



Epsom & Ewell Borough Council

Hackney Carriage and Private Hire Licensing Policy

January 2018

1. Application for Private Hire and Hackney Carriage Drivers licences

a. Age/driving experience

An applicant must be at least 21 years of age, and have held a full UK/EU Driving Licence for at least 3 years prior to application.

In the case of applicants for a Hackney Carriage Driver Licence, the applicant must have held a Private Hire Driver Licence issued by Epsom & Ewell Borough Council for at least 6 years before being eligible to apply. In addition, before a Hackney Carriage Driver Licence will be issued for a new applicant, the applicant must have undertaken a Disability Awareness Course which must include practical manual handling of wheelchairs (documentary evidence must be provided).

b. Knowledge Test

Applicants for the grant of a Driver's licence will be required to undergo a Knowledge Test (which Licensing Officers will facilitate) to show an understanding of the local and surrounding area. An exception to this will be for drivers who will be working exclusively on home to school run services under a contract with Surrey County Council or who are employed by Surrey Choices Limited.

c. Suitability of an applicant/licence holder

All drivers (existing and new applicants) must be "fit and proper" to hold a licence. Applicants for the grant and renewal of a licence are subject to an enhanced DBS check, and must sign up to the online DBS update service.

There is an exemption for drivers who undertake Home to School runs who will not be required to undertake a DBS from the Authority as they have already been checked through Surrey County Council. Drivers licensed by Transport for London (TfL) are also not required to undertake a DBS check as they are already checked through the TfL.

d. Safeguarding

All drivers are required to undertake a child sexual exploitation (CSE) awareness course approved by the Authority. Existing drivers will have a maximum of 12 months to undertake the on-line training course from April 2018, for existing drivers undertaking the course during this period will be free of charge. Drivers who have failed to undertake the course by 31 March 2019 will have their Private Hire/Hackney Carriage Driver licence suspended until they have undertaken the course.

An applicant for the grant of a new Driver Licence from the effective date of this policy will be required to have undertaken the course prior to a licence being granted.

Documentary evidence of completion of the course must be provided to the Authority, failure to do so within the period above will result in the suspension of the Private Hire/Hackney Carriage Driver Licence until such time evidence is provided.

In addition, all drivers are subject to the convictions policy attached as an annexe to the Policy.

e. Address History

Where an applicant for the grant of a licence, is not able to provide a full five-year traceable history in the United Kingdom, then it will be necessary for the applicant to provide the equivalent of a DBS check from their appropriate Embassy or High Commission.

f. Right to remain and work in the United Kingdom

Applicants for the grant or renewal of a Private Hire/Hackney Carriage licence will be required to produce documentary evidence of a right to remain and work in the UK, this can be in the form of a British Passport, European Passport, British birth certificate or valid entitlement issued by the Home Office/UK Border/Immigration Service.

g. Medical Examination

Applicants will be required to provide a medical examination certificate which should be completed by their own doctor, in exceptional cases where approved by the Licensing, Grants & HIA Manager approval may be given for an applicant to use another doctor. A medical examination certificate will be valid for up to five years (unless the doctor recommends a more regular medical) for applicants up to the age of 65 years old. Drivers aged between 65 and 70 will be required to provide a medical certificate every two years and drivers over the age of 70 will be required to produce a medical certificate annually.

h. Appearance

Drivers are required to be smart and presentable at all times whilst working under the terms of the licence issued by the Authority. Footwear appropriate for driving must be worn at all times.

i. Intended use

It is expected that when a Private Hire Driver licence is issued, the intention of the driver is to undertake journeys that either commence or end within the Borough of Epsom & Ewell. Where it is proven that a licensed driver is regularly undertaking journeys solely outside the Borough then they may be issued with points under the approved Penalty Points scheme.

2. Application for Private Hire Vehicle Licences

a. Age/standard of vehicles

New vehicles

All vehicles which are being presented for first licensing by the Authority may be no older than six years old as of the date of application. An exception may be made for older vehicles if considered by an Authorised Officer to be in an excellent condition ie. bodywork which is free from scratches, dents and rust, a cosmetically clean interior and good service history records.

Existing licensed vehicles

Vehicles over four years of age at application/renewal will be required to undergo an inspection (and MOT test) every six months. An exception may be made for vehicles which have a main dealer service plan, or a specific servicing plan which requires the vehicle to be serviced at periods of no less than every three months.

b. Stretched limousines

Any stretched limousines that have been imported are required to have an IVA (Individual Vehicle Approval) test. This will need to be presented to the Licensing Authority to confirm it is built to certain safety standards. Applicants will also need to provide evidence that the vehicle has been tested by Driver and Vehicle Standards Agency. Vehicles with nine or more passenger seats may not be licensed as a Private Hire vehicle.

c. Imported vehicles

Any imported vehicles up to 10 years old at the time of first registration in the United Kingdom will be required to meet the standards specified in paragraph 2a, and also meet the technical standards of either;

- Europe Whole Vehicle Type approval
- British National Type approval
- Individual Vehicle approval

The Authority will require a registration certificate stating the approval status of the vehicle and that it meets the above requirements.

d. Tinted windows

Any vehicles which are brought in to be licensed must meet a minimum of 70% light transmission for front glass and to both sides of the driver.

e. Advertising on vehicles

Private hire vehicles may display either on the front or rear side doors of the vehicle a sign advertising the name and telephone number of the Private Hire Operator not more than 50mm high, the sign shall not include the words taxi or cab and shall not be illuminated. If the vehicle is licensed to carry more than six passengers the letters or figures shall not be more than 75mm high. In exceptional circumstances amendments may be permitted by the Authority.

f. MOTs

An MOT Test Certificate which is no more than eight weeks old from the date of application must be presented on application, annual and interim inspections, an exception is made for vehicles which have covered less than 2000 miles. Where an MOT Test Certificate has been issued with advisory notes, the defects must be rectified prior to the next inspection date or at an earlier date determined by the Authorised Officer.

g. Insurance

An Insurance certificate or cover note covering the driver for private hire use must be provided on application, annual and interim inspections.

h. Dual licensing

A private hire vehicle may only be licensed by one Authority at any one time. If a vehicle is found to be licensed by another authority then the vehicle licence issued by Epsom & Ewell Borough Council becomes immediately invalid,

3. Application for Hackney Carriage Vehicle Licences

a. Age/standard of vehicles

All vehicles which are being presented for first licensing by the Authority should be Euro 5 compliant. An exception is made for vehicle proprietors who have held a Hackney Carriage Vehicle Licence issued by the Authority prior to January 2013, who are entitled to renew/transfer their vehicle to a Euro 4 standard vehicle.

Where a vehicle has a front passenger seat in a purpose built hackney carriage vehicle this seat may be used for the carriage of passengers but only after all other passenger seats are first occupied.

The Authority has had a unique arrangement with the Public Carriage Office to allow dual licensing of vehicles which was initially intended to enable effective transition from the old Greater London Authorities. With effect from 1 January 2014 the Authority no longer licensed new dual vehicles. There is an exception for existing Hackney Carriage Drivers that have been licensed with the Authority before 1 January 2013 if it can be proven that the London topographical knowledge test was in progress before that date.

b. Advertising on vehicles

Hackney Carriages are permitted to have full advertising wraps on their vehicles subject to advertising standards approved by the TfL.

c. MOTs

An MOT Test Certificate which is no more than eight weeks old from the date of application must be presented on application, annual and interim inspections, an exception is made for vehicles which have covered less than 2000 miles.

Dual Licensed Vehicles are required to undertake separate roadworthy and mechanical fitness tests by the Public Carriage Office, and are therefore not required to produce a current MOT Test Certificate.

d. Insurance Certificate

An Insurance Certificate or Cover Note covering the Driver for Public Hire use must be provided on application, annual and interim inspections.

4. Application for a Private Hire Operators Licence

a. Disclosure & Barring Service (DBS)

An applicant must be a “fit and proper person” to hold a licence. Applicants for the grant of a licence are subject to an Enhanced DBS Check, and must subscribe to the DBS update service, unless the driver is licensed by another Authority.

b. Suitability of applicant

The suitability of an applicant and/or holder of an Operator Licence is the same standard as for Driver Licences, detailed in paragraph 1c above.

c. Knowledge Test

An applicant for a new Operator Licence (who has not been previously licensed by the Authority) will be required to undergo a Knowledge Test to show an understanding of the area and licence conditions and basic verbal understanding. An exception to this will be for operators who will be working solely on Home to School Run services under a contract with Surrey County Council.

d. Planning Permission

In the case of new applications, and business relocation, evidence of planning permission or confirmation from the Planning Department that consent is not required for use of the premises as a private hire operation must be produced before a licence will be granted

e. Maximum number of vehicles

A maximum of two vehicles may be operated from non-commercial premises (existing Operators Licences may continue to be renewed at the existing address with a higher number of vehicles).

f. Insurance Certificate

An Insurance Certificate or Cover Note covering the business for Public Liability and Employers Liability must be provided on application and renewal (as applicable).

5. Licence Conditions

The licence holder will be required to sign their licence to confirm they accept and understand all the terms and conditions attached to the licence, including the Penalty Points Scheme.

6. Penalty Points Scheme

All licence holders are subject to the Penalty Points Scheme, and accept the licence on the basis that they fully accept the Scheme. The Penalty Points Scheme is attached as an annexe to this Policy.

Where 12 points or more have been accrued within a two year rolling period, or the same offence/breach has been committed twice in a 12 month period, the licence holder will be referred to the Licensing Panel. The Panel will determine if the licence should be revoked or suspended or may decide no further action is required. In addition, the Panel will determine if (all) the points shall remain on the licence or be removed.

All Licence Holders have a right to appeal any Penalty Points issued, by doing so in writing within seven days of receipt of the Penalty Points. The appeal will be heard by the Licensing Panel whose decision (as far as points issued) is final.

7. Enforcement

Where necessary any appropriate enforcement (including prosecution) will be carried out in a fair and consistent manner in accordance with:

- The Enforcement Concordat
- Epsom & Ewell Borough Council's Environmental Health Service Enforcement Policy
- The Regulators' Code 2014.

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible, and ensure that data is shared where possible and practicable.

8. Refunds of Licence Fees

Once an application fee has been paid and a Licence issued, the payment is non-refundable, except in the case of 5 yearly Operator Licence fees which may be entitled to a pro-rata refund based upon the number of full years remaining on the licence.

Epsom & Ewell Borough Council

Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

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1 Introduction

- 1.1 This policy sets out the criteria to be taken into account by Epsom & Ewell Borough Council (referred to as the Council) when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions, the Council will also take into account other factors such as demeanor, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.
- 1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
 - Applicants for a drivers', vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/Panel
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However, the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of the Council to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage

Byelaws. In exercising this duty, the Council's primary consideration must be the need to ensure the safety of the public. Licences cannot be issued unless the person is considered to be 'fit and proper'.

1.7 In seeking to safeguard the safety of the public. The Council will be concerned to ensure:

- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.8 There is no legal definition of the term 'Fit and Proper' and accordingly the test tends to be based on the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?'

If the answer to this question (or a similar test) is an unqualified 'Yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver's licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the Council will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services, other licensing authorities, other departments within the Council, and statutory agencies.

- 1.10 In this policy, the word “applicant” refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.
- 1.11 In this policy, the word “conviction” is to be defined as including convictions, cautions, warnings and reprimands.
- 1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

2 General Policy

- 2.1. Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
 - a. Remain free of conviction for an appropriate period as detailed below; and
 - b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence).
Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.
- 2.2. The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 Powers

- 3.1. Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847; or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.
- 3.2. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the Council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

4 Consideration of disclosed criminal history

- 4.1. Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions or charges awaiting trial, the Council will look at:
 - How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of the conviction
 - Circumstances of the individual concerned
 - Any sentence imposed by the court
 - The applicant's age at the time of offence/incident leading to the conviction

- Whether they form part of a pattern of offending
- The applicant's attitude
- Any other character check considered reasonable (e.g. personal references if requested by the Council)
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the Council or lied as part of the application process,
 - Information provided by other agencies/Council departments.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

- 4.2. In this policy 'completion of any sentence' is taken to be the date, which is reached once the whole of the period as sentenced by the court has elapsed. For example, if a sentence is 5 years imprisonment then the date that the sentence ends will be 5 years from the date of sentencing (although time served will be taken into account). If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy.
- 4.3. Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within three working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.
- 4.4. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (section 57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

- 4.5. Any offences or behaviour not expressly covered by this policy may still be taken into account.

5 Options when determining an application/licence

- 5.1. When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:

- grant the licence or take no further action
- grant the licence with additional conditions
- refuse, revoke, or suspend the licence
- issue a warning which may include the use of penalty points

- 5.2. If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6 Offences involving violence

- 6.1. Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

- 6.2. A licence will not normally be granted until at least 10 years have passed since the completion of any sentence following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Common assault
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3. A licence will not normally be granted until at least 5 years have passed since the completion of any sentence following conviction for an offence shown below:

- Obstruction

- Criminal damage
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above.
- 6.4. A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7 Offences involving a weapon (not a firearm)

- 7.1. If an applicant has been convicted of possession of a weapon (not a firearm) or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.2.
- 7.2. Depending on the circumstances of the offence, an applicant should be free of conviction for 5 years (or at least 5 years must have passed since the completion of any sentence, whichever is longer), before a licence is granted.
- 7.3. A licence will not normally be granted if an applicant has more than one conviction for an offence involving a weapon.

8 Sexual and indecency offences

- 8.1. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused. Such offences include:
- Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - Making or distributing obscene material
 - Possession of indecent photographs depicting child pornography.

- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2. In addition to the above, the Council will not grant a licence to any applicant who is currently on the Sex Offenders Register. If an applicant has ever been on the Sex Offenders Register or similar register then they will not normally be granted a licence.

9 Dishonesty

9.1. A serious view is taken of any conviction involving dishonesty.

9.2. Normally a minimum period of 5 years free of conviction or at least 5 years since the completion of any sentence (whichever is longer) is required before a licence is granted. Offences involving dishonesty include:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery

- Conspiracy to defraud
 - False representation
 - Obtaining money or property by deception
 - Other deception
 - Taking a vehicle without consent
 - Fare overcharging
 - Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 9.3. A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.
- 9.4. Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will normally be rejected or refused.

10 Alcohol and Drugs

- 10.1. A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.
- 10.2. At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.
- 10.3. A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years or at least 5 years have passed since the completion of any sentence (whichever is longer). There will then be full consideration of the nature of the offence and the quantity/type of drugs involved.
- 10.4. A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.

- 10.5. If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would normally be required to show evidence of 8 years free from drug taking after detoxification treatment.
- 10.6. A licence will not normally be granted where the applicant has a conviction for drunkenness offences, not involving a motor vehicle, for a period of 1 year after a single conviction. If the applicant has more than two convictions within two years of each then a period of 2 years will need to have elapsed.

11 Driving offences involving the loss of life

- 11.1. A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 11.2. A licence will not normally be granted if an applicant has a conviction for:
- Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Causing death by careless driving
 - Causing death by driving: unlicensed, disqualified or uninsured drivers
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Other traffic offences

- 12.1. Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

- 12.2. At least 3 years should elapse after the restoration of the DVLA driving licence, before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.
- 12.3. Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. However, with existing licensees they may be subject to separate consideration as part of the Penalty Points scheme.
- 12.4. In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated in paragraph 12.1 above should normally commence from the date of the restoration of the licence.
- 12.5. In this policy, the term “disqualification” refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
- 12.6. In “totting up” cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a Hackney Carriage or Private Hire drivers licence because different criteria apply. An applicant will normally be expected to show a period of 1 year free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

13 Outstanding charges or summonses

- 13.1. If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 13.2. If the outstanding charge or summons involves a serious offence and the individual’s conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

14 People barred from working with children and vulnerable adults

- 14.1. A serious view is to be taken of any applicant or licence holder who has been barred from working with children or vulnerable adults. A licence will not be granted if an applicant is currently on either of the two lists barring people from working with children and/or vulnerable adults. A licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

15 Non-conviction information

- 15.1. The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. The Council will also take into account information received from Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services, other licensing authorities, other departments within the Council and statutory agencies
- 15.2. In considering the most appropriate action to take following the receipt of information, the credibility of both the witness/complainant and the licence holder will be taken into account.
- 15.3. If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.
- 15.4. In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

16 Court sanctions

- 16.1. A licence will not normally be granted until at least 1 year has elapsed since the expiry of a Criminal Behaviour Order, Restraining Order, Domestic Violence Protection Order, Non-Molestation Order, Injunction or any other such order.

- 16.2. If the applicant has had any findings made against them in a civil court then careful consideration will be given as to the relevance of such findings to the application. An applicant who has been found to have committed sexual abuse or serious physical abuse would not normally be granted a licence.

17 Licensing offences

- 17.1. Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons, will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

18 Insurance offences

- 18.1. A serious view will be taken of convictions for driving, or being in charge of a vehicle without insurance or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However a strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 18.2. An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

19 Applicants with periods of residency outside the UK

- 19.1. Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.
- 19.2. If an applicant has spent six continuous months or more overseas (since the age of 16) the Council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

20 Summary

- 20.1. Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.
- 20.2. Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.
- 20.3. While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.