

Appendix 4 – Taxi Licensing Policy: Enforcement – Minor Amendments Proposal

Enforcement Policy			
Item No	Current Policy Wording	Proposed Policy Wording	Reasons for update
1.3	<p>BEST PRACTICE GUIDANCE</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>STATUTORY, BEST PRACTICE AND INDUSTRY GUIDANCE</p> <p>The Department for Transport has considered views about what constitutes "Best or Good Practice" and how licensing authorities can protect children and vulnerable adults, and has published both best practice (March 2010) and statutory guidance (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>	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.
1.7	NEW ADDITION	<p>POLICY REVIEWS</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>	To clarify timescales for future revisions of the policy
2	<p>Scope</p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> • the protection of public health and safety; 	<p>Scope</p> <p>In setting out its policy Bolsover District Council seeks to promote the following objectives -</p> <ul style="list-style-type: none"> • the protection of public health and safety; 	Increased clarity

	<ul style="list-style-type: none"> • the establishment of a professional and respected hackney carriage and private hire trade; • access to an efficient and effective public transport service; and • the protection of the environment. <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"> • the protection of children and vulnerable adults; • the establishment of a professional and respected hackney carriage and private hire trade; • access to an efficient and effective public transport service; and • the protection of the environment. <p>The aim of this policy is to regulate hackney carriage and private hire vehicles in order to promote the above objectives.</p>	
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Appendix A - POLICY GUIDELINES FOR DEALING WITH OFFENCES COMMITTED DURING THE TERM OF A LICENCE

3.1	<p><u>Serious offences involving violence</u></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. A licence will normally be revoked if the licence holder receives a conviction for an offence that involved the loss of life.</p> <p>Unless there are exceptional circumstances a licence will be revoked where the applicant is convicted for an offence such as:</p> <ul style="list-style-type: none"> • Murder • Manslaughter • Manslaughter or culpable homicide while driving • Terrorism offences 	<p><u>Serious offences involving violence</u></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. A licence will normally be revoked if the licence holder receives a conviction for an offence that involved the loss of life.</p> <p>Unless there are exceptional circumstances a licence will be revoked where the applicant is convicted for an offence such as:</p> <ul style="list-style-type: none"> • Murder • Manslaughter • Manslaughter or culpable homicide while driving • Terrorism offences 	Offences relating to hate crime updated for clarity.
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	<ul style="list-style-type: none"> • Kidnapping or abduction • 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 • Any racially-aggravated offences • Hate crime against property • Any similar offences (including attempted or conspiracy to commit) or offences which replace the above. 	<ul style="list-style-type: none"> • Kidnapping or abduction • 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) <ul style="list-style-type: none"> • Any racially-aggravated offences • Hate crime* against property • Any similar offences (including attempted or conspiracy to commit) or offences which replace the above. <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>	
3.5	<u>Sexual and indecency offences</u> As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual	<u>Sexual and indecency offences</u> As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. All sexual	Update to offences to provide clarity.

	<p>offences should be considered as serious. Licence holders convicted of sexual offences will normally have their licence revoked.</p> <p>Such offences include:</p> <ul style="list-style-type: none"> • Rape • Assault by penetration • Offences involving children or vulnerable adults • Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children) • Making or distributing obscene material • Possession of indecent photographs depicting child pornography. • Sexual assault • Indecent assault • Exploitation of prostitution • Any similar offences (including attempted or conspiracy to commit) offences which replace the above. 	<p>offences should be considered as serious. Licence holders convicted of sexual offences will normally have their licence revoked.</p> <p>Such offences include:</p> <ul style="list-style-type: none"> • Rape • Assault by penetration • Offences involving children or vulnerable adults • Grooming, Trafficking or other Sexual Exploitation related offences (adults and/or children) • Making or distributing obscene material • Possession of indecent photographs depicting child sexual abuse • Sexual assault • Indecent assault • Exploitation of prostitution • Any similar offences (including attempted or conspiracy to commit) offences which replace the above. 	
3.6	<p><u>Indecency Offences</u></p> <p>Depending on the facts of the case revocation or a lengthy suspension may be appropriate in cases where a licence holder is convicted of the offences including:</p> <ul style="list-style-type: none"> • Making indecent telephone calls • Importuning • Indecent exposure • Soliciting (kerb crawling) • Any similar offences (including attempted or conspiracy to commit) offences which replace the above. 	<p>Indecency Offences</p> <p>Depending on the facts of the case revocation or a lengthy suspension may be appropriate in cases where a licence holder is convicted of the offences including:</p> <ul style="list-style-type: none"> • Making indecent telephone calls • Importuning • Indecent exposure • Soliciting (kerb crawling) • Any offence occurring in the context of domestic violence 	Domestic violence added to offences to reflect main policy.

	<p>A licence will normally be revoked if a licence holder has more than one conviction in the last 10 years for offences of an indecency offence.</p>	<ul style="list-style-type: none"> • Any similar offences (including attempted or conspiracy to commit) offences which replace the above. <p>A licence will normally be revoked if a licence holder has more than one conviction in the last 10 years for offences of an indecency offence.</p>	
3.16	<p><u>Plying for Hire</u></p> <p>Any licence holder found to have committed this offence will be judged on the circumstances of 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 may be revoked or not renewed.</p> <p>Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle. It will be up to the licence holder to prove that there was valid insurance in place at the time of the offence.</p>	<p><u>Plying for Hire</u></p> <p>Any existing licence holder found to have committed this offence will be judged on the circumstances of 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 may be revoked or not renewed.</p> <p>Consideration will be taken if the offence of plying for hire was accompanied by the fact that at the time there was no insurance cover in place for the vehicle. It will be up to the licence holder to prove that there was valid insurance in place at the time of the offence.</p>	Inclusion of recommendation for 6 month suspension included to bring in line with main policy.