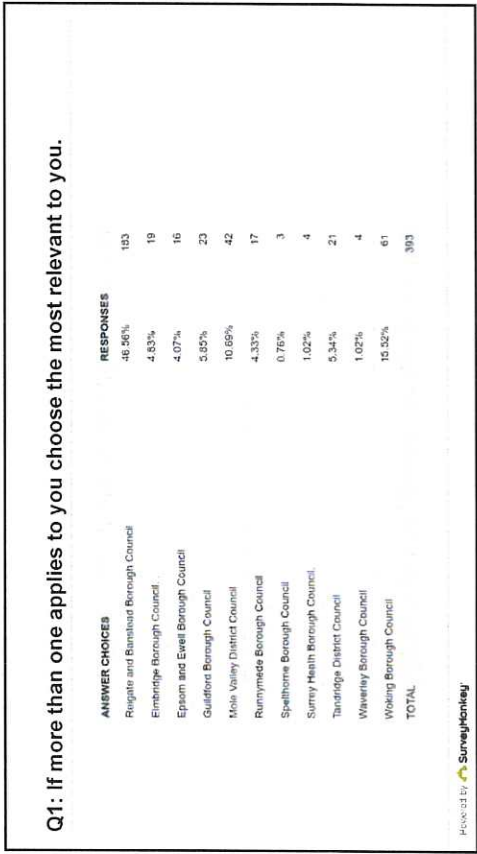
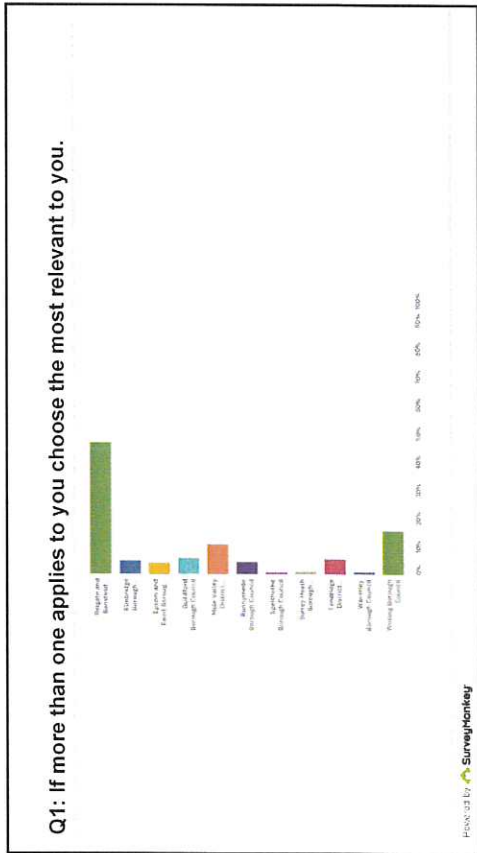


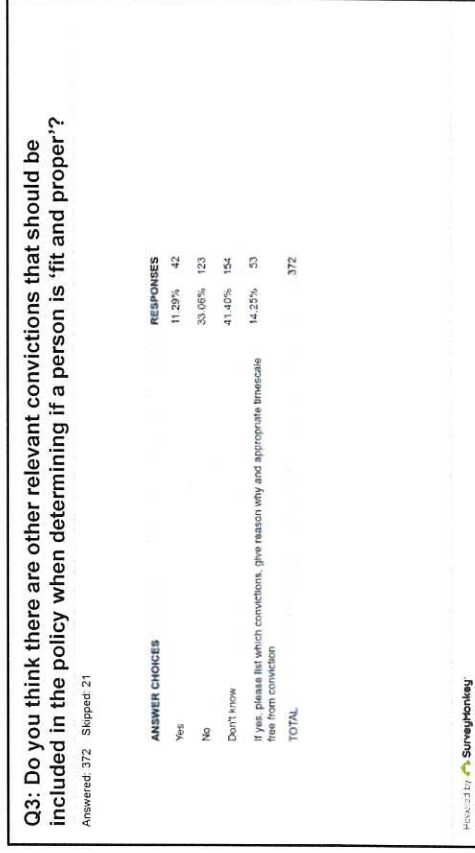
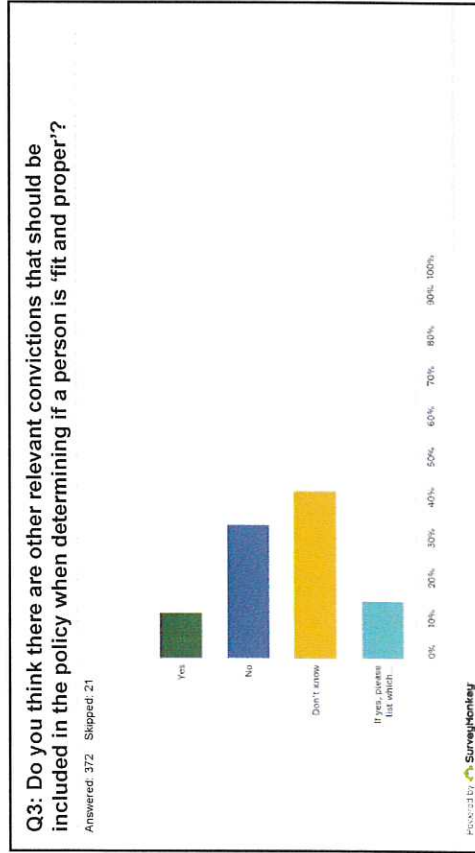
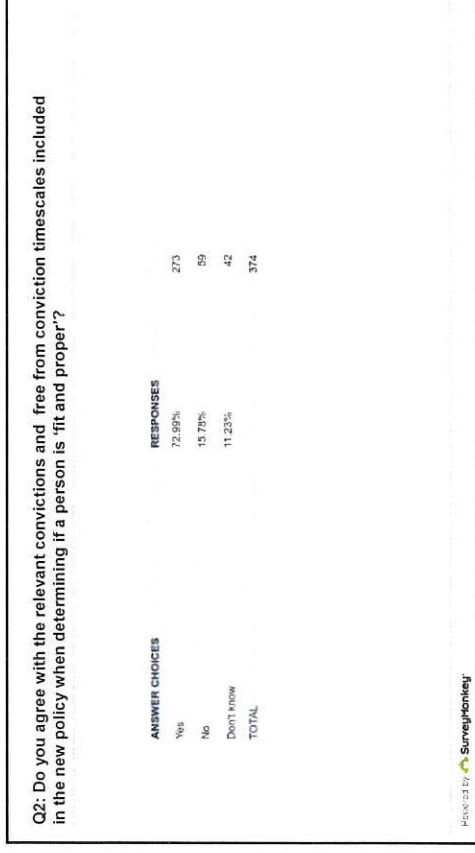
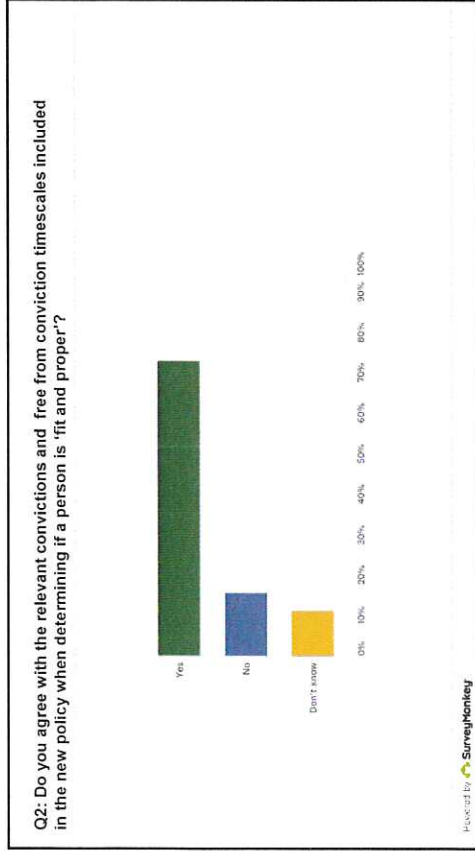
Combined Surrey Boroughs and Districts survey results 2017
Your view on Taxi and Private Hire Conviction Policy and Safeguarding Training
 Wednesday, December 06, 2017

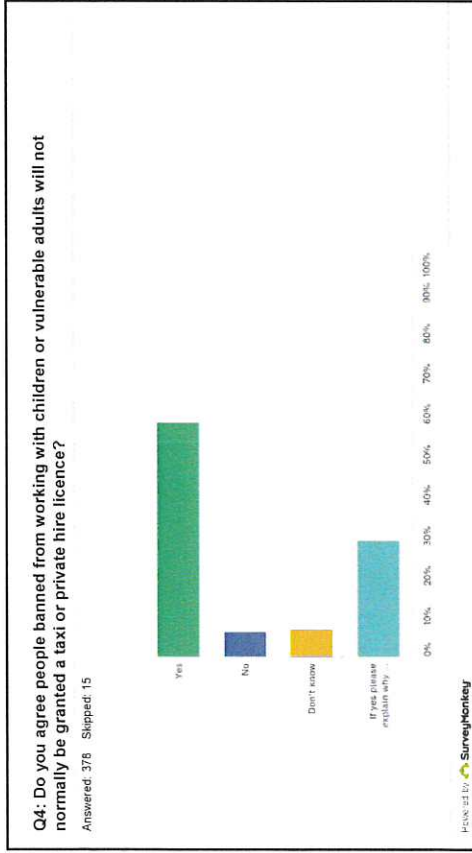
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393
 Total Responses
 Date Created: Tuesday, June 27, 2017

Powered by SurveyMonkey



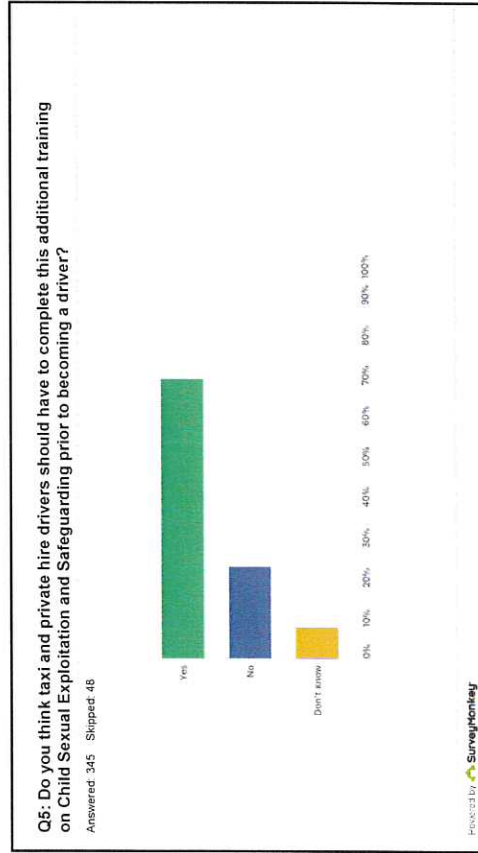




Q4: Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?
 Answered: 378 Skipped: 15

ANSWER CHOICES	RESPONSES
Yes	219 (57.94%)
No	24 (6.35%)
Don't know	26 (6.88%)
If yes please explain why and time free from convictions?	109 (28.84%)
TOTAL	378

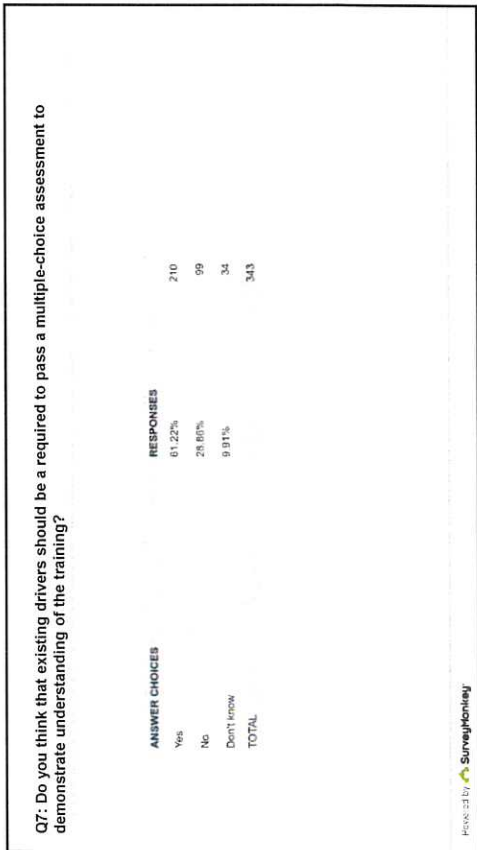
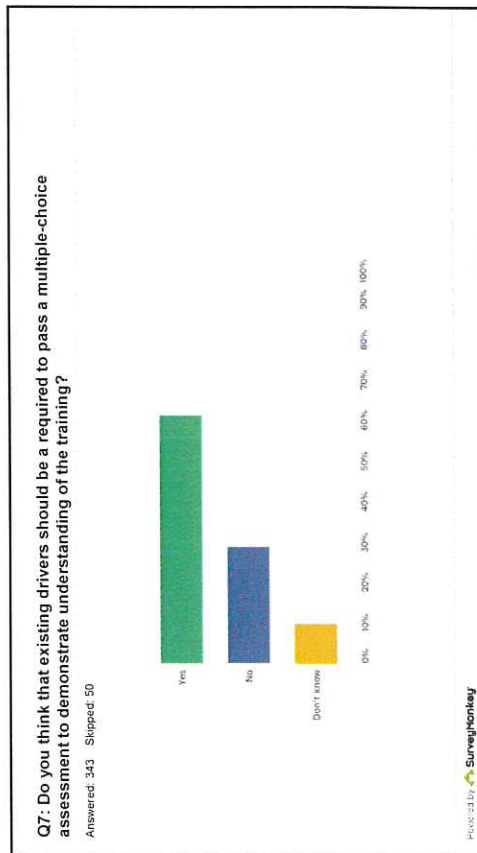
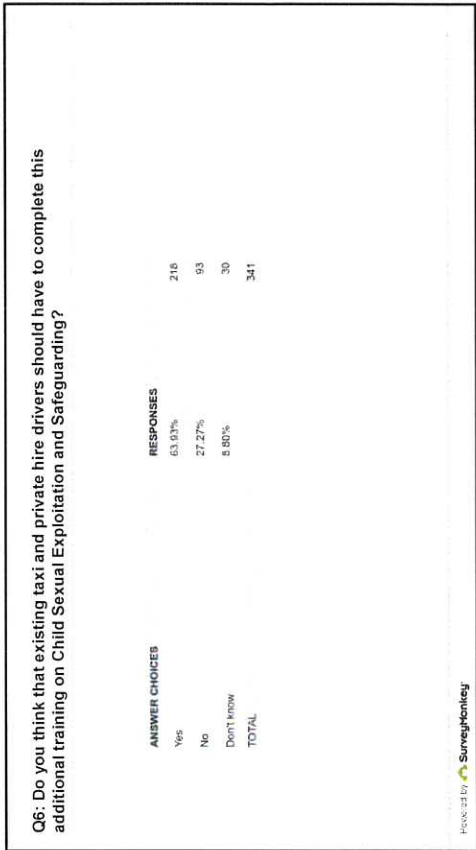
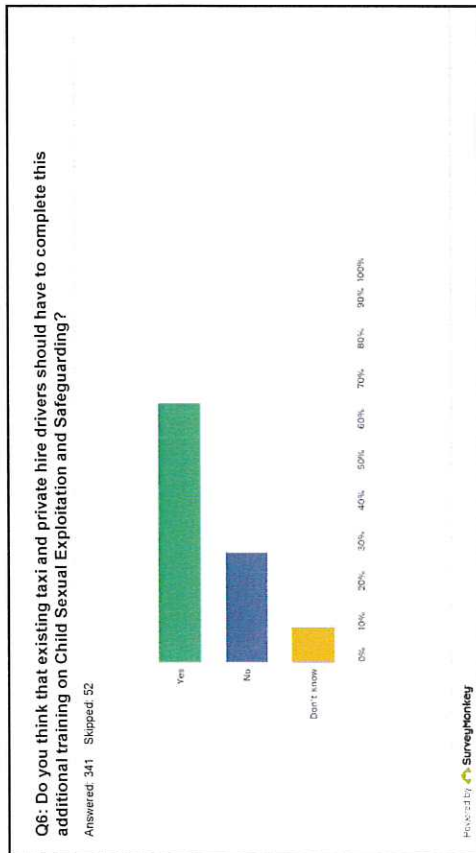
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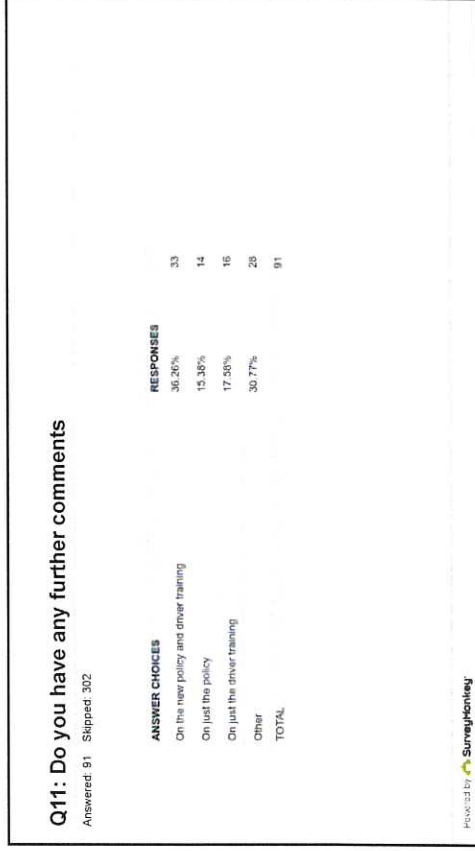
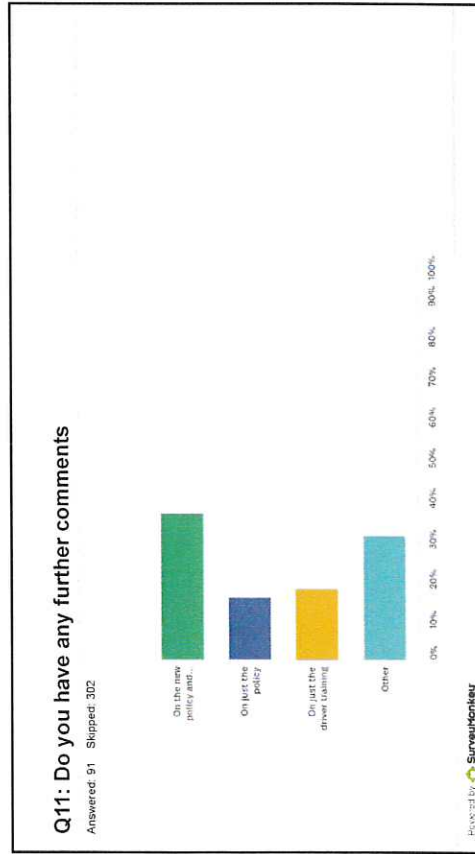
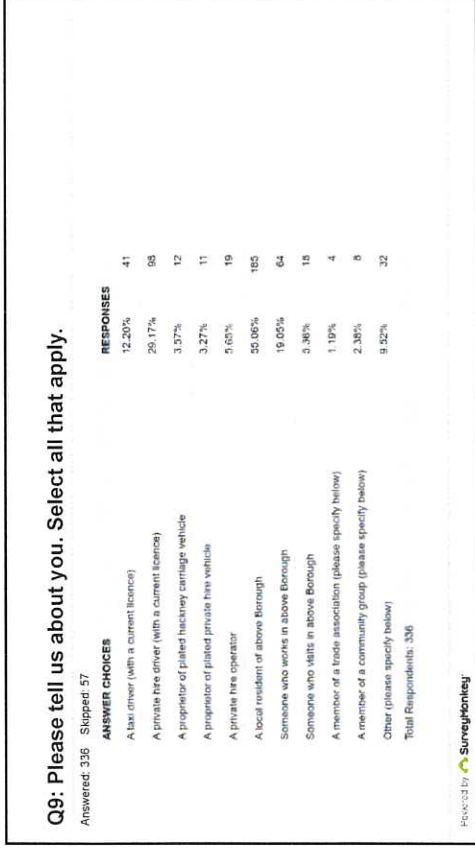
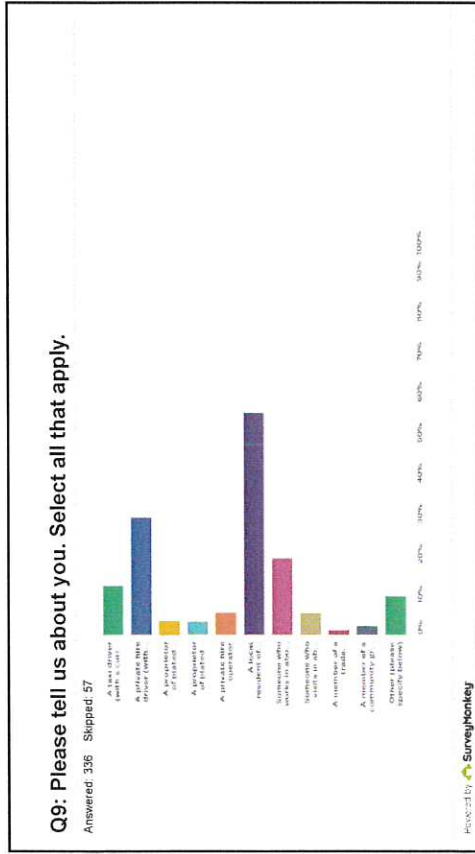


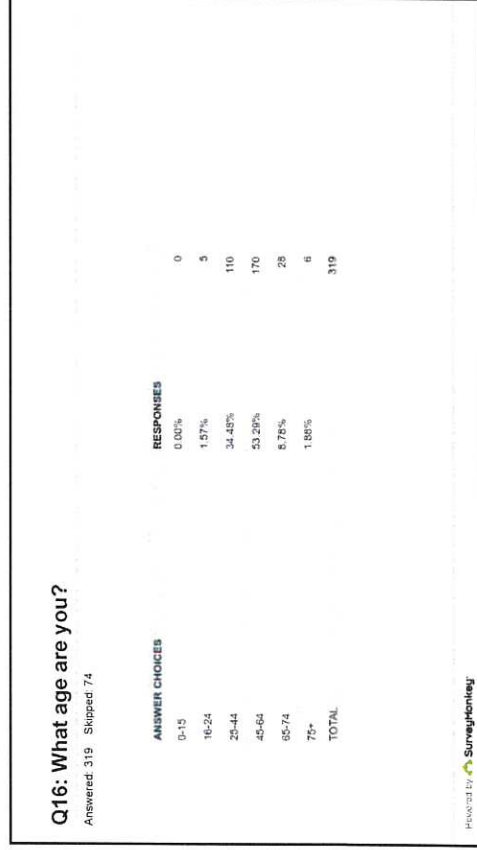
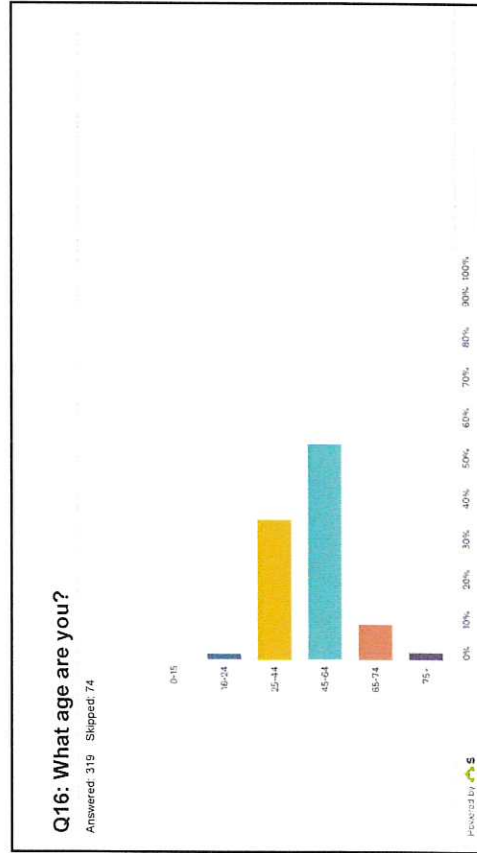
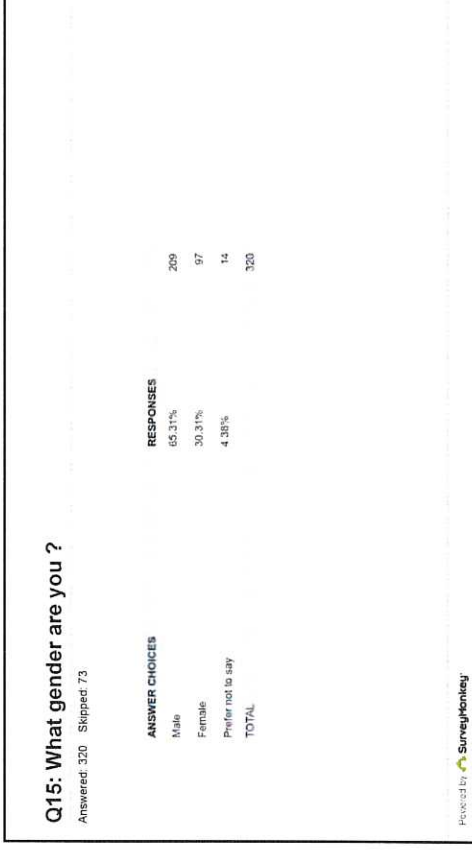
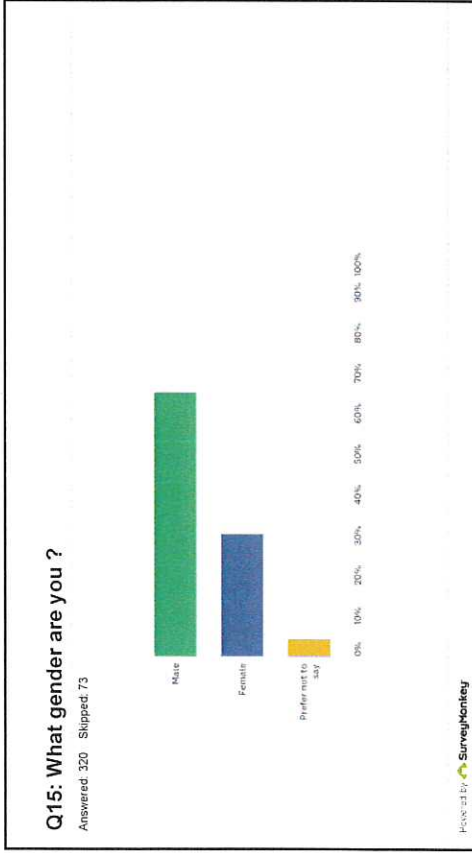
Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?
 Answered: 345 Skipped: 48

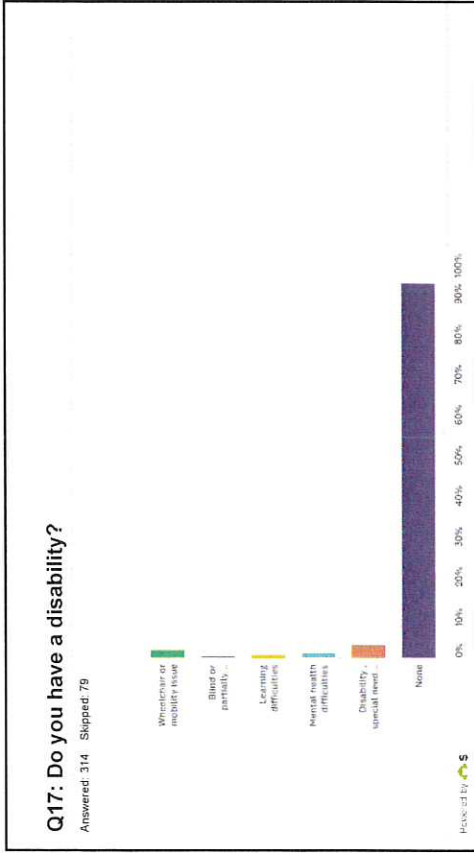
ANSWER CHOICES	RESPONSES
Yes	239 (69.25%)
No	79 (22.90%)
Don't know	27 (7.85%)
TOTAL	345

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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

Thursday, December 07, 2017

Powered by SurveyMonkey

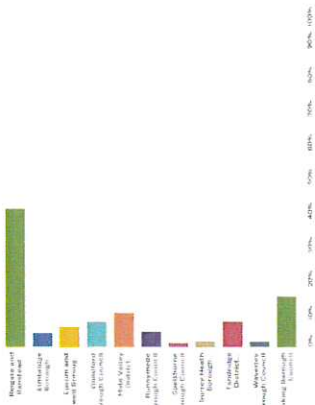
237
 Total Responses

Date Created: Tuesday, June 27, 2017

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Q1: If more than one applies to you choose the most relevant to you.

Answered: 237 Skipped: 0



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Q1: If more than one applies to you choose the most relevant to you.

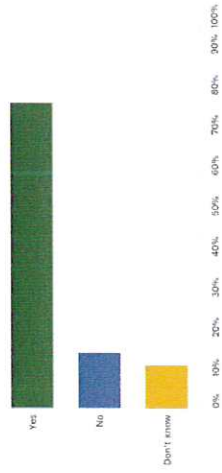
Answered: 237 Skipped: 0

ANSWER CHOICES	RESPONSES
Reigate and Banstead Borough Council	40.51%
Elmbridge Borough Council	4.22%
Epsom and Ewell Borough Council	5.91%
Guildford Borough Council	7.59%
Mole Valley District Council	10.13%
Runnymede Borough Council	4.64%
Spelthorne Borough Council	1.27%
Surry Heath Borough Council	1.69%
Tandridge District Council	7.59%
Waverley Borough Council	1.69%
Woking Borough Council	14.77%
TOTAL	237

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Q2: 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'?

Answered: 233 Skipped: 4



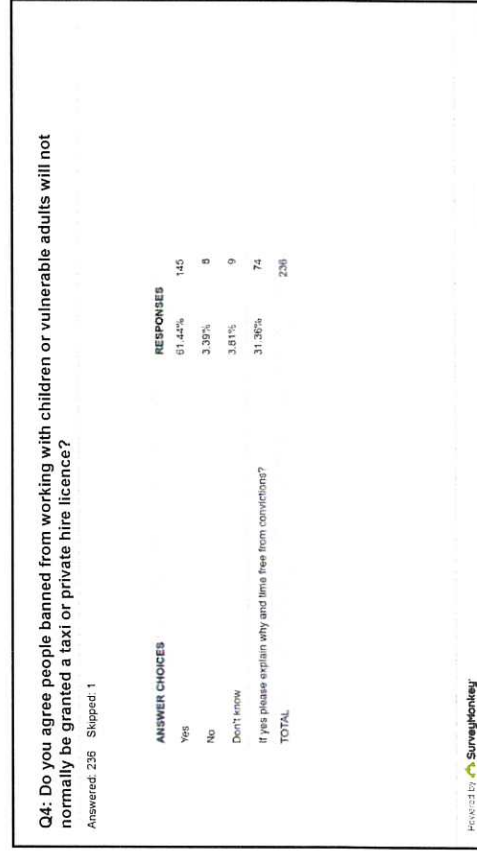
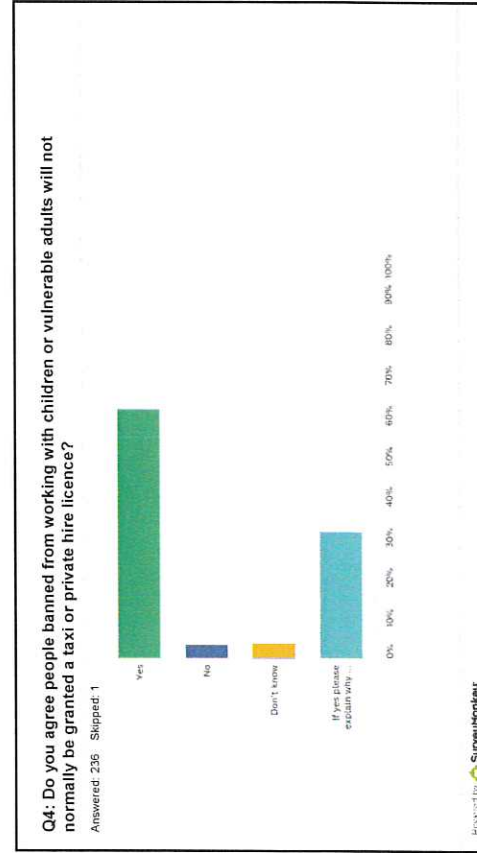
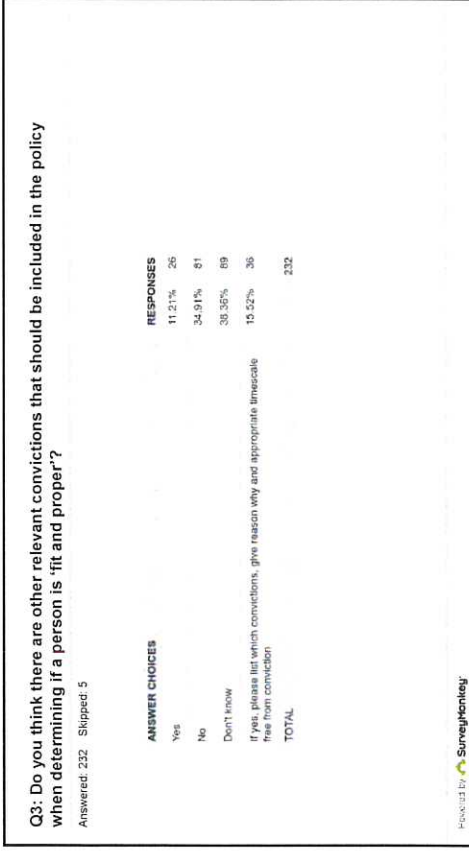
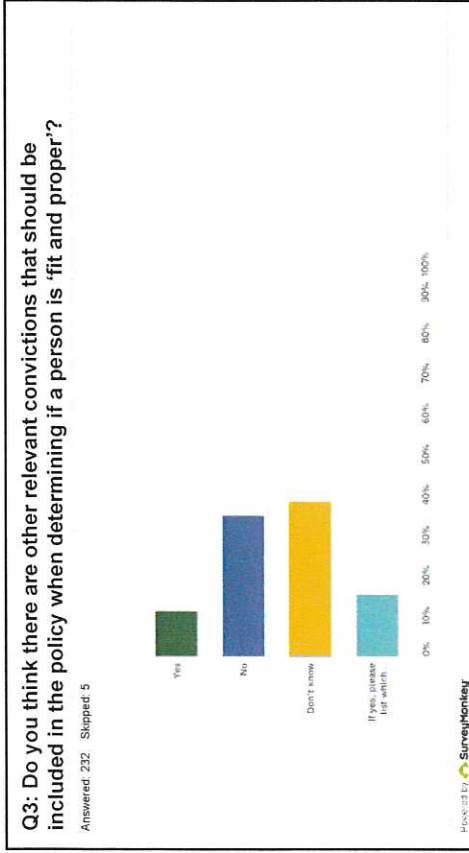
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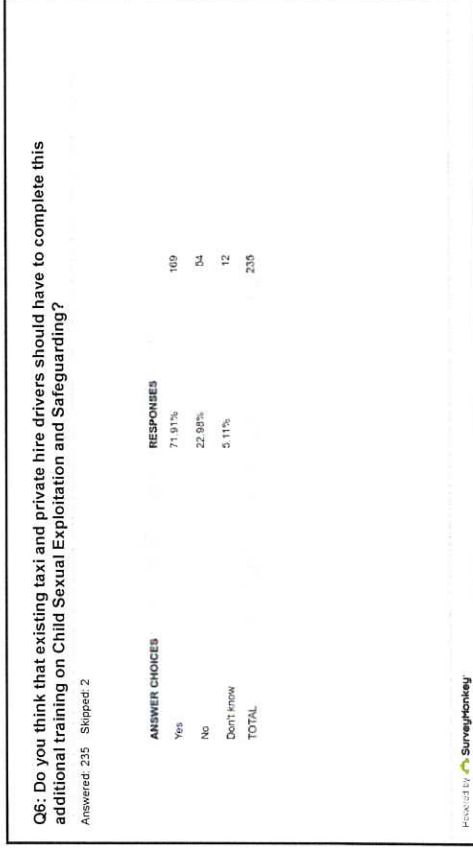
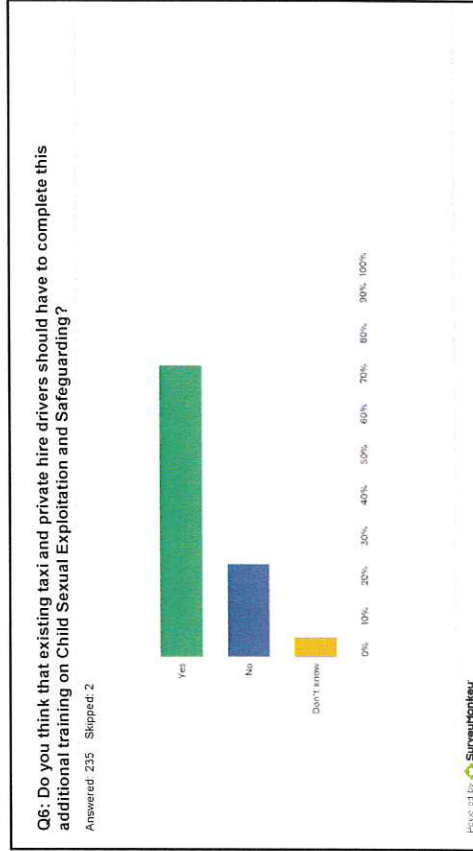
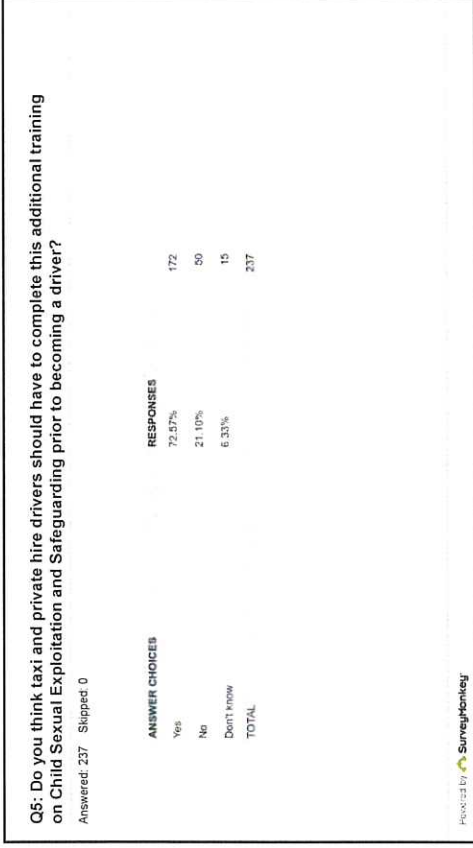
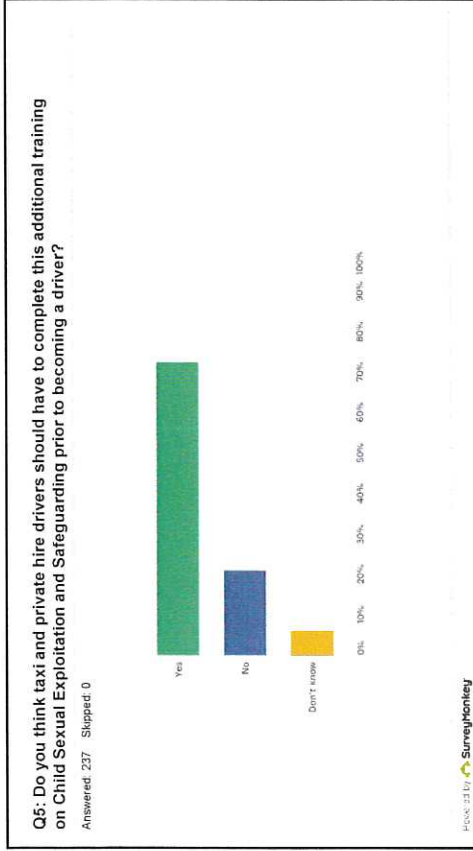
Q2: Do you agree with the relevant convictions and free from conviction timescales included in the new policy when determining if a person is 'fit and proper'?

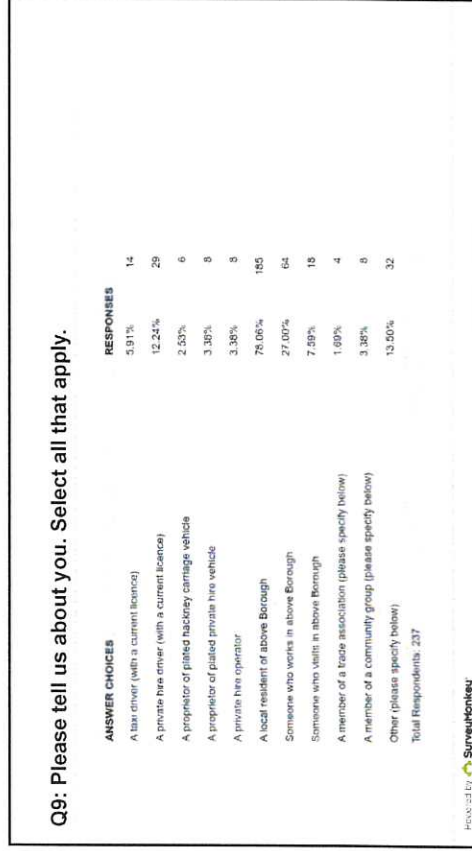
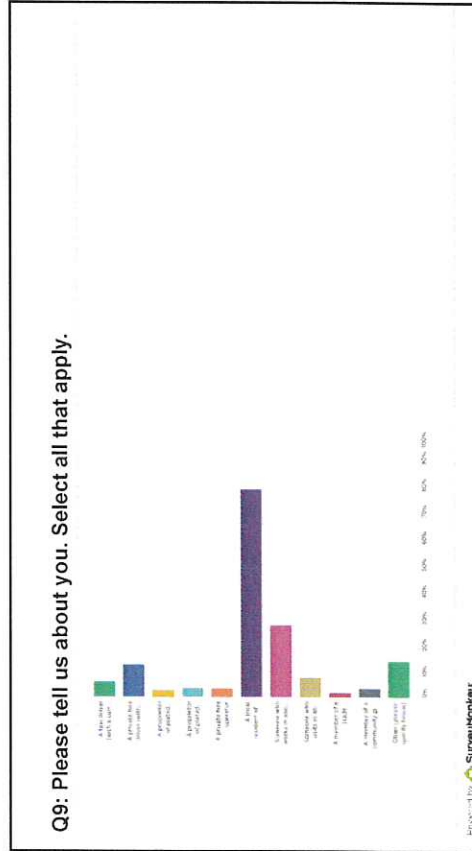
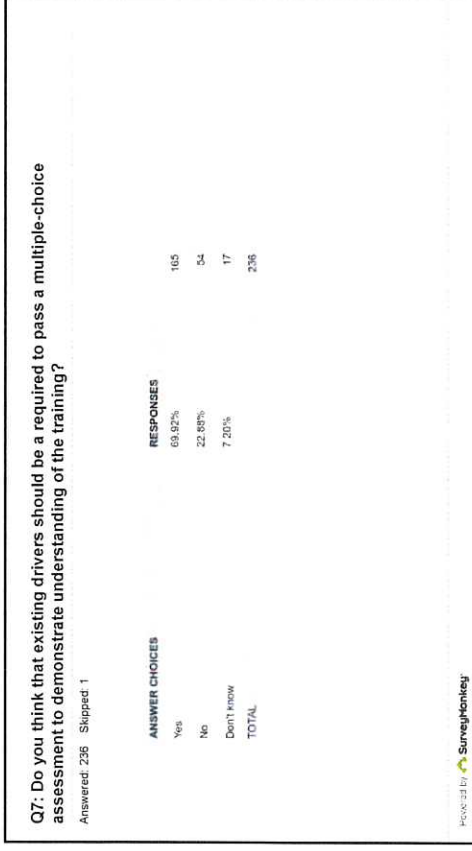
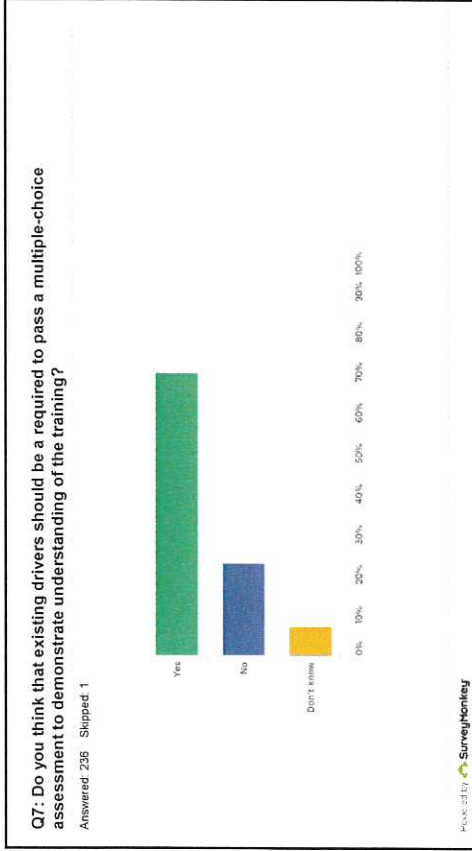
Answered: 233 Skipped: 4

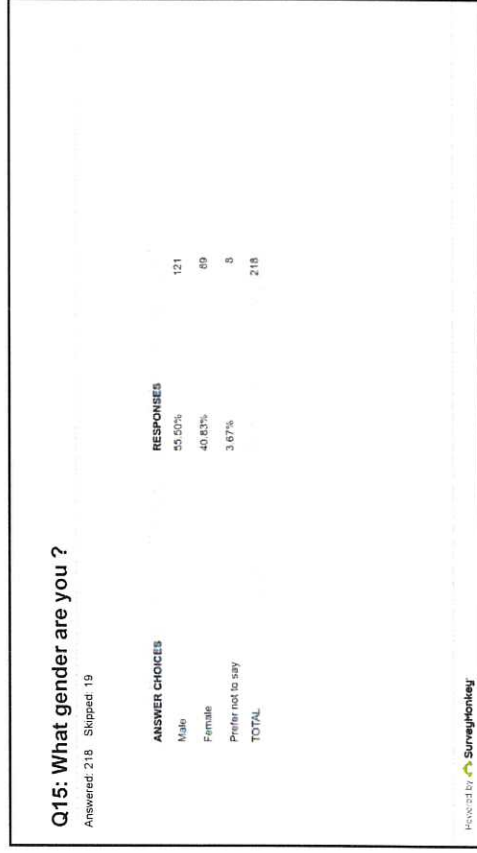
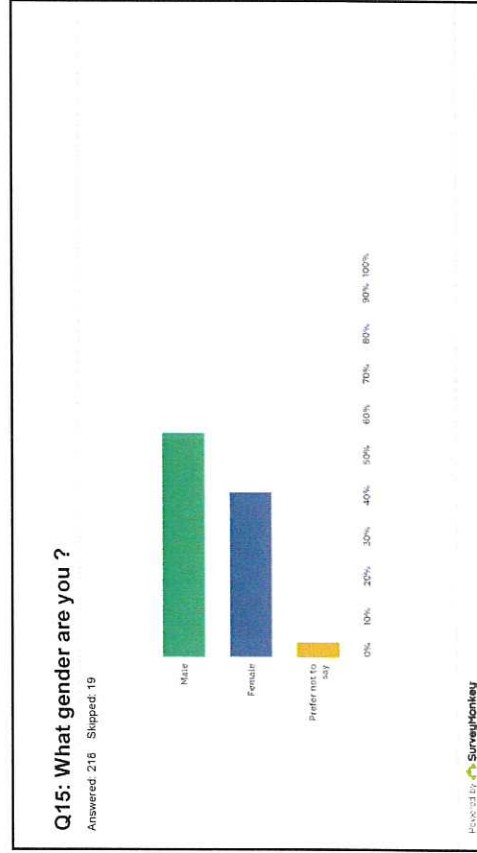
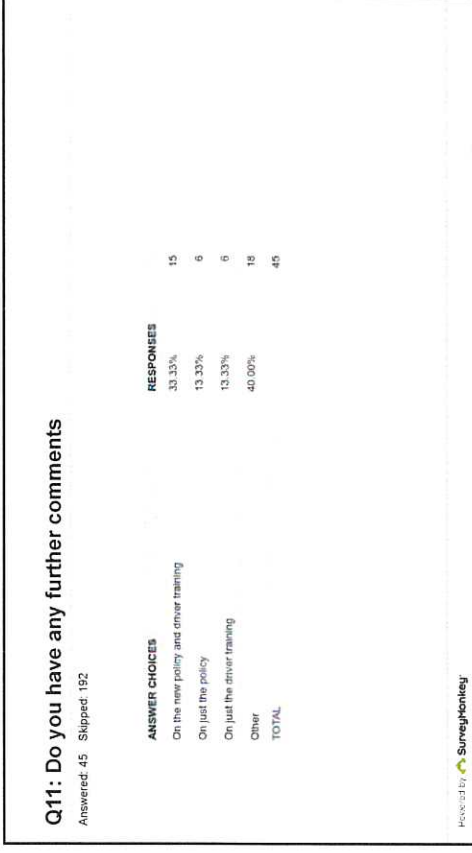
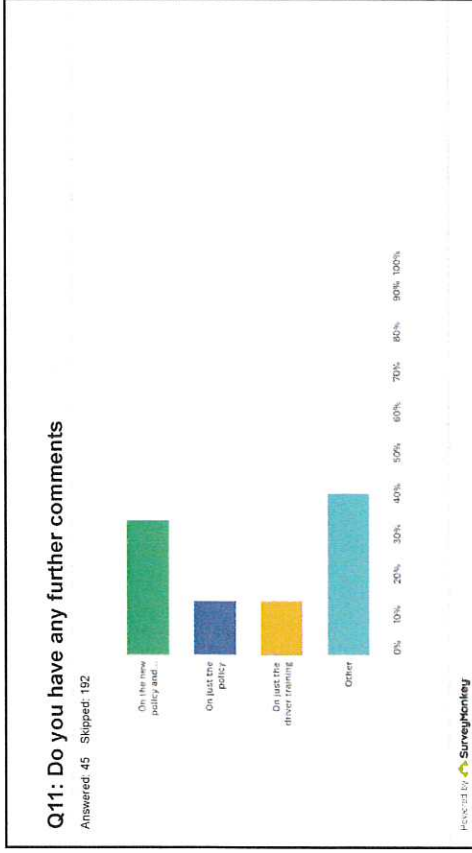
ANSWER CHOICES	RESPONSES
Yes	75.54%
No	13.73%
Don't know	10.73%
TOTAL	233

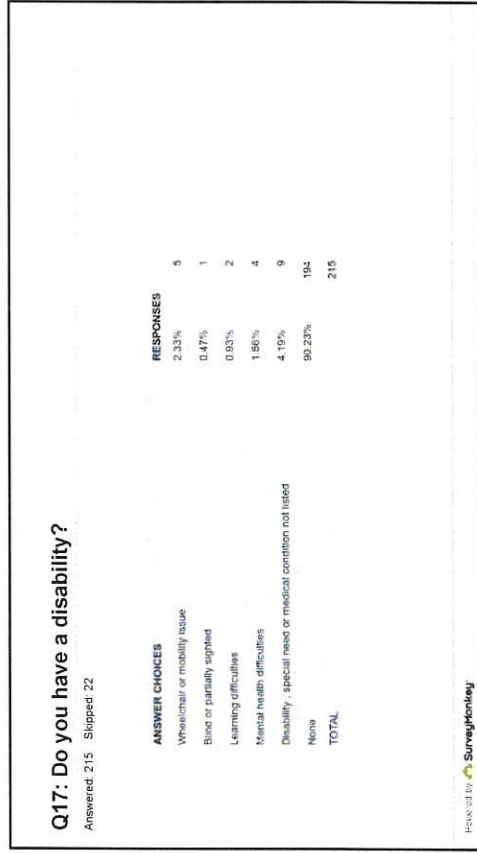
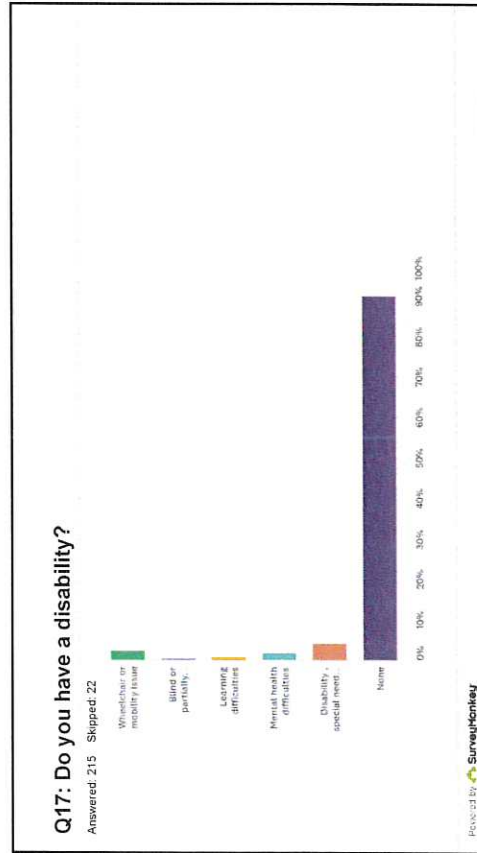
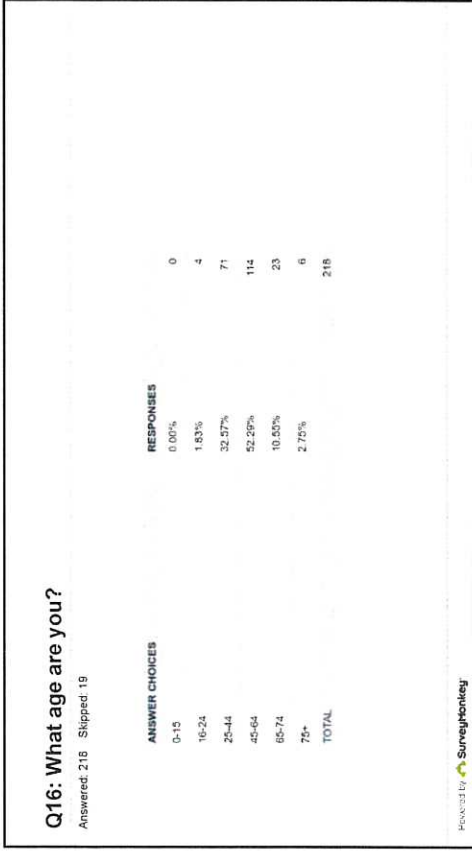
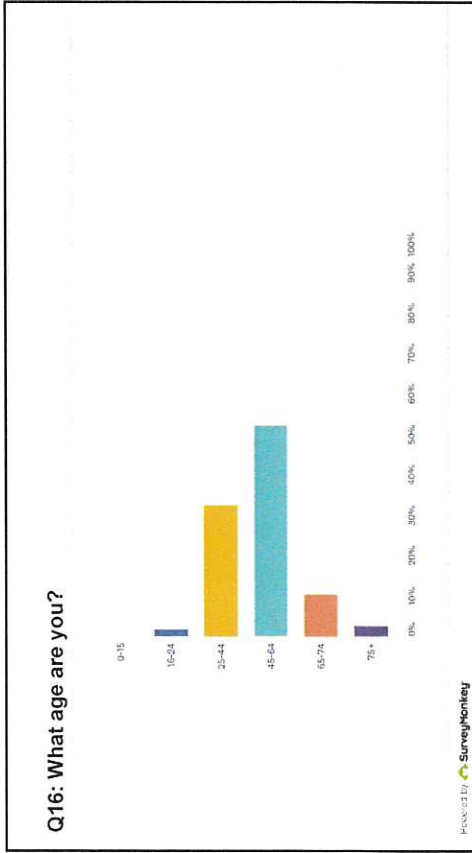
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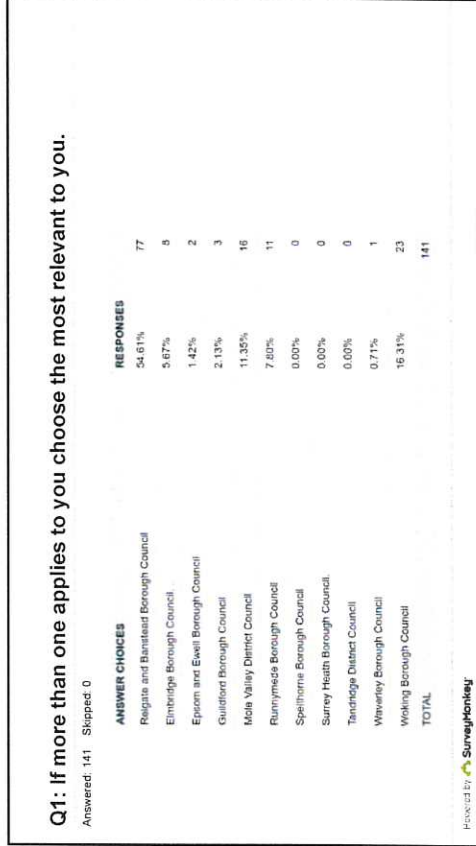
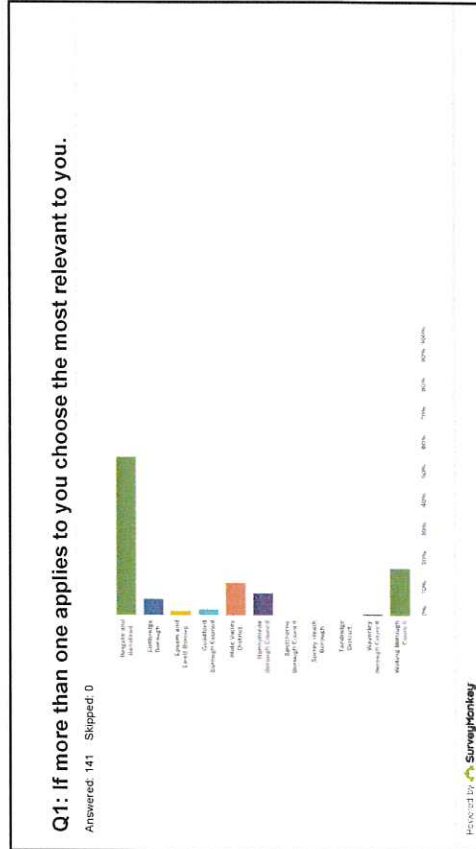


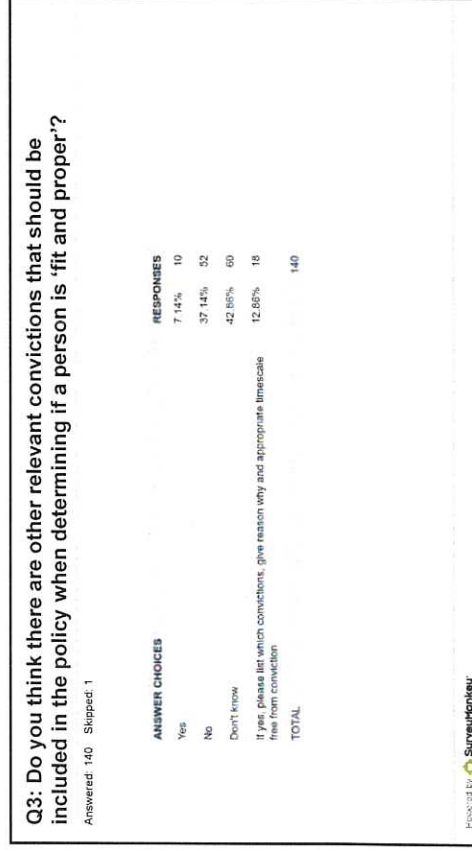
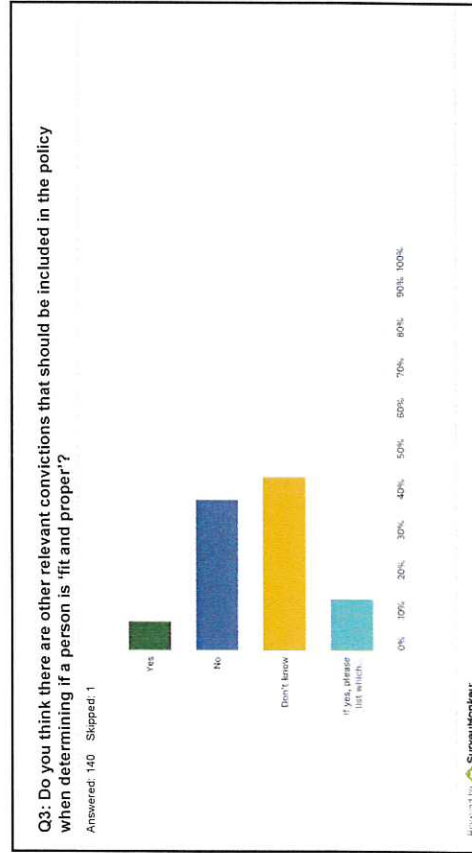
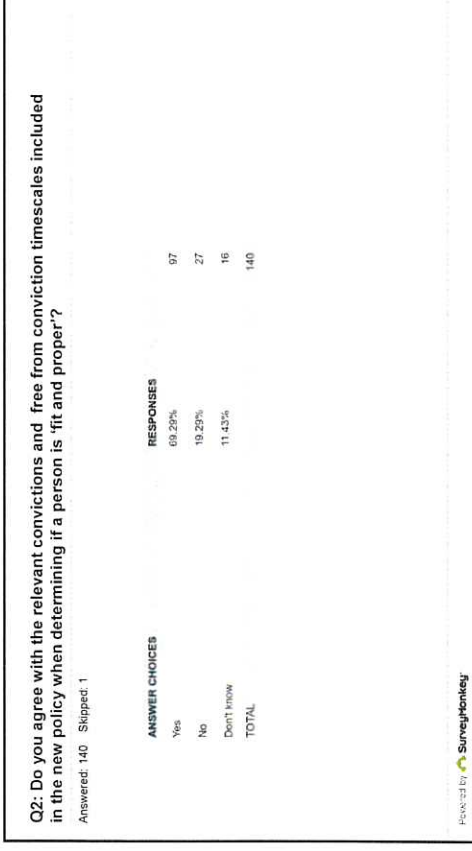
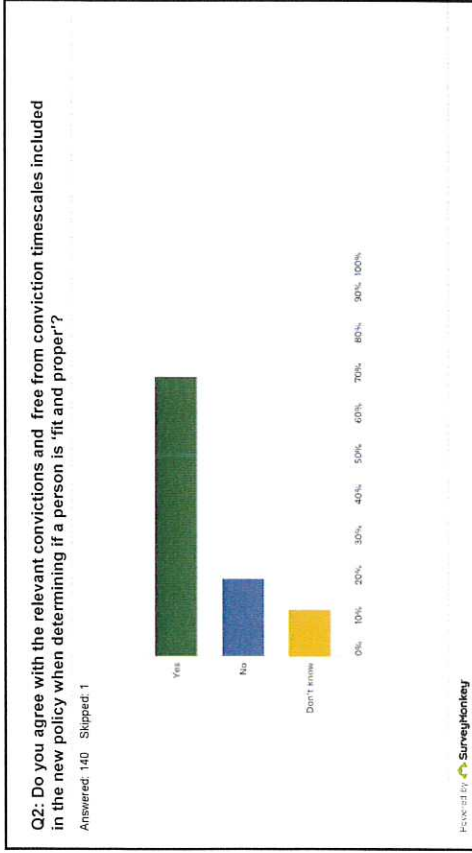
Trade Surrey wide survey results 2017
Your view on Taxi and Private Hire
Conviction Policy and Safeguarding Training
 Wednesday, December 06, 2017

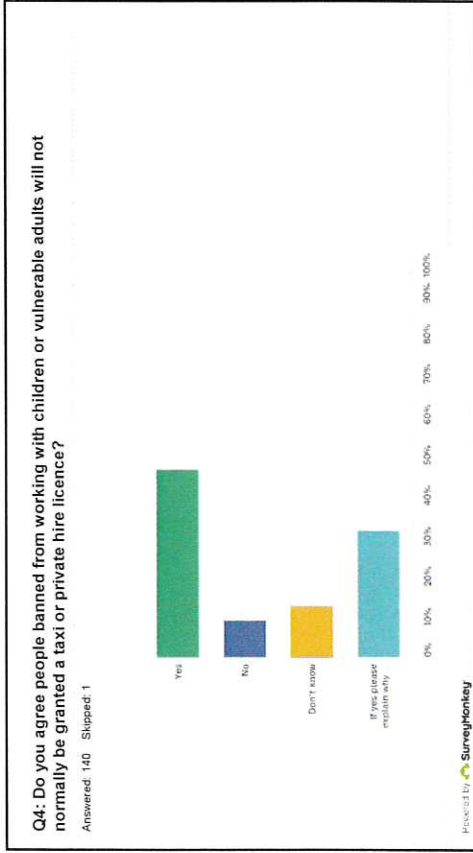
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141
Total Responses
 Date Created: Tuesday, June 27, 2017
 Complete Responses: 137

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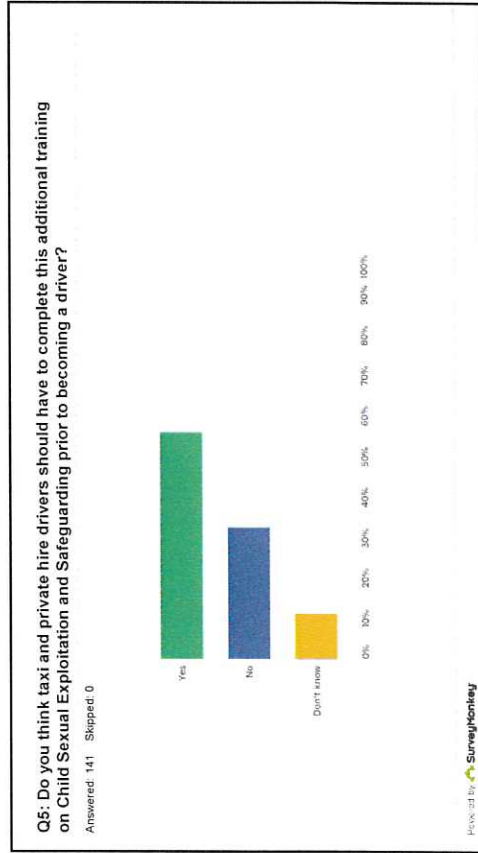




Q4: Do you agree people banned from working with children or vulnerable adults will not normally be granted a taxi or private hire licence?
 Answered: 140 Skipped: 1

ANSWER CHOICES	RESPONSES
Yes	65 (46.43%)
No	13 (9.29%)
Don't know	18 (12.86%)
If yes please explain why	44 (31.43%)
TOTAL	140

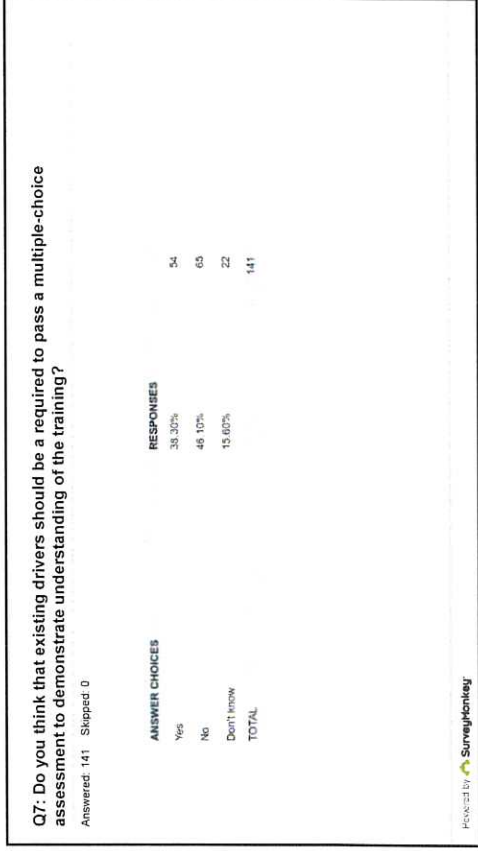
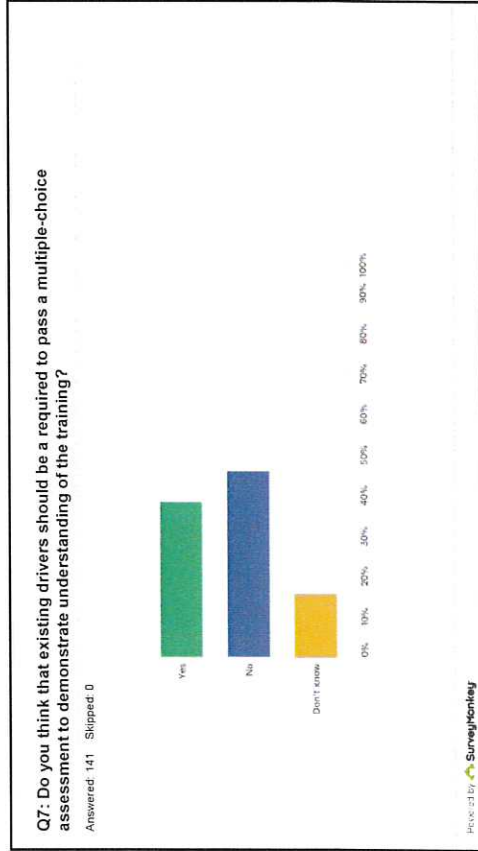
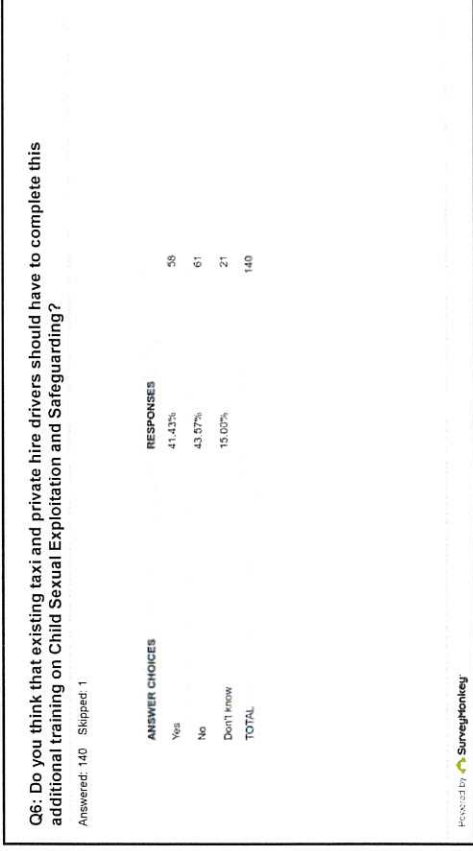
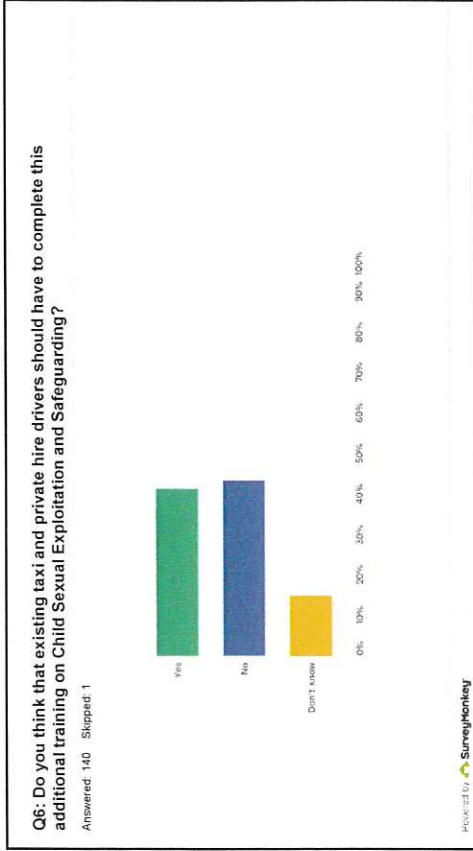
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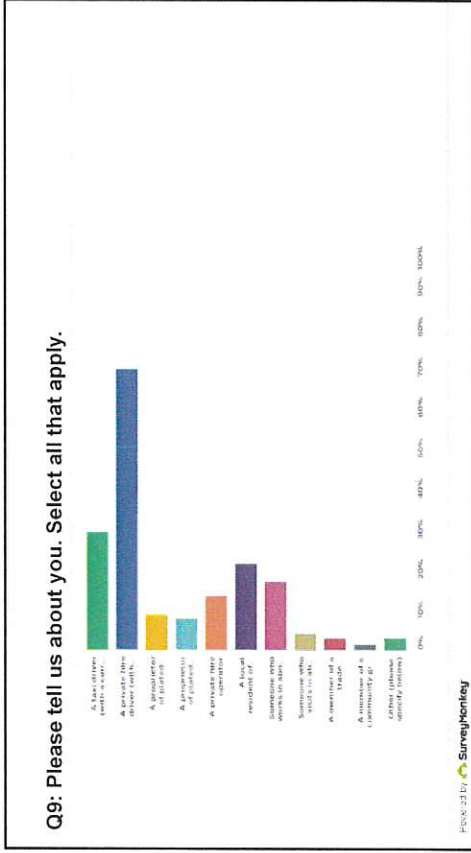


Q5: Do you think taxi and private hire drivers should have to complete this additional training on Child Sexual Exploitation and Safeguarding prior to becoming a driver?
 Answered: 141 Skipped: 0

ANSWER CHOICES	RESPONSES
Yes	79 (56.03%)
No	46 (32.62%)
Don't know	16 (11.35%)
TOTAL	141

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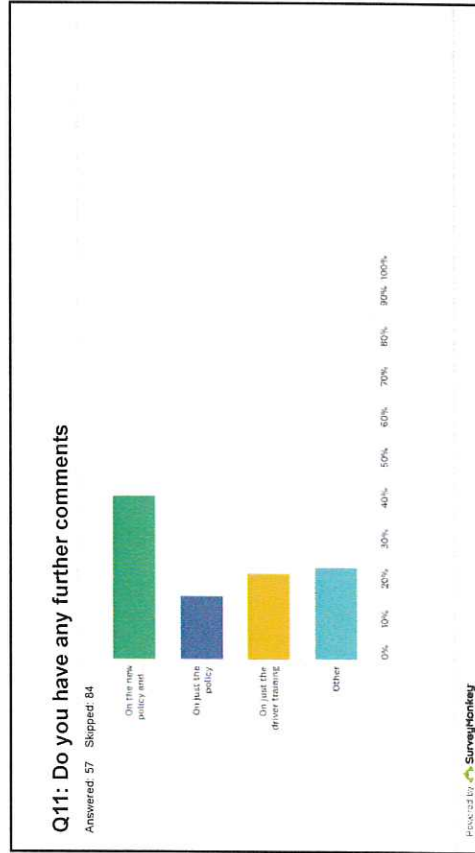
Q9: Please tell us about you. Select all that apply.

Answered: 141 Skipped: 0

ANSWER CHOICES	RESPONSES
A local resident of above Borough	29.05%
A private hire driver (with a current licence)	60.50%
A proprietor of plated hackney carriage vehicle	8.57%
A proprietor of plated private hire vehicle	7.50%
A private hire operator	13.48%
Someone who works in above Borough	21.28%
Someone who visits in above Borough	17.02%
Someone who visits in above Borough	4.26%
A member of a trade association (please specify below)	2.84%
A member of a community group (please specify below)	1.42%
Other (please specify below)	2.84%

Total Respondents: 141

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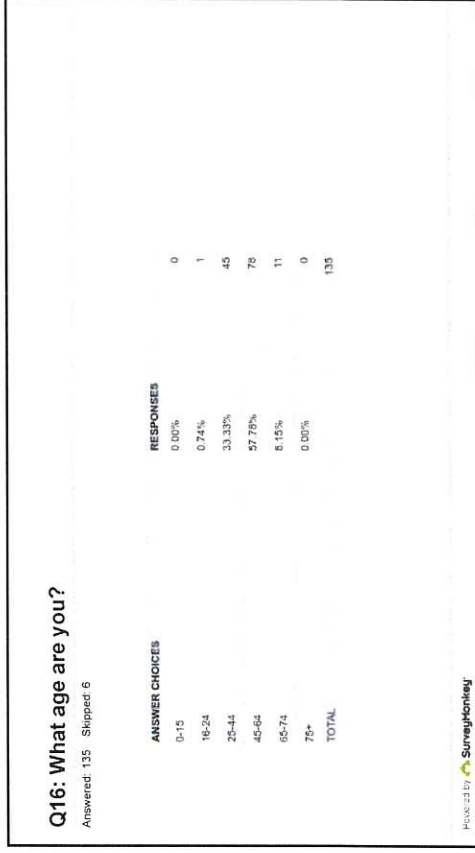
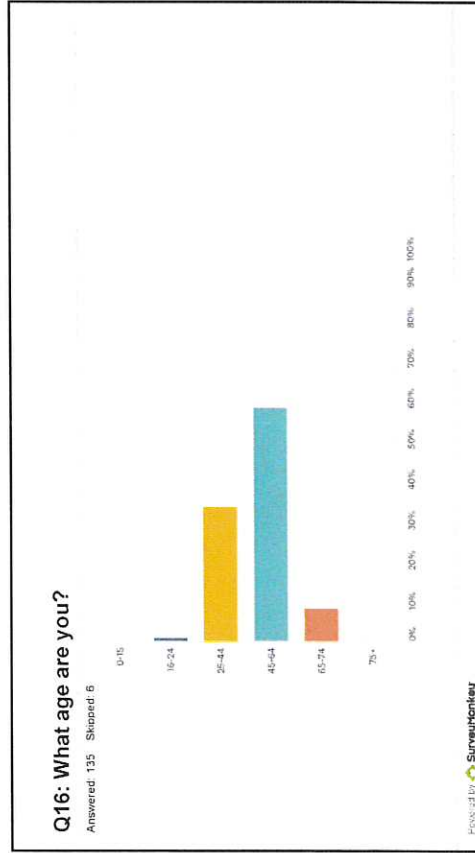
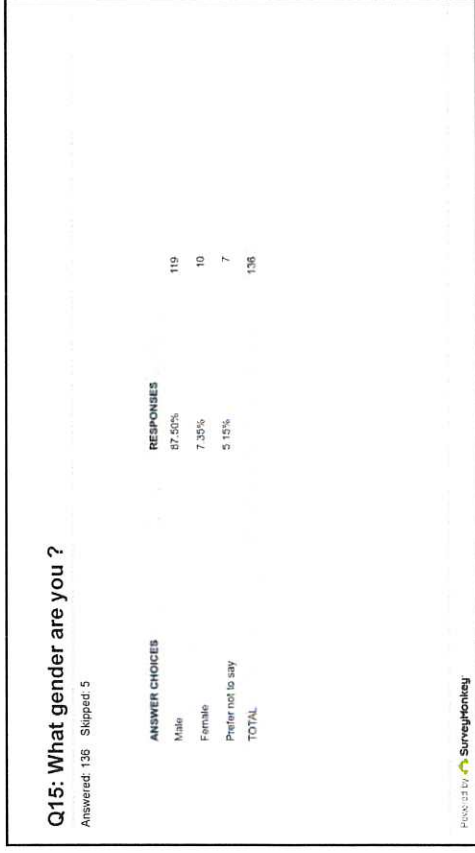
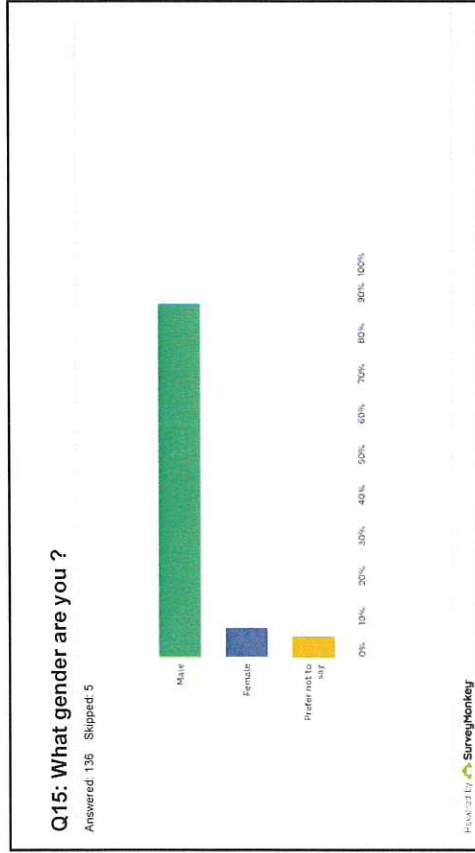


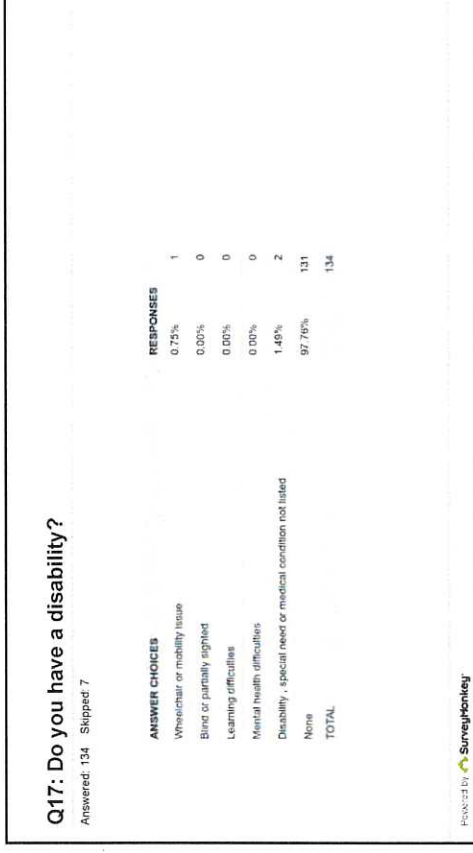
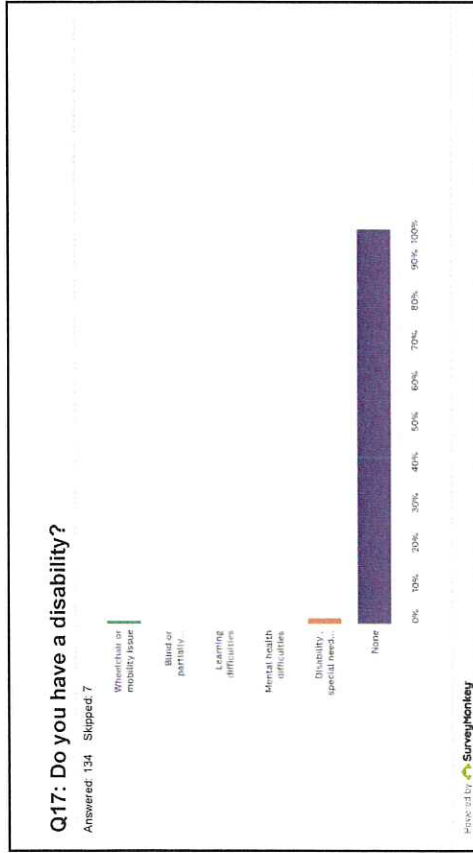
Q11: Do you have any further comments

Answered: 57 Skipped: 84

ANSWER CHOICES	RESPONSES
On the new policy and driver training	40.35%
On just the policy	15.79%
On just the driver training	21.05%
Other	22.81%
TOTAL	57

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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 place
- 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

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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

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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.
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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 ~~[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

- 10.7 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

12.3 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.~~

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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.

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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.

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