

# Public Document Pack



**North East  
Derbyshire  
District Council**

Contact: Alan Maher  
Tel: 01246 217391  
Email: Alan.maher@ne-derbyshire.gov.uk  
Date: Wednesday, 17 February 2021

To: **Members of the General Licensing Committee**

Please attend a meeting of the General Licensing Committee to be held on **Thursday, 25 February 2021 at 1.00 pm by Conference Call**. Access credentials will be sent to Members separately.

The public parts of the meeting will be streamed from the Council's website on its 'You Tube' channel.

### Virtual Attendance and Hybrid Meetings

I have provided the Leader and Deputy Leader with advice on the holding of "hybrid" meetings outlining the risks including to employees dealing with the Chamber and to Members. Hybrid meetings are those where some attendance is in person in the Council Chamber and some is virtual. I would encourage you all to attend virtually. Accordingly if you attend in person you will be deemed to have accepted the following disclaimer as applying.

### Risk Assessment Disclaimer

When attending this meeting in person, I confirm that I have read and understood the contents of each of the following risk assessments and agree to act in line with its content.

- RA – Return to Work Mill Lane Covid 19 V13
- Mill Lane Coronavirus Control Measures V8

Both documents have been emailed to Members and are available on the Modern.Gov App library.

The same advice is given to officers who are also encouraged to participate in the meeting remotely.

Yours sincerely



**Joint Head of Corporate Governance and Monitoring Officer**

## Members of the Committee

Conservative Group	Labour Group	Liberal Democrat Group
Councillor Pat Antcliff Councillor Patricia Bone Councillor Michelle Emmens Councillor Carol Huckerby Councillor Anthony Hutchinson Councillor Heather Liggett Councillor Michael Roe Councillor Philip Wright	Councillor Ann Holmes Councillor Pat Kerry Councillor Stephen Pickering Councillor Tracy Reader Councillor Lee Stone	Councillor Pam Windley

**For further information about this meeting please contact: Alan Maher 01246 217391**

## A G E N D A

**1 Apologies for Absence**

**2 Declarations of Interest**

Members are requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

**3 Minutes of Last Meetings (Pages 4 - 8)**

To approve as a correct record the Minutes of the meeting of the General Licensing Committee held on 22 October 2020

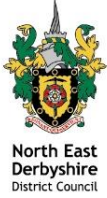
To approve as a correct record the Minutes of the Special Meeting held on 3 December 2020.

**4 Taxi Policy Updates (Pages 9 - 28)**

Report of the Solicitor and Deputy Monitoring Officer – K Shillitto

**5 Matters of Urgency**

To consider any other matter which the Chair of the Committee is of the opinion should be considered as a matter of urgency.



***We speak  
your language***

**Polish**

***Mówimy Twoim językiem***

**French**

***Nous parlons votre langue***

**Spanish**

***Hablamos su  
idioma***

**Slovak**

***Rozprávame Vaším  
jazykom***

**Chinese**

**我们会说你的语言**

If you require  
this agenda in  
**large print**

or another  
format  
please call  
us on

**01246  
217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

## GENERAL LICENSING COMMITTEE

### MINUTES OF MEETING HELD ON THURSDAY, 22 OCTOBER 2020

#### Present:

Councillor Heather Liggett (Chair)

Councillor Patricia Bone  
Councillor Anthony Hutchinson  
Councillor Stephen Pickering  
Councillor Michael Roe  
Councillor Philip Wright

Councillor Carol Huckerby  
Councillor Pat Kerry  
Councillor Tracy Reader  
Councillor Pam Windley

#### Also Present:

K Rowland	Licensing Team Leader
K Shiliitto	Solicitor
A Maher	Senior Governance Officer
D Stanton	Governance Officer

#### **GLC/ Apologies for Absence**

1/20-

21 Apologies for absence had been received from Councillors P Antcliff and M Emmens.

#### **GLC/ Declarations of Interest**

2/20-

21 Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No interests were declared at this meeting.

#### **GLC/ Minutes of Last Meeting**

3/20-

21 RESOLVED – That the Minutes of the last meeting of the General Licensing Committee held on 12 March 2020 be approved as a correct record and signed by the Chair.

#### **GLC/ Hackney Carriage Tariff Increase Request**

4/20-

21 The Licensing Team Leader presented a report that outlined representations received during the statutory consultation regarding the proposed increase to the Hackney Carriage Tariff for hackney carriages in North East Derbyshire.

Members heard that at the last meeting of the General Licensing Committee, the Committee approved a proposed variation to the Hackney Carriage Tariff, subject to the publishing of a statutory notice in a local newspaper and any objection received being considered by the Committee prior to the implementation

of the revised tariff.

Members were informed that the statutory consultation had been completed, and three representations had been received in respect of the proposals. The Committee heard that the representations received included a number of comments such as the increase being unsuitable due to recent falls in fuel prices and the current economic climate. There had also been a request to bring the tariff increase in line with that of the tariff rate at Chesterfield Borough Council (CBC), as well as other comments that related to hackney carriages licensed with CBC.

To assist the Committee in their consideration of the representations received, a table was provided which outlined the percentage increase between the current and proposed tariffs for NEDDC and also included the current tariff at CBC.

Members discussed the general increase in expenses that drivers had faced in recent years, and even more so due to the pandemic. There was a consensus that an increase to the Hackney Carriage Tariff would still be appropriate.

The Committee heard that there was relatively few hackney carriages in the District, and that there was significantly more private hire vehicles licensed in North East Derbyshire. The Licensing Team Leader reminded Members that the legislation allowed the Authority to set a maximum fare for hackney carriages, but could not set a maximum fare for private hire vehicles.

The Committee agreed that it would therefore be logical to align the Hackney Carriage Tariff in line with the tariff rate at Chesterfield Borough Council.

**RESOLVED** – That the North East Derbyshire District Council Hackney Carriage Tariff Fares be brought in line with the Hackney Carriage Tariff Fares at Chesterfield Borough Council.

**GLC/ 5/20-21** **Policy on CCTV in Taxis - TO FOLLOW**

The Council's Solicitor presented a report that outlined amendments to the Council's Taxi Licensing Policy so that mandatory CCTV in taxis could be introduced in North East Derbyshire.

Members heard that the introduction of mandatory CCTV in taxis had faced some legal obstacles in the past, however, in July 2020 the government had published guidance which stated that local authorities were expected to introduce mandatory CCTV in taxis unless there was a compelling local reason not to.

The Committee was asked to consider the Policy amendments and approve for public consultation, unless Members determined that there was a compelling local reason not to proceed with the Policy changes.

Members noted that if approved, the Policy amendments would be sent out for public consultation, and then any comments received would be reported back to the General Licensing Committee. The Solicitor informed the Committee that the Policy amendments would then need to be given final approval by the

Committee before then being submitted to a meeting of Council.

The Committee discussed a number of issues surrounding the introduction of CCTV in taxis including data protection, privacy and installation costs. The Solicitor clarified that the Council would be the data controller, and that a recording device would be installed in each vehicle where the footage would be encrypted and only accessed by Council officers if absolutely necessary. Members noted that the installation costs would fall solely on the driver.

The Committee heard that the system would be installed by drivers through an approved system and supplier, and the recording device would be regularly inspected as part of the vehicles MOT. It was stated that the use of the recording software would form part of the driver's license conditions when working, and that they would be expected to activate the software at the start of their shift.

The Committee agreed that there was considerable benefits to mandatory CCTV in the District's taxis, and that it was a good preventative measure to protect both drivers and passengers.

RESOLVED – That the Draft Policy amendments be approved, and the proposals be taken forward to public consultation with the taxi trade and stakeholders.

**GLC/ Matters of Urgency**

**6/20-  
21**

There were no matters of urgency discussed at the meeting.

## **GENERAL LICENSING COMMITTEE**

### **MINUTES OF SPECIAL MEETING HELD ON THURSDAY, 3 DECEMBER 2020**

#### **Present:**

Councillor Heather Liggett (Chair)

Councillor Patricia Bone  
Councillor Anthony Hutchinson  
Councillor Stephen Pickering  
Councillor Pam Windley

Councillor Michelle Emmens  
Councillor Pat Kerry  
Councillor Michael Roe  
Councillor Philip Wright

#### **Also Present:**

K Rowland	Licensing Team Leader
K Shiliitto	Solicitor
D Stanton	Governance Officer

#### **GLC/7/ 20-21** **Apologies for Absence**

Apologies for absence had been received from Councillors P Antcliff, P Holmes and T Reader.

#### **GLC/8/ 20-21** **Declarations of Interest**

Members were requested to declare the existence and nature of any disclosable pecuniary interests and/or other interests, not already on their register of interests, in any item on the agenda and withdraw from the meeting at the appropriate time.

No interests were declared at this meeting.

#### **GLC/9/ 20-21** **Local Government (Miscellaneous Provisions) Act 1982: Draft Sex Establishments Policy Review**

Members considered a draft version of the Council's Sex Establishments Policy. The Committee was invited to review the document and provide feedback, before the Policy was sent out for public consultation.

The Licensing Team Leader informed the Committee that the public consultation would last for a period of 12 weeks, with the outcome of the consultation being fed back to the General Licensing Committee. The final version would then be submitted to a meeting of Council for adoption.

Members discussed a number of aspects in relation to the Policy such as the safety and security of staff in any potential licensed premises, temporary stalls, the sale of alcohol and staff training.

**RESOLVED** – That the Committee approve the Draft Policy for public consultation.

**GLC/10** **Proposed Taxi Policy Amendments**  
**/20-21**

The Committee agreed to defer this item to a meeting in the New Year.

**GLC/11** **Matters of Urgency**  
**/20-21**

There were no matters of urgency discussed at this meeting.



## North East Derbyshire District Council

### Licensing Committee

25 February 2021

<b>Taxi Policy Updates</b>
----------------------------

### Report of the Solicitor & Deputy Monitoring Officer

This report is public

#### Purpose of the Report

- To set out the implications of the Statutory Taxi and Private Hire Vehicle Standards guidance issued by the Department for Transport.
- To consider updating the Council's current taxi licensing policy to incorporate any elements of the guidance that the Council hasn't already adopted.

#### **1 Report Details**

- 1.1 In September 2018 the Council adopted a comprehensive taxi licensing policy. That policy covered drivers, vehicles and private hire operators together with guidance on dealing with enforcement of policy breaches and offences.
- 1.2 The policy adopted best practice from across the country and increased the standards of conduct for drivers in line with or greater than minimum standards agreed across Derbyshire authorities.
- 1.3 In July 2020 the Department of Transport introduced statutory guidance ("the Guidance") addressing standards in taxi licensing. The Guidance carries statutory force and authorities are expected to adopt the standards set out except where there is a compelling local reason not to.
- 1.4 Officers have undertaken a review of the existing Policy. While numerous elements of the Guidance are already part of Policy, various areas have been identified where minor amendments are required to ensure the Guidance is fully integrated.
- 1.5 Attached to this report is an Appendix which sets out the relevant sections of policy together with the proposed amendments and explanation of the reasons.
- 1.6 The next stage is to consult with the public, the trade and other stakeholders on the proposed amendments.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 The Council is under a statutory obligation to adopt the Department of Transport Guidance unless there is a compelling local reason not to.
- 2.2 No such reasons have been identified, so the changes set out in the Appendix to this report will ensure the adoption of the Guidance in Council policy.

## **3 Consultation and Equality Impact**

- 3.1 The proposed policy changes will be subject to public consultation and feedback will be brought back to the Committee for consideration.
- 3.2 The impact of the amendments on the equality impact statement for the Policy will be reviewed before the final version of the Policy goes to Council for final adoption.

## **4 Alternative Options and Reasons for Rejection**

- 4.1 To leave the existing Policy in place. If the Council failed to adopt the statutory guidance without good reason it leaves the authority open to legal challenge.

## **5 Implications**

### **5.1 Finance and Risk Implications**

- 5.1.1 None

### **5.2 Legal Implications including Data Protection**

- 5.2.1 Risk of legal challenge where statutory guidance isn't adopted, as set out above.

### **5.3 Human Resources Implications**

- 5.3.1 None

## **6 Recommendations**

- 6.1 That Licensing Committee consider the proposed Policy amendments, make any changes considered appropriate, and approve them for formal consultation.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p><b>Is the decision subject to Call-In?</b>  (Only Key Decisions are subject to Call-In)</p>	No
<p><b>Has the relevant Portfolio Holder been informed</b></p>	Yes
<p><b>District Wards Affected</b></p>	All
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	All

## 8 Document Information

Appendix No	Title
1	Table of Proposed Policy Amendments
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p>Statutory taxi and private hire vehicle standards, DoT, July 2020</p>	
Report Author	Contact Number
K. Shillitto, Solicitor & Deputy Monitoring Officer	X2507

<b>Driver Policy</b>			
Item No	Current Policy Wording	Proposed Policy Wording	Reasons for update
1.3	<p><b><u>BEST PRACTICE GUIDANCE</u></b></p> <p>The Department for Transport’s Guidance considered views about what constitutes “Best or Good Practice” in terms of hackney carriage and private hire licensing. The Best Practice Guidance has, therefore, been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.</p>	<p><b><u>STATUTORY, BEST PRACTICE AND INDUSTRY GUIDANCE</u></b></p> <p>The Department for Transport’s has considered views about what constitutes “Best or Good Practice” and how licensing authorities can protect children and vulnerable adults published both <a href="#">best practice</a> (March 2010) and <a href="#">statutory guidance</a> (July 2020).</p> <p>In addition, the Institute of Licensing (Guidance on determining the suitability of applicants and licensees in – hackney and private hire trades), the Local Government Association and other bodies also produce guidance relating to taxi and private hire standards.</p> <p>These documents have been used as an aid in shaping this policy. Regard has also been had to best practice learned from other local authorities.</p>	<p>To take account of the new statutory guidance issued by the Department of Transport and to acknowledge consideration of industry guidance in developing the policy.</p>
1.7		<p><b><u>POLICY REVIEWS</u></b></p> <p>This policy will be kept under constant review and may be updated periodically. Minor alterations to the policy may be approved and implemented in consultation with the Chair of the Licensing Committee.</p> <p>The Policy will normally be reviewed every three years.</p>	<p>To clarify timescales for future revisions of the policy</p>
2	<p><b>Scope</b></p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> <li>the protection of public health and safety;</li> </ul>	<p><b>Scope</b></p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> <li>the protection of public health and safety;</li> <li>the protection of children and vulnerable adults;</li> </ul>	<p>Increased clarity</p>

	<ul style="list-style-type: none"> <li>• the establishment of a professional and respected hackney carriage and private hire trade;</li> <li>• access to an efficient and effective public transport service; and</li> <li>• the protection of the environment.</li> </ul> <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	<ul style="list-style-type: none"> <li>• the establishment of a professional and respected hackney carriage and private hire trade;</li> <li>• access to an efficient and effective public transport service; and</li> <li>• the protection of the environment.</li> </ul> <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	
4.3	<p><b><u>DRIVER TESTS</u></b></p> <p>A licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person.</p> <p>In order to determine such fitness, applicants will be tested on various aspects of their knowledge and skills in order to help demonstrate that they are safe and suitable to hold a licence. At the present time the theory test</p> <p>A non-refundable fee may be payable per test taken and/or retaken. Fees will not be refunded where a test booking is cancelled with less than 48 hours' notice.</p> <p>Applicants can take no more than three tests in a 12-month period.</p> <p>Applicants will be required to attend Council approved training in respect of both disability access and safeguarding. Drivers of Wheelchair Accessible Vehicles may be required to undergo additional training or examination.</p>	<p><b><u>DRIVER TESTS</u></b></p> <p><i><u>Knowledge Test</u></i></p> <p>A licence to drive a hackney carriage or private hire vehicle will not be granted unless the Council is satisfied that the applicant is a fit and proper person.</p> <p>In order to determine such fitness, applicants will be tested on various aspects of their knowledge and skills in order to help demonstrate that they are safe and suitable to hold a licence.</p> <p>A non-refundable fee may be payable per test taken and/or retaken. Fees will not be refunded where a test booking is cancelled with less than 48 hours' notice.</p> <p>Applicants who fail three or more theory tests in a 12-month period, will not normally be considered to be a fit and proper person.</p> <p><i><u>Safeguarding &amp; disability awareness</u></i></p> <p>It is important that all licence holders have knowledge of safeguarding matters and how to report concerns.</p> <p>Applicants will be required to attend Council approved training in respect of both disability access and safeguarding prior to being first licenced and then every three years.</p> <p>Drivers of Wheelchair Accessible Vehicles may be required to undergo additional training or examination.</p>	Increased clarity particularly around safeguarding training

4.4	<p><b><u>DRIVING PROFICIENCY AND QUALIFICATIONS</u></b></p> <p>Hackney carriage and private hire drivers are expected to have a higher standard of driving competency than the average driver.</p> <p>All new applicants for hackney carriage and private hire vehicle driver licences may be required to pass such practical examination as the Council determines is appropriate prior to making their application.</p> <p>Existing licensed drivers may be required to take such an assessment, either retrospectively or as part of a disciplinary process, and at their own cost, if it is felt appropriate by the Licensing Committee.</p>	<p><b><u>DRIVING PROFICIENCY AND QUALIFICATIONS</u></b></p> <p>Hackney carriage and private hire drivers are expected to have a higher standard of driving competency than the average driver.</p> <p>All new applicants for hackney carriage and private hire vehicle driver licences may be required to pass such practical examination, at their own cost, as the Council determines is appropriate prior to making their application.</p> <p>Existing licensed drivers may be required to take such an assessment, either retrospectively or as part of a disciplinary process, and at their own cost, if it is felt appropriate by the Licensing Committee.</p>	<p>Addition of the words “at their own cost” to the second paragraph to improve clarity.</p>
4.6	<p><b><u>DISCLOSURE &amp; BARRING SERVICE (DBS) DISCLOSURES</u></b></p> <p><i><u>DBS Disclosures</u></i></p> <p>An enhanced criminal record check on a driver is an essential safety measure.</p> <p>Applicants for licences are required to disclose all convictions, including those that would otherwise have been regarded as spent under the Rehabilitation of Offenders Act 1974.</p> <p>Failure to declare a conviction or other material fact may result in enforcement action, including immediate suspension or revocation of the licence pending investigation and may result in further legal action up to and including prosecution.</p> <p>Before an application for a driver’s licence will be granted, the applicant must provide a current Disclosure &amp; Barring Service (DBS) check carried out via the Licensing Authority.</p> <p>Applicants must apply for the DBS check through the Council and will be charged an appropriate fee. When the applicant for a DBS Disclosure receives the disclosure report at their home address, they will be required to provide the Council with the original certificate.</p>	<p><b><u>DISCLOSURE &amp; BARRING SERVICE (DBS) DISCLOSURES</u></b></p> <p><i><u>DBS Disclosures</u></i></p> <p>An enhanced criminal record check on a driver is an essential safety measure, particularly for the protection of children and vulnerable adults.</p> <p>Applicants for licences are required to disclose all convictions, including those that would otherwise have been regarded as spent under the Rehabilitation of Offenders Act 1974.</p> <p>Failure to declare a conviction or other material fact may result in enforcement action, including immediate suspension or revocation of the licence pending investigation and may result in further legal action up to and including prosecution.</p> <p>Before an application for a driver’s licence will be granted, the applicant must provide a current Disclosure &amp; Barring Service (DBS) enhanced certificate, to the appropriate standard, which includes a check of the barred lists.</p> <p>Applicants must apply for the DBS check through the Council or via a nominated organisation and will be charged an appropriate fee. When the applicant for a DBS</p>	<p>Removal of the requirement for all DBS checks to be carried out via the Licensing Authority. This is contradictory when drivers can now join the Update Service and DBS Certificates are portable while the driver is subscribed to the Update Service. There is no reduction in public safety as a result of this change.</p> <p>During the Coronavirus pandemic the council has used a third party company to complete on line DBS checks for us. This has worked well, has</p>

<p>All applicants will also be required to sign up to the DBS Update Service at their own expense and to authorise the Council to carry out status checks using the Service. Licence holders will then be required to maintain the Service at all times while licensed. If the update service lapses they will be required to apply for a new DBS Disclosure and renew their Update Service subscription at their own expense. Failure to do so could result in their licence being suspended.</p> <p>here officers have cause to require that a Licence Holder provides additional DBS checks these must also be provided in a timely fashion and at the Licence Holder's expense. Failure to do so may result in their licence being suspended or referred to the Licensing Sub-Committee for consideration.</p> <p>Applicants will also be required to disclose, where relevant, any enforcement action taken against them by the Traffic Commissioner.</p> <p><u>Overseas Applicants &amp; Those Who Have Lived Abroad</u></p> <p>Any foreign national or applicant who has lived abroad for 6 continuous months or more will be required to produce a document from the relevant Government or Embassy of their country of origin, or last place of residence if more appropriate, which provides a comprehensive criminal record.</p> <p>All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS certificate. And must provide contact details of the Government or Embassy in order that officers can verify its authenticity. Certificates of good conduct must be in English or translated at the Applicant's expense.</p> <p>In circumstances where the applicant is unable to provide such a document, or officers have concerns that an individual's record requires closer scrutiny, other methods of verifying an Applicant's history may be required. The application will normally be referred to the Licensing Committee for determination, where the applicant will be given the opportunity to explain his or her circumstances</p>	<p>Disclosure receives the disclosure certificate at their home address, they will be required to provide the Council with the original certificate.</p> <p>All applicants will also be required to sign up to the DBS Update Service at their own expense. Proof that the applicant has signed up for the update service will be required before a licence is granted. The applicant will, as part of their application, authorise the Council to carry out status checks using the Service at intervals of no more than six months. Licence holders will be required to maintain the Service at all times while licensed. If the update service lapses the licence holder will be required to apply for a new DBS Disclosure and to renew their Update Service subscription at their own expense. Failure to do so could result in their licence being suspended.</p> <p>Where officers have cause to require that a Licence Holder provides additional DBS checks these must also be provided in a timely fashion and at the Licence Holder's expense. Failure to do so may result in their licence being suspended or referred to the Licensing Sub-Committee for consideration.</p> <p><u>Overseas Applicants &amp; Those Who Have Lived Abroad</u></p> <p>DBS certificates do not include foreign offences. Therefore, any foreign national or applicant who has lived abroad for 6 continuous months or more will be required to produce a document from the relevant Government or Embassy of the country where they resided, which provides a comprehensive criminal record.</p> <p>All costs in respect of this documentation will be borne by the applicant. This document is in addition to the DBS certificate. And must provide contact details of the Government or Embassy in order that officers can verify its authenticity. Certificates of good conduct must be in English or translated at the Applicant's expense. Any translation must be certified as accurate.</p> <p>In circumstances where the applicant is unable to provide such a document, or officers have concerns that an individual's record requires closer scrutiny, other methods</p>	<p>often been quicker than the paper based system and does not reduce public safety. The option has been included in the policy for this to continue in the future.</p> <p>The new statutory guidance recommends drivers to sign up to the Update Service and provide proof of doing so to the Council. It also recommends DBS status checks six monthly. At the present time we undertake DBS status checks every 18 months (which is more than many authorities), however we are recommending the checks be increased to six monthly.</p> <p>Wording for overseas applicants amended to improve clarity.</p>
---	---	--

	<p>and produce any other relevant documentation in support of the application.</p> <p><u>Confidentiality</u></p> <p>The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties unless deemed relevant for public safety or the prevention and/or detection of crime.</p>	<p>of verifying an Applicant's history may be required. The application will normally be referred to the Licensing Committee for determination, where the applicant will be given the opportunity to explain his or her circumstances and produce any other relevant documentation in support of the application. However, the starting position in cases where a certificate of good conduct cannot be provided is that the application should be refused unless there are exceptional reasons that would allow the committee to depart from policy.</p> <p><u>Other matters of interest</u></p> <p>Applicants and licence holders will be required to notify the council of within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. Also failure to disclose an arrest, irrespective of the final outcome, will be treated as a serious breach of condition and will call into question the behaviour and honesty of the person.</p> <p>Applicants will also be required to disclose, where relevant, any enforcement action taken against them by the Traffic Commissioner.</p> <p><u>Confidentiality</u></p> <p>The Council is bound by rules of confidentiality and will not divulge information obtained to any third parties unless deemed relevant for public safety or the prevention and/or detection of crime.</p>	<p>The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council.</p> <p>As some drivers also driver PSV/HGV vehicles it is possible they may have had action taken against them by the Traffic Commissioner. This information could be relevant to a drivers fitness</p>
4.7	<p><b><u>RELEVANCE OF CONVICTIONS, CAUTIONS &amp; OTHER INTELLIGENCE</u></b></p> <p>In considering the effect convictions and cautions recorded against applicants, or any other information received about an individual, the Council will apply the policy set out in Appendix B.</p> <p>In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. We will take account of cautions, convictions and other intelligence, but only in so far as they</p>	<p><b><u>RELEVANCE OF CONVICTIONS, CAUTIONS, ARRESTS &amp; OTHER INTELLIGENCE</u></b></p> <p>In considering the effect convictions and cautions and arrests recorded against applicants, or any other information received about an individual, the Council will apply the policy set out in Appendix B.</p> <p>In assessing whether the applicant is a fit and proper person to hold a licence, the Council will consider each case on its merits. We will take account of cautions, convictions and other intelligence, but only in so far as</p>	<p>The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council</p>



	<p>are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether the information is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.</p> <p>The Council will have regard to the type and age of the offence or allegation, and the age of the applicant when the offence occurred, when considering their relevance to an application. Regard will also be given to the apparent seriousness of the behaviour, as indicated by the penalty.</p> <p>Where officers have no concerns over an applicant's record they shall grant the licence using delegated powers. Where officers are not satisfied the applicant is clearly fit and proper they shall refer the application to Licensing Committee for determination.</p> <p>Where drivers have been licensed prior to the adoption of this policy, and they no longer meet the standards expected as a result, their fitness to hold a licence will be reassessed against those revised standards. Where there is concern that an individual no longer meets the standard of a fit and proper person they will be referred to Licensing Committee for consideration.</p>	<p>they are relevant to an application for a licence. Upon receipt of a disclosure from the DBS, officers acting under delegated powers will assess whether the information is capable of having real relevance to the issue of whether or not the applicant is a fit and proper person to hold a licence.</p> <p>The Council will have regard to the type and age of the offence or allegation, and the age of the applicant when the offence occurred, when considering their relevance to an application. Regard will also be given to the apparent seriousness of the behaviour, as indicated by the penalty.</p> <p>Where officers have no concerns over an applicant's record they shall grant the licence using delegated powers. Where officers are not satisfied the applicant is clearly fit and proper they shall refer the application to Licensing Committee for determination.</p> <p>Where drivers have been licensed prior to the adoption of this policy, and they no longer meet the revised fitness standards, their fitness to hold a licence will be reassessed against the revised standards. Where there is concern that an individual no longer meets the standard of a fit and proper person they will be referred to Licensing Committee for consideration.</p>	
4.8	<p><b><u>APPLICATION PROCEDURE</u></b></p> <p>An application for a hackney carriage or private hire driver's licence must be made on the specified application form and be accompanied by all necessary supporting documentation. The application shall not be considered complete until all required information has been submitted.</p>	<p><b><u>APPLICATION PROCEDURE</u></b></p> <p>An application for a hackney carriage or private hire driver's licence must be made electronically via the Council's website and be accompanied by all necessary supporting documentation. The application shall not be considered complete until all required information has been submitted and the appropriate fee paid.</p>	Updated to reflex applications are now made electronically.
4.9	<p><b><u>DURATION &amp; RENEWAL OF LICENCES</u></b></p> <p>The Council will issue licences for a period of 3 years unless circumstances are such that a shorter period is appropriate.</p> <p>In cases of new applicants and renewals, if requested documents are not forthcoming within 6 months, an application will be returned as incomplete and a new</p>	<p><b><u>DURATION &amp; RENEWAL OF LICENCES</u></b></p> <p>The Council will issue licences for a period of 3 years unless circumstances are such that a shorter period is appropriate.</p> <p>In cases of new applicants and renewals, if supporting documents are not forthcoming within 6 months, an application will be returned as incomplete and a new</p>	Updated to reflex applications are now made electronically and for clarification.

	<p>application will need to be made. However the Licensing Committee may extend this period in exceptional circumstances.</p> <p>Applications for renewal must be submitted sufficiently far in advance of the expiry of the previous licence. It is recommended that applications for renewal are submitted by return on receipt of a renewal letter, or in any event not less than 3 months prior to the current badge expiry date.</p> <p>NB If no renewal letter is received. <b>IT IS THE DRIVER'S RESPONSIBILITY TO BE AWARE OF THE DATE OF EXPIRY OF HIS LICENCE.</b> If the driver believes he has not received his renewal letter at least TEN weeks before the expiry date they should contact the licensing department without delay. The Authority offers no guarantee that a Drivers Badge renewal letter will be received by licence holders and accepts no responsibility where this occurs.</p> <p>It is the responsibility of the applicant to ensure all applications are submitted in time with all supporting documentation. Late applications cannot be guaranteed to be renewed before the previous licence expires. If the application is not submitted in time the driver will not be authorised to drive a hackney carriage or private hire vehicle, once the previous licence expires, until a new licence is granted. If the previous licence expires the applicant will have to make an application for a new licence, not a renewal. Late applications may only be accepted in exceptional circumstances, and documentary evidence to explain those circumstances will be required.</p>	<p>application will need to be made. However the Licensing Committee may extend this period in exceptional circumstances.</p> <p>Applications for renewal must be submitted electronically via the Council's website and sufficiently far in advance of the expiry of the previous licence. It is recommended that applications for renewal are submitted no less than 3 months prior to the current badge expiry date.</p> <p>NB: The Council will endeavour to issue a renewal reminder at least three months prior to the expiry of the licence. However, if no renewal letter is received, <b>IT IS THE DRIVER'S RESPONSIBILITY TO BE AWARE OF THE DATE OF EXPIRY OF HIS LICENCE</b> and to apply to renew the licence in a timely.</p> <p>The Authority offers no guarantee that a driver licence renewal letter will be received by licence holders and accepts no responsibility where this occurs.</p> <p>As a professional driver it is the responsibility of the applicant to ensure all applications are submitted in time together with all supporting documentation. Late applications cannot be guaranteed to be renewed before the previous licence expires. If the application is not submitted in time the driver will not be authorised to drive a hackney carriage or private hire vehicle, once the previous licence expires, until a new licence is granted.</p> <p>If the previous licence expires prior to the submission of a renewal application the applicant will have to make an application for a new licence, not a renewal, and will have to complete the normal tests and checks required for new applicants. Late applications may only be accepted in exceptional circumstances, and satisfactory documentary evidence to explain those circumstances will be required.</p>	
4.11	<p><b><u>CONVICTIONS</u></b></p> <p>Where offences, leading to conviction or caution, are committed by licensed drivers, it is important in the interests of consistency and transparency, that a procedure</p>	<p><b><u>ARRESTS AND CONVICTIONS</u></b></p> <p>Where offences may have been committed, leading to arrest, conviction or caution, by licensed drivers or applicants for licences, it is important in the interests of</p>	<p>The new statutory guidance recommends that it should be a condition of licence for all</p>

	<p>should be in place to consider what effect this should have on their hackney or private hire driver's licence. Further detail is set out in the Taxi Licensing Policy: Enforcement document.</p> <p>Licensed drivers who are convicted or cautioned for any offence, including fixed penalties, must disclose the conviction/caution and the penalty involved to the Council within 72 hours.</p>	<p>consistency and transparency that a procedure should be in place to consider what effect this should have on their hackney or private hire driver's licence. Further detail is set out in the Taxi Licensing Policy: Enforcement document.</p> <p>Licensed drivers who are arrested, convicted or cautioned for any offence, including fixed penalties, must disclose the arrest/conviction/caution and the penalty involved, if any, to the Council within 72 hours.</p>	<p>drivers to report any circumstances where they have been arrested and released to the council.</p>
4.13		<p><b><u>REVIEW OF CURRENT LICENCES ISSUED</u></b></p> <p>Where a significant policy review takes place which introduces new standards which could have an impact on public safety the licensing authority may review existing licences with a view to revoking licences where the licence holder no longer meets the required standards set out in the revised policy or may suspend a licence while the licence holder proves they meet the required standard (this may include undertaking additional training).</p> <p>Each case will be dealt with on its own merits.</p>	<p>This currently takes place and has been added to the policy for clarification.</p>
4.14		<b>INFORMATION SHARING WITH THE POLICE</b>	
4.15		<b>MEMBER TRAINING</b>	
<b>Appendix A – The consideration of applications</b>			
1.	<p>Upon receipt of a properly made application form, an officer of the Licensing Section of the Council shall consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied. If the application remains incomplete for 6 months, the application may be returned as incomplete and a new application may need to be made.</p>	<p>Upon receipt of a properly made electronic application, an officer of the Licensing Section of the Council shall consider the application. Where the application is incomplete, it will not be considered until all the missing details or documents are supplied. If the application remains incomplete for 6 months, the application will be returned as incomplete and a new application may need to be made.</p>	<p>Updated to reflex applications are now made electronically and for clarification.</p>
6.	<p>At the Licensing Committee meeting the Council's hearing procedure will be followed. The applicant will be informed of the decision immediately at the conclusion of the hearing, with written decision notices to follow where appropriate.</p>	<p>At the Licensing Committee meeting the Council's hearing procedure will be followed. The applicant will be offered the opportunity to address the committee and will be informed of the decision immediately at the conclusion of the hearing, with written decision notices to follow where appropriate.</p>	<p>Updated for clarity.</p>

## Appendix B - Relevance of convictions

<p>1.3</p>	<p><b>Considering Criminal Records</b></p> <p>Listed below are some general principles relating to the determination of applications for drivers and operators which will generally be followed where convictions are admitted or otherwise identified.</p> <p>In this guidance the word “conviction” is includes convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information, including any enforcement action taken by other local authorities or the Traffic Commissioner. For custodial sentences the term “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. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. For non-custodial offences the relevant date will be the date of sentencing.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Remain free of conviction for an appropriate period as detailed below; and</li> <li>• 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).</li> </ul> <p>NB Solely remaining free of conviction may not necessarily be adequate evidence that a person is a fit and proper person to hold a licence.</p>	<p><b>Considering Criminal Records</b></p> <p>Listed below are some general principles relating to the determination of applications for drivers and operators which will generally be followed where convictions are admitted or otherwise identified.</p> <p>In this guidance the word “conviction” is includes, arrests, convictions, cautions, warnings, reprimands, fixed penalty notices and other relevant information, including any enforcement action taken by other local authorities or the Traffic Commissioner.</p> <p>For custodial sentences the term “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. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. For non-custodial offences the relevant date will be the date of sentencing.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Remain free of conviction for an appropriate period as detailed below; and</li> <li>• 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).</li> </ul> <p>NB Solely remaining free of conviction may not necessarily be adequate evidence that a person is a fit and proper person to hold a licence.</p>	<p>The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council.</p>
------------	---	--	--

1.5	<p><b>Non-conviction information</b></p> <p>If an applicant has on one occasion, 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 if the evidence supports this. In assessing the action to take, the safety of the public must be the paramount concern.</p> <p>Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked. Enquiries will be made of the National Register of Taxi Licence Revocations and Refusals.</p>	<p><b>Non-conviction information</b></p> <p>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 if the evidence supports this. In assessing the action to take, the safety of the public must be the paramount concern.</p> <p>Where an applicant has had a Hackney Carriage/Private hire driver's licence revoked by any local authority, the Council will not normally grant a licence until at least twelve months has elapsed since the revocation. The applicant's previous licensing authority may be contacted for details of why the licence was revoked. Enquiries will be made of the National Register of Taxi Licence Revocations and Refusals.</p>	Updated for clarity
2	<p><b><u>OFFENCES</u></b></p> <p>The following guidance applies to new applicants and those cases where a licence holder is convicted during the period of their current licence.</p> <p>All categories below are non-exhaustive, and include any similar offences (including attempted or conspiracy to commit) and any offences which replace those specified.</p>	<p><b><u>OFFENCES</u></b></p> <p>The following guidance applies to new applicants, those cases where a licence holder is convicted during the period of their current licence and for all drivers when they renew their licences.</p> <p>All categories below are non-exhaustive, and include any similar offences (including attempted or conspiracy to commit) and any offences which replace those specified.</p>	The statutory guidance recommends that where the fitness standard is updated all existing drivers should meet the new policy. While we already do this at the point of renewal the policy has been updated to reflect current practices.
2.1	<p><b>Serious offences against the person</b></p> <p>Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence.</p> <p>An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.</p> <p>Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:</p>	<p><b>Serious offences against the person</b></p> <p>Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence.</p> <p>An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.</p> <p>Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:</p>	Offences relating to hate crime updated for clarity.

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Kidnapping or abduction

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and /or licence period:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault which is racially aggravated
- Violent disorder
- Threats to kill
- Resisting arrest
- Hate crime against a person
- Modern slavery

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Kidnapping or abduction

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) to those below unless at least 10 years have passed since the completion of any sentence and /or licence period:

- Arson
- Malicious wounding or grievous bodily harm
- Actual bodily harm which is racially aggravated
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Threats to kill
- Resisting arrest
- Hate crime\* against a person (including all forms of assault)
- Modern slavery

A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least 5 years have

<p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below unless at least 5 years have passed since the completion of any sentence and/or licence period:</p> <ul style="list-style-type: none"> <li>• Racially-aggravated criminal damage</li> <li>• Racially-aggravated offence</li> <li>• Hate crime against property</li> </ul> <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below, and unless at least 3 years have passed since the completion of any sentence and/or licence period:</p> <ul style="list-style-type: none"> <li>• Common assault/Battery</li> <li>• Assault occasioning actual bodily harm</li> <li>• Affray</li> <li>• S5 Public Order Act 1986 offence (harassment, alarm or distress)</li> <li>• S.4 Public Order Act 1986 offence (fear of provocation of violence)</li> <li>• S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)</li> <li>• Obstruction</li> <li>• Criminal damage</li> <li>• Harassment</li> <li>• Offences involving anti-social behaviour</li> </ul> <p>A licence will not normally be granted if an applicant has <u>more than one</u> conviction for an offence of a violent nature.</p> <p>NB All violent offences will be treated in accordance with the above guidance and will not be considered any differently because they occur in the context of domestic violence or abuse.</p>	<p>passed since the completion of any sentence and/or licence period:</p> <ul style="list-style-type: none"> <li>• Hate crime* against property</li> </ul> <p>*Hate crime in the above sections is defined as offences where an aggravating feature is that the offence was motivated by any qualifying characteristic pursuant to the Equalities Act 2010.</p> <p>A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below, and unless at least 3 years have passed since the completion of any sentence and/or licence period:</p> <ul style="list-style-type: none"> <li>• Common assault/Battery</li> <li>• Assault occasioning actual bodily harm</li> <li>• Affray</li> <li>• S5 Public Order Act 1986 offence (harassment, alarm or distress)</li> <li>• S.4 Public Order Act 1986 offence (fear of provocation of violence)</li> <li>• S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)</li> <li>• Obstruction</li> <li>• Criminal damage</li> <li>• Harassment</li> <li>• Offences involving anti-social behaviour</li> </ul> <p>A licence will not normally be granted if an applicant has <u>more than one</u> conviction for an offence of a violent nature.</p> <p>NB All violent offences will be treated in accordance with the above guidance and will not be considered any differently because they occur in the context of domestic violence or abuse.</p>	
--	---	--

<p>2.3</p>	<p><b>Sexual and indecency offences</b></p> <p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will be refused a licence upon application/renewal or review. Existing licence holders will have their licence immediately revoked.</p> <p>Such offences include:</p> <ul style="list-style-type: none"> <li>• Rape</li> <li>• Assault by penetration</li> <li>• Offences involving children or vulnerable adults</li> <li>• Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)</li> <li>• Making or distributing obscene material</li> <li>• Possession of images depicting child sexual abuse.</li> <li>• Sexual assault</li> <li>• Indecent assault</li> <li>• Exploitation of prostitution</li> </ul> <p>In relation to indecency offences, an applicant should be free of conviction for at least 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:</p> <ul style="list-style-type: none"> <li>• Making indecent telephone calls</li> <li>• Importuning</li> <li>• Indecent exposure</li> <li>• Soliciting (kerb crawling)</li> </ul>	<p><b>Sexual and indecency offences</b></p> <p>As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual offences should be considered as serious. Applicants with convictions for sexual offences will be refused a licence upon application/renewal or review. Existing licence holders will have their licence immediately revoked.</p> <p>Such offences include:</p> <ul style="list-style-type: none"> <li>• Rape</li> <li>• Assault by penetration</li> <li>• Offences involving children or vulnerable adults</li> <li>• Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children)</li> <li>• Making or distributing obscene material</li> <li>• Possession of images depicting child sexual abuse.</li> <li>• Sexual assault</li> <li>• Indecent assault</li> <li>• Exploitation of prostitution</li> </ul> <p>In relation to indecency offences, an applicant should be free of conviction for at least 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), if he / she has a conviction for an offence such as:</p> <ul style="list-style-type: none"> <li>• Making indecent telephone calls</li> <li>• Importuning</li> <li>• Indecent exposure</li> <li>• Soliciting (kerb crawling)</li> </ul>	<p>Final paragraph updated for clarity</p>
------------	---	---	--



	<ul style="list-style-type: none"> <li>Any offence occurring in the context of domestic violence</li> </ul> <p>A licence will not be granted if an applicant has <u>more than one</u> conviction for an indecency offence.</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 any other similar register.</p>	<ul style="list-style-type: none"> <li>Any offence occurring in the context of domestic violence</li> </ul> <p>A licence will not be granted if an applicant has <u>more than one</u> conviction for an indecency offence.</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, Disclosure and Barring Service Barred Lists or any other similar register.</p>	
2.5	<p><b>Alcohol &amp; Drugs</b></p> <p>An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.</p> <p>In addition, the applicant will normally be required to show a period of 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.</p> <p>A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.</p> <p>A licence will not normally be granted where the applicant has more than one conviction for offences related to the supply of drugs and has not been free of conviction for 10 years.</p> <p>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 5 years.</p> <p>An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.</p>	<p><b>Alcohol &amp; Drugs</b></p> <p>An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate. However, a number of convictions for drunkenness, including drunk and disorderly or drunk and incapable, could indicate a medical problem necessitating critical examination and refusal of licence.</p> <p>In addition, the applicant will normally be required to show a period of 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic.</p> <p>A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.</p> <p>A licence will not normally be granted where the applicant has a conviction for offences related to the supply of drugs and has not been free of conviction for 10 years.</p> <p>A licence will not normally be granted where the applicant has a conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.</p> <p>An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.</p>	Updated for clarification around drug related offences, including where a person has more than one conviction for a drug related offence.

	<p>If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.</p>	<p>A licence will not normally be granted to an applicant where they have more than one conviction for a drug related offence.</p> <p>If there is evidence of persistent drug use, misuse or dependency, a specialist examination (in accordance with the DVLA group two medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.</p>	
2.7	<p><b>Driving offences involving alcohol and/or drugs</b></p> <p>A serious view will be taken of convictions of driving, or attempting to drive, 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 of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.</p> <p>More than one conviction for this type of offence or one such offence 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><b>Driving offences involving alcohol and/or drugs</b></p> <p>A serious view will be taken of convictions of driving, or attempting to drive, 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 of conviction should elapse after the restoration of the DVLA licence before an applicant is granted a licence.</p> <p>More than one conviction for this type of offence will normally merit refusal.</p> <p>In addition, applicants will normally be required to show a period of at least 10 years has elapsed after completion of detoxification treatment if (s)he was an alcoholic or drug addict.</p>	<p>Updated for clarification</p> <p>Final paragraph updated to remove ambiguity (see paragraph 2.5)</p>
2.8	<p><b>Major Traffic Offences</b></p> <p>A non-exhaustive list of traffic offences can be found in Appendix D.</p> <p>Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction is within 6 months</p>	<p><b>Major Traffic Offences</b></p> <p>A non-exhaustive list of traffic offences can be found in Appendix D.</p> <p>Subject to the above paragraphs an isolated conviction for a major traffic offence, without disqualification, such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire drivers. However, where the conviction</p>	<p>Updated to remove ambiguity and to clarify requirements relating to major traffic offences</p>

	<p>prior to the date of the application the application will normally be refused.</p> <p>In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.</p> <p>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 offence occurred less than 2 years prior to the application.</p> <p>Where an existing licence holder is disqualified from driving as a result of a conviction for a major traffic offence, the licence will normally be revoked.</p> <p>Where an existing licence holder is convicted of a major traffic offence, but the licence-holder is not disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.</p>	<p>occurred within the last 2 years prior to the date of the application the application will normally be refused.</p> <p>In cases of disqualification at least 3 years free from conviction after the restoration of the DVLA licence should normally elapse before an applicant is granted a licence.</p> <p>Where an existing licence holder is convicted of a major traffic offence, irrespective of whether or not they are disqualified from driving, the licence should normally be revoked or not renewed and any subsequent application for a new licence will be determined in accordance with the guidance above.</p>	
2.13	<p><b>Plying For Hire</b></p> <p>Any applicant who has committed an offence of plying for hire within the 6 months preceding their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances if the case, and at the least suspension of the licence should be considered. Where a driver is convicted on more than one occasion the licence will be revoked or not granted. Consideration will be taken of whether at the time there was no insurance cover in place for the vehicle. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.</p>	<p><b>Plying For Hire</b></p> <p>Any applicant who has committed an offence of plying for hire within the 6 months preceding their application will normally be refused a licence. Any existing licence holder found to have committed this offence will be judged on the circumstances if the case, and normally a minimum suspension of 6 months should be considered. Where a driver is convicted on more than one occasion the licence will be revoked or not granted. Consideration will be taken of whether at the time there was no insurance cover in place for the vehicle. It will be up to the applicant to prove that there was valid insurance in place at the time of the offence.</p>	Updated to remove ambiguity between new applicants and existing drivers.

## APPENDIX C – PRIVATE HIRE DRIVER’S LICENCE CONDITIONS

1.2	The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of persons using the vehicle.	The driver shall behave in a civil, polite and orderly manner and shall take all reasonable precautions to ensure the safety of passengers, other road users and the public.	Updated to broaden the condition to include other road users and the public.
4.7	The driver must notify the Council, within 7 days, of any conviction or caution for an offence, or of any fixed penalty imposed on him/her whilst the licence is in force. Failure to disclose a conviction may result in an immediate licence suspension, pending investigation.	The driver must notify the Council, within 7 days, of any arrest, conviction or caution for an offence, or of any fixed penalty imposed on him/her whilst the licence is in force. Failure to disclose a conviction may result in an immediate licence suspension, pending investigation.	The new statutory guidance recommends that it should be a condition of licence for all drivers to report any circumstances where they have been arrested and released to the council.
7.3	A driver must carry assistance dogs if required. Assistance dogs include Guide Dogs for the Blind or partially sighted, hearing dogs for the hard of hearing and other assistance dogs which assist disabled people with a physical impairment. This includes dogs in training for such roles.	A driver must carry assistance dogs if required. Assistance dogs include guide dogs for the blind or partially sighted, hearing dogs for the hard of hearing and other assistance dogs which assist disabled people with a physical or mental impairment. This includes dogs in training for such roles.	Slight clarification in wording and grammar.