Convictions & Character Policy for Hackney Carriage, Private Hire Drivers & Operators

January 2011

Part II of the Local Government (Miscellaneous Provisions) Act 1976

Governance Group
PRIVATE HIRE AND HACKNEY CARRIAGE CONVICTIONS AND CHARACTER POLICY

January 2011
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1. Introduction

This document sets out the Council's policy, as Licensing Authority, with regard to convictions against applicants for the grant or renewal of hackney carriage and private hire driver licences and of private hire operator licences. The Policy also addresses other indicators of the character of an applicant/licensee such as formal cautions, reprimands, warnings and complaints.

Applicants/Licensees are encouraged to read this Policy before they submit an application for a Licence and consider what it says about their particular circumstances.

The Authority will seek to use this policy to make consistent and fair decisions when considering criminal convictions, cautions, reprimands, warnings or complaints received. This policy applies to applicants and licensees. The objectives of this policy are to secure, as far as reasonably possible, the safety of Taxi/Private Hire Vehicle Passengers and their property and the protection of their consumer rights. In exercising its licensing function concerning drivers and operators, the Authority will be mindful of its duty under Section 17 of the Crime and Disorder Act 1998 to do so with due regard to the likely effect of the exercise of that function on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

It is the Authority's expectation that holders of a licence will conduct themselves in a manner that does not bring their profession or the Authority into disrepute (to achieve the 'fit and proper' tests referred to in this Policy). This includes not touching passengers inappropriately, not speaking to passengers inappropriately, not threatening or using violent behaviour to passengers, not withholding property of passengers etc. It also includes providing appropriate care for all passengers and, particularly, vulnerable children and adults who are passengers. Licensees who fail to meet this expectation may expect the Authority to consider revoking their licence.

For Driver Licences the law permits the Authority to utilise either the Standard or the Enhanced disclosure service of the Criminal Records Bureau to inform their decision making on the suitability of applicants for licences. Having undertaken a risk assessment concerning Driver Licences, the Authority has concluded that the appropriate type of disclosure should be the Enhanced level. In addition, it requires all disclosures for Driver Licences to include a check against all of the ISA Barring Lists. The law also permits the Authority to periodically use this service to review the suitability of licensees to continue to hold a licence. Having regard for the advice from the Association of Chief Police Officers about the frequency of the use of the service, the Authority will normally only undertake a check where the period of licence would exceed three years since the last licence was granted. Where a licensee does not submit an application for renewal of that licence before the expiry of the said licence, the Authority will consider the application as one for grant (and not renewal) and so will normally conduct a criminal records bureau check. The Authority is bound by the Code of Practice of the Criminal Records Bureau and by the provisions of the Data Protection Act 1998. Information received from the Bureau in the
form of a disclosure concerning an applicant or licensee will be used fairly, stored securely and handled only by authorised persons.

Enhanced disclosures also include information provided by local Police services other than convictions, cautions and reprimands. The Authority will consider this information as part of its general assessment of the character of the applicant/licensee.

Where an applicant has not been resident in the United Kingdom for a full five years prior to the application being considered, the Authority will seek to obtain such information as it is possible to obtain from the relevant authorities in the country/countries in which the applicant was previously resident outside of the UK. As such, this could reveal details of foreign offences and these will be examined by comparison to the offences set out in this Policy. Other UK residents may also disclose foreign offences and these will be likewise considered. General Statements as to the character of the individual may also be obtained as part of the Authority’s consideration of an application from someone who has not be resident in the UK for the minimum of five years at the time of the application. Where the Authority requires the assistance of the applicant to obtain such information, the applicant is expected to provide such reasonable assistance as necessary to obtain the information.

For Operator Licences the law does not provide access to either the Standard or the Enhanced disclosure service of the Criminal Records Bureau. For these Licences the Authority must restrict itself to considering Basic Disclosure details. These are obtained by the applicant/licensee and, again, the frequency of these disclosures shall be three years from the last such disclosure.

This Policy makes reference to an applicant’s ‘conviction free’ period. By this, the Authority is referring to the period of time that has elapsed since the sentence received for the applicant’s most recent conviction has been completed. This can mean a custodial sentence, community service or payment of a fine. If a custodial sentence, the period begins upon release.

Each case will be determined on its own merits. The Authority will not slavishly follow this policy where there are compelling reasons to depart from it. The Authority will be mindful of its duties under the Sex Discrimination Act 1975, the Race Relations Act 1976 and the Disability Discrimination Act 1995 to “have due regard to the need” to (among other things) eliminate discrimination and to promote equality of opportunity between the different respective groups. From April 2011 the Equality Act 2010 will increase the above obligations and place a duty on the Authority “to have due regard to” the need to eliminate discrimination, advance equality of opportunity and foster good relations in regard to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. Section 11 of the Children Act 2004 places a duty on the Authority to make arrangements to ensure that its functions are discharged having regard to the need to safeguard and promote the welfare of children. This matter has been considered in preparing this Convictions and Character Policy. The Authority must also consider the obligations placed on it and the courts by the Human Rights Act 1998.
2. General Statement On The Relevance Of Criminal Records

The suitability for a licence of a person with a criminal record will vary, depending on the nature of the licence and the details and circumstances of any convictions. Deciding on the relevance of convictions to specific licences is not an exact science. An assessment of an applicant’s skills, experience and conviction circumstances should be weighed against the risk assessment criteria for the licence. It should be remembered that employing people on the basis of information provided in an application form and a short interview, irrespective of whether they have a criminal record or not, is never risk free.

Those responsible for determining applications need to identify what risks might be involved and what precautions put in place in order to provide satisfactory safeguards. To facilitate this process, an applicant’s criminal record should be assessed in relation to the tasks he or she will perform as a licensee and the circumstances in which the work is to be carried out. It is recommended that the following be considered when deciding on the relevance of offences to particular licence applications:

- is there one-to-one contact with children or other vulnerable groups as employees, customers and clients
- what level of supervision will the licence holder receive
- is there any direct responsibility for finance or items of value
- is there direct contact with the public
- will the nature of the licence present any opportunities for the holder to re-offend in the place of work?

The answers to such questions should help organisations to determine the relevance of convictions to specific licences and whether such persons meet the ‘fit and proper’ test referred to in this Policy. For example, paedophile, or child pornography offences would almost certainly disqualify any person required to work with children; some violent offences would be relevant to positions involving unsupervised contact with the public; fraud should be considered in relation to licences involving the handling of money; and theft in relation to licences involving the handling of stock.

In some cases, the relationship between the offence and the licence will be clear enough for the organisation to decide easily on the suitability of the applicant for the licence. In other cases, the decision may not be so clear-cut.

In relation to applicants who are assessed as meeting the requirements of the Authority in respects to Driver/Operator Licences and who then disclose a criminal record that is not related directly to the licence, the Authority should discuss the relevance of each offence with the applicant. It should be remembered that no two offences are exactly alike. For example, a premeditated burglary that involves extensive damage to property and the physical intimidation of the occupants ought not to be considered in the same light as someone convicted of reaching in through an open window and stealing a purse on a whim. However, it is not always possible to have verifiable evidence about what was involved in each offence and where this is the case caution needs to be exercised in relation to any unsubstantiated evidence that is offered. In addition, it will not be possible
to carry out a thorough risk assessment on each individual, but the following issues should be taken into account as a minimum requirement:

- the seriousness of the offence and its relevance to the safety of other employees, customers, clients and property
- the length of time since the offence occurred
- any relevant information offered by the applicant about the circumstances which led to the offence being committed, for example the influence of domestic or financial difficulties
- whether the offence was a one-off, or part of a history of offending
- whether the applicant’s circumstances have changed since the offence was committed, making re-offending less likely
- the country in which the offence was committed, some activities are offences in Scotland and not in England and Wales, and vice versa
- whether the offence has since been decriminalised by Parliament
- the degree or remorse, or otherwise, expressed by the applicant and their motivation to change.

3. Hackney Carriage/Private Hire Driver Licences

The Authority shall, on the receipt of an application, grant to that person a Private Hire or Hackney Carriage Driver’s Licence. This is on the proviso that the Authority shall NOT grant a licence unless it is satisfied that the applicant is a fit and proper person to hold such a driver’s licence and is authorised to drive motor vehicles in Great Britain (and to have been so authorised for at least 12 months).

This policy refers to convictions that are both spent and unspent, formal cautions, endorsable fixed penalties, public order fixed penalties or other such penalty notices or the like where these are administered as alternatives to prosecution. As a consequence of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 and the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 all recorded convictions are disclosed to the Council in relation to applications of the kind being considered. Applicants must notify the Authority in writing of all convictions, cautions, penalty notices recorded against them as well as any offences for which they have been charged or notified that a notice will be issued.

Anyone on an ISA Barred List will normally be refused a licence. Any person who is granted a private hire/hackney carriage driver’s licence who subsequently is included on an ISA Barred List will normally have their licence revoked upon the individual’s inclusion being discovered by the Authority.

Where there is reasonable cause to indicate to the Head of Registration and Records that an applicant may have a dependency on drugs or alcohol, they may require a special medical examination of the applicant (at the applicant’s expense). Where the examination identifies such a dependency the licence will normally be refused. This will normally continue to be the Authority’s stance until at least seven years have elapsed after treatment has been completed. As such, if a dependency described above is identified
relating to a Licensee, their Licence will normally be revoked upon the dependency being identified to the Authority.

(a) Applications to Grant a Driver's Licence

The Authority expects applicants for a new grant of a Hackney Carriage or Private Hire Driver’s Licence to have no convictions and to hold a clean DVLA driving licence. Where this policy indicates that an application would normally be refused, it will be referred to the Head of Registration & Records to determine. Within the framework adopted by the Authority if he concludes that the application should be refused, he will indicate this to the applicant. The applicant will then have 21 days in which to indicate in writing that he wishes his application referred to the General Licensing Sub-Committee for determination. If no such indication is given, the application will be refused.

An applicant who has an Indecency conviction such as:

- indecent exposure
- indecent assault
- importuning
- Any sexual offence

where a period of imprisonment was imposed would normally be refused a Licence. Where an alternative penalty to imprisonment was imposed, the Authority would expect a substantial conviction free period (of at least 10 years).

An applicant who has a conviction for Violence such as:

- murder (and conspiracy/threat to)
- wounding inflicted intentionally - grievous bodily harm
- harassment
- serious physical assault
- possession of a dangerous weapon

where a period of imprisonment was imposed would normally be refused a Licence. Where an alternative penalty to imprisonment was imposed, the Authority would expect a conviction free period of at least 6 years.

An applicant convicted of an offence involving Drugs or Alcohol (other than motoring) such as:

- drunk and disorderly
- possession of a classified drug
- supply of a classified drug

where a period of imprisonment was imposed would normally be refused a Licence. Where an alternative penalty to imprisonment was imposed, the Authority would expect a conviction free period of at least five years. Where the offence was for the supply of drugs, the conviction free period should be at least 10 years.
An applicant with any of the following **Motoring** convictions would normally be refused a Licence. The Authority would expect a conviction free period of at least 5 years.

**DVLA CODE**  **DESCRIPTION OF OFFENCE**

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>DR10</td>
<td>Driving or attempting to drive with alcohol level above limit</td>
</tr>
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<td>DR20</td>
<td>Driving or attempting to drive while unfit through drink</td>
</tr>
<tr>
<td>DR30</td>
<td>Driving or attempting to drive then failing to supply a specimen for analysis</td>
</tr>
<tr>
<td>DR40</td>
<td>In charge of a vehicle while alcohol level above limit</td>
</tr>
<tr>
<td>DR50</td>
<td>In charge of a vehicle while unfit through drink</td>
</tr>
<tr>
<td>DR60</td>
<td>Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive</td>
</tr>
<tr>
<td>DR70</td>
<td>Failing to provide specimen for breath test</td>
</tr>
<tr>
<td>DR80</td>
<td>Driving or attempting to drive when unfit through drugs</td>
</tr>
<tr>
<td>DR90</td>
<td>In charge of a vehicle when unfit through drugs</td>
</tr>
<tr>
<td>AC10</td>
<td>Failing to stop after an accident</td>
</tr>
<tr>
<td>AC20</td>
<td>Failing to give particulars or to report an accident within 24 hours</td>
</tr>
<tr>
<td>BA10</td>
<td>Driving whilst disqualified by order of court</td>
</tr>
<tr>
<td>BA30</td>
<td>Attempting to drive while disqualified by order of court</td>
</tr>
<tr>
<td>CD40</td>
<td>Causing death through careless driving when unfit through drink</td>
</tr>
<tr>
<td>CD50</td>
<td>Causing death by careless driving <em>when unfit through drugs</em></td>
</tr>
<tr>
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<td>DD60</td>
<td>Manslaughter or culpable homicide while driving a vehicle</td>
</tr>
<tr>
<td>DD80</td>
<td>Causing death by dangerous driving</td>
</tr>
<tr>
<td>IN10</td>
<td>Using a vehicle uninsured against third party risks</td>
</tr>
<tr>
<td>IN14</td>
<td>Causing or permitting the use of a vehicle uninsured against third party risks</td>
</tr>
<tr>
<td>UT50</td>
<td>Aggravated taking of a vehicle</td>
</tr>
<tr>
<td>TT99</td>
<td>To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 years, the driver is liable to be disqualified</td>
</tr>
</tbody>
</table>
Note: Should the courts decide not to disqualify a driver under the totting up procedures the Authority would normally refuse the application for a Private Hire/Hackney Carriage Driver's Licence as if the totting up procedures had been applied.

In respect of motoring convictions not mentioned above, it should be noted that all applicants for grant of a Taxi/Private Hire Driver’s Licence must normally pass the DSA Driving Skills Assessment for such drivers (at applicants own expense). This is used to determine whether the applicant’s driving skills are acceptable for this type of Licence.

An applicant with a Dishonesty conviction such as:

- theft
- burglary
- robbery
- fraud
- deception
- perverting the course of justice

where a period of imprisonment was imposed would normally be refused a Licence.

Where an alternative penalty to imprisonment was imposed, the Authority would expect a substantial conviction free period (of at least 3 years).

An applicant who has a Public Order Offence conviction for:

- riot
- violent disorder
- causing fear or provocation of violence
- criminal damage

where a period of imprisonment was imposed would normally be refused a Licence.

Where an alternative penalty to imprisonment was imposed, the Authority would expect a conviction free period of at least 2 years.

Other offences, penalties and complaints

The Authority may receive information that may have been used in proceedings before a court or otherwise concerning the character of the applicant. Such evidence will be disclosed to the applicant where it leads the Head of Registration and Records to question as to whether a Licence should be granted to the individual. If, following consideration of any representations the applicant wishes to make concerning those matters, the officer is of the view that the application should be refused, he will indicate this to the applicant. The applicant will then have 21 days in which to indicate in writing that he wishes his application to be referred to the General Licensing Sub-Committee for determination. If no such indication is given the application will be refused.

Within this category, where a private hire/hackney carriage driver is also the keeper of any vehicle and/or licensee of a hackney carriage/private hire vehicle that has been the subject
of a notice issued by the Vehicle and Operator Services Agency (VOSA) prohibiting its use on a public road within the previous 12 months, the Authority would not normally grant an application.

This category will also include offences/failure to comply with the requirements of the licensing framework for private hire/hackney carriage drivers. As such, one or more offences of illegally plying for hire during the preceding three years would normally mean the application would be refused. Likewise, any former licensee who has had a licence revoked or a renewal application refused within the past three years for (an) offence(s)/failure(s) to comply with licensing legislation requirements would normally be refused. This category includes offences under the Equalities Act 2010 in so far as it applies to Hackney Carriage and Private Hire Drivers.

Where convicted of a violent, indecency, dishonesty or public order offence not set out in this policy, a custodial sentence for the offence would normally mean that the application would be refused. Where a non-custodial sentence is administered a conviction free period of half that stated in the policy above would be expected before an application would normally be granted.

(b) After the Grant of a Driver's Licence

This section of the policy refers to the period covered by a licence and also an application to renew a Private Hire/Hackney Carriage Driver's Licence:

The Authority may suspend or revoke or refuse to renew a hackney carriage/private hire driver's licence on any of the following grounds:

(a) that he has since the grant of the licence—
   (i) been convicted of an offence involving dishonesty, indecency or violence; or
   (ii) been convicted of an offence under or has failed to comply with the provisions of the relevant Acts of Parliament concerning Private Hire or Hackney Carriage Licensing
(b) any other reasonable cause.

Any suspension or revocation will then normally take effect 21 days after the decision but may be immediately effective if it is demonstrably in the interests of public safety. Ultimately the courts may decide whether a suspension, revocation or refusal to renew a licence becomes effective/continues following an appeal by the licensee.

Licensees must notify the Authority in writing of all convictions, cautions, penalty notices recorded against them as well as any offences for which they have been charged or notified that a notice will be issued. Such notice must be within seven days of the conviction/charge etc.
A licensee convicted of an offence of

**Dishonesty** such as
- theft
- burglary
- robbery
- fraud
- deception
- perverting the course of justice

**Indecency** such as:
- indecent exposure
- indecent assault
- importuning
- Any sexual offence

**Violence** such as:
- murder (and conspiracy/threat to)
- wounding inflicted intentionally - grievous bodily harm
- harassment
- serious physical assault
- possession of a dangerous weapon

would normally have their licence removed. Where an individual is charged with such an offence the Head of Registration & Records would normally suspend the Licence and, in view of the seriousness of the alleged crimes, the suspension would normally be immediate on public safety grounds.

**Offences/Failure to comply with licensing requirements**

Where a licensee wilfully obstructs an authorised officer or constable acting in pursuance of the licensing legislation or fails to comply with any requirement properly made to him by such officer or constable or fails to give such an officer or constable any other assistance or information which he may reasonably require of the licensee, the Head of Registration and Records may suspend the licence. The matter will then be referred to the Licensing Sub-Committee to determine whether the Licence should be further suspended or revoked or a renewal application refused.

Where the Council are notified during the period of a Hackney Carriage or Private Hire Drivers Licence that the licence holder has been convicted of (or received a caution for) the offence of illegally plying for hire, the drivers licence shall normally be suspended for six weeks. Where the Licence holder has been convicted of illegally plying for hire on two or more occasions in any 24 month period, the Drivers Licence shall normally be revoked.

In the case of a licensed Driver who is convicted of (or received a caution for) an offence under the Equalities Act 2010 in so far as it applies to Hackney Carriage and Private Hire Drivers the drivers licence shall normally be suspended for six weeks. The 2010 Act requires such drivers to carry assistance dogs unless exempted. It also requires drivers to provide assistance to passengers in wheelchairs.
Other reasonable causes

This reason is very broad and should not be read as being constrained by the preceding alternative reasons as to what might justify a Licence being removed from an individual. As such, this section only provides examples of the Authority's approach.

Where a private hire/hackney carriage driver is also the keeper of any vehicle and/or licensee of a hackney carriage/private hire vehicle that has been the subject of a notice issued by the Vehicle and Operator Services Agency (VOSA) prohibiting its use on a public road within the previous 12 months, the drivers licence shall normally be suspended for six weeks. Where the Licence holder has two such prohibition notices in any 24 month period, the Drivers Licence shall normally be revoked.

As with applications for Licences, the Authority regards particular motoring offences as particularly serious. Any Licensee convicted during the period of the Licence of one or more of the following offences would, consequentially, normally have their licence removed by the Authority:

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**DD60** Manslaughter or culpable homicide while driving a vehicle

**DD80** Causing death by dangerous driving

**IN10** Using a vehicle uninsured against third party risks

**IN14** Causing or permitting the use of a vehicle uninsured against third party risks

**UT50** Aggravated taking of a vehicle

Where a DVLA Driving Licence is suspended or revoked or the holder otherwise disqualified from driving, the Private Hire Driver’s Licence will normally be revoked.

Should the courts decide not to disqualify a driver under the totting up procedures the Authority would normally remove the Private Hire/Hackney Carriage Driver’s Licence.

Where a licensee is convicted of a series of motoring offences other than those mentioned above, the Head of Registrations and Records may require the licensee to undertake a DSA Driving Skills Assessment (at the applicant’s own expense). If the applicant fails this assessment, they would normally be refused a Licence. The Head of Registration and Records will not normally require Licence Holders to undertake more than one DSA Driving Skills Assessment in any four year period.

Likewise, someone convicted, whilst licensed, of **Drug or Alcohol** offences (other than motoring) such as:

- drunk and disorderly
- possession of a classified drug
- supply of a classified drug

or of a **Public Order Offence** such as:

- riot
- violent disorder
- causing fear or provocation of violence
- criminal damage

should expect the Licensing Authority to remove their Licence. Where convicted of a violent, indecency, dishonesty or public order offence not set out in this section of this Policy, it would normally involve the Licence being removed. However, a substantial period (no less than 6 months) suspension of the Licence may also be appropriate in particular cases having regard to the matters in Section 2 of this Policy.

The Authority may receive information that may have been used in proceedings before a court or otherwise concerning the character of the applicant. Such evidence will be disclosed to the applicant where it leads the Head of Registration & Records to question whether a Licence should continue to be held by the individual. The Licensee will be provided with an opportunity to make representation as to why they should continue to
hold a Licence. The Head of Registration & Records will consider any representations made and, within the framework referred to elsewhere, proceed to determine the matter.

4. Operator Licences

The Authority shall, on the receipt of an application grant to that person a Private Hire Operator’s Licence. This is on the proviso that the Authority shall NOT grant a licence unless it is satisfied that the applicant is a fit and proper person to hold such a driver’s licence.

Where the applicant/licensee is a partnership, the Policy should be read as applying to all partners equally and where the applicant is a limited company or other body corporate it should be read as applying to Directors, Executives or Trustees as applicable.

This policy refers to convictions that are unspent, formal cautions, endorsable fixed penalties, public order fixed penalties or other such penalty notices or the like where these are administered as alternatives to prosecution.

Applicants must notify the Authority in writing of all convictions, cautions, penalty notices recorded against them as well as any offences for which they have been charged or notified that a notice will be issued.

The Authority expects applicants for a grant of a Private Hire Operator's Licence to have no convictions. All applications for grant of an Operator’s Licence will be determined by the Licensing Sub-Committee and the Sub-Committee will consider the suitability of the applicant to hold a licence. The Sub-Committee will consider the matters set out in this Policy in determining whether an individual is fit and proper to hold such a licence.

Explicitly, the Authority would normally refuse an applicant who had in the previous 5 years been convicted of illegally plying for hire or had been the proprietor of a vehicle prohibited from being on a public road by officers from the Vehicle and Operator Services Agency (VOSA). Likewise, if they have been convicted of an offence in the previous 5 years under the Equalities Act 2010, in so far as it relates to Hackney Carriage and/or Private Hire Services, the Authority would normally refuse the application.

Anyone on an ISA Barred List will normally be refused a licence.

The Authority may suspend or revoke or refuse to renew a Private Hire Operator's licence on any of the following grounds:

(a) any offence under, or non-compliance with, the provisions of Acts of Parliament concerning Private Hire Licensing;
(b) any conduct on the part of the operator which appears to the Authority to render him unfit to hold an operator’s licence;
(c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
(d) any other reasonable cause.
Any suspension or revocation will then normally take effect 21 days after the decision but may be deferred by the licensee following submission of an appeal. The effect of the decision must then await the outcome of the appeal.

Licensees must notify the Authority in writing of all convictions, cautions, penalty notices recorded against them as well as any offences for which they have been charged or notified that a notice will be issued. Such notice must be within seven days of the conviction/charge etc.

In relation to any offence/non-compliance of the licensing legislation

Clearly the Authority expects Operators to ensure that only licensed vehicles and drivers are used. A breach of this basic requirement would bring into question the suitability of the Operator. A single breach may result in a suspension of the Licence which itself may be associated with a period of time required to remedy the breach. Where the breach is associated with a serious motoring offence or an offence of dishonesty, violence or indecency then revocation of the licence may be more appropriate.

Where a licensee wilfully obstructs an authorised officer or constable acting in pursuance of the licensing legislation or fails to comply with any requirement properly made to him by such officer or constable or fails to give such an officer or constable any other assistance or information which he may reasonably require of the licensee, the Head of Registration and Records may suspend the licence. The matter will then be referred to the Licensing Sub-Committee to determine whether the Licence should be further suspended or revoked or a renewal application refused.

Where the licensee is convicted of an offence under the Equalities Act 2010, in so far as it relates to the provision of private hire and/or hackney carriage services, the Authority shall review the Operator Licence held and consider suspending or revoking that Licence.

Conduct rendering the Operator unfit to hold such a licence:

Where in a period of 24 months two or more Private Hire Drivers engaged by that operator are convicted of illegally plying for hire, the Authority will consider suspending or revoking the Operator’s Licence.

Where in a period of 24 months two or more Private Hire Vehicles engaged by that operator are prohibited by the VOSA and/or suspended by the Council’s Authorised Inspectors the Authority will consider suspending or revoking the Operator’s Licence.

If the Operator is convicted of an offence of dishonesty, violence or indecency then this would normally require the Operator Licence to be reviewed. The expectation should be that the Licence would be removed in these circumstances.

Other conduct which would bring into question the suitability of the individual to continue to hold an Operator's licence includes a lack of action against drivers or vehicle proprietors engaged by the Operator who themselves breach the requirements of their respective
licences. Similarly deliberately provocative actions or inflammatory language against other licensees would result in a review of the licence.

The Authority expects licensed operators to respond reasonably to complaints from customers and to consider remedial action where this is appropriate and justified. Conduct that indicates an operator does not approach complaints in this way could result in the Licence being reviewed.

Material change in the circumstances of the operator

The Licensing Authority will, when it considers the grant of an Operator Licence have certain evidence at its disposal as to the suitability of the applicant to be granted a licence to operate private hire vehicles. This evidence may include the business arrangements for the services to be provided under the Operator Licence and the extent to which particular skills or facilities are available to the Operator. If that evidence is found to be false or that circumstances change then it could bring into question the appropriateness of the licence continuing.

Where a limited company is the licensee and the company becomes insolvent, the Licence will normally be revoked immediately.

Other reasonable causes

Any person who is granted a Private Hire Operator’s Licence who subsequently is included on an ISA Barred List will normally have their licence revoked.

The conviction for any of the serious motoring offences listed elsewhere in the policy would be regarded as a reasonable cause to remove the Operator Licence from the individual. The reason for this is the responsibility the Operator has for the promotion of safe and responsible driving by those s/he engages to undertake journeys booked with him/her.

Where an applicant is subject to a bankruptcy order or an Individual Voluntary Agreement with creditors, they will not normally be granted a licence whilst the Order/Agreement is still in force and for one year thereafter. Where the holder of an Operator’s Licence is subject to such an Order/Agreement the holding of the Licence will be reviewed. The expectation should be that the Licence will be removed in these circumstances.