Guidance to Applicants

Drivers of Hackney Carriages and Private Hire Vehicles
INTRODUCTION

Licensed private hire or hackney carriage drivers have an important role to play in safeguarding members of the public. Private hire or hackney carriage drivers have to comply with codes of conduct, byelaws and legislation.

The Council is directed NOT to grant a licence to any person unless they are satisfied that the applicant is a fit and proper person.

Darlington Borough Council ensures that any person who is licensed as a driver is vetted thoroughly in a number of ways in order to establish that they are a fit and proper person. There are a number of stages in the licensing process, which you, as an applicant will have to undertake.

Before an initial application for a driver's licence will be considered, the applicant must apply for an Enhanced Disclosure of criminal convictions through the Council. The application will not be determined until the results are received. DBS checks are not portable and only DBS checks applied for through Darlington Council will be accepted. In addition DBS disclosures will only be acceptable up to one month from the date of issue.

It is vital that you know and understand the law and always work within it. Darlington Borough Council is committed to supporting the Trade through the provision of advice, education and fair enforcement in accordance with Enforcement Concordat principles.

This document is only a guide and final interpretation of the law will ultimately rest with the court, but if you read it carefully, it will help you to comply with the law. If you have any questions, officers of the Licensing Section of Darlington Borough Council will endeavour to answer them and give appropriate further information or advice.

CONTACT TELEPHONE NUMBERS

Licensing Administration 01325 405981 / 405982 - to make an application appointment
Licensing Enforcement 01325 406392 / 405976
Licensing Facsimile 01325 405983

HOURS OF OPENING

Monday to Thursday 8:30 to 17:00 hours
Wednesday 12:00 to 17:00 hours
Friday 8:30 to 16:30 hours

POSTAL ADDRESS

Licensing
Town Hall
Feethams
Darlington
DL1 5QT

THE LAW AND YOU

YOU ARE ADVISED THAT UNTIL SUCH TIME AS LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE IS GRANTED AND ISSUED TO YOU IT IS UNLAWFUL FOR YOU TO DRIVE A LICENSED VEHICLE REGARDLESS OF WHETHER YOU ARE CARRYING PASSENGERS AND REGARDLESS OF ANY FEE WHICH MAY OR MAY NOT BE LEVIED.

LICENSE RESTRICTIONS

In addition to the statutory requirements, the Council may attach to the grant of a licence such conditions, as the Council consider reasonably necessary.
GENERAL

Darlington Borough Council licenses the following:

Hackney Carriage Vehicles and Drivers
Private Hire Vehicles and Drivers
Private Hire Operators

This booklet deals with the completion of your application for a licence to drive a licensed vehicle and explains the processes and steps that the Council will follow when considering the grant of a licence.

Please take your time to read this booklet carefully before you complete your application form and DBS disclosure application.

Please note that applicants for driver licences are exempt from the provisions of the Rehabilitation of Offenders Act 1974 and are obliged to disclose all convictions, motoring offences and cautions. If you fail to declare convictions, it is likely that an officer will wish to interview you about this.

The Council has a policy in relation to the Relevance of Criminal Convictions which details the way in which the Council may deal with applicants who have convictions. If you have convictions, then you should read this information very carefully before making an application for a licence. An applicant with serious or numerous convictions will be referred to the Council's Licensing Committee for consideration. The Members of the Committee will look at your convictions in line with the Relevance of Criminal Convictions policy.

This is a guide only as each case is considered upon its own merits.

THE LAW AND YOU

The main laws relating to the Trade are as follows:-

- The Town Police Clauses Act 1847 & 1889 – Hackney Carriages Drivers and Vehicles
- Local Bye Laws – Hackney Carriage Drivers and Vehicles.

The first 3 laws apply to the trade throughout the Country. Byelaws relate specifically to the Borough of Darlington.
PROCEDURE FOR LICENCING DRIVERS

1. DOCUMENTS REQUIRED

The Medical Form and DBS form should NOT be completed and signed earlier than 28 days before submission of the completed application form to the address above.

a. A fully completed and signed application in person along with the appropriate fee. Incomplete application forms will be not accepted and will be returned to you. This may delay your application.

Private Hire Drivers: Along with your application form you will also have to provide an Offer to Employment form which needs to be signed by either the company or person willing to allow you to drive their vehicle(s).

Hackney Carriage Drivers: Along with your application form you will also have to provide an Offer to Employment form which needs to be signed by either the company or person willing to allow you to drive their vehicle(s) or by indicating that you are to be self-employed where you are or intending to be a proprietor.

b. A satisfactory medical certificate signed by your Doctor stating that you are fit to be a driver of a Private Hire/Hackney Carriage Vehicle. Note: This should be your own GP or another GP in the same practice that has access to your medical records.

Medicals to Group II standard are required for every driver on first application and then every 5 years from the age of 45 years. After the age of 65 years they are required annually. More regular medicals may be required dependent on new and existing medical health. Where this is relevant, the applicant or driver will be referred to the Licensing Committee.

c. A completed Disclosure and Barring Service (DBS) Disclosure form with supporting documents. Please see the guidance notes and example at the rear of this booklet.

d. A current driving licence issued under the Road Traffic Act 1972 bearing your current address. Note that if you hold a photo card driving licence, then both parts of the licence must be produced. You must have held a driver's licence granted under Part III of the Road Traffic Act 1972, allowing you to drive a motor car for at least 12 months prior to making any application for the grant of a licence. (Note: this is not the date you passed your test).

You should also be aware that photo cards have a life of ten years and then expire. Check your photo card is current by checking the valid to date which is shown on the card at 4b. The Council will not consider your application where your DVLA photo card licence has expired.

e. The Council requires that all applicants complete a specific taxi driving assessment conducted by an approved body prior to making an application. From 2 May 2017, Hartlepool Borough Council is approved to manage and deliver taxi assessments on behalf of Darlington Borough Council and the other Tees Valley local authorities. The requirement to have successfully undertaken this test (or an approved equivalent) applies to all new applicants. A guidance document is included in the driver information pack.

f. Any other information required by the Council.
2. **WHAT HAPPENS NEXT – Make an appointment for the following:**

a) **Application Check**

Your submitted application will be checked and verified to ensure that it has been completed properly and your identity matched with the submitted documents. If everything is ok, the next steps are:

b) **Criminal Record Check**

The completed form will be checked by a nominated officer, countersigned and sent to the Disclosure and Barring Service (DBS) for them to process. Once the process is complete, the DBS will send a copy of the disclosure to the Council and to yourself at your home address.

If you have lived in a number of different counties, then the process may take much longer as the DBS will contact the police force in each area you have lived in, in order to carry out a detailed, comprehensive and localised search into an applicant’s criminal background.

If an applicant is newly resident in the UK they must still apply for an enhanced DBS check regardless of the period of time they have spent in the UK. Where an applicant has spent 3 months or more living abroad usually an enhanced DBS disclosure in itself will be insufficient to satisfy the Council that the applicant is a fit and proper person, as the DBS does not routinely provide criminal record information from non-UK countries. Such applicants should provide a Certificate of Good Conduct or equivalent document from each country where they have been living, translated into English.

A Certificate of Good Conduct or equivalent document is an extract from the judicial record or administrative authority in the relevant country testifying to good conduct and/or to any criminal convictions recorded against the individual. The Council will take advice from the DBS in identifying the appropriate authority where available.

The Council may approach the relevant Embassy or appropriate body directly to verify documents provided. Any costs involved must be met by the applicant.

c) **Knowledge Test Appointment**

You will be given a knowledge test appointment based upon the type of licence you have applied for. These notes supplement the Council’s Taxi Policy which contains a fuller explanation of legislation and Council policies.

When you take your knowledge test you will be expected to have read these notes, and the Council’s Taxi Policy and have a working knowledge of them.

Private Hire drivers will have to demonstrate a working knowledge of

- Legislation, policy and codes of conduct
- main roads within the borough,
- public houses, clubs and places of interest and frequently used destinations.

Hackney Carriage Driver applicants will need to demonstrate a **thorough** knowledge of

- Byelaws, legislation, policy and codes of conduct
- the ranks, and fare structure,
- main roads within the borough,
- public houses, clubs and places of interest and frequently used destinations.
If the date and time given are not convenient you must notify this Department giving a minimum of 48 hours notice of cancellation.

If you fail to attend the test without prior notification of cancellation you will be classed as having failed the test.

If you fail the knowledge test you will be given the opportunity to re-sit the test. If you need to take a further test, a fee will be payable before a test appointment is given.

**It will be illegal for you to drive a Private Hire/Hackney Carriage without a licence and badge issued to you by Darlington Borough Council**

3. **WHEN WILL I BE LICENSED**

   a) On completion of the application process we will aim to have your Driver Licence and Badge ready for collection within **one** working day. Please note that an application will only be considered complete when all elements of the requirements have been met.

   b) Your licence will be valid for twelve months. A courtesy renewal reminder letter will be sent to your last recorded address approximately 30 days before the expiry date of your licence. **However, it is your responsibility to ensure it is renewed before the expiry of your current licence.**

   c) The Council reserve the right to require any applicant to provide additional Police Access forms or to attend a further medical examination with a registered medical practitioner selected by Darlington Borough Council.

   d) If any application is dormant for a period of more than 3 months without explanation, the decision to refuse the application may be taken and the medical certificate and photographs returned to the applicant.

**DRIVER APPLICATION CHECK SHEET**

The following items must be included with your application. You may find it helpful to use this check sheet to ensure that you have all the necessary documentation before submitting your application. Please note applications must be submitted in person.

- ✓ Application Form
- ✓ Medical Certificate
- ✓ DVLA Driving Licence
- ✓ Driver Fee
- ✓ Criminal Record Disclosure Form
- ✓ Driver Assessment Certificate
- ✓ Offer of Employment Form (if required)
CRIMINAL RECORD DISCLOSURE FORM

BEFORE COMPLETING YOUR CRIMINAL RECORD DISCLOSURE APPLICATION (DBS) FORM PLEASE READ THE FOLLOWING GUIDANCE NOTES

Do’s

- Use **BLACK INK** throughout and write clearly in **BLOCK CAPITALS** only
- You must complete all sections marked in **YELLOW** – if you do not then your form will be returned and your application delayed.
- Use only one letter or number for each box
- Leave an empty box between words but not between postcodes or telephone numbers
- To correct mistakes on the form put a line through it and write the correction clearly to the right. If there is no space on the right, write the correction as close as possible
- Mark choices in the boxes indicated with a **cross [X]** not a tick
- Do not complete sections relating to registration with the ISA which is not required taxi drivers
- Provide all addresses where you have lived within the last 5 years including any addresses abroad. The date must be entered as **MM YYYY** i.e. January 2002 = 01 2002
- Keep your signature wholly and completely within the box provided at section **e** and date the application **DD MM YYYY** i.e. 10 January 2011 = 10 01 2011.

Don’ts

- Do not write over the edges of the box
- Do not place any stamps or stickers on the form, i.e. featuring address or dates
- Do not strike out a section of the form or state a field is not applicable. If it is not relevant to the application then please leave it blank
- Do not staple any attachments to the form
- Do not use correction fluid
- **Do not complete Sections w,x or y of the form – this is to be completed by Darlington Borough Council**
- Do not return your form direct to the DBS

Confirming Your Identity

- You must provide original documentation only; photocopies will not be accepted.
- At least one document must confirm your **current name** as recorded in section a
- At least one document must confirm your **date of birth** as recorded in section a
- At least one document must confirm your **current address** as recorded in section b and be no older than 3 months.

Please see the list of documentation below for further guidance

Please submit the following documentation with your completed disclosure application form and required fee:
One document from Group 1 plus any two from Groups 1 or 2 or Any 5 documents from Group 2

<table>
<thead>
<tr>
<th>Group 1 – Primary Trusted Identity Credentials</th>
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<tbody>
<tr>
<td>• Current valid Passport – UK or EEA (or Non-EEA in combination with a Biometric Residence Permit or current Work Permit/Visa)</td>
</tr>
<tr>
<td>• Biometric Residence Permit (UK)</td>
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</table>
| • Current Driving Licence (UK) (Full or provisional) Isle of Man /Channel Islands;  
  o Photo card only (a photo card is only valid if the individual presents it with the associated counterpart licence; except Jersey) |
| • Birth Certificate (UK & Channel Islands) - issued within 12 months of date of birth;  
  o Full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces |

<table>
<thead>
<tr>
<th>Group 2a – Trusted Government/State Issued Documents</th>
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<tbody>
<tr>
<td>• Current valid Passport (UK, EEA or Non-EEA)</td>
</tr>
<tr>
<td>• Current UK Driving licence (Photo card or old style paper version)</td>
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<tr>
<td>• Biometric Residence Permit (UK)</td>
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<tr>
<td>• Birth Certificate (UK &amp; Channel Islands) - issued within 12 months of date of birth</td>
</tr>
<tr>
<td>• Certified copy of Birth Certificate (UK and Channel Islands) – issued after 12 months of date of birth</td>
</tr>
<tr>
<td>• Marriage/Civil Partnership Certificate (UK)</td>
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<tr>
<td>• Adoption Certificate (UK)</td>
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<tr>
<td>• HM Forces ID Card (UK)</td>
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<td>• Fire Arms Licence (UK)</td>
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<table>
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<tr>
<th>Group 2b – Financial/Social History Documents</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Mortgage Statement (UK)**</td>
</tr>
<tr>
<td>• Bank/Building Society Statement (UK)*</td>
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<tr>
<td>• Credit Card Statement (UK)*</td>
</tr>
<tr>
<td>• Financial Statement ** - e.g. pension, endowment, ISA (UK)</td>
</tr>
<tr>
<td>• P45/P60 Statement **(UK &amp; Channel Islands)</td>
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<tr>
<td>• Council Tax Statement (UK &amp; Channel Islands) **</td>
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<tr>
<td>• Work Permit/Visa (UK) (UK Residence Permit) **</td>
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<tr>
<td>• Utility Bill (UK)* – Not Mobile Telephone</td>
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<tr>
<td>• Benefit Statement* - e.g. Child Allowance, Pension</td>
</tr>
<tr>
<td>• A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK &amp; Channel Islands)*- e.g. from the Department for Work and Pensions, the Employment Service, Customs &amp; Revenue, Job Centre, Job Centre Plus, Social Security</td>
</tr>
<tr>
<td>• EU National ID Card</td>
</tr>
<tr>
<td>• Cards carrying the PASS accreditation logo (UK)</td>
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Please note:

If a document in the List of Valid Identity Documents is:
| denoted with * - it should be less than three months old |
| denoted with ** - it should be issued within the past 12 months |
| not denoted – it can be more than 12 months old. |
As an organisation using the Disclosure and Barring Service to assess applicants' suitability for positions of trust, Darlington Borough Council complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information. It also complies fully with its obligations under the Data Protection Act 1998 and other relevant legislation.

Darlington Borough Council (the Council) undertakes to treat all applicants for positions fairly and not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

The Council is committed to the fair treatment of, potential all users of its services, regardless of race, gender, religion, sexual orientation, responsibilities for dependants, age, physical/mental disability or offending background.

We have a written policy on dealing with applications from ex-offenders, which is made available to all Disclosure applicants at the outset of the application process.

We actively promote equality of opportunity for all and welcome applications from all, including those with criminal records. Applications are determined in accordance with the Local Government (Miscellaneous Provisions) Act 1976 and the Council’s policies relating to hackney carriage and private hire drivers. Applicants for these licences are exempt from the Rehabilitation of Offenders Act 1974. This means that convictions are never “spent” and must be disclosed on the application form for such licences. **A criminal record does not however mean that an applicant will automatically be refused a licence.** Each application is considered on its merits, usually by the Council’s Licensing Committee. The Council’s overriding consideration is always the protection of the public.

A Disclosure is requested as part of the application process. The Council is entitled to and will request an enhanced disclosure. This provides full information on all convictions and cautions and any other information deemed relevant.

Applicants who fail to disclose convictions and cautions on their application forms will be required to explain such omission if referred to the Council’s Licensing Committee.

If the Council decides to refuse an application, written reasons for this decision will be provided. Any applicant who is aggrieved at such a decision has the right of appeal to the Magistrate’s Courts.

We ensure that all those in Darlington Borough Council who are involved in the access to criminal records process or determination of applications have been suitably trained to identify and assess the relevance and circumstances of offences. We also ensure that they have received appropriate guidance and training in all relevant legislation.
At interview, or in the Licensing Committee hearing, we ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the application.

All criminal record documentation is stored in accordance with the CRB requirements relating to secure storage. If a disclosure indicates no criminal record this will be recorded on an applicant’s file and the disclosure documentation will be shredded.

Disclosures with entries will be retained securely, in lockable, non-portable storage with access strictly controlled at all times and limited to those who are entitled to see it as part of their duties.

Disclosures will remain in storage until after the committee hearing and any subsequent appeal is disposed of. Should this take longer than 6 months, we will consult the CRB about this and give full consideration to the Date Protection and Human Rights of the individual before doing so.

We make every subject of a DBS Disclosure aware of the existence of the DBS Code of Practice. Applicants are advised that a copy of this code may be obtained from the CRB website at :www.crb.gov.uk
RELEVANCE OF CONVICTIONS, CAUTIONS, REPRIMANDS, FIXED PENALTIES, WARNINGS AND COMPLAINTS

1. Darlington Borough Council uses the following guidelines to make fair and consistent decisions when considering applications for driver and operator licences from applicants who have criminal convictions, cautions, reprimands, or when dealing with other information revealed during the application process.

2. These guidelines also apply to existing holders of such licences. It should be noted that the Council will consider it extremely serious when existing holders of licences receive criminal convictions, cautions, reprimands or warnings or receive complaints which result in disciplinary action.

3. The issuing and holding of a licence is a privilege not a right and persons who hold a licence are expected to conduct themselves in a manner that does not bring their profession or the Council into disrepute.

4. Existing holders of licences who commit criminal offences or receive complaints about their behaviour which results in disciplinary action may expect the Council to consider revoking their licence.

5. The Council uses the Enhanced Disclosure service from the Disclosure and Barring Service (DBS) and may use the Independent Safeguarding Authority (ISA) Vetting and Barring Scheme to determine the suitability of applicants for Hackney Carriage and Private Hire Driver Licences.

6. The Council will comply fully with the DBS Code of Practice and the requirements of the Data Protection Act. Disclosure information will be used fairly, stored securely and only be handled by authorised persons. Please see guidance leaflet on “Handling, Storage and Use of Disclosure Information Received from the DBS” for further information.

General

7. Every application or case will be decided on its own merits. The Council will endeavour to make consistent decisions but is not bound by or obliged to follow previous decisions made by them in relation to the holders of licences.

8. A person with a current conviction, caution, reprimand or final warning need not be permanently barred from obtaining a licence but should be expected to remain free from conviction for 3 to 5 years, according to the circumstances, before an application is entertained. However any person on the ISA Barred List will normally be refused a licence.

9. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. Whilst, the Council may exercise its discretion, the overriding consideration will be the protection of the public. The following examples, (based on the joint Home Office and Department for Transport guidelines 1992), afford a general guide on the action to be taken where convictions, cautions, reprimand or final warnings are admitted.

Minor Traffic Offences

10 Convictions, cautions, reprimands or final warnings for minor traffic offences will not prevent a person from being considered for a licence. If an applicant has up to six "live" penalty points on their driving licence for such offences then the application may be granted subject to a written warning. If an applicant has 9 or more points on their licence the application will be referred to the Council’s Licensing Committee who may decide to refuse the application. At the very least a warning will be given that further offences may result in revocation of the licence and the applicant may be required to attend a Driver Improvement Course. Applicants should note that this Council does not deem speeding to be a minor offence and the receipt of more than 3 penalty points for a speeding offence may be referred to the Council’s Licensing Committee.
Major Traffic Offences

11 Major traffic offences include those on the attached list of offences that have the following codes:

<table>
<thead>
<tr>
<th>DVLA CODE</th>
<th>DESCRIPTION OF OFFENCE</th>
</tr>
</thead>
<tbody>
<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 with alcohol level above the limit</td>
</tr>
<tr>
<td>CD60</td>
<td>Causing death by careless driving with alcohol level above the limit</td>
</tr>
<tr>
<td>CD70</td>
<td>Causing death by careless driving then failing to supply a specimen or analysis</td>
</tr>
<tr>
<td>DD40</td>
<td>Dangerous driving</td>
</tr>
<tr>
<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>DR10</td>
<td>Driving or attempting to drive with alcohol level above limit</td>
</tr>
<tr>
<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 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>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>

12 The Council appreciates there is a difference in the level of seriousness of these offences and will consider each on its merits. Although offences of excess speed do not appear in the table above the Council considers such offences to be extremely serious and drivers with such offences may be referred to Committee.

13 If an applicant has a live endorsement in respect of a major traffic offence then the application will be referred to the Licensing Committee and will normally be refused until at least 3 years after the most recent conviction, caution, reprimand or final warning.

14 Should the Courts decide not to disqualify a driver under the totting up procedures the Council may still consider that the driver is not a fit and proper person and may consider revocation of the private hire and/or hackney carriage driver licence.

Alcohol Related Offences

15 A person who has been disqualified from driving as a result of a drink driving offence must normally show at least 3 years free from conviction after the restoration of their driving licence before their application will be considered. More than one conviction of this type would normally result in an application being refused.
Drug Offences

16. An applicant with a conviction, caution, reprimand or final warning for a drug related offence will normally be required to show a period of at least 3 years free of a conviction, caution, reprimand or final warning before an application is considered, or five years after detoxification treatment if the applicant is an addict. If the conviction, caution, reprimand or final warning relates to the supply of prohibited drugs then it is unlikely that even after this period the application will be granted.

Indecency Offences

17. Applicants with a conviction, caution, reprimand or final warning for indecent exposure, indecent assault, importuning or any sexual offence, will normally be refused a licence. In exceptional circumstances an application will be considered on its merits when the applicant can show a substantial period (of at least 3 to 5 years) free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the latter.

NB: Any person on the ISA Barred List will normally be refused a licence.

Violence

18. Applicants with a conviction, caution, reprimand or final warning for grievous bodily harm, wounding, serious assault, or possession of a dangerous weapon etc. will normally be refused a licence. An application may be granted if the applicant can show at least three years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the latter.

19. The Council deems incidents of domestic violence to be extremely serious because if an individual is prepared to assault an individual in a domestic or home environment then there would be concerns over that person’s ability to control their temper when working in an environment dealing with members of the public.

Dishonesty

20. Applicants with a conviction, caution, reprimand or final warning for an offence involving dishonesty will normally be refused a licence. An application will however be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the later.

Public Order Offences

21. Applicants with a conviction, caution, reprimand or final warning involving public order offences such as affray, fear or provocation of violence, criminal damage etc. will have their application referred to the Licensing Committee for consideration and will normally be refused a licence. An application will however be considered where the applicant can show at least 3 years free of such conviction, caution, reprimand or final warning from either the date of conviction, caution, reprimand or final warning or 3 years from completion of any custodial sentence imposed, which ever is the later.

Any conviction, caution, reprimand or final warning which results from an offence committed by any person while working as a Hackney Carriage or Private Hire Proprietor, Driver or Operator is regarded as extremely serious and may lead to a licence being revoked or an application to renew the licence being refused.
Cautions

22. The Council requires applicants to reveal any cautions they may have received. The Council acknowledges that a caution is not a conviction and therefore does not carry as great a weight however the Council also notes that an admission of guilt is required before a caution can be administered.

Fixed Penalties

23. Fixed penalties are not limited to motoring offences and may be given for a range of offences including shop theft, minor public order offences and offences such as littering, dog fouling etc. Fixed penalties must be declared to the Council in the same way as offences and may be taken into consideration as part of the Council’s disciplinary procedures.

Licensing Offences

24. Convictions for offences or any failure to comply with the provisions of the Town Police Clauses Act or the relevant part of the Local Government (Miscellaneous Provisions) Act 1976, or the Council’s Byelaws will be viewed seriously by the Council. The following examples afford a general guide to what action the Council may take in relation to existing Hackney Carriage and Private Hire licence holders:

(a) Proprietor Offences
   Any person convicted, cautioned, reprimanded or given a final warning of an offence relating to a hackney carriage or private hire vehicle of which they are the proprietor may have their licence(s) suspended or revoked.

Driver Offences
   Any person convicted, cautioned, reprimanded or given a final warning of an offence whilst acting as the driver of a hackney carriage or private hire vehicle may have their driver licence revoked.

(b) Operator Offences
   Any person convicted, cautioned, reprimanded or given a final warning for an offence relating to their operation of private hire vehicles or drivers may have their private hire operators licence suspended or revoked.

Should the Council choose to take action short of revocation then more than one such conviction, caution, reprimand or final warning would normally lead to the licence being revoked.