



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Environment and Licensing Committee

Date: **Tuesday 9 March 2021**

Time: **2.00 pm**

Place: **Virtual Meeting**

For any further information please contact:

Democratic Services

committees@gedling.gov.uk

0115 901 3844

Environment and Licensing Committee

Membership

Chair Councillor Marje Paling

Vice-Chair Councillor Nicki Brooks

Councillor Pat Bosworth
Councillor Boyd Elliott
Councillor Roxanne Ellis
Councillor Des Gibbons
Councillor Julie Najuk
Councillor Sam Smith
Councillor Clive Towsey-Hinton
Councillor John Truscott
Councillor Paul Wilkinson

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AGENDA

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- 2 To approve, as a correct record, the minutes of the meeting held on 9 February 2021** 5 - 6
- 3 Declaration of Interests.**
- 4 Statutory Taxi & Private Hire Vehicle Standards** 7 - 28
Report of Corporate Director of Environment, Communities and Leisure
- 5 Any other item which the Chair considers urgent.**
- 6 Exclusion of the Press and Public.**
To move that under Section 100(A)(4) of the Local Government Act 1972 the public and press be excluded from the meeting during consideration of the ensuing report on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.
- 7 Application for a One Year Joint Hackney Carriage / Private Hire Drivers Licence (AMS)** 29 - 102
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MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 9 February 2021

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks Councillor Julie Najuk
Councillor Pat Bosworth Councillor Clive Towsey-Hinton
Councillor Boyd Elliott Councillor John Truscott
Councillor Roxanne Ellis Councillor Paul Wilkinson
Councillor Des Gibbons

Absent: Councillor Sam Smith

Officers in Attendance: C Allcock, A Dubberley and R Pentlow

63 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Smith.

64 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 12 JANUARY 2021

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

65 DECLARATION OF INTERESTS.

None.

66 PROPOSED GENERAL AND TAXI LICENSING FEES FOR 2021/22

Consideration was given to a report of the Director for Communities Leisure and Environment, which had been circulated in advance of the meeting, seeking approval for proposed fees for Taxi Drivers that would apply for 2021/22.

RESOLVED to approve:

- 1) The fees and charges detailed in Appendix 1 to the report with effect from 1 April 2021; and
- 2) For advertisement in accordance with the Local Government (Miscellaneous Provisions) Act 1976 the fees for taxi driver,

operators and vehicle licences as detailed in Appendix 2 to the report for 2021/22 and that such fees will automatically come into force if no objections are received within the statutory period. If any objections are received within the statutory period that these be referred back to Committee for consideration in accordance with the legislation.

67 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

68 EXCLUSION OF THE PRESS AND PUBLIC.

RESOLVED:

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

69 APPEAL AGAINST DIRECTOR'S DECISION FOR IMMEDIATE REVOCATION OF HACKNEY CARRIAGE/PRIVATE HIRE LICENCE - MK

Members considered a report, which had been circulated in advance of the meeting, reporting the outcome of a recent appeal.

RESOLVED:

To note the information.

The meeting finished at 2.15 pm

Signed by Chair:
Date:

Report to Environment and Licensing Committee

Subject: Statutory Taxi & Private Hire Vehicle Standards

Date: 9 March 2021

Author: Corporate Director of Environment, Communities and Leisure

Purpose

To advise Members of the recommendations of the working group, appointed at the meeting held in August 2020, following consideration of the impact of the Department of Transport's Statutory Taxi & Private Hire Vehicle Standards on the Council's policies, procedures and conditions.

To obtain member approval for the matters contained at Appendix 1 and 2 of the report be issued for an 8 week public consultation.

Recommendation(s)

THAT Committee:

- 1) Note the recommendations of the working group.**
- 2) Approve that the matters contained at Appendix 1 & 2 of the report be issued for an 8 week public consultation.**

1 Background

- 1.1 At the meeting held on 4 August 2020 Members considered a report on the Department of Transport's Statutory Taxi & Private Hire Vehicle Standards ("the Standards"). The Standards were introduced to ensure that taxi and private hire licensing authorities use their licensing powers to protect children and vulnerable adults.

Whilst a number of recommendations set out in the Standards are already in place at the Council, the Standards needed detailed consideration by officers and Members to ensure that the Council's policies and practices have proper regard to the Standards.

- 1.2 After consideration of the report Members resolved to:

- 1) *Note the introduction of the Statutory Taxi & Private Hire Vehicle*

Standards.

- 2) *Agree that a working group be set up comprising members of the Committee and officers to consider the impact of the new standards on the Council's taxi licensing process and policies.*
 - 3) *Agree that any proposed changes to Council policies, including any proposals for consultation on those changes be reported back to the Committee for any necessary determinations.*
- 1.3 Following the Committee meeting officers met to go through the Standards to draw out the areas that the Council was already adhering to and the areas that would require discussion by the Working Group. A document of the areas that required discussion was produced and formed the basis of the Working Group's discussion and consideration
 - 1.4 The Working Group met in November 2020 and again in February 2021. The table at Appendix 1 contains the areas that were discussed and the recommendations by the Working Group and the impact on any areas in the Council policies that will require consultation.
 - 1.5 The Standards also provide detail about enforcement and assessments of taxi licensing applicant's previous convictions and their impact on the fit and proper test. The document that is referred to in the Standards as being recommended for use when assessing an applicant's convictions, draws on the work of the Institute of Licensing, in partnership with the LGA, the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government. The table at Appendix 2 contains details of a comparison of this document against the existing Council convictions policy and highlights the differences within each document. It is intended that Appendix 2 will form the basis of the consultation questions about changes to the Council's convictions policy.
 - 1.6 The Secretary of State for Transport has asked licensing authorities to provide an update to the Department of Transport of their consideration of the Standards six months after their publication which was by the end of January 2021. This was sent to Authorities in the form of a survey from the Department of Transport which was seeking confirmation from local authorities that they had considered the Standards and were making progress on any changes. The survey comprised of two questions and a comments section which has been completed by officers and returned.

2 Proposal

- 2.1 That Members note the recommendations of the working group.
- 2.2 To obtain Member approval that the matters contained at Appendix 1 & 2 of the report be issued for an 8 week public consultation.
- 2.3 That officers bring back the findings of the public consultation to a future Committee with a draft of any changes to policies, specifications and

conditions to be considered by Members.

3 Alternative Options

- 3.1 The Council could choose not to go out to consultation on a review of the Council's policies and procedures in the light of the Standards. This would mean we may be unable to implement some of the changes as recommended by the Department of Transport. The Standards are clear that licensing authorities are expected to implement the recommendations in the Standards unless there is a compelling local reason not to, the Council may therefore be at risk of sanction.

4 Financial Implications

- 4.1 There are no additional resource implications or budgetary implications in relation to this review. Any new measures resulting from a review of the licensing regime may have budgetary implications but these will be considered at a later stage.

5 Legal Implications

- 5.1 The Standards are clear that licensing authorities are expected to implement the recommendations in the Standards unless there is a compelling local reason not to. The Standards also make it clear that it is a statutory requirement to have regard to them.
- 5.2 Following a review of the licensing regime it is likely that there will be changes to policy and practice which will require consultation with the trade and the public and appropriate approvals will need to be sought from Committee.

6 Equalities Implications

- 6.1 As part of the review Equalities Impact Assessments will be necessary, in addition any consultation required will need to be conducted in a way that complies with the Equality Act 2010. The Standards themselves have a particular impact on individuals within the protected characteristics of age, disability and race, this will need further consideration as part of the review.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 There are no direct implications arising from this report.

8 Appendices

- 8.1 Appendix 1 – Table of potential change to policies, specifications and procedures to go out to consultation.

Appendix 2 - Table of comparison between the Council's Convictions Policy and the recommendations in the Standards.

Statutory Officer approval

Approved by:

Date:

On behalf of the Chief Financial Officer

Approved by:

Date:

On behalf of the Monitoring Officer

	Current Position	Working Group consideration and Recommendations to Committee
1	<p>Drivers Licences are issued for 3 years unless a lesser period of one year is requested by the driver or resolved by Committee.</p> <p>A DBS is required on application or in the case of a three year licence also at the 12 and 24 month declarations (where the driver declares any changes to his circumstances).</p>	<p>The Working Group considered mandating the requirement for applicants to sign up to the DBS update service so that more regular checks can be carried out.</p> <p>Recommendation:</p> <p>That the consultation seek views on it being mandatory for applicants to sign up to the DBS online services.</p>
2	<p>Any proposed changes to the licensing policy and/or conditions have historically been issued for a 28 day consultation</p>	<p>The Working Group considered the length of time of any such consultation, if changes are proposed to be made to the Council's policies, procedures or conditions.</p> <p>Recommendation:</p> <p>That the consultation period should last for 8 weeks.</p>
3	<p>The Standards recommend that any changes to the Policy following the application of the Standards should be followed by review of licences already issued.</p> <p>Reasonable time should be given to comply with changes where necessary and that the Council needs to communicate promptly and clearly with drivers as to what is expected of them</p>	<p>The Working Group considered the time period that any changes to the Policy would be required to be met within. Particularly with reference to any changes to vehicle specifications or policies which render a licence holder no longer compliant with those policies.</p> <p>Recommendation:</p> <p>It is proposed that any changes to policies or conditions in relation to driver or operator licences be applied to any application or renewal made after the implementation date. The</p>

	Current Position	Working Group consideration and Recommendations to Committee
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		implementation date should be no less than 6 months after any changes are agreed and that this period of time can be varied for each change if considered necessary.
4	<p>The Standards recommend that a licensed driver should notify the LA within 48 hours of arrest and release, charge or conviction of any sexual offence, any offence involving dishonestly or violence and any motoring offence.</p> <p>Upon notification this should trigger a review of the licence and the Council has an appropriate procedure in place</p> <p>At the current time the conditions of licence state the notification period is 7 days in writing.</p> <p>A robust review of the licence in accordance with the Policy is always made after such a notification.</p>	<p>The Working Group considered amending the drivers licence conditions to make the notification period for convictions etc 48 hours instead of 7 days.</p> <p>Recommendation:</p> <p>That the consultation seek views on the drivers licence conditions being amended so that the period to notify the Council of any conviction etc be reduced from 7 days down to 48 hours and that contact be made in writing including, and preferably, by email. Also that if this change is implemented a template be provided on the Council's website.</p>
5	<p>The Council already require applicants to declare if they have held a licence with another Authority.</p> <p>The Council already require an applicant to disclose if they have had an application refused or a licence revoked/suspended by any other authority.</p>	<p>The Working Group considered that it should amend the application form to include a declaration stating that making a false statement or omitting to provide the information requested may be a criminal offence.</p> <p>The Council is already a member of NAFN (National Anti-Fraud Network) and utilising the NR3 register needs member's approval to use after consultation. The Working Group felt that it is appropriate that this forms part of the wider consultation on the Standards.</p>

	Current Position	Working Group consideration and Recommendations to Committee
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	The Council do not currently state in the application declaration that making a false statement or omitting to provide the information requested may be a criminal offence.	<p>Recommendation:</p> <p>That the consultation seeks views on the use of the NR3 register.</p>
6	<p>The Council currently have a complaints procedure that forms part of the Policy and all complaints are dealt with in line with this procedure.</p> <p>Currently complaints are made by email or telephone to Customer Services using the Council's general complaints link on the website. A complaints form is then sent out to the complainant for more detail.</p>	<p>The Working Group considered that there should be a separate complaints/compliments form be made available on the website specifically for complaints/compliments about taxi drivers/operators</p> <p>The Working Group considered an amendment to the vehicle specification and testing manual that it is mandatory to carry a notice in the vehicle giving the passengers details of how to make a complaint.</p> <p>Recommendation:</p> <p>That the consultation seek views on there being an amendment to the vehicle testing manual to provide that a notice must be carried in the vehicle informing passengers how they can make a complaint/compliment about a driver or operator.</p>
7	The Council's application form currently requests a certificate of good character for those applicants that have live for 6 months or more in another country after the age of 18 years.	The Working Group considered that, in the light of the Standards and the risk to public safety, making the certificate of good character/overseas criminal record mandatory on application. For those applicants that are unable to obtain one for whatever reason will be advised not to apply as their application would be incomplete. This advice could also be included in the application form.

	Current Position	Working Group consideration and Recommendations to Committee
	<p>For those applicants who are unable to obtain an overseas criminal record or certificate of good character (for example due to the situation in the country they are from or because they fear repercussions) advice is given that they must obtain 3 references from professional people attesting to their character.</p>	<p>The Working Group also consider alternative processes to mandating this if an applicant was unable to provide a certificate of good character, in line with what the Council currently do but with tighter requirements</p> <p>Recommendation:</p> <p>That the consultation seek views on mandating the requirement for a certificate of good character from overseas and deeming applications incomplete if this is not provided.</p> <p>This would apply to all applicants that have lived outside of the UK for a period of 3 months (reduced from 6 months) over the age of 18 years. This is to include every country they have resided in.</p>
8	<p>The Council has an extensive policy relating to the consideration of criminal convictions with guidance as to how to deal with different types of conviction. The current guidance in the policy relates to the time period that should have passed to start from the date of conviction</p>	<p>The Working Group considered the changes to be made to the policy after comparing the Council's current policy with guidance in the standards. A comparison table between the Council's current Policy and the recommendations in the Standards is at Appendix 2</p> <p>The Standards recommend time period should run from the date that the sentence has ended.</p> <p>Recommendation:</p> <p>That the consultation seek views on any changes to the current convictions policy that brings it in line with the recommendation in the standards, as detailed in Appendix 2 to the report,</p>

	Current Position	Working Group consideration and Recommendations to Committee
		including changing the time period from date of conviction to date when the sentence ends.
9	<p>All Local Authorities should consult to identify if there are local circumstances which indicate that the installation of CCTV would have either a positive or an adverse net effect on the safety of passengers and taking into account potential privacy issues.</p> <p>The Council does not currently mandate the use CCTV in vehicles.</p>	<p>The Working Group considered including a question about the use of CCTV in vehicle within the consultation as recommended in the Standards.</p> <p>Recommendation:</p> <p>That the consultation seek views on the installation of in-vehicle visual and audio recording (CCTV) in licensed vehicles and whether this is mandatory or voluntary.</p>
10	<p>The Council do not currently require private hire operators to keep a register of all staff employed in the booking and dispatch of vehicles or require them to have sight of a basic DBS for such staff.</p>	<p>The Working Group considered an amendment to the private hire operator conditions requiring operators to keep a record of all staff employed it the booking and dispatch of vehicles. They also considered a condition requiring the operator to have sight of a basic disclosure for those staff in line with the Standards.</p> <p>Recommendation:</p> <p>That the consultation seek views on an amendment to the private hire operator conditions to require all operators to keep records of all staff employed by them and to record that they have had sight of a basic DBS disclosure certificate for each member of staff.</p>
11	<p>The Council only licences vehicles with 8 passenger seats or less. Vehicles with</p>	<p>The Working Group considered amending the private hire vehicle operator conditions to include a condition stating that operators must</p>

	Current Position	Working Group consideration and Recommendations to Committee
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	<p>over 8 passenger seats are licensed as PCV and both the vehicle and driver undertake different tests in order to be licensed.</p> <p>The Council do not currently have a condition on the licence preventing operators from providing a PCV licensed vehicle or driver in the place of a Gedling Licensed vehicle and driver if they have not asked for the bookers informed consent .</p>	<p>not provide a PCV vehicle or driver in the place of a Gedling licensed driver without the consent of the hirer and with the hirer's full knowledge that Council checks have not been applied.</p> <p>Recommendation:</p> <p>That the consultation seek views on an amendment to the private hire operator's licence conditions to require operators to inform customers when they are sending a PCV (over 8 passenger seated vehicle). They must also confirm that they have got the hirers consent and that the hirer is aware that the vehicle and driver may not have undertaken any checks by the Council.</p>
12	<p>The Council does not currently request vehicle proprietors to submit a DBS certificate with their applications for vehicle licences. The Standards recommends that Councils consider asking for a basic DBS from vehicle proprietors.</p>	<p>The Working Group considered amending the application process for a vehicle licence to include requesting the applicant to provide a basic Disclosure and Barring (DBS) certificate before being issued with a vehicle licence. This would not apply to those vehicle proprietor applicants that already hold a taxi drivers licence and have therefore had an enhanced DBS check.</p> <p>Recommendation:</p> <p>That the consultation seeks views on vehicle proprietors, applying for a vehicle licence, to provide a basic DBS disclosure as part of the application process.</p>
13	<p>The Council currently offers alternatives to providing a DBS disclosure to applicants for a Private Hire Operators licence.</p>	<p>The Working Group considered amending the private hire operator application process to only accept a basic DBS disclosure from applicants. This would assist in streamlining the type of convictions</p>

	Current Position	Working Group consideration and Recommendations to Committee
	These include having a taxi driver's licence where an enhanced DBS check has been carried out or providing a statutory declaration by a solicitor or Commissioner of Oaths.	<p>check accepted with other applications. This would not apply to those private hire operator applicants that already hold a taxi drivers licence and have therefore had an enhanced DBS check.</p> <p>Recommendation:</p> <p>That the consultation seeks views on applicants applying for a private hire operator's licence to provide a basic DBS disclosure as part of the application process and not to offer an alternative in the form of a statutory declaration.</p>

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Convictions Policy – Comparison Table

Appendix 2

The comparison in the table below considers the difference between the Council's current Statement of Policy and Guidelines for the Licensing of Hackney Carriage, Private Hire Drivers and Private Hire Operators, and the document attached to the Standards, which draws on the work of the Institute of Licensing (IoL), in partnership with the Local Government Association (LGA), the National Association of Licensing Enforcement Officers (NALEO) and Lawyers in Local Government's guidance on determining the suitability of applicants and licensees in the Hackney and Private Hire Trade.

IoL Guidance - Offences	Institute of Licensing Guidance	Gedling Policy
Crimes resulting in death	Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed	Convictions involving Violence (including attempts or conspiracy to commit such offences) In general a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably. An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 10 years prior to the date the application is considered: - <ul style="list-style-type: none"> • Murder • Manslaughter
Exploitation	Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed . This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.	No such topic within the Policy. See convictions involving violence, convictions involving indecency and convictions involving dishonesty
Violence	Where an applicant has a conviction for an offence of violence, or connected with any	Convictions involving Violence (including attempts or conspiracy to commit such offences)

offence of violence, a licence will not be granted until **at least 10 years** have elapsed since the completion of any sentence imposed.

In general a period of **3 to 10 years** free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will be required before an application is likely to be considered favourably.

In particular: -

An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than **10 years** prior to the date the application is considered: -

- Arson
- Malicious wounding or grievous bodily harm (s18 and s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
- Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)

Where the conviction is more than 10 years but less than 12 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than **8 years** prior to the date the application is considered: -

- Grievous bodily harm with intent (s.18 Offences Against the Person Act)
- Grievous bodily harm (s.20 Offences Against the Person Act)
- Robbery (Theft Act 1968)
- Riot (s.1 Public Order Act 1986)
- Violent Disorder (s.2 Public Order Act 1986)

Possession of a weapon	<p>Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>	<p>Convictions involving Violence (including attempts or conspiracy to commit such offences)</p> <p>An application will normally be refused where the applicant has a conviction for any of the following offences and the conviction is less than 3 years prior to the date the application is considered:-</p> <ul style="list-style-type: none"> • Common assault and/or battery • Common assault and/or battery which is racially aggravated (s.29(1)(c) Crime and Disorder Act 1998) • Assault occasioning actual bodily harm (s.47 Offences Against the Person Act) • Assault on a police officer • Affray (s.3 Public Order Act 1986) • Offences against Public Order (non racially aggravated) • Offences of Harassment (non-racially aggravated) • Obstruction • Possession of offensive weapon • Possession of firearm • Criminal damage • Resisting arrest
Sex and Indecency	<p>Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted.</p> <p>In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</p>	<p>Convictions involving Indecency (including attempts or conspiracy to commit such offences)</p> <p>As hackney carriage and private hire drivers often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure and/or any sexual offence will normally be refused a licence until they can show a substantial period (usually between 3 and 10 years) free from any such conviction.</p> <p>(In particular, an application will normally be refused where the applicant has a current conviction for any of the following offences</p>

		<p>and the conviction is less than 10 years prior to the date the application is considered: -</p> <ul style="list-style-type: none"> • Rape • Indecent/Sexual assault • Gross indecency with a female • Gross indecency with a male • Sexual offences against a child under 16 including sexual grooming • Sexual offences against persons with a mental disorder impeding choice • Buggery • Exposure • Offences involving indecent images of children • Voyeurism <p>Where the conviction is more than 10 years but less than 12 years prior to the date the application is considered, more weight will be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.</p> <p>In particular, an application will normally be refused where the applicant has a current conviction for either of the following offences which is less than 3 years prior to the date the application is considered: -</p> <ul style="list-style-type: none"> • Kerb-crawling • Persistent soliciting
Dishonesty	Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.	<p>Convictions involving Dishonesty (including attempts or conspiracy to commit such offences)</p> <p>Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing (passengers may comprise especially vulnerable people). For these reasons a serious view is taken of any convictions involving dishonesty. In general, a period of 3 to 5 years free of conviction will be required before an application is likely to be considered favourably.</p>

<div> <div>Page</div> <div>3</div> <div>Drugs</div> </div>		<p>In particular, an application will normally be refused where the applicant has a conviction for any of the following offences which occurred fewer than 3 years prior to the date the application is considered: -</p> <ul style="list-style-type: none"> • Theft/Burglary and offences under the Theft Act 1968 (other than robbery/offences including violence which are dealt with below) • Fraud/misrepresentation and offences under the Fraud Act 2006 • Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992) • TWOC – Taking a motor vehicle without the owner’s consent • Handling or receiving stolen goods • Forgery
	<p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>	<p>Convictions involving Drugs (including attempts or conspiracy to commit such offences)</p> <p>A licence will normally be refused where the applicant has more than one conviction for drug-related offences and has not been free from conviction for 5 years from the date of the most recent conviction.</p> <p>A licence may be refused where the applicant has an isolated drug related conviction within 3-5 years prior to the date the application is considered, consideration will be given to the nature and quantity of drugs involved and whether intended for personal use or supply.</p> <p>If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with DVLA group 2 medical standards) may be required before the licence is granted. If an applicant was an addict then he would normally be required to show</p>

		evidence of a minimum of 5 years free from drug taking after detoxification treatment.
Discrimination	Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.	No such topic within the Policy. See convictions involving violence
Motoring	Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.	Minor Traffic Convictions where total number of points is 9 or fewer – delegated authority to the Director, except where a DVLA licence has been revoked within the 2 year probationary period, under the Road Traffic (New Drivers) Act 1995, and a then a new DVLA licence obtained; even if the points are fewer than 9, the Director shall have no authority to grant the licence See Motoring Convictions
Drink driving/driving under the influence of drugs/using a hand-held telephone or hand held device whilst driving	Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs. Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be	Motoring Convictions i) <u>Motoring Offences involving alcohol or drugs</u> A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drug or drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence, before an application for a driver's licence will be considered favourably. An isolated conviction for drunkenness, without disqualification, will require careful consideration of the facts and will at the very least

	granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.	<p>merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence or one such conviction within the last 5 years is likely to merit refusal.</p> <p>In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.</p> <p>Use of mobile phone is dealt with as a minor motoring offence.</p>
<p>Other motoring offences</p> <p>Page 25</p>	<p>A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p>	<p>Minor Traffic Convictions where total number of points is 9 or fewer – delegated authority to the Director, except where a DVLA licence has been revoked within the 2 year probationary period, under the Road Traffic (New Drivers) Act 1995, and a then a new DVLA licence obtained; even if the points are fewer than 9, the Director shall have no authority to grant the licence</p> <p><u>Minor Traffic Offences after the 2 year probationary</u></p> <p>Isolated convictions for minor traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of this type of conviction will be taken into account. If there are several convictions for minor traffic offences the applicant will normally be expected to show a period free of conviction of at least 6 months from the date of the last conviction.</p> <p>An application will normally be refused where the applicant has 12 or more penalty points on their DVLA licence for minor traffic convictions even if (s)he has not been disqualified from driving.</p> <p>Where a minor traffic conviction has resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 6 months free from conviction must have elapsed from the restoration of the DVLA licence.</p>

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until **at least 7 years** have elapsed since the completion of any sentence imposed.

Motoring Convictions

Driving offences involving the loss of life

A very serious view is taken of any applicant who has been convicted of a motoring offence that has resulted in loss of life.

A licence will normally be refused unless the applicant has been free of conviction for **7 years** from the date of the most recent conviction, or **3 years** from the completion of the sentence for the offence, whichever is the longer.

Major Traffic Offences

An isolated conviction for a major traffic offence such as dangerous driving which involves a disqualification from driving for any period will require careful consideration of the facts, particularly where the offence has resulted in injury or accident. At least **3 years** free from conviction after the restoration of the DVLA licence should elapse before an applicant is granted a licence.

Where an applicant has been convicted of a major traffic offence which has not resulted in disqualification, careful consideration should be given to the circumstances surrounding the offence. An application for a licence will normally be refused where the conviction is less than **2 years** prior to the date the application is considered.

Totting –up Disqualifications

Where a number of traffic offences has resulted in a driver receiving 12 penalty points or more on his/her licence the driver will be disqualified from driving unless the Court is satisfied that exceptional hardship would be suffered by an individual if disqualified. This is known as a “totting-up” disqualification. Where an applicant has a totting-up disqualification an application will normally be refused until a period of between **12 months and 2 years** has elapsed from the

		<p>date the application is considered. In such circumstances, the applicant will normally be refused a licence if the Committee is satisfied on balance that the applicant picked up a passenger without a prior booking.</p> <p>Where an existing licence holder is convicted of an offence of plying for hire and as a result of that offence is also convicted of driving without insurance, it is expected that the application will be decided in accordance with paragraph (f)(iii) Major Traffic Offences above.</p>
Vehicle use offence	Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.	No such topic within the Policy.

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