

Taxi Statutory Standards Survey responses/officer comments – Part Two Appendix 2

All recommendations would result in an amendment to the Hackney and Private Hire Policy Part 1 Section 1 - Applications, renewals and change of circumstances for Hackney Carriage/Private Hire Drivers Licences

Proposal	Survey question and responses	Comments	Officer/Member Working Group recommendations	Areas of the policy requiring amendment
<p>12. Consideration of Convictions</p> <p>The Council's current position is that any time limits run from the date of conviction. The Council is considering amended this to run from completion of any sentence imposed.</p>	<p>Do you agree with this change?</p> <p>83 people responded 64% Yes 36% No</p>	<ul style="list-style-type: none"> • This is not on at all. You are ruining people's lives. • It should be from when the sentence is "spent" • There are currently at least 3 Gedling /Arnold taxi drivers who have GBH convictions who hold licences, when this was reported no action was taken, they just moved companies • Don't understand this question 	<p>To agree that when considering convictions in relation to the Council's policy the length of time be taken from the date of conviction (as it is now) and not from the end of the sentence. The date of conviction is a fixed date whereas the end of a sentence is variable.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>
<p>13. Convictions for murder or manslaughter</p> <p>The current position:</p>	<p>Do you agree with the amendment?</p>	<p>A person gets reformed in prison why would you try and make their life worse. You will add to unemployment. It is against natural justice to pool all the above together. For</p>	<p>To agree that when an applicant 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</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>Convictions for murder, manslaughter and racially aggravated wounding with intent: a licence will be refused if the conviction is less than 10 years old.</p> <p>Convictions for wounding with intent: a licence will be refused if the conviction is less than 8 years old.</p> <p>Motoring convictions involving the loss of life: a licence will be refused if the conviction is less than 7 years old.</p> <p>The Council is considering amending the policy to state the following:</p> <p>Where an applicant or licensee has been convicted of a crime</p>	<p>85 people responded 75% Yes 24%No</p>	<p>instance an accident resulting in death of another person cannot be equated with murder! Normally not be licensed? Or definitely will not be licensed? How are people supposed to feel safe if there may be a possibility (although small) that their driver has caused the death of another person</p>	<p>another person they will normally not be licensed.</p> <p>In the case of an existing licensed driver the licence should be revoked.</p>	
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<p>which resulted in the death of another person or was intended to cause the death or serious injury of another person they will normally not be licensed.</p>				
<p>14. Convictions involving violence</p> <p>The current position:</p> <p>Convictions involving violence require a period of 3-10 years free of conviction, dependant on the severity of the offence, before an application is likely to be considered favourably.</p> <p>The Council is considering amending the Policy to state the following:</p>	<p>Do you agree with the amendment? Yes/No</p> <p>84 people responded 63% Yes 37% No</p>	<ul style="list-style-type: none"> • You are a licencing authority, not the law. Please let the government and prisons do their job. You do yours. This is not right at all. • Should depend on the severity of the offence • Again the 3-10 year framework is good, as it allows council to asses each application based on the circumstances surrounding the offence. 	<p>To agree that the terms of the existing policy are not amended in relation to this type of offence due to the wide disparity of the severity of offences of the nature.</p>	<p>No amendment required</p>

<p>Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not normally be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p>				
<p>15. Exploitation</p> <p>The Council's policy does not currently contain a section relating to convictions specifically for exploitation offences. It is proposed to include an additional section as follows: 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</p>	<p>Do you agree this should be included?</p> <p>80 people responded 74% Yes 26% No</p>	<ul style="list-style-type: none"> • Each case on its merit • This should also apply to operator as well • Again the law government do prosecute these individuals. People make mistakes and try to reform. • With putting these sanctions in place how will they ever get back to normal? • Agree with adding this section, but again there should be a time frame in which a license would not normally be issued. Again the council is 	<p>To agree that a section be included in the policy to cover exploitation offences stating that where an applicant 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 normally be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>another individual irrespective of whether the victim or victims were adults or children, they will not normally be licensed. This includes slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</p>		<p>pooling too broad a range of offences. Not in keeping with natural justice.</p> <ul style="list-style-type: none"> • Not specific enough as social services consider future emotional harm an actual thing, this could lead to certain individuals being denied a licence due to incorrectly recorded allegations • Definitely will not be licensed • Should also include DV 	<p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>16. Possession of a weapon</p> <p>The Council's policy currently provides that for convictions involving possession of a weapon a period of 3 years free of conviction is required before an application is likely to be considered favourably. The Council is considering</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 71% Yes 29% No</p>	<ul style="list-style-type: none"> • This is the government to job to prosecute the offender not yours. • No I think 3 years is long enough 3 years is enough. • Just because they don't get caught in those 7 years doesn't necessarily make them innocent. • Most drivers carry concealed weapons. There should be a complete ban from 	<p>To agree that where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not normally be granted until at least 3- 7 years have elapsed since the date of conviction or the licence should be revoked. This time period is to take into account the disparity in the severity of offences of this nature.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>amending the Policy to state the following: Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>		<p>applying if convicted of weapons possession.</p>	<p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>17. Sex and Indecency</p> <p>The Council's policy currently provides that for convictions for sexual offences a period of 3-10 years free of conviction, dependant on the severity of the offence, is required before an application is likely to be considered favourably. The Council is considering</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 78% Yes 22% No</p>	<ul style="list-style-type: none"> • People reform. The unemployment will be thru the roof. • Sex offenders list isn't fair as someone in a consensual relationship can be registered if the partner was under age slightly. • No driver should be allowed with these convictions 	<p>To agree that 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 normally be granted.</p> <p>In the case of an existing licensed driver licence should be revoked.</p> <p>In addition to the above, the licensing authority will not normally grant a</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>amending the Policy to state the following:</p> <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 normally be granted.</p> <p>In addition to the above, the licensing authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</p>			<p>licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>18. Dishonesty</p> <p>The Council's policy currently provides that for convictions involving dishonesty a period of 3-5 years free of conviction, dependant on the severity of the</p>	<p>Do you agree with this amendment?</p> <p>84 people responded 64% Yes 36% No</p>	<ul style="list-style-type: none"> • 3-5 years is enough, no violence involved. Rehabilitation is important. • Each case on its merit • No this I not on. • Should be 7 years from the date of offence 	<p>To agree that 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 normally be granted until at least 3-7 years have elapsed since the date of conviction or the licence should be</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>offence, is required before an application is likely to be considered favourably. The Council is considering amending the Policy to state the following: 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 normally be granted until at least 7 years have elapsed since the completion of any sentence impose.</p>			<p>revoked. This time period is to take into account the disparity in the severity of offences of this nature.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>19. Drugs</p> <p>The Council's policy currently provides that for convictions involving drugs a period of 3-5 years free of conviction,</p>	<p>Do you agree with this amendment?</p> <p>84 people responded 74% Yes 26% No</p>	<ul style="list-style-type: none"> • Like I have said a few times this is not your job to prosecute. • Again, should run from the date of the offence. • It should be more than 5 years 	<p>To agree that 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 normally be granted until at least 5-10 years have elapsed</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>dependant on the severity of the offence, is required before an application is likely to be considered favourably.</p> <p>Persistent use may also require a specialist examination and if a former addict they will need to show a period of at least 5 years has elapsed after completion of detoxification treatment. The Council is considering amending the Policy to state the following:</p> <p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with</p>			<p>since the date of conviction. This time period is to take into account the disparity in the severity of offences of this nature.</p> <p>In the case of an existing licensed driver licence will be revoked.</p> <p>To agree that where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not normally be granted until at least 5 years.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
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<p>possession with intent to supply, a licence will not normally 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 normally be granted until at least 5 years.</p>				
<p>20. Discrimination</p> <p>The Council's current policy only includes racially aggravated offences within the violence against the person section; a</p>	<p>Do you agree with this amendment?</p> <p>83% people responded 68% Yes</p>	<ul style="list-style-type: none"> • No everyone has a chance to reform. • Too broad a category. Too much scope for catching unintended applicant 	<p>To agree to include a section in the policy to state that where an applicant has a conviction involving or connected with discrimination in any form, a licence will not normally be granted until at least 5-7</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>period of 3-10 years free of conviction, dependant on the severity of the offence, is required before an application is likely to be considered favourably. It is proposed to include an additional section within the policy as follows: Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>	<p>33% No</p>		<p>years have elapsed since the date of conviction.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>21. Drink driving/driving under the influence of drugs</p> <p>The Council's current policy provides that</p>	<p>Do you agree with this amendment?</p>	<ul style="list-style-type: none"> • No everyone has a chance to reform. • Should be a lifetime ban. • Should be a higher period of time - 10 year 	<p>To agree that where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not normally be granted until at least 7 years</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>there must be at least 5 years free of conviction for any motoring offences involving alcohol or drugs. In addition, applicants must show that at least 5 years has elapsed since the completion of a detoxification treatment. The Council is considering amending the Policy to state as follows: Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant may also have to undergo drugs testing at their</p>	<p>83 people responded 72% Yes 28% No</p>		<p>have elapsed since the date of conviction.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
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<p>own expense to demonstrate that they are not using controlled drugs.</p>				
<p>22. Using handheld device</p> <p>The Council's policy does not currently contain a section relating to convictions for using a handheld device whilst driving. It is proposed to include an additional section as follows: Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not normally be 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>	<p>Do you agree with this amendment?</p> <p>85 people responded 51% Yes 49% No</p>	<ul style="list-style-type: none"> • Five years is too long, this should be two years. • All jobs are booked on a hand held devices • 3 years • As most operators are now moving to mobile data terminals, even in a cradle and pressing a yes or no on the screen could be construed as using a hand held device. • The current legislation does not recognise when a hand held device is a touch screen and held on a cradle in front of the driver(like any car switch gear) when clarified I would then agree • Not if it means you have just got fined for using your mobile in your car.... 	<p>To agree that where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not normally be granted until at least 2-5 years have elapsed since the date of conviction or in the case of a driving disqualification from the end of the driving disqualification period whichever is the later.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

		<ul style="list-style-type: none">• All the operator now use a app system so this will making working for drivers harder. As if they are not stopped an Accept. A booking. They could be convicted• As the gig economy has like the companies like Uber, bolt and other social media companies are all on mobile devices.• The Law already gives punishment why does the council want to hand out punishment twice.• This is excessive this should match actions by the Traffic Commissioners with regard to a PCV/LGV driver offence• But, from date of offence• Everyone has been guilty of this. Things have moved on and providing they do not repeat offend should receive the benefit of doubt		
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<p>23. Other motoring offences – part one</p> <p>The Council’s current position regarding minor traffic offences if that if there are several convictions a licence will not be granted until there has been a period of 6 months free from conviction.</p> <p>The policy also states that for minor traffic offences up to 9 penalty points a licence can be granted by the Director unless the driver has only held a licence for less than two-year probationary period and had the licence revoked.</p> <p>If the applicant has 12 or more penalty points for minor traffic offences but has not been disqualified from driving a licence should be refused.</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 47% Yes 53% No</p>	<ul style="list-style-type: none"> • The conditions should remain the same as before, they are strict enough. • 3years • For major offences but not minor totting up offences. • But not for multiple speeding tickets over several years.... • This is not fair at all. The driver already pays a price by going to court. Paying their fines and getting points. Why would you want to make it harder for them to get a license? • 13 years as this when the points are no longer valid • Depends on the 'minor' offences committed. 	<p>To agree that the policy be amended to state:</p> <p>That for minor traffic offences up to 7 penalty points a licence can be granted by the Director unless the driver has only held a licence for less than two year probationary period and had the licence revoked.</p> <p>Where an applicant has a conviction(s) for minor traffic offences resulting in the imposition of 7 or more penalty points or a disqualification a licence will not normally be granted until at least 1-3 years have elapsed since the date of conviction of the most recent offence.</p> <p>In the case of an existing licensed driver licence should be revoked.</p> <p>If an applicant has a totting up conviction at least 3 years free of conviction from the date of the totting up</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>
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<p>The Council is considering amending the Policy to state the following: Where an applicant has a conviction(s) for minor traffic offences resulting in the imposition of 7 or more penalty points; a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.</p>			<p>conviction should elapse before the granting of a licence is considered.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
<p>23. Other motoring offences – part two</p> <p>The Council's current position regarding major traffic offences is that at least three years free from conviction after the restoration of the DVLA licence is required, where the major traffic offence involves a disqualification, before a licence is</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 55% Yes 45% No</p>	<ul style="list-style-type: none"> • The policy is already correct. • Too vague • I think you should keep to original 6 years. As the government are changing to electric. • The current position is acceptable • "Where an applicant has a conviction for a major traffic offence or similar" is too broad. Too much scope for catching unintended applicants. 	<p>To agree that:</p> <p>Where the applicant has a major motoring offence involving disqualification at least 4 years free of conviction from the date of conviction should elapse before a licence is considered.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>considered and at least 2 years from the date of conviction where there was no disqualification.</p> <p>The Council is considering amending the Policy as follows:</p> <p>A major traffic or vehicle related offence is one which is not covered elsewhere 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</p>		<ul style="list-style-type: none"> • Licence should be refused totally • Should be lifetime ban. 	<p>Where an application has a major motoring conviction that does not result in a disqualification at lease 1-3 years free of conviction from the date of conviction should elapse before a licence is considered.</p> <p>In the case of an existing licensed driver licence should be revoked.</p> <p>If an applicant has a totting up conviction at least 3 years free of conviction form the date of the conviction should elapse before the granting of a licence is considered.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	
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<p>normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>				
<p>24. Hackney Carriage and Private Hire Offences</p> <p>The Council's policy states that an applicant will normally be refused a licence where they have been convicted of a relevant offence during the 6 months preceding the date of the application or has more than one conviction in the preceding 2 years. It also contains a table of suspensions for the offence of plying for hire ranging from 28 days to 112 days. The Council is considering amending the policy as follows:</p>	<p>Do you agree with this amendment?</p> <p>82 people responded 56% Yes 44% No</p>	<ul style="list-style-type: none"> • Seven years is far too long, rehabilitation is important. • Seems a bit harsh... • Your punishments are enough to put any one off. • Current system is adequate. • Licence should be refused totally 	<p>To agree that where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or private hire activity a licence will not normally be granted until at least 1-3 years have elapsed since the date of conviction.</p> <p>In the case of an existing licensed driver licence should be revoked.</p>	<p>That Part 1 Section 1 of the policy be amended to reflect this.</p>

<p>Where an applicant has a conviction for an offence concerned with or connected to Hackney Carriage or private hire activity (excluding vehicle use), a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>				
<p>25. Vehicle use offence</p> <p>There is no section in the current policy for vehicle use offences. The Council is considering amending the Policy to state as follows:</p> <p>Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire</p>	<p>Do you agree with this amendment?</p> <p>83 people responded 55% Yes 45% No</p>	<ul style="list-style-type: none"> • When you say vehicle use, what do you mean? • Seems harsh again.. • Your going to be adding to the unemployment. • I would refer you to your recent loss in Crown Court where Gedling Coucil was somewhat lacking in understanding the law, this would lead to more court cases and further damage to the Licensing Department`s already tarnished reputation/image. • Too broad a category. What does "vehicle use 	<p>To note that all areas of vehicle offences are covered elsewhere in the policy so no changes regarding this recommendation are necessary.</p>	<p>No amendment required</p>

<p>vehicles), a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.</p>		<p>offence" mean. Again will go against natural justice.</p> <ul style="list-style-type: none">• Depends on the offence committed		
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