



Telford & Wrekin
C O U N C I L

Addenbrooke House Ironmasters Way Telford TF3 4NT

LICENSING COMMITTEE

Date Tuesday, 29 October 2019 Time 6.00 pm
Venue Meeting Rooms G3/G4, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT

Enquiries Regarding this Agenda

Democratic Services	Josef Galkowski	01952 388356
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Committee Membership: Councillors E A Clare (Chair), C R Turley (Vice-Chair), M B Hosken, R T Kiernan, J E Lavery, L A Murray, K S Sahota, C F Smith, M J Smith and B J Thompson

Substitutes: Councillors M Boylan, C Cassar, G H Cook, V J Holt, A D McClements, K Middleton, G L Offland, D R W White, E J Carter and J M Seymour

AGENDA

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Minutes of the Previous Meeting** 3 - 6
To confirm the minutes of the previous meeting.
4. **Terms of Reference** 7 - 10
5. **Review of the Council's Hackney Carriage and Private Hire Licensing Policy for Determining the Suitability of a Person to hold a Licence** 11 - 24

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LICENSING COMMITTEE

Minutes of a meeting of the Licensing Committee held on Tuesday 19 March 2019 at 6.00pm at Addenbrooke House, Ironmasters Way, Telford

Present: Councillors C R Turley (Chair), I T W Fletcher, J A Francis, M B Hosken, R T Kiernan, C N Mason, L A Murray, J Pinter, J M Seymour, C F Smith and M J Smith.

In Attendance: V Hulme (Development Management Service Delivery Manager), J Trafford (Principal Surveyor), A Astley (Assistant Director: Neighbourhood & Customer Services) N Minshall (Service Delivery Manager Public Protection) A Hunt (Public Protection Manager), P Martin (Legal Advisor) and J Clarke (Democratic and Scrutiny Officer).

Also in Attendance: A Pryce (Director AFC Telford Utd).

LC-05 Apologies for Absence

None.

LC-06 Declarations of Interest

None.

LC-07 Minutes

RESOLVED – that the minutes of the meeting of the Licensing Committee held on the 11 June 2018 be signed by the Chair.

LC-08 The Safety of Sports Grounds Act 1975 and Fire and Places of Sport Act 1987 – Regulated Stands Certificates for AFC Telford Utd Football Stadium

Mr J Trafford presented the report on the application for Regulated Stand Certificates for the David Hutchison (north), University of Wolverhampton (west) and Frank Nagington (south) stands at AFC Telford for the 12 month period 14 April 2019 to 14 April 2020. He introduced Mr A Pryce to Members who was a Director at AFC Telford United who would be able to answer questions if Members needed clarification on any points. Individual certificates expired at various points throughout the year most of which ran for 12 month periods. The previous certificates highlighted a number of recommendations that needed to be addressed by 2020 but it was confirmed that these certificates were now up to date. There was an error in Appendix A to the report in which it wrongly stated that under “Escape lighting battery test” in the box marked “28 days for any remedial works to be done” that works would be needed by 17/3/19 – there were no advisories to this certificate and this date could be deleted. The structural repairs were due to be completed by 2020 and if these were not implemented the Council would take the appropriate action.

Mr Pryce confirmed that all necessary testing had been undertaken and that they were currently waiting for invoices in order for payment to be made. Once payment had been made the Certificates would then be issued. All works had been carried out except for the structural works which were due to be completed by 2020.

During the ensuing debate some Members raised concerns they had previously had with regard to the Fire Alarm System, the upcoming match with Leyton Orient and capacity issues, the delay in getting works completed and the potential sale of the hotel and the impact this would have, the retaining swimming pool wall and water leak damage and the escape lighting.

Mr Pryce informed Members that the Club were now in a much better place and had a good grasp on the outstanding issues. The Club had been working with the hotel and the fire alarm had not been tested and reviewed and a certificate had been granted. The capacity had been reduced in 2015 and there was no intention to increase these this season. Although, the Club may look to increase these figures in the next 12 months. There would be no impact to the area that contained the structural defect and this was now being looked at with the hotel as the sale had now fallen through. It was expected that a new cleat would be installed which would rectify the problem rather than a continual repair. He confirmed that the emergency lighting and signage had now been certificated and that there was a back-up generator on site.

During further debate, other Members raised concerns regarding the completion date of "2020" and felt that this needed to be tightened up and reflected in the recommendation. Some Members also raised concerns regarding the negotiations and the leases and the unwillingness to work towards providing a safe environment.

The Development Management Service Delivery Manager confirmed that the date of completion of the works would be April 2020 in line with the next certificate.

Mr Price confirmed that the hotel were hoping to have sold the business on prior to spending any money on the repairs, but now that the sale had fallen through that negotiations were taking place and in any event AFC Telford United would ensure that any works would be completed prior to the deadline.

It was proposed and seconded that the recommendation should read:

"that the Service Delivery Manager Development Management be authorised to grant the Safety Certificate applications for the Regulated Stands for a period of 12 months, to 14 April 2020, subject to the following conditions:

- a) all certificates indicated in Appendix A are up to date with any recommendations actioned within the prescribed time period indicated within that certificate. These certificates are to be issued to the council for review; and
- b) the programme of structural repairs is to be completed by 1 April 2020 as set out in the structural report. The programme of repairs is to be issued and reviewed to satisfaction of the Council.

Should the above not be implemented the council will look to enforce its legal responsibilities.”

Upon being put to the vote it was, unanimously:-

RESOLVED – that the **Service Delivery Manager Development Management be authorised to grant the Safety Certificate applications for the Regulated Stands for a period of 12 months, to 14 April 2020, subject to the following conditions:**

- a) **all certificates indicated in Appendix A are up to date with any recommendations actioned within the prescribed time period indicated within that certificate. These certificates are to be issued to the council for review; and**
- b) **the programme of structural repairs is to be completed by 1 April 2020 as set out in the structural report. The programme of repairs is to be issued and reviewed to satisfaction of the Council.**

should the above not be implemented the council will look to enforce its legal responsibilities.

LC-09 Licence Fees

The Public Protection Manager presented the report on the proposed level of Licence Fees and charges for Hackney Carriage, Private Hire trades, Gambling and other licences. The fees had last been reviewed in 2017/18 and due to the introduction of new Regulations giving specific change to the Council’s processes the fees had been reviewed for the forthcoming financial year. Local Authorities were only allowed to recover the cost of administering licences. Some licence fees were set by statute or statutory instruments and many of these had not historically recovered the cost of administering the services. The review process was undertaken following Local Government Association guidelines and where applicable an increase made following the Consumer Price Index (CPI) of 2.1% to areas such as gambling, general licences and operators licences.

Changes to the Licence fees were outlined and included new Taxi Licence applications whereby a change in process to online applications had been introduced and DBS and Right to Work checks were now undertaken by an outside agency. The renewals process had been streamlined and now virtually mirrored the online application process and the fees had been adjusted to recover the cost of administering the service. Transfer fees had increased as previously the Council had not been recovering costs. Operators’ renewals and transfers were in line with the 2.1% CPI increase.

With regard to Animal Licences, the Law changed in October 2018 and processes had been consolidated and simplified according to the new regulations. A risk assessment/scoring system had been introduced and Veterinary Inspector fees had now been included where they accompany the Licensing Officers. Changes had also been made to the hiring of horses fees due to the cost of the Equine Veterinary Inspectors.

Park Homes fees had been set by national legislation and upon review the Council had not been recovering all of their costs. There would be a new application fee for site owners and annual inspection fees. The majority of local sites would be Band C for 20 homes and there would be an increase of £9 per home.

The Council had undertaken a consultation of Hackney Carriage Operators/Drivers with regard to the increase on their renewals. One response had been received which could be found annexed to the report.

During the debate some Members asked if the fare for the Hackney Carriages was set, if outsourcing and reducing the application fee whether this would cause the companies to come back from Shropshire. With regard to animal licences these were for 1-3 years so it was asked when the changes would come into force. What was the benefit of outsourcing the DBS and right to work checks.

The Public Protection Manager confirmed that the Hackney Carriage Fee was a maximum fee, but it could be set lower if they wished. The Assistant Director: Neighbourhood and Customer Services confirmed that Shropshire drivers may return and that this had been reflected in the fees. She confirmed that that animal licence fees would change on the payment of the renewal fee. The benefit of outsourcing the DBS and right to work checks was to speed up the application process to encourage drivers to return to be licenced at Telford & Wrekin.

RESOLVED – that

- a) the proposed fees for the 2019/2020 Financial Year be approved; and**
- b) the proposed fees come into force on 1 April 2019**

The meeting ended at 6.46 pm.

Chairman:

Date:

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 29 OCTOBER 2019

REVIEW OF TERMS OF REFERENCE

**REPORT OF THE ASSISTANT DIRECTOR: GOVERNANCE,
PROCUREMENT & COMMISSIONING**

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

For the Licencing Committee to review its Terms of Reference attached at Appendix 1.

2. RECOMMENDATION

2.1 That the Committee review and agree the Terms of Reference set out at Appendix 1.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	The Committee is part of the Council’s decision making framework and therefore contributes to all of the Council’s priorities.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	If the Committee recommends any changes to the Terms of Reference; they will proceed to Council Constitution Committee and then, if approved, onto full Council at the earliest opportunity.	
FINANCIAL/VALUE FOR MONEY IMPACT	No	
LEGAL ISSUES	Yes	The Constitution requires that the Terms of Reference of each Committee be reviewed on an annual basis at the first meeting of the committee in the administrative year. The Council is required to comply with the Constitution.
OTHER IMPACTS, RISKS & OPPORTUNITIES	Yes	There are no other specific impacts arising from this report.
IMPACT ON SPECIFIC WARDS	Yes	Borough-wide impact

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 The Constitution requires that Full Council should agree at its Annual Meeting the Terms of Reference for each of its Committees to enable the Council to efficiently conduct its business.
- 4.2 At the Annual Meeting on 23 May 2019, Full Council delegated authority to each Committee to review its own Terms of Reference.
- 4.3 The Terms of Reference forms part of the Constitution and was approved by Full Council in that context on 14 July 2016.
- 4.4 No changes to the Terms of Reference are suggested.

5. PREVIOUS MINUTES

- 5.1 Council – 14 July 2016 and 23 May 2019.

6. BACKGROUND PAPERS

Constitution

Report prepared by Deborah Moseley, Democratic & Scrutiny Services Team Leader. Telephone 01952 383215

Licensing Committee – Terms of Reference and Procedure

The Committee has the responsibility and delegated powers to act on behalf of the Council in respect of licensing matters within the Borough as follows.

Licensing and registration functions

- (a) As set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and including functions under the Licensing Act 2003 and the Gambling Act 2005 (excluding paragraphs 37/38 and 46A – 55).

Health & Safety at Work/ Fire Safety

- (b) Functions under any of the relevant statutory provisions within the meaning of Part I (health, safety and welfare in connection with work, and control of dangerous substances) of the Health and Safety at Work etc. Act 1974, to the extent that those functions are discharged otherwise than in the Council's capacity as an employer.
- (c) Matters relating to fire safety.

Health Act 2006

- (d) All powers and duties under the Health Act 2006 Part 1 Chapter 1 and legislation given effect there under including authority to prosecute as it relates to smoking matters.

Miscellaneous

- (e) Power to make payments or provide other benefits in cases of maladministration etc.
- (f) Powers in respect of common land, village greens and open space.
- (g) Powers in respect of the management and regulation of alcohol in public places, the provision and management of sites for the accommodation of gypsies and the closure of take away food shops.
- (h) Annually at the first meeting after the Annual Council Meeting consider its terms of reference.
- (i) Power to determine fees and charges in respect of any of the above functions.

PROCEDURE

- (a) As a general rule the [Council Procedure Rules](#) govern the way that committees operate but these, with the exception of paragraph 14 of the Council Procedure Rules, may be varied or suspended at the discretion of the Chairman of the Committee in the interests of efficient and effective management of the committee.

Separate procedures will apply when the committee is undertaking administrative or quasi-judicial functions to ensure a fair hearing.

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Telford & Wrekin Council

Licensing Committee –29th October 2019

Review of the Council’s Hackney Carriage and Private Hire licensing Policy for Determining the Suitability of a Person to hold a Licence

Report of the Service Delivery Manager, Public Protection

1. Purpose

- 1.1 For Members to approve a consultation on the revision to the Council’s Hackney Carriage and Private Hire Vehicle Licensing Policy for Determining the Suitability of a Person to hold a Licence.

2. Recommendations

Members to approve:

2.1 A 28 day consultation on the revised policy.

2.2 That the Public Protection Manager, Principal Licensing Officer in conjunction with the Chair of Licensing Committee consider and determine the results of the consultation, unless the responses are significant and require determination by the Committee.

2.3 Following consultation and where there is no requirement to bring the policy back before the Committee, the revised policy will take effect from 1st January 2020.

3. Summary

- 3.1 In April 2018 the Institute of Licensing published a “Guidance on determining the suitability of Applicants and Licensees in the Hackney Carriage and Private Hire Trades”. Telford & Wrekin Council’s policy has been reviewed and amended against that guidance

4. Previous Minutes

- 4.1 LC-15 20th December 2016

5. Information

5.1 Background

- 5.1.1 Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the Borough of Telford & Wrekin with the primary aim of protecting the public.
- 5.1.2 In April 2018, the Institute of Licensing published a “Guidance on determining the suitability of Applicants and Licensees in the Hackney and Private Hire Trades” in partnership with the Local Government Association after consultation with interested parties.
- 5.1.3 The Council’s Hackney Carriage and Private Hire Vehicle Licensing Policy for Determining the Suitability of a Person to hold a Licence has been reviewed and amended using the guidance as a basis.
- 5.1.4 The Council’s revised policy is attached at **Appendix A**. A summary of the main changes to the policy can be found in **Appendix B**.

5.2 Equal Opportunities

- 5.2.2 This report continues to protect vulnerable individuals who share protected characteristics.

5.3 Environmental Impact

- 5.3.1 There is no environmental impact arising from this report.

5.4 Legal Comment

- 5.4.1 The Council has a duty to provide for the licensing of hackney carriages under the Town Police Clauses Act 1847 and under the relevant adopted provisions of the Local Government (Miscellaneous Provisions) Act 1976. In addition, the adopted provisions of the 1976 Act mean that the Council must provide for the licensing of private hire drivers, vehicles and operators.
- 5.4.2 There is no legal requirement for a policy, however it is best practice and the policy documents serve to outline for drivers and operators the Council’s licensing powers under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847.
- 5.4.2 Before issuing any policy or amendments the authority has an implied duty, and it is good practice to do so in line with the Department for Transport’s ‘Taxi and Private Hire Vehicle Licensing: Best Practice Guidance’ (March 2010) to consult all relevant parties. A licensing

policy must be reasonable and proportionate. However, the proposed policy cannot fetter the Council's discretion and each application of enforcement matter will be judged on its own merits whilst having regard to the policy ensuring a transparent and consistent approach to licensing that would reduce the opportunity for challenge through the Courts.

5.5 Links with Corporate Priorities

This report has links to the following Corporate Priorities:

- Protect and Create Jobs as a Business Winning Council
- Protect and support our vulnerable children and adults

5.6 Opportunities and Risks

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Financial risks to the Council in the event of a legal challenge to the change in Policy.

5.7 Financial Implications

5.7.1 Costs associated with consultation of the change in Policy will be met from within existing budgets in Public Protection. As outlined in paragraph 5.6.2 there is a risk of costs to the Council should the change in policy be legally challenged however these costs are difficult to quantify. The license fee for Hackney Carriage and Private Hire Vehicles is calculated on a cost recovery basis and will have accounted for staff time required to undertake the person's suitability to hold a license.

6. Ward Implications

6.1.1 This report has implications for all wards in the Borough.

. Background Papers

7.1.1 Local Government (Miscellaneous Provisions) Act 1976.

7.1.2 Town Police Clauses Act 1847

7.1.3 Telford & Wrekin Council's Taxi (Hackney Carriage) and Private Hire Licensing Policy for Determining the Suitability of a Person to hold a Licence – 1st April 2017

7.1.4 Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades – Institute of Licensing April 2018

Report prepared by Anita Hunt, Public Protection Manger & Suzanne Fisher, Principal Licensing Officer, Public Protection, Addenbrooke House, Ironmasters Way, Telford, TF3 4NT. For further information please telephone 01952-381818 or email licensing@telford.gov.uk.



Taxi (Hackney Carriage) and Private Hire Licensing Policy for Determining the Suitability of a Person to hold a Licence

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follow us at www.twitter.com/telfordwrekin
or www.facebook.com/telfordwrekin

Introduction

This policy provides guidance on the criteria to be used in determining whether an applicant or an existing licence holder is suitable to hold a Hackney Carriage and/or Private Hire Vehicle, Driver and/or Operator Licence. The policy should be read in conjunction with the Council's Hackney Carriage and Private Hire Licensing Policy.

The aim of the guidance is not to punish the applicant twice for a conviction or caution but to ensure that public safety is not compromised. The Council cannot review the merits of any conviction.

The overriding consideration when having regard to this policy is to protect the safety of the public.

The policy is designed to ensure:

- That a person is a fit and proper person.
- That the person does not pose a threat to the public.
- That the public are safeguarded from dishonest persons.
- The safeguarding of children, young persons and vulnerable adults.

Where Licensing Officers have delegated powers to grant, refuse, suspend, or revoke Licences they will use the guidance in making decisions. However all decisions will be made on the merits of the individual case.

Whilst officers and the committee will have regard to the policy and in some cases this policy says "never", each case will be considered on its individual merits and, where it considers appropriate to do so.

Safe & Suitable Person

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/private hire vehicle, driver and/or private hire vehicle operator licence is a 'fit and proper person' to hold such a licence. The term safe & suitable is a modern version of 'fit & proper' and will be better understood. There are no statutory criteria for vehicle licences; therefore, the authority has an absolute discretion.

The Council's view of a safe & suitable person is:

- Honest and trustworthy
- Not abusive, violent or threatening
- A competent and safe driver fully conversant with relevant - road traffic legislation and licence conditions
- Conversant with the area that they are working in to ensure passengers are carried economically
- Able to communicate effectively with passengers and can read, speak, write and understand English.
- In good physical and mental health

Disclosed Criminal History

Applicants applying for the grant or renewal of a driver, vehicle or operator will be required to obtain a disclosure from the Disclosure and Barring Service (DBS) to establish that they are a safe & suitable person. The Council will ONLY share personal data in accordance with legal requirements.

Any applicant who has, spent six continuous months or more living outside the United Kingdom from the age of 10 will have to provide evidence of a criminal record check from the relevant country for that period. The DBS website provides guidance at

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

The Council will consider all cautions, convictions, spent or unspent having regard to but not restricted to the following: -

- How relevant the offence(s) are to the licence being applied for.
- How serious the offence(s) were.
- When the offence(s) were committed and the date of conviction.
- Sentence imposed by the court.
- The applicant's age at the time of conviction
- Whether they form part of a pattern of offending or indicate a pattern of unacceptable behaviour.
- Any other factors that might be relevant and the extent of any mitigating factors

If the applicant has notified the Council of a conviction but is appealing against it to a higher court, the application will be determined in accordance with this policy.

Outstanding Charges or Summonses

If the individual is the subject of an outstanding charge or summons their application can be processed, but the application will be determined at conclusion of the proceedings.

Non-conviction Information

The Council is entitled to use other records and information in determining applications. Including information held by other licensing authorities, or disclosed by the Police under Protection of Freedoms Act.

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests the applicant could be a danger to the public, consideration should be given to refusing the application. Such offences would include violent offences and sex offences.

Licences issued by other Licensing Authorities

Where an applicant already holds a licence granted by another licensing authority, the provisions of this policy shall take precedence over any decision of another Licensing Authority.

Drivers

An applicant for a new or renewal driver's licence will be required to provide an Enhanced Disclosure from the Disclosure and Barring Service (DBS), and to complete a statutory declaration listing any previous convictions

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 Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

Private Hire Operators

The applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and to complete a statutory declaration listing any previous convictions. All Staff employed by Operators (including contractors) who have access to customer's personal data must also obtain a Basic Disclosure.

Private Hire Operators will be in receipt of sensitive information such as holiday plans, movement of customers and their families, and details about vulnerable individuals. Therefore public trust and confidence in the overall safety and integrity of the private hire system is vital. The same standards relating to criminal history will be applied to operators as those applied to drivers.

Vehicle Proprietors

The Applicant for Hackney Carriages or Private Hire Vehicles will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and to complete a statutory declaration listing any/all previous convictions.

Vehicle proprietors (both hackney carriage and private hire) have two principal Responsibilities to:

- Ensure that the vehicle is maintained to an acceptable standard at all times.
- Ensure that the vehicle is not used for illegal or illicit purposes.

Criminal History

Convictions that will prevent a licence being issued:

- **Crimes resulting in death**
- **Exploitation**

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual exploitation, criminal exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

- **Sex and indecency offences**

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not be granted. This will apply to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Other convictions

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a Licence will be granted.

Offences involving violence

Where an applicant has a conviction for an offence of violence, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Dishonesty

Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action against an existing licence. Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. In these circumstances, any applicant will also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held telephone or hand held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

Other motoring offences

A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, and has not resulted in injury to any person or damage to any property (including vehicles). Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.

A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles). It also includes, but is not restricted to, driving without insurance or any offence connected with motor insurance. Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Hackney carriage and private hire offences

Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Vehicle use offences

Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

Right of Appeal

Any Applicant refused a Vehicle, Driver or Operator Licence on the grounds that the Council is not satisfied that they are not a Safe & Suitable person to hold such a licence, or who has had their licence suspended or revoked has a right to appeal to the relevant Court within 21 days of the notice of decision.

Appendix B

Summary of changes which have been made to the Suitability Policy

1. The policy has been streamlined for ease of reading and use by applicants, Licensing Officers, Committee Members and the courts.
2. Lists of individual offences have been removed and kept to general categories
3. The offence of "Discrimination" has been added
4. The offence of "Using a hand held phone whilst driving" has been added
5. A "Vehicle Use Offence" has been added
6. The following has been added to Minor Road Traffic Offences – 7 points will require a rehabilitation period of 5 years
7. The following rehabilitation periods have changed :

Violence – increased from 5 to 10 years

Possession of a weapon – increased from 5 to 7 years

Dishonesty – increased from 3 to 5 years to 7 years

Supply of Drugs – increased from 5 years to 10 years

Drink Driving – increased from 5 years to 7 years

Serious Road Traffic Offences – increased from 3 to 5 years to 7 years

Hackney Carriage and Private Hire Offences – increased from 3 years to 7 years

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