

## **SUMMARY OF REGULATORY & APPEALS SUB-COMMITTEE GUIDELINES**

### **IN RESPECT OF**

### **HACKNEY CARRIAGE & PRIVATE HIRE DRIVER APPLICATIONS/LICENCES**

The guidelines set out below have been formulated from guidance by the Department for Transport “Statutory taxi and private hire vehicle standards (Updated November 2022) and the Institute of Licensing “Guidance on determining the suitability of applicant and licensees in the hackney and private hire trades” (April 2018).

The aim of the guidance is to maintain consistency in the decisions made by the Regulatory & Appeals Sub-Committee.

Each case is dealt with on its own merits. The overriding objective is the protection of the public.

“Unspent” convictions under the terms of the Rehabilitation of Offenders Act 1974 & Orders made there under will be taken into account when considering the fitness of an applicant/driver.

“Spent” convictions will also be considered by the Regulatory & Appeals Sub-Committee in accordance with Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 (SI 2002/441).

Cautions, fixed penalties and community resolutions shall be treated as convictions and considered in making fit and proper determination.

Where a custodial sentence or driving ban has been imposed on an applicant or driver for a particular offence, the period for being free from conviction will be taken as starting from end date of that sentence or conclusion of driving ban.

As part of the enhanced DBS check the Authority is provided with information about whether an applicant is barred from working with children or adults. In most cases, the Licensing Authority will not grant a licence to someone on the barred list.

- **Offences of Dishonesty** – a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- **Offences of Violence** – a licence will not normally be granted until at least 10 years have elapsed since the completion of any sentence imposed. A licence will normally be refused for an offence of murder, manslaughter or culpable homicide.
- **Offences of Discrimination** – a licence will not normally be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- **Possession of a Weapon** – a licence will not normally be granted until at least 7 years have elapsed since the conviction or completion of any custodial sentence imposed.
- **Supply of Drugs/ Cultivation of Drugs** – a licence will not normally be granted until at least 10 years have elapsed since the completion of any sentence imposed.
- **Possession of Drugs** – a licence will not normally be granted until at least 5 years have elapsed since the completion of any sentence imposed.
- **Sexual and Indecency Offences** – where an applicant has a conviction for any offence involving or connecting with illegal sexual activity or any form of indecency, a licence will not normally be granted.

### **Licensing Offences**

- Where an applicant has been convicted of an offence such as driving a hackney carriage or private hire vehicle without the appropriate licence or using an unlicensed vehicle during the previous 2 years preceding the application or review, they will usually be refused a licence.
- Where an individual has more than conviction for a licensing offence within the 5 years preceding the date of application, they will usually be refused.

### **Driving Offences**

*Note - Existing licensed drivers who accrue more than 6 penalty points and up to 9 penalty points for Minor Driving Offences within a three-year period will be requested by the Licensing Manager to undertake a driver improvement course. Where the driver fails to complete the course, they shall be referred to the Regulatory & Appeals Sub-Committee.*

- If deemed appropriate the Regulatory & Appeals Sub-Committee could impose a period of suspension and direct that a driver who falls under this provision to undertake a driver improvement course at their own expense, with their suspension ending on the date that they successfully passed the course, as opposed to them serving the full period.

- If an applicant has 5 penalty points for a single offence or accrued more than 9 penalty points the licence will most likely be refused for 1 year from the date of the most recent conviction.
- Existing licensed drivers who accrue more than nine penalty points for Minor Driving Offences within a three-year period will have their cases referred to the Regulatory & Appeals Sub-Committee for determination. Depending on the circumstances of the case, they should have their licence suspended for a maximum period of six months or revoked.

### **Major Driving Offences**

- Road Traffic Offences which carry mandatory disqualification from driving will always be considered as Major Traffic Offences.
- Where an applicant/licence holder has 6 or more penalty points for a single offence or where the Court has disqualified the driver for a single offence this will be considered as a major traffic offence.
- An application will usually be referred to the Regulatory & Appeals Sub-Committee for determination with a policy to refuse until a period of 2 years has lapsed since the date of the last conviction.

### **DVLA Disqualification**

- Where an applicant/licence holder has a conviction for drink driving or driving under the influence of drugs, a licence should not be granted until at least 7 years have elapsed since the completion of any sentence or period of disqualification.
- Where an applicant/licence holder has accumulated sufficient penalty points for the Courts to impose a TT99 “totting up” revocation on the DVLA licence, a licence should not be granted until at least 2 years following restoration of the DVLA licence.
- Where an applicant/licence holder has accumulated sufficient penalty points for a TT99 to be considered and the courts have not imposed a disqualification, the Authority shall consider the driving offences in the same manner as though a ban had been imposed.