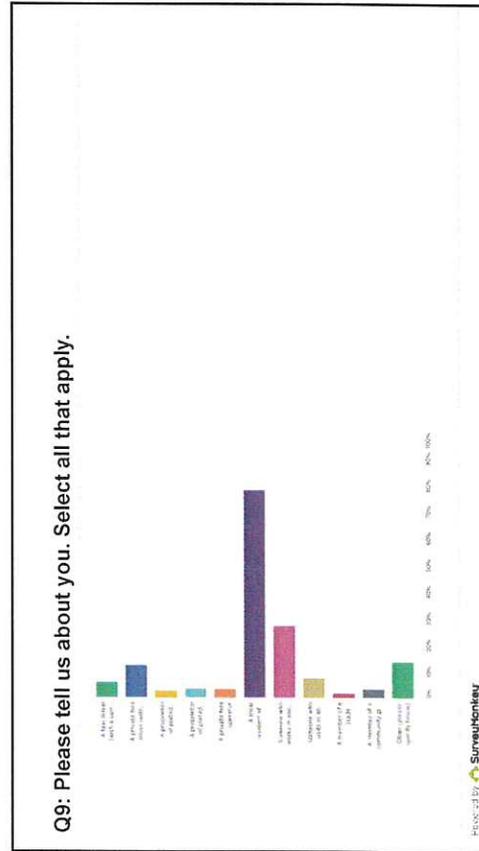
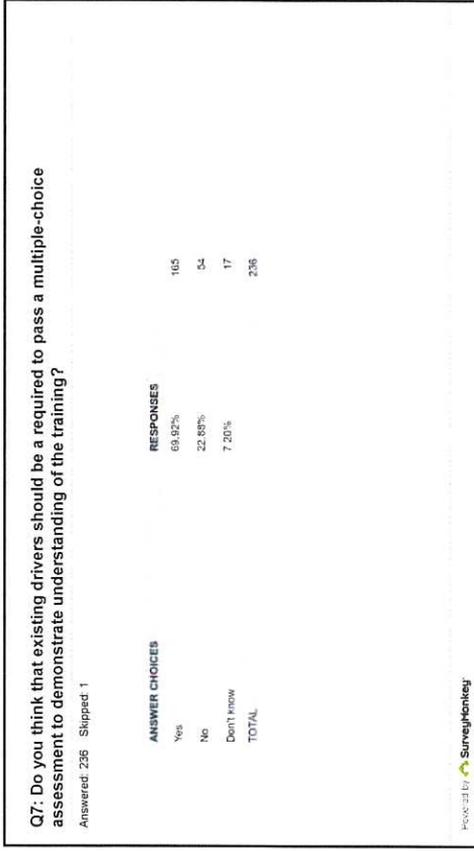
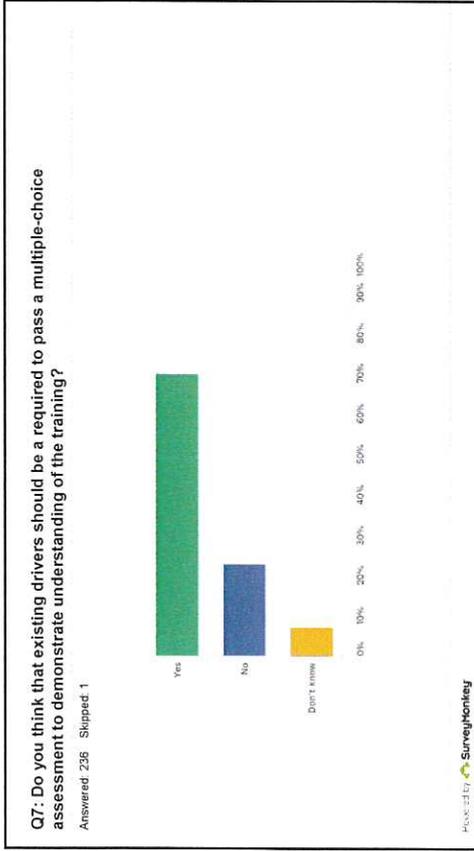
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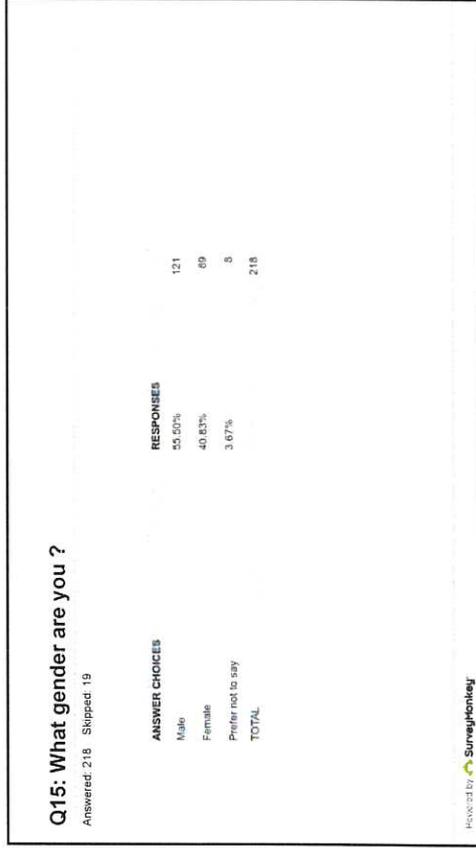
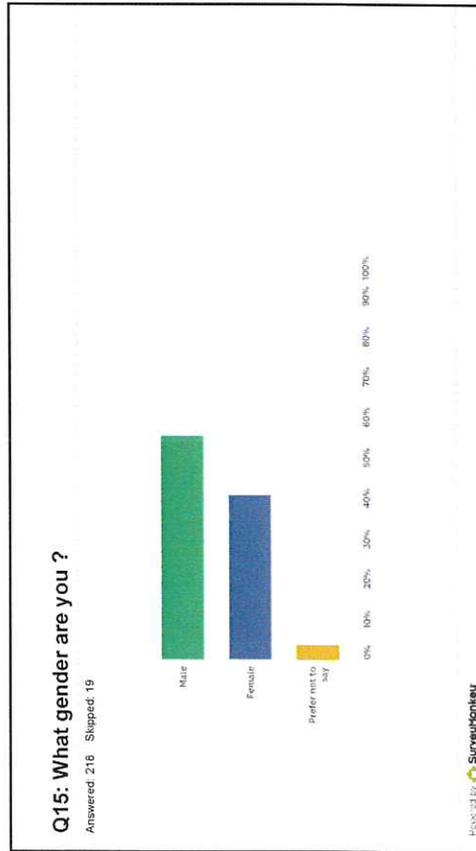
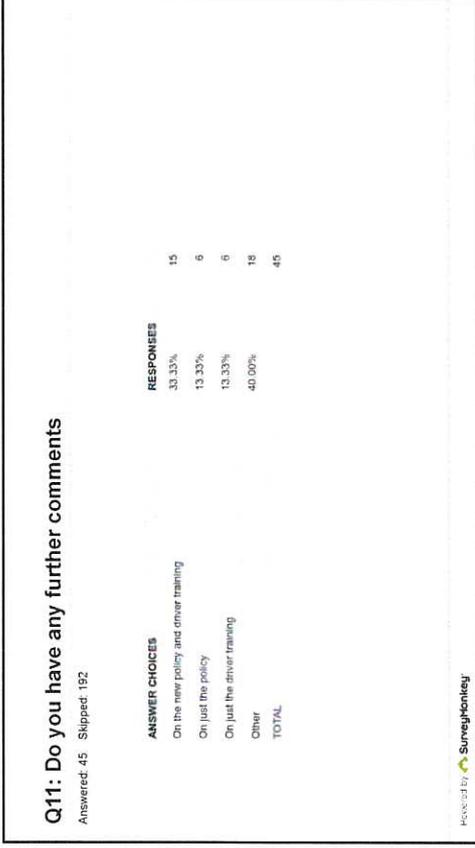
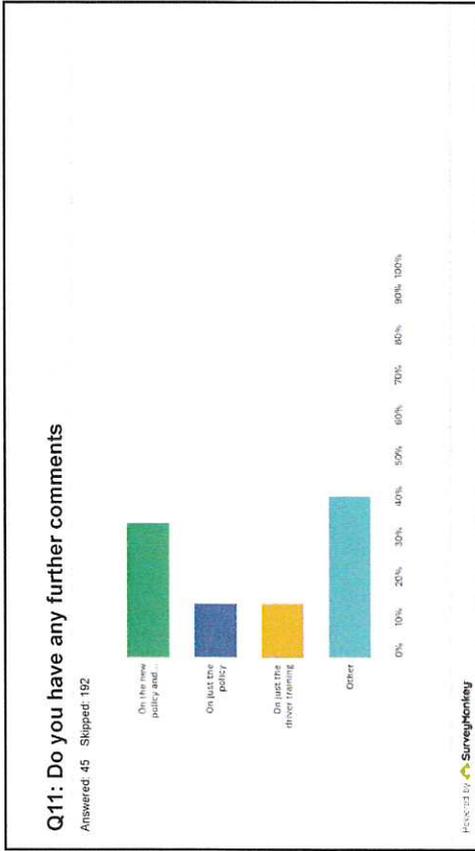
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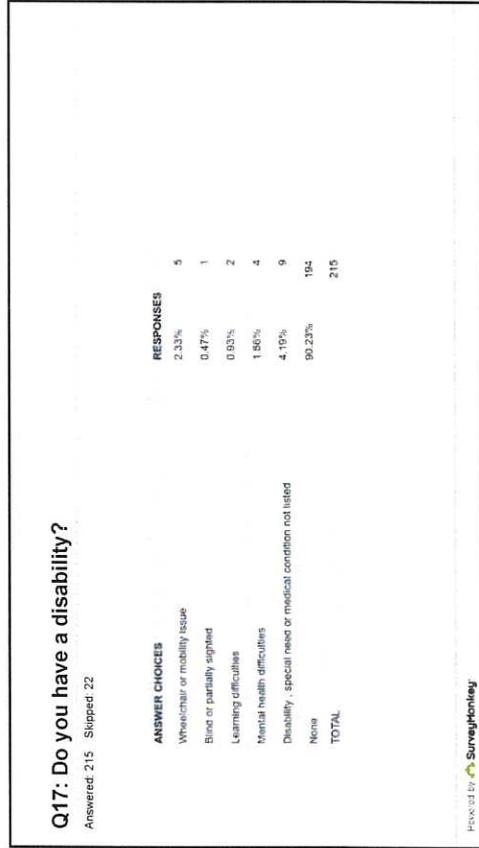
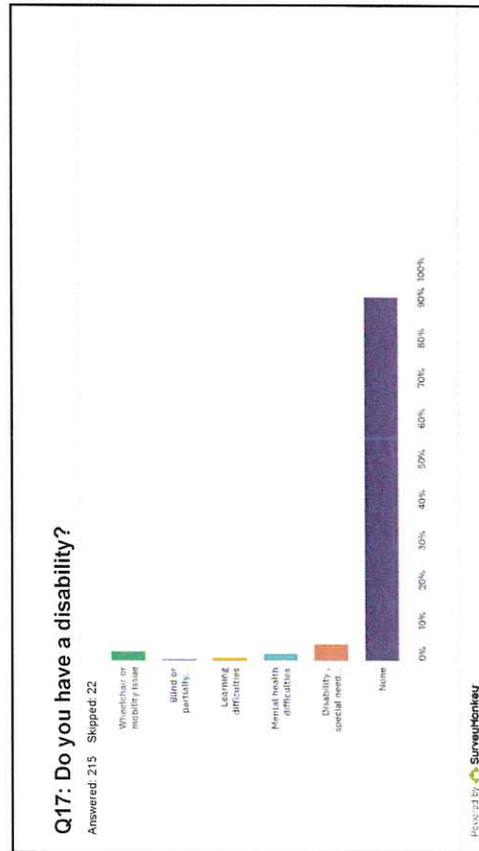
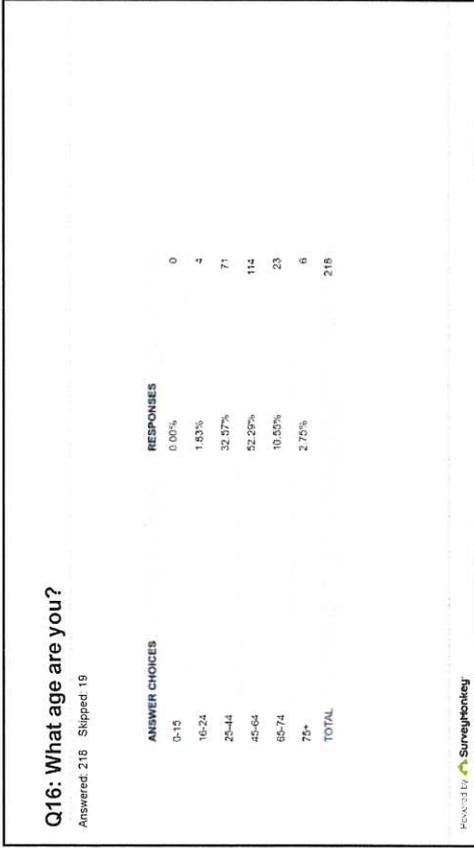
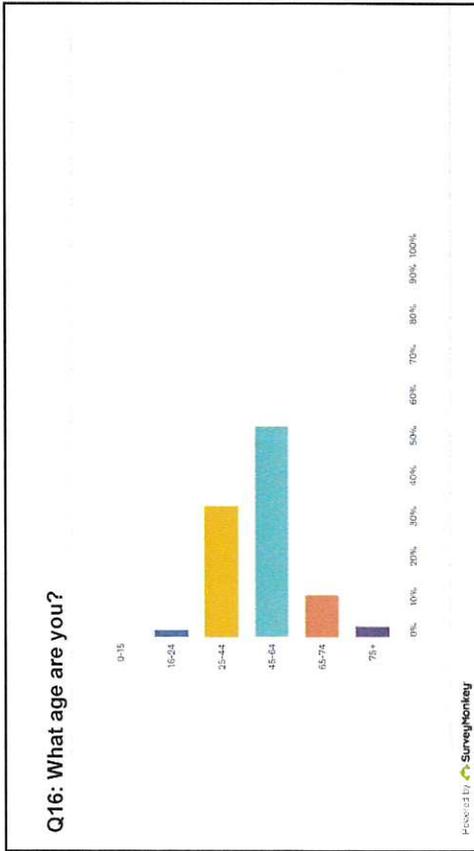










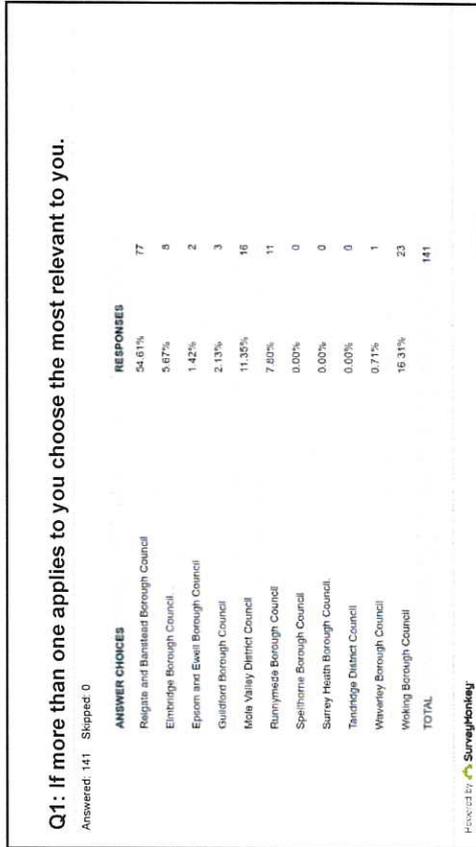
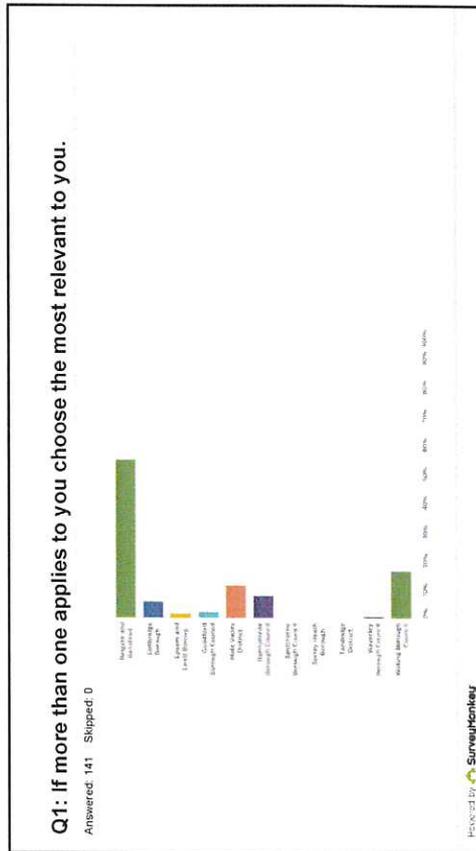


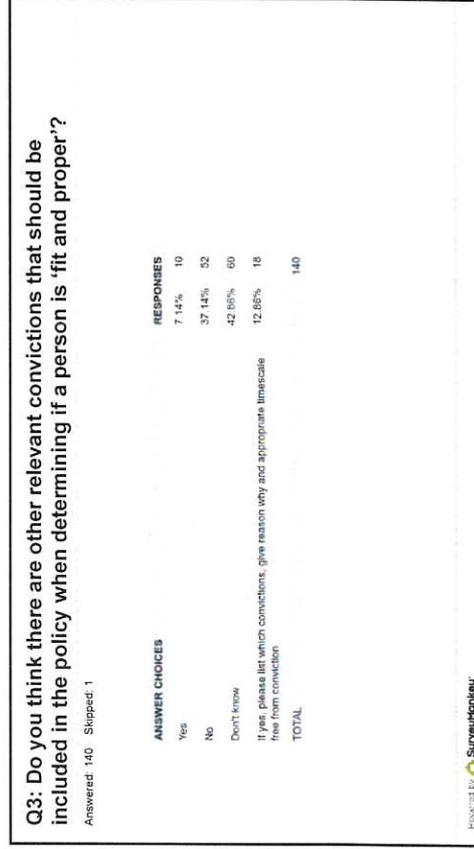
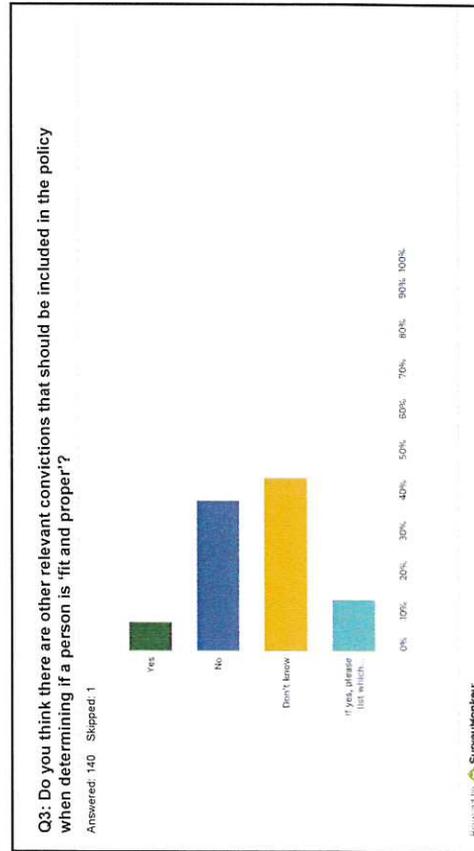
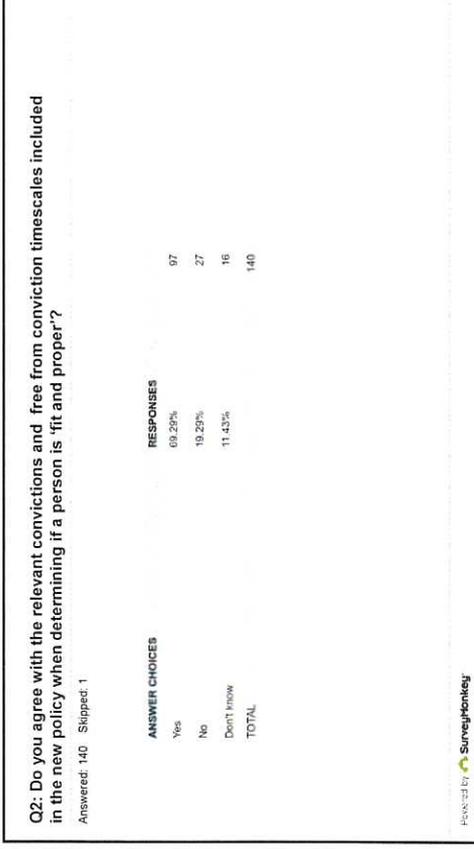
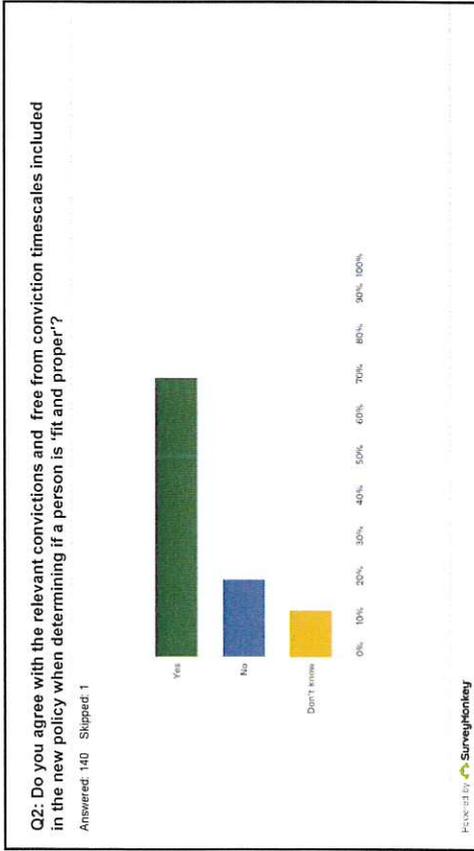
Trade Surrey wide survey results 2017
Your view on Taxi and Private Hire
Conviction Policy and Safeguarding Training
 Wednesday, December 06, 2017

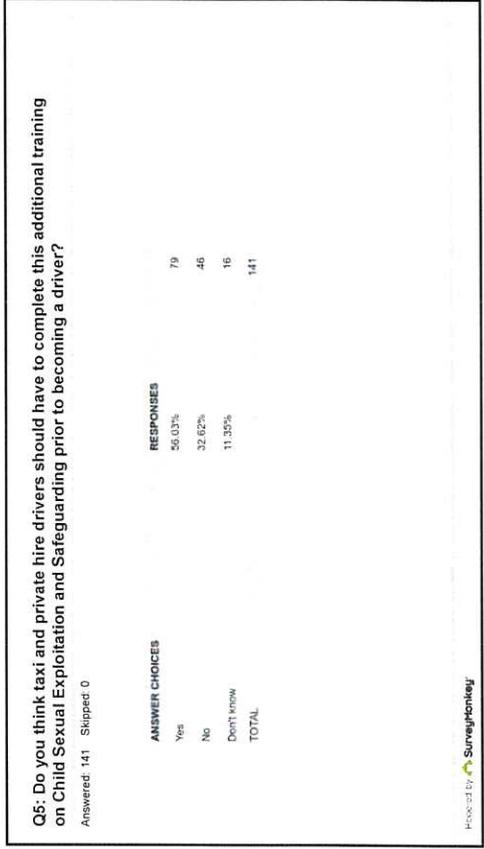
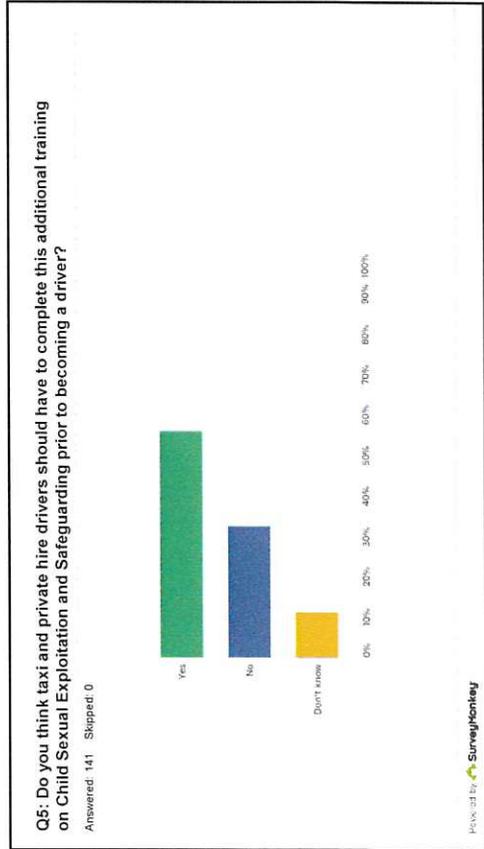
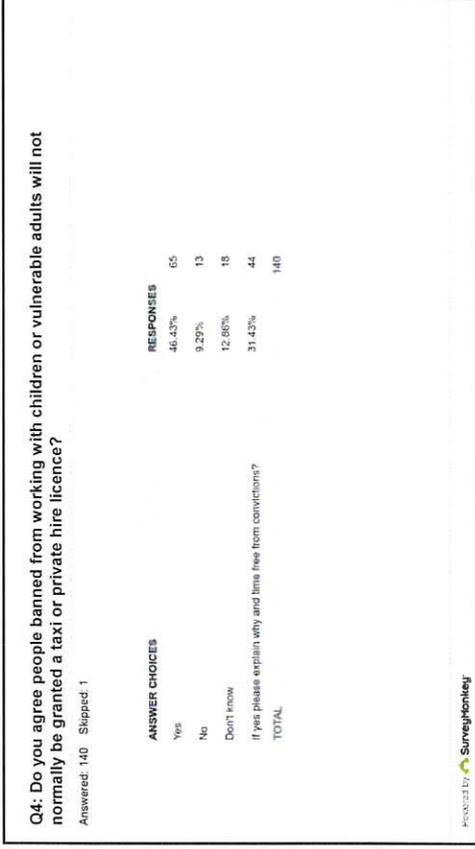
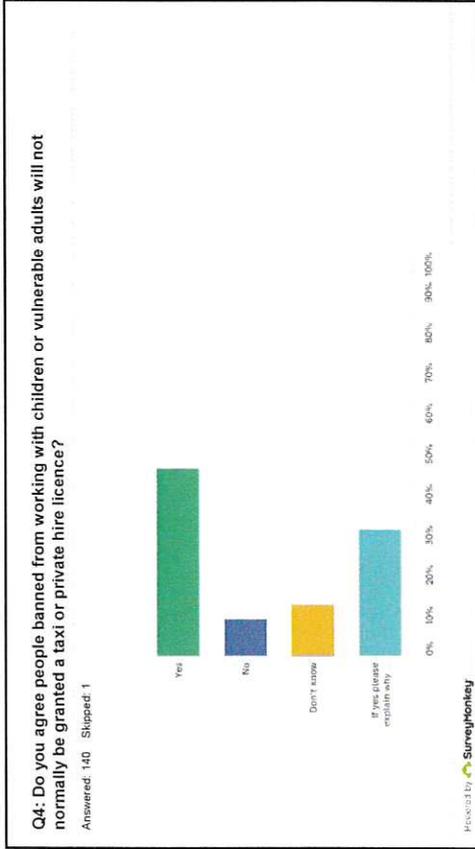
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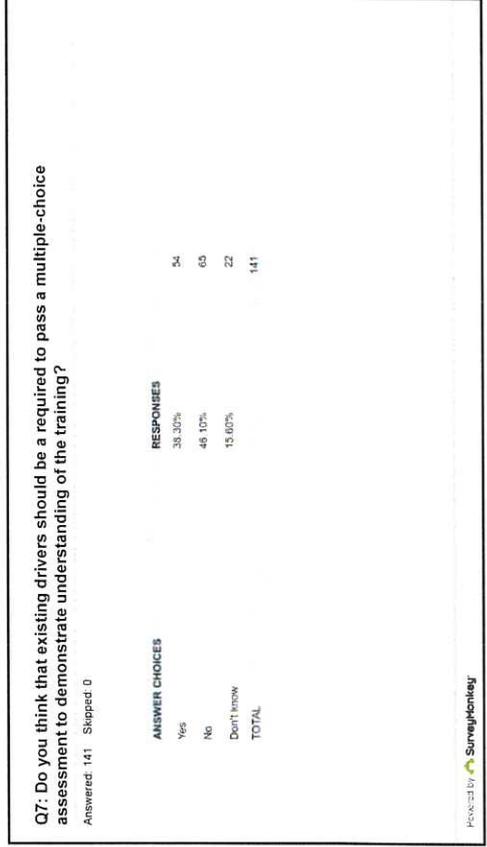
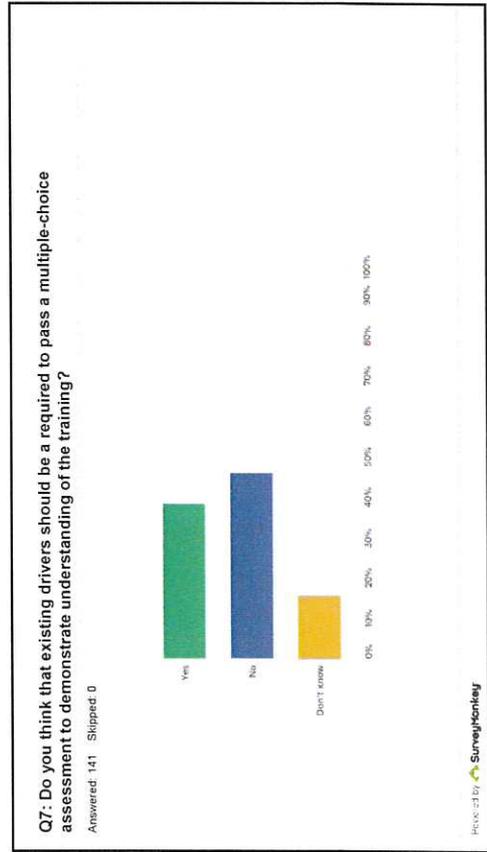
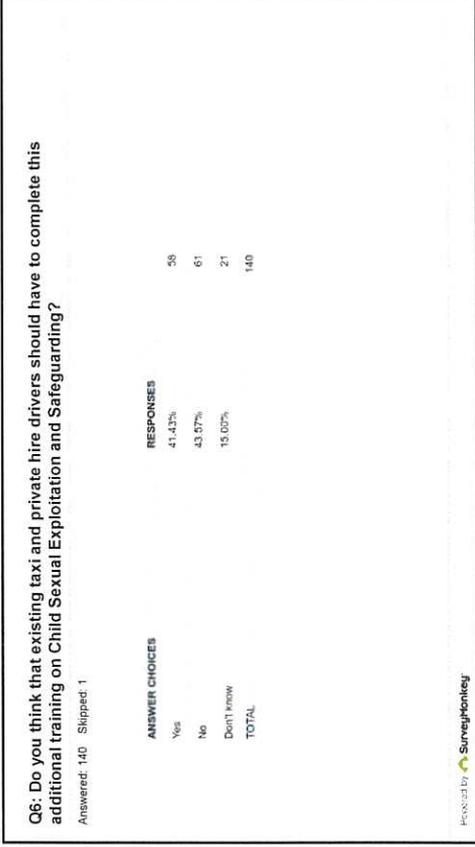
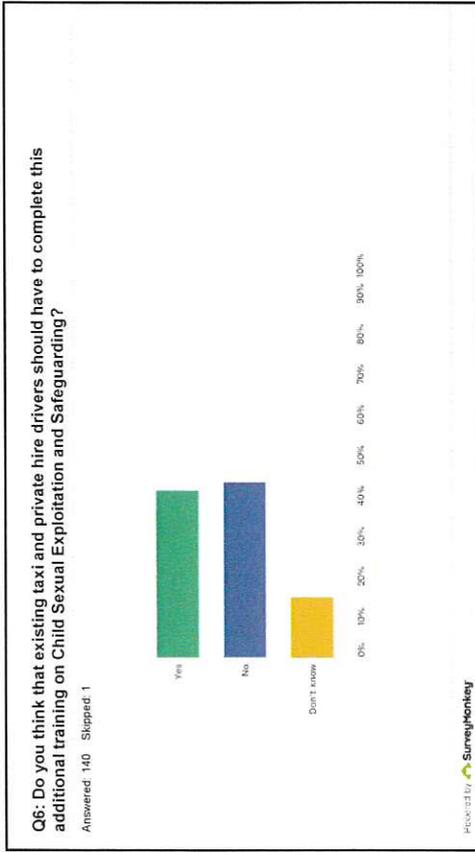
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Total Responses
 Date Created: Tuesday, June 27, 2017
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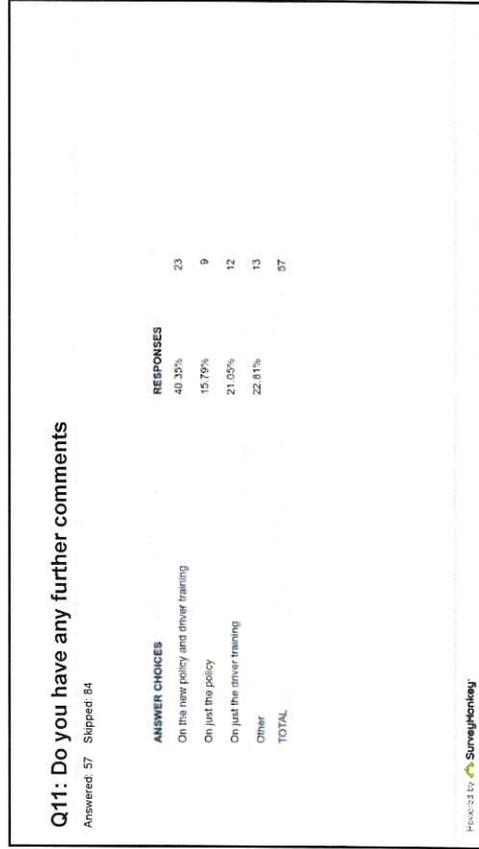
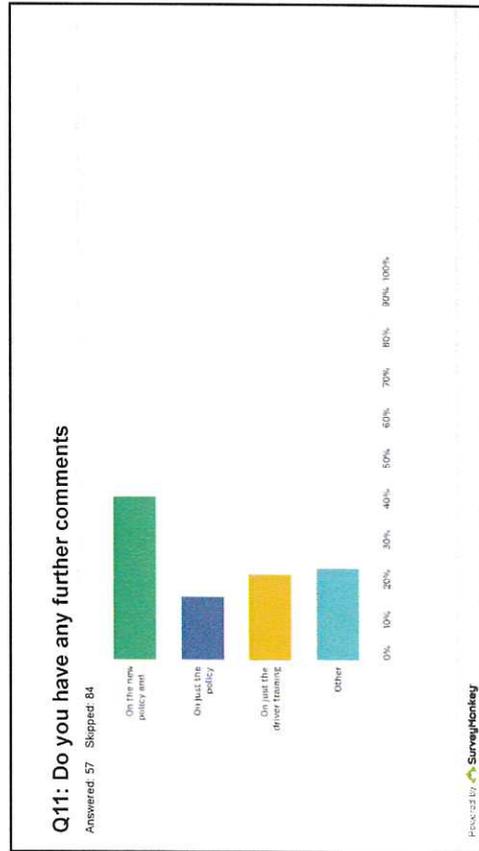
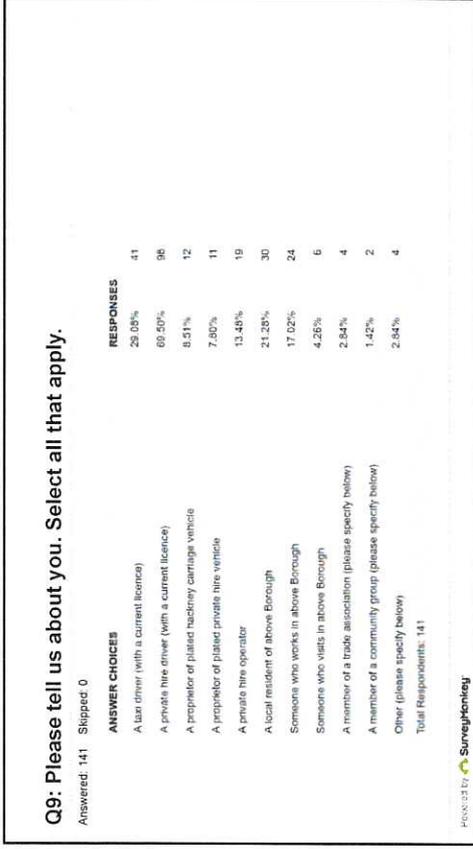
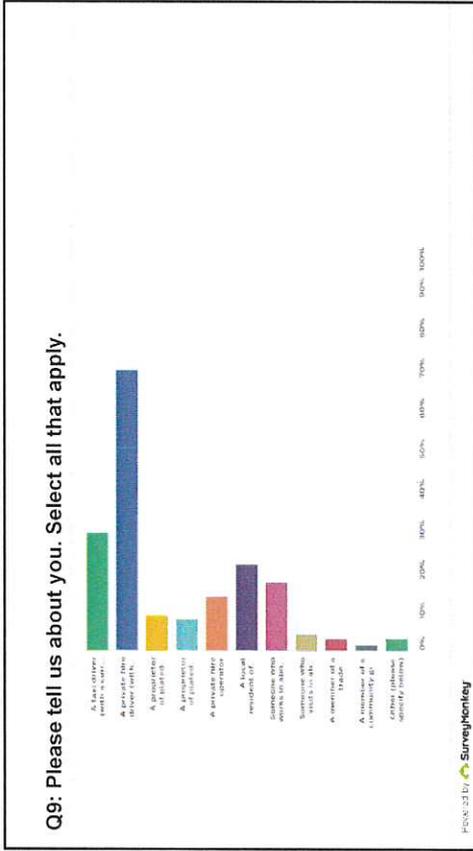
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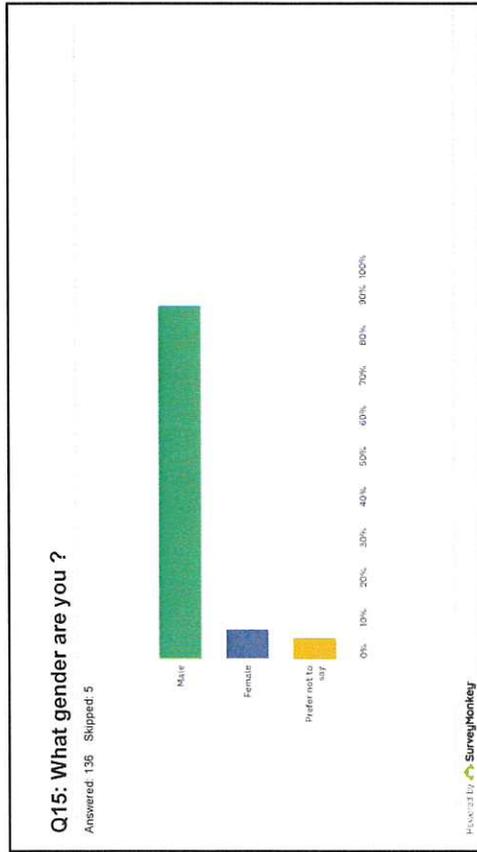










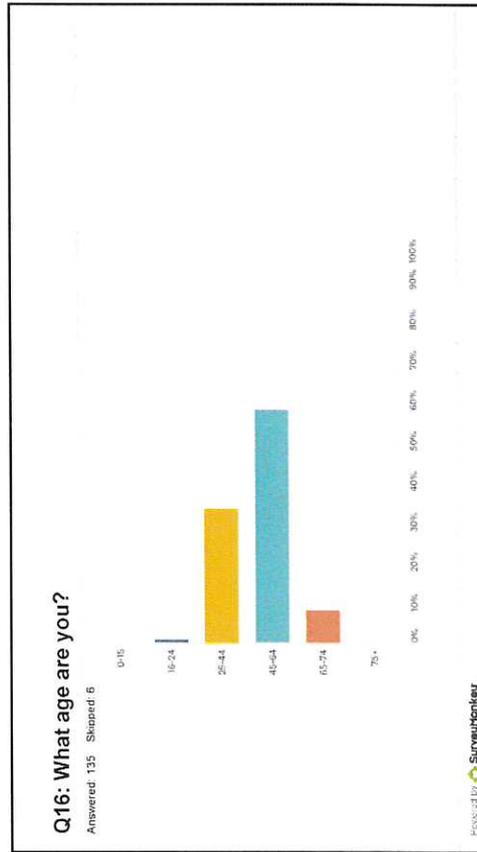


Q15: What gender are you ?

Answered: 136 Skipped: 5

ANSWER CHOICES	RESPONSES
Male	119 87.50%
Female	10 7.35%
Prefer not to say	7 5.15%
TOTAL	136

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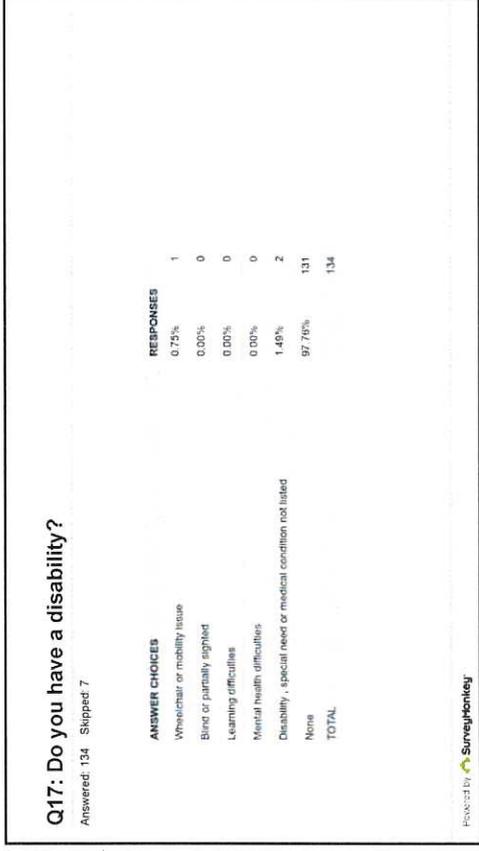
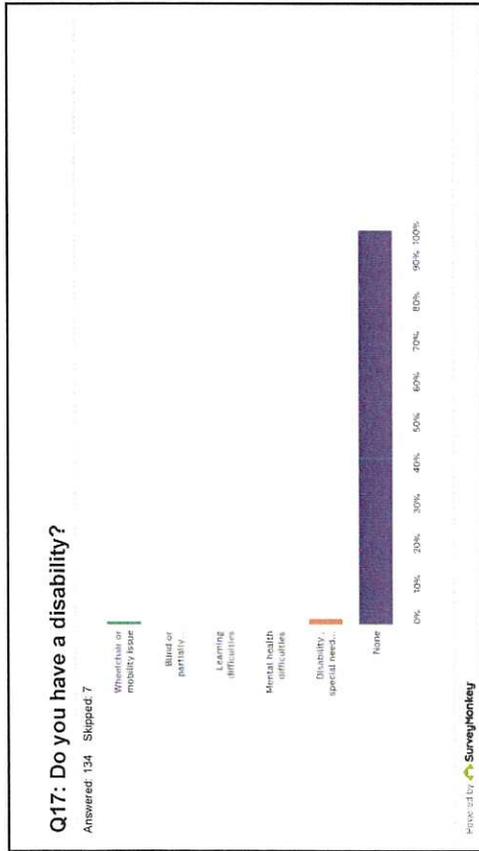


Q16: What age are you?

Answered: 135 Skipped: 6

ANSWER CHOICES	RESPONSES
0-15	0 0.00%
16-24	1 0.74%
25-44	45 33.33%
45-64	78 57.78%
65-74	11 8.15%
75+	0 0.00%
TOTAL	135

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Appendix 2

As part of the Surrey wide Criminal Convictions Policy, Woking Borough Council contacted as many drivers, operators, and licence holders as possible. In order to do this, email addresses and mobile numbers were collected from data provided to the Licensing Authority by the driver and operators in question. On the 26th of October 2017, two hundred and ninety-three emails and eight hundred and seventy-seven SMS text messages were sent out to inform people of the Consultation.

The Consultation ran until Monday 4 December 2017 and during this time it received 393 responses across the county of Surrey. Of this, sixty one (or 15.5%) of the responses identified Woking Borough Council as the most relevant Local Authority to them.

Elmbridge Borough Council	19
Epsom and Ewell Borough Council	16
Guildford Borough Council	23
Mole Valley District Council	42
Reigate and Banstead Borough Council	183
Runnymede Borough Council	17
Spelthorne Borough Council	3
Surrey Heath Borough Council.	4
Tandridge District Council	21
Waverley Borough Council	4
Woking Borough Council	61

The following further details relate only to those who completed the survey listing Woking Council as their primary relevance.

Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

Yes	31
No	18
Don't know	5
No Answer	7

Those who answered Yes:

- Awareness is key to safe travel for customers.
- Given (CSE) events involving numerous taxi drivers in various towns over the last 20 (at least) years, no licence holder or intending licence holder should have any reason whatsoever to complain about the most stringent of rules that now MUST apply, country wide. Children's safety must be put first, end of.
- I think the timescales are fair
- It is good to be trained and professional In your trade and this is the only way you learn

- The safety of children and adults is the most important reasons but stopping drivers who have been convicted should not be able to drive in a different borough
- They cover the range of offences that could impact on the suitability of an applicant to be fit and proper.
- Yes, these seem reasonable in terms of balancing public safety with allowing the rehabilitation of offenders.

Those who answered No:

- There are good points but overall far too many bad points. I have to say no. Timescale far too long. Too strict.
- There is already a Disclosure and Barring Service (DBS) in place.

Do you think there are other relevant convictions that should be included in the policy when determining if a person is ‘fit and proper’?

Yes	11
No	20
Don't know	24
No Answer	6

If yes, please list which convictions, give reason why and appropriate timescale free from conviction

- CRB is sufficient
- Any sexual assault to make the passengers feel safe when being driven
- if anyone other than the applicant completes the application form and if the applicant misleads the council as to the level of their English language or time they spent living abroad.
- All con & use offences and offences relating to use and maintenance of a vehicle.

Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?

Yes	44
No	6
Don't know	6
No Answer	5

If yes please explain why and time free from convictions?

- I would feel very uncomfortable getting into a taxi knowing that the driver had a van from working with vulnerable adults and/or children. We can all be vulnerable at points in our lives.
- If people are banned from working with children, they could have vulnerable people alone in taxis. The rules should be on line with normal CRB check time scales

- not excuses for bad drivers.
- If someone has been banned previously from working with children or adults.... especially a sexual nature. They should NEVER be allowed a license to drive professionally.
- They need to transport people and have huge trust upon them. If violated once in this respect it should be for life.
- How can you guarantee that a past offender will not offend again? You can't, therefore there remains a potential risk, a risk too many.
- Because they are Banned that's why security measure should be taken
- Say two or three years.
- There needs to be a regular medical for these drivers to determine whether they are fit and proper to continue driving
- In case where child abuse and is genuine severe like pedo or child porn then never. But if it's a minor incident like being late to pick up a child then that's nothing
- 2 years
- To me, this clearly indicates an individual with the will to take advantage of less capable individuals and should be restricted for 10 years.
- I wouldn't want anyone I know to be driven by such a person

Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?

Yes	32
No	18
Don't know	4
No Answer	7

Those who answered Yes:

- Anyone working with children or vulnerable adults have to do Safeguarding training and taxi drivers should be included.
- As above, the potential risks are too great.
- Better be safe than sorry (I did not know)
- It is appropriate given their contact with members of the public, including those who are vulnerable
- It is important for every driver to understand the importance of this
- My concerns are simple, it would be an excellent skill to have, but after the first year are we expected to pay for retraining? We can't be expected to keep paying for more.
- not excuses for bad people.
- People in public contact need to be fully aware of the legal and socially acceptable boundaries of what is acceptable conduct and this may be unexpected in individuals from different backgrounds.
- They should have the training to spot any potential signs of children etc at risk.

Those who answered No:

- I don't think that safeguarding training for drivers is a sensible proposal to reduce incidents.
- It should be made voluntary and not mandatory. If it's made mandatory, then taxi and private hire drivers should NOT pay to attend Child Sexual Exploitation and Safeguarding training.
- Not nessecary , or you should take into consideration another child protection training certificate they may have so they don't need to re do it.
- They need to safely transport passengers to and from. Not counsel them..
- I don't think it should be mandatory, perhaps it works more for drivers who specifically work with children, or very late at night when exploitation may happen.
- I am focused in driving not what clients are doing in the back unless they make it obvious. In a short space of time how can I tell ?? In my line of work I never pickup children. I deal with corporate clients all the time. So waste of time and money. If I see a crime I will report it. But its wrong to force me to do something to which I can be of no help.
- You are assuming taxis drivers can not be trusted . A lot of driver do not speak/understand English why should they be penalised
- Taxi driver all ready know this.no need this.
- Not agree wid it ! If done should b done nationwide to all works and trades.ifnot
- Addition red tape / process. Likely to be ineffective.

Those who answered 'Don't Know':

- If your records show that there has been no activity then I think not but each case has to be looked into individualy

Do you think that existing taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding?

Yes	27
No	24
Don't know	3
Didn't answer	7

Do you think that existing drivers should be a required to pass a multiple-choice assessment to demonstrate understanding of the training?

Yes	22
No	26
Don't know	6
Didn't answer	7

Those who answered Yes:

- Being in a position of trust, and charging people for journey's is a privilege, not a rite. All such individuals should be trained accordingly.
- For the same reason I responded before. I'd feel far safer getting into a taxi knowing that the taxi driver was more aware of this subject matter.
- If they don't understand the training then it is pointless. A test will measure this understanding.
- In most cases this is unlikely to make much difference to outcomes but it goes to reinforce the seriousness that such such offences are seen in.
- It goes some way to demonstrate that the training has been understood

Those who answered No:

- Not fare picking on one profession!
- As above. Its more important drivers care and are law abiding in general. Being able to speak English and write is very important.
- I believe there is no need for existing drivers to go through these. Why should there, there license is renewed and go through checks every 3 years (for Private Hire Driver).
- If there have been no complaints what is the need
- If they are current doing the job what will the outcome of such training mean? Perhaps a brief seminar
- If training is given then should be a practical demo rather than box ticking
- Illogical. Applies to school runs only and possibly hackney.
- No need
- These drivers have been in the trade for a number of years and if there is nothing to suggest there is any wrong doing then why should they

Those who answered Don't Know:

- Again it comes down to the individual

Do you have any additional comments you would like to make regarding the proposed changes to the taxi and private hire policy?

- Cost, we are still charging mileage rate from before 2008, it's very hard a current rates to make good profit.
- hard enough trying to make a liveing wid uber taking all the work and etc etv
- Have you specifically consulted with taxi drivers and included their replies?
- Many drivers in Woking (train station/private hire have no interest in their passengers. They speed around Woking, violate traffic laws and will overcharge if they can.
- Stop moving the taxi rank to different places, and changing the the rules on where taxi's can pass and where they cannot, cause at the present moment the drivers themselves don't know where they should go & where they shouldn't
- The policy should also have regard to any records of how the applicant has behaved towards council officials, especially those involved with parking enforcement. The CEO's employed

by Woking Borough Council are constantly verbally abused and threatened by members of the public including taxi drivers. The details are logged by the CEOs, so this information could provide useful background about the attitude of the applicant. If they are abusive to Officials then they are also likely to be abusive to fare paying passengers so are unfit to hold a licence.

- Unnecessary
- Very unfair to penalise someone trying to make a living
- What about people with persistent vehicle nuisance findings against them, such as parking violations and careless driving? Or what if they commit any of these offences while having a licence.

Comments on the new policy

- Don't make things mandatory on drivers!
- Good idea to have a county wide approach. But policy needs to incorporate as much as possible, not just focus on CSE etc. Now is the chance to get it right first time!
- Good news.
- It is a good idea if looked at individually
- Its too harsh in some cases I feel. Every case should be assessed uniquely. This is too much power and control for the license officer. I hope a fair and just system is put in place.
- new policy should only apply to new drivers
- Unfair
- Comments on the drivers training
- Very unfair
- Don't make things mandatory on drivers!
- Excellent way forward.
- No problem with it
- Should be a requirement to pass the Institute of Advanced Motorists test as part of an application/renewal and have re-tests every X years.
- Should not be compulsory and only to those related or relevant.
- training is a good idea.

More general comments

- Council needs to focus their attention on more important issues such as helping the homeless, drugs/alcohol addicts, assisting domestic violence/abuse victims, keeping street cleans, fix pot holes in roads, drug dealing crimes and the list goes on...
- high st issue.....by not allowing,taxis and private hire to use high st u are only making victoria way more congested.on one hand u are concerned about pollution on the other you are responsible for creating pollution.passanger Will pay more by using victoria way.peak times passengers will be paying extra for councils irresponsibility.High st should be taxis, private hire use. Council should consider public opinion rather than imposing its own will
- I have been in the industry for over 10 years. I have heard and learned alot. My most biggest grievance :- driving is already an extreme challenge and difficult job. Please do not make it

harder for us. Costs are going up and up. I pay my tax and dont do nothing wrong but the system is making it more and more expensive and difficult for me to do my job.

- Need to look at the charges, in Woking they are obscene. A two mile journey costs over £8 now.
- No comments
- The checks are a good thing if it puts passengers minds at rest
- The majority of taxis drivers r Asian in the Guildford and Woking area, this is aimed at them
- The state of many of the cars is below par. Especially with some private hire companies in Woking. Poorly maintained cars etc. As a local resident who is often out running I often see the station taxis being driven at speed. Sadly, I'd don't feel I could trust mosttransporting my children.
- Well done WBC

Please tell us about you. Select all that apply.

A taxi driver (with a current licence)	11
A private hire driver (with a current licence)	11
A proprietor of plated hackney carriage vehicle	2
A proprietor of plated private hire vehicle	3
A private hire operator	5
A local resident of above Borough	27
Someone who works in above Borough	9
Someone who visits in above Borough	3
A member of a trade association (please specify below)	0
A member of a community group (please specify below)	0
Other (please specify below)	4

- Member of the public
- Very recent ex Surrey RPU officer who has left the service to do something different!

Gender

Male	37
Female	6
Prefer not to say	6
No Answer	12

Age

25-44	30
45-64	17
65-74	2
No Answer	12

Do you have a Disability?

None	47
Disability , special need or medical condition not listed	1
No Answer	13

- Respondee 1 A taxi driver (with a current licence) and a private hire operator
- Respondee 2 A taxi driver (with a current licence)
- Respondee 3 A taxi driver (with a current licence)
- Respondee 4 A taxi driver (with a current licence) and a local resident of above Borough
- Respondee 5 A taxi driver (with a current licence), a local resident of above Borough and someone who works in above Borough
- Respondee 6 A taxi driver (with a current licence)
- Respondee 7 A taxi driver (with a current licence)
- Respondee 8 A taxi driver (with a current licence) and a private hire driver (with a current licence)
- Respondee 9 A taxi driver (with a current licence)
- Respondee 10 A taxi driver (with a current licence)
- Respondee 11 A taxi driver (with a current licence), a proprietor of plated hackney carriage vehicle, a proprietor of plated private hire vehicle, a private hire operator, a local resident of above Borough and someone who works in above Borough
- Respondee 12 A local resident of above Borough
- Respondee 13 A local resident of above Borough
- Respondee 14 ticked none of the boxes.
- Respondee 15 A private hire driver (with a current licence)
- Respondee 16 Someone who visits in above Borough
- Respondee 17 A local resident of above Borough and someone who works in above Borough
- Respondee 18 A local resident of above Borough
- Respondee 19 A private hire driver (with a current licence), a local resident of above Borough and someone who works in above Borough
- Respondee 20 A local resident of above Borough
- Respondee 21 A local resident of above Borough
- Respondee 22 ticked none of the boxes.
- Respondee 23 A local resident of above Borough and someone who visits in above Borough
- Respondee 24 A private hire driver (with a current licence)
- Respondee 25 ticked none of the boxes.
- Respondee 26 Someone who works in above Borough
- Respondee 27 Someone who works in above Borough
- Respondee 28 A private hire driver (with a current licence), a proprietor of plated private hire vehicle, a private hire operator and a local resident of above Borough
- Respondee 29 A local resident of above Borough
- Respondee 30 A local resident of above Borough
- Respondee 31 A local resident of above Borough
- Respondee 32 A local resident of above Borough
- Respondee 33 A local resident of above Borough
- Respondee 34 A local resident of above Borough
- Respondee 35 Other (please specify below)

- Respondee 36 A private hire driver (with a current licence) and someone who works in above Borough
- Respondee 37 A local resident of above Borough
- Respondee 38 ticked none of the boxes.
- Respondee 39 A private hire driver (with a current licence)
- Respondee 40 Other (please specify below)
- Respondee 41 Other (please specify below)
- Respondee 42 ticked none of the boxes.
- Respondee 43 A private hire operator
- Respondee 44 A local resident of above Borough
- Respondee 45 A local resident of above Borough
- Respondee 46 A private hire driver (with a current licence)
- Respondee 47 ticked none of the boxes.
- Respondee 48 A local resident of above Borough
- Respondee 49 A private hire driver (with a current licence)
- Respondee 50 A private hire driver (with a current licence), a proprietor of plated private hire vehicle, a local resident of above Borough and someone who works in above Borough
- Respondee 51 A private hire driver (with a current licence)
- Respondee 52 ticked none of the boxes.
- Respondee 53 ticked none of the boxes.
- Respondee 54 A local resident of above Borough
- Respondee 55 A local resident of above Borough, someone who works in above Borough and someone who visits in above Borough
- Respondee 56 A local resident of above Borough
- Respondee 57 ticked none of the boxes.
- Respondee 58 A local resident of above Borough
- Respondee 59 A proprietor of plated hackney carriage vehicle
- Respondee 60 ticked none of the boxes.
- Respondee 61 Other (please specify below)

Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

Contents

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1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver's, vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of **[insert]** Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:

- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?'

If the answer to this question (or a similar test) is an unqualified 'Yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver's licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.

1.10 In this policy, the word "applicant" refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

1.11 In this policy, the word "conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

2 **General Policy**

2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

a. Remain free of conviction for an appropriate period as detailed below; and

b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.

2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 **Powers**

3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to

take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

4 Consideration of disclosed criminal history

4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- The applicant's attitude
- Any other character check considered reasonable (e.g. personal references if requested by the Council)
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the council or lied as part of the application process,
 - Information provided by other agencies/council departments.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

4.2 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

- 4.3 Existing holders of driver's licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.
- 4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.
- 4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

5 Options when determining an application/licence

- 5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:
- grant the licence or take no further action
 - grant the licence with additional conditions
 - refuse, revoke, or suspend the licence
 - issue a warning which may include the use of enforcement penalty points
- 5.2 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.
- ## **6. Offences involving violence**
- 6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.2 A licence will not normally be granted until at least 10 years have passed since the

completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Common assault
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3 A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7. Offences involving a weapon (not a firearm)

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for

5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

7.3 2 or more convictions for a violent offence will normally result in an application being refused.

8. Sexual and indecency offences

8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

9. Dishonesty

9.1 A serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction or at least 5 years since the completion of sentence (whichever is longer) is required to have passed before a licence is granted. Offences involving dishonesty include:

- theft

- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- false representation
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) or offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will normally be rejected or refused.

10. Alcohol and Drugs

10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.

10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.

10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.

10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted for drunkenness offences not involving a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

11. Driving offences involving the loss of life

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

11.2 A licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Other traffic offences

12.1 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

12.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

12.3 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. **However, with existing licensees they may be subject to separate consideration as part of the Penalty Points Enforcement Policy.**

12.4 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.5 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of

disqualification.

- 12.6 In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

13 Outstanding Charges or Summonses

- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

14 People banned from working with children and vulnerable adults

- 14.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

15 Non-conviction information

- 15.1 The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 15.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.
- 15.3 In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.
- 15.4 A licence will not normally be granted until at least 1 year has elapsed since a Criminal Behaviour Order.

16 Licensing Offences

- 16.1 Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

17 Insurance Offences

- 17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.
- 17.3 Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

18 Applicants with periods of residency outside the UK

- 18.1 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.
- 18.2 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

19 Summary

- 19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the

Council will be mindful of the need to protect the public and caution will be exercised.

19.2 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

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1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source ~~other police information etc.~~
- 1.2 Whilst this policy primarily applies to the determination of driver licences, ~~however,~~ where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or -vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where ~~the~~ exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for a driver's, vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the ~~guidance policy~~ will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of ~~the~~ **[insert]** Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its¹ primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.
- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
- That a person/applicant is a fit and proper person in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safety of children, young persons and vulnerable adults

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- 1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

‘Would you (as a member of the licensing committee or other person charged with the ability to a grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?’

If the answer to this question (or a similar test) is an unqualified ‘Yes’ then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver’s licence.

- 1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Number of endorsed DVLSA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.

- 1.10 In this policy, the word “applicant” refers to either new applicants, existing licence holders who are seeking renewal and ~~existing licence holders that are the subject of periodic auditing or having their licence reviewed by the council as part of the policy implementation process. It also includes~~ existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

- 1.11 In this policy, the word “conviction” is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

- 1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

- 1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an

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obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

2 General Policy

2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to -be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it ~~must~~will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 Powers

3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

4 Consideration of disclosed criminal history

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4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- The applicant's attitude
- Any other character check considered reasonable (e.g. personal references if requested by the Council)
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the council or lied as part of the application process,
 - Information provided by other agencies/council departments.

4.2 where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

4.24.3 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.

4.34.4 Existing holders of driver's licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

4.44.5 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has

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made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

4.54.6 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

5 Options when determining an application/licence

5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:

- grant the licence or take no further action
- grant the licence with additional conditions
- refuse, revoke, or suspend the licence
- issue a warning which may include the use of enforcement penalty points

5.2 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6. Offences involving violence

6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police

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- Violent disorder
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Common assault
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, –alarm –or distress, –intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3 A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction ~~(of public officials)~~
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7. Offences involving a weapon (not a firearm)

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 53 years (or at least 53 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.-

7.3 2 or more convictions for a violent offence will normally result in an application being refused.

8. Sexual and indecency offences

8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults

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- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

9. Dishonesty

9.1 A serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction or at least 5 years since the completion of sentence (whichever is longer) is required to have passed before a licence is granted. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- false representation
- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) or offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

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- 9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will not normally be issued-rejected or refused with a licence.

Public order offences -

10. Alcohol and Drugs

- 10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.
- 10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.
- 10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.
- 10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.
- 10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6

- ~~10.5~~10.7 A licence will not normally be granted for drunkenness offences not involving a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

11. Driving offences involving the loss of life

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 11.2 A licence will not normally be granted if an applicant has a conviction for:
- Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Causing death by careless driving

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- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Other traffic offences

12.1 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

12.2

12.4 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

~~12.4~~ Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. ~~However with existing licensees they may be subject to separate consideration as part of the Penalty Points Enforcement Policy.~~

~~12.311.1~~ Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

12.412.5 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.512.6 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

12.612.7 In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

13 Outstanding Charges or Summonses

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- 13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

14 People banned from working with children and vulnerable adults

- 14.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

15 Non-conviction information

- 15.1 The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding –acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.
- 15.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration ~~may~~ should be given to refusing the application or revoking an existing licence.
- 15.3 In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.
- 15.4 Criminal Behaviour Orders. One year to elapse before a licence will normally be granted. Anti social behaviour orders.

16 Licensing Offences

- 16.1 Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

17 Insurance Offences

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17.1 A serious view will be taken of convictions for driving, or being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to ~~immediate~~ revocation and will not be permitted to hold a licence for a period of at least ~~3~~ three years from the date of any revocation.

17.3 Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

18 Applicants with periods of residency outside the UK

~~18.1 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.~~

18.12 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

18.2 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

19 Summary

19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.

19.2 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period

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of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

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