

CITY OF
WOLVERHAMPTON
COUNCIL

Non-Statutory Licensing Committee

Wednesday, 20 March 2019

Dear Councillor

NON-STATUTORY LICENSING COMMITTEE - WEDNESDAY, 20TH MARCH, 2019

I am now able to enclose, for consideration at next Wednesday, 20th March, 2019 meeting of the Non-Statutory Licensing Committee, the following report that was unavailable when the agenda was printed.

Agenda No	Item
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| 11 | <u>Proposed Amendments to Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle operators</u> (Pages 1 - 36) |
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If you have any queries about this meeting, please contact the democratic support team:

Contact Donna Cope

Tel 01902 554452

Email donna.cope@wolverhampton.gov.uk

Address Democratic Support, Civic Centre, 2nd floor, St Peter's Square,
Wolverhampton WV1 1RL

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<p>CITY OF WOLVERHAMPTON COUNCIL</p>	<p>Non-Statutory Licensing Committee 20 March 2019</p>
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Report Title	Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators	
Wards affected	All	
Accountable Director	Ross Cook, Service Director of City Environment	
Originating service	Licensing Services	
Accountable employee	Chris Howell Tel Email	Licensing Manager 01902 554554 chris.howell@wolverhampton.gov.uk
Report to be considered by	None	

Recommendations for action or decision:

The Non-Statutory Licensing Committee is recommended to:

- (i) Agree and approve the proposed amendments to the Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators.
- (ii) Agree and approve that the Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators become effective from 1 April 2019.

Recommendations for noting:

The Non-Statutory Licensing Committee is asked to note:

- (i) That the proposed amendments have been subject to full external consultation.

1.0 Purpose

1.1 This report is intended to:

- (a) Request Councillors to approve and agree the proposed amendments to the Guidelines Relating to the Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators. The document indicating all changes is attached at Appendix 1.

2.0 Background

- 2.1 On 26 September 2018, Licensing Committee requested that employees undertake a consultation exercise on the proposed amendments to the Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators.
- 2.2 The Council has a duty to protect the general public from harm when using Hackney Carriage or Private Hire Vehicles. In order to do this the Council must satisfy itself that all drivers and operators are 'fit and proper' persons.
- 2.3 Guidelines for Hackney Carriage and Private Hire Vehicle Proprietors, Drivers and Private Hire Vehicle Operators (the Guidelines) are used to provide the Council with a written framework which allows employees and Councillors to make fair and consistent decisions when assessing the suitability of applicants for hackney carriage or private hire licences. The Guidelines also cover existing drivers, proprietors and operators when they breach conditions, are convicted/cautioned for relevant offences or behave in a manner that is inconsistent with that expected from a licence holder.
- 2.4 The Guidelines are reviewed on a periodic basis to ensure that they take into account revised and current legislation along with local and national licensing priorities and technological advancements. The last review of these Guidelines was undertaken in 2017 and revisions were agreed by Licensing Committee on 12 July 2017.

3.0 Consultation

- 3.1 The proposed amended Guidelines relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators have been subject to a 12 week consultation.
- 3.2 Consultees included the trade, other local authorities, police, magistrates and the Institute of Licensing. All local authorities where the City of Wolverhampton Council licence vehicles have been consulted.
- 3.3 The consultation period closed on 31 December 2018 and responses commenting on the proposals have been received. A summary of responses is attached at Appendix 2. A full set of responses received is available in the Members area in paper format.

4.0 Financial implications

4.1 There are no direct financial implications arising from this report. [MK/12032019/X]

5.0 Legal implications

5.1 The following legislation governs the licensing of Hackney Carriage and Private Hire Vehicle Proprietors, Drivers and Private Hire Vehicle Operators.

Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence.

"Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence".

Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 states that a Council, before granting a Hackney Carriage Driver's Licence must be satisfied that an applicant is a fit and proper person to hold such a licence and that the applicant has for at least 12 months prior to the date of the application, been authorised to drive a motor car.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states a district council may suspend or revoke or on application, refuse to renew a licence of a driver of a Hackney Carriage or a Private Hire Vehicle on any of the following grounds:-

- That since the grant of the licence he/she has been convicted of an offence involving dishonesty, indecency or violence; or
- That since the grant of the licence he/she has been convicted of an offence under, or has failed to comply with the provisions of the Town & Police Clauses Act 1847 or this part of the Act; or
- Any other reasonable cause

Section 55(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate Private Hire Vehicles grant to that person an operator's licence.

Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.

Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend or revoke or refuse to renew a vehicle if:-

- The Hackney Carriage or Private Hire Vehicle is unfit for use as a Hackney Carriage or Private Hire Vehicle
- An offence has been committed under the Town, Police Clauses Act 1847 or the Local Government (Miscellaneous Provisions) Act 1976
- Any other reasonable cause

5.2 What constitutes fit and proper is not defined in legislation however, case law states Councils are entitled to have their own policy (Guidelines) to specify how it determines

whether a person is fit and proper. In addition, there is a legal requirement to ensure all applicants/licence holders are given a fair hearing and guidelines help to ensure consistency in decision making.

- 5.3 Although there are no legal requirements to review the Guidelines relating to the Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators it is good practice to do so particularly when there have been changes in legislation. [SH/07032019/A]

6.0 Equalities implications

- 6.1 There are no equalities implications to this function.

7.0 Environmental implications

- 7.1 There are no environmental implications to this function.

8.0 Human resources implications

- 8.1 There are no human resources implications to this function.

9.0 Corporate landlord implications

- 9.1 There are no landlord implications to this function.

10.0 Schedule of background papers

- 10.1 Licensing Committee 26 September 2018 – Consultation on Guidelines Relating to the Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators.
- 10.2 Licensing Committee 12 July 2017 - Amendment to Guidelines Relating to the Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators.
- 10.3 Licensing Committee 26 September 2018 – Consultation on Guidelines.

KEY: **RED** = Pre consultation amendments.
GREEN = Post consultation amendments.

**GUIDELINES RELATING TO RELEVANCE OF CONVICTIONS AND
BREACHES OF LICENCE CONDITIONS**

1.0	Purpose of Guidelines
1.1	Licensing issues are dealt with by both Councillors and employees. Employee is defined to include Head of Governance, Business Services, Licensing Services Manager , Service Managers from within Governance Services, Section Leaders from Licensing Services.
1.2	<p>This document provides guidance outlining how drivers/proprietors of hackney carriage and private hire vehicles and operators can expect to be treated. In particular, but not exclusively it will affect:</p> <ul style="list-style-type: none">• Applicants for driver's licences.• Applicants for operators licences.• Applicants for vehicle licences• Existing licensed drivers, operators and vehicle proprietors whose licences are being renewed or reviewed.• Magistrates hearing appeals against Local Authority decisions.
1.3	Whilst employees and Councillors will have regard to the guidelines, each case will be considered on its individual merits, and where reasonable, the Employees/Committee may depart from the guidelines.
1.4	Any decision to suspend, revoke, refuse to grant or renew a licence will be applied to an applicant/licence holder who is considered not to be a 'fit and proper' person to drive hackney carriages or private hire vehicles. The application of the Human Rights Act will be considered carefully <u>and balanced against the overriding consideration to protect the public.</u>
1.5	<p>The Licensing Committee is concerned to ensure:</p> <ul style="list-style-type: none">• That a person is a fit and proper person.• That a person does not pose a threat to the public.• That the public are safeguarded from dishonest persons.• The safeguarding of children, young and vulnerable persons.

- 1.6 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and/or a private hire vehicle drivers' licence and/or private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:
- How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of conviction
 - Circumstances of the individual concerned
 - Sentence imposed by the court
 - The applicant's age at the time of conviction.
 - Whether they form part of a pattern of offending
 - Any other character check considered reasonable (e.g. personal references)
 - Any other factors that might be relevant
- 1.7 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allows the local authority to suspend, revoke or refuse to renew a licence for failure by the licence holder to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause to include where an applicant/licence holder has any convictions, warnings, cautions or charges awaiting trial for offences or behaviour outlined in the guidance and matters referred to in the list above at 1.6 can be considered.
- 1.8 *In determining ~~safety and suitability~~ whether a person is fit and proper the licensing authority is entitled to take into account all matters concerning that applicant or licensee. This consideration is far wider than simply criminal convictions or other evidence of unacceptable behaviour and the entire character of the individual will be considered. This can include, but is not limited to, the individual's attitude and temperament.*
- 1.9 The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, allows the local authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore, the local authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 1.10 In this policy the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.
- 1.11 *In this policy the term 'imprisonment' or prison sentence refers to any period of detention resulting in loss of liberty.*

- 1.12 In appropriate circumstances a suspension, refusal to renew or revocation may be abated by the licence holder demonstrating to the satisfaction of the Council that they have successfully completed and passed appropriate training which should be evidenced in writing to the Council.
- 1.13 *A caution is regarded in exactly the same way as a conviction. This is because a caution can only be imposed following an admission of guilt, which is equivalent to a guilty plea on prosecution. Fixed penalties and community resolutions will also be considered in the same way as a conviction. This is because payment of a fixed penalty indicates acceptance of guilt and a community resolution can only be imposed following an admission of guilt.*
- 1.14 *It is important to recognise that matters which have not resulted in a criminal conviction (whether that is the result of an acquittal, a conviction being quashed, decision not to prosecute or an investigation which is continuing where the individual has been bailed) can and will be taken into account by the licensing authority. We are able to do this because the processes in which the applications are determined are a civil process and decisions are based on the balance of probability.*
- 1.15 *In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination ~~will~~ **may** be deferred until the trial has been completed or the charges withdrawn. Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.*
- 1.16 *Any offences committed, or unacceptable behaviour reported whilst driving a hackney carriage or private hire vehicle, concerning the use of a hackney carriage or private hire vehicle, or in connection with an operator of a private hire vehicle will be viewed as aggravating features and the fact that any other offences were not connected with the hackney carriage and private hire trades will not be seen as mitigating factors.*
- 1.17 *Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process (e.g. failure to declare convictions, false names or addresses, falsified references or failure to disclose in full information requested by the licensing authority, to include on the application for a licence) will **normally** result in a licence being refused, or if already granted, revoked and may result in prosecution.*

- 1.18 *As the direct impact on the public varies depending upon the type of licence applied for or held, it is necessary to consider the impact of particular offences on those licences separately. However, there are some overriding considerations which will apply in all circumstances.*
- 1.19 *A driver has ~~direct~~ responsibility for the safety of their passengers, ~~direct responsibility for the safety of other road users~~ and significant control over passengers who are in the vehicle. As those passengers may be alone and may also be vulnerable, any previous convictions or unacceptable behaviour will weigh heavily against a licence being granted or retained.*

Private Hire Operators

- 1.20 *A private hire operator ("an operator") ~~does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed as a private hire driver).~~ However, in performing their duties ~~they~~ obtains and holds considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes.*
- 1.21 *Operators ~~must~~ shall ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that ~~will~~ may lead to the operator's licence being revoked.*

Vehicle Proprietors

- 1.22 *Vehicle proprietors must ensure that the vehicle is maintained to an acceptable standard at all times and they must ensure that the vehicle is not used for illegal or illicit purposes.*

2.0	Relevant Convictions, Cautions/Fixed Penalties/<i>Community Resolutions</i> / and Persons Charged with an Offence(s) and all relevant information received
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2.1 New Applicants

- 2.1.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined in Section 5.0 of this document will result in a new applicant for a hackney carriage or private hire vehicle driver's/operator's licence being referred to the employees to determine the application.

2.2 Existing Licence Holders

- 2.2.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined in Section 5.0 of this document will result in an existing hackney carriage or private hire driver's/proprietor's/operator's licence being referred to employees to determine a course of action detailed in Section 5.0 below. (In the event of a serious breach or allegation in respect of a licensed operator, the matter will be referred to Licensing Committee for consideration).
- 2.2.2 In cases where it is in the interests of public safety, the employees or Councillors may suspend, or revoke a driver's licence with immediate effect following a review. In such cases a statement that this is so and an explanation will be given as to why it is in the interests of public safety to suspend, or revoke immediately and suspension/revocation takes effect when the notice is given to the driver.

3.0	Complaints
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- 3.1 A complaint relating to the conduct of an operator, hackney carriage driver, private hire vehicle driver, proprietor of a hackney carriage or proprietor of a private hire vehicle may, depending on the severity of the allegations, result in a written warning or suspension of the licence.

4.0	Further Guidance
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- 4.1 Where an application is made for a new licence, and the applicant has previously held a hackney carriage or private hire drivers, proprietors or operator's licence or on review of an existing licence and relevant convictions have previously been considered in decision making by the Local Authority in connection with any further or existing licence any decision on a new application or on review will normally be made by the employees or Licensing Committee, with reliance only on any relevant convictions or behaviour which have arisen since any previous application or review. However, there will be occasions when previously considered convictions or behaviour will be of value and can be referred to in order to indicate a pattern of behaviour which may result in them again being considered in decision making particularly if the conviction(s) is/are of a similar nature to those which have arisen since any previous application or review.

Patterns of repeated unacceptable behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate a propensity for unacceptable behaviour.

- 4.2 Normally an applicant or licence holder whose application/licence is subject to a formal review hearing will be advised in writing and/or by email of the date and time of the meeting. He or she has the right to appear in person at the hearing to give verbal or written information in support of the application/licence and to be represented if required. If the applicant or licence holder fails to attend the review hearing without reasonable excuse, the determination or review may proceed in his or her absence.
- 4.3 In all cases involving suspension, revocation and refusal to grant or renew the applicant or licence holder has the right to appeal against the decision of the Licensing Committee or the employees through the Magistrates Court.
- 4.4 For the avoidance of doubt where a person is sentenced to a period of imprisonment or detention at a Young Offenders Institution reference to expiry of sentence shall be deemed to mean expiry of the actual term imposed and not any earlier release date.
- 4.5 Any person who has been cautioned for an offence will be dealt with using the criteria relating to convictions.
- 4.6 Decisions will normally be made in accordance with these guidelines; however each case will be decided on its merits. Regard will be had to:-
- (a) The nature of the offence.
 - (b) The age of the individual concerned at the date of the offence.
 - (c) Whether the driver was acting as a private hire or hackney carriage driver at the time. In the case of an operator, whether the operator was acting in the course of business as a private hire operator at the time.
 - (d) Any other relevant circumstances.

Dependant on the facts and where deemed appropriate the employees may make a decision contrary to that suggested by the guidelines or where appropriate refer a matter to Councillors of the Licensing Sub-Committee for decision. Where decisions are made which are contrary to the guidelines or where the matter is referred to the Licensing Sub-Committee employees will give reasons for this.

- 4.7 Any list of offences outlined in section 5.0 of this report, show examples of the type of offence in a particular category. The lists are not exhaustive and offences outside of these examples may be considered by the employees/Committee.
- 4.8 Hackney carriage and private hire vehicle drivers should be able to communicate satisfactorily in English with customers, in order to be considered a fit and proper person to hold a Licence. Not being able to communicate to a satisfactory level may result in refusal to grant or renew, suspension or revocation of a licence.

- 4.9 In order for an applicant or licence holder to be considered a fit and proper person to hold a licence their standard of driving should be at a satisfactory level. This level is to be determined by the Local Authority and in appropriate cases further driver training assessment may be deemed necessary. Evidence of driving ability which is below the satisfactory level required may result in refusal to grant or renew, suspension or revocation of a licence.

4.10 Applicants or licence holders may be required to undertake additional medical testing at the request of the Council at their own expense and this may be required at short notice.

5.0	Determination of Action to be Taken
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- 5.1 In determining the course of action to be taken in connection with an application for a hackney carriage, proprietors or drivers licence, private hire vehicle or driver's licence, or private hire vehicle operator's licence or the review of an existing driver's licence or operator's licence, or proprietor's licence the following sanctions will be applied as a guide. In all cases where it is possible to calculate two or more different periods of time, the calculation which results in the longer period shall be used or both periods of time may be considered consecutively or concurrently at the discretion of the employees/Councillors.

5.1.1	Minor Traffic Offences
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The Licensing Committee takes driving offences very seriously, particularly when the applicant displays a pattern of offences.

- (a) Single offences resulting in a maximum of 3 current penalty points relevant for 'Totting Up' purposes as outlined at 5.1.2 – Issued with written warning. A new licence will normally be granted with a warning.
- (b) Repeat offences resulting in a combined total of 6 current penalty points **or more** relevant for 'Totting Up' purposes as outlined at 5.1.2 – **will normally revoke or refuse to renew.** ~~Issued with final written warning.~~ A new licence will **not** normally be granted **for 5 years.** ~~with a *final* written warning.~~ **and a road risk assessment may ~~will~~ have to be satisfactorily completed prior to a licence being granted.**
- (c) ~~Repeat offences resulting in a combined total of 9 or more penalty points currently relevant for totting purposes as outlined 5.1.2 – normally revoke or refuse to renew. A new licence will not normally be granted.~~

5.1.2	"Totting Up" – Section 35 Road Traffic Offenders Act 1988
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If the total number of penalty points reaches 12 or more within 3 years the driver is liable to be disqualified from driving under the "Totting Up" procedure.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted **for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of the**

conviction, caution or in the absence of these the date of the offence or relevant incident until a period equal to the length of the disqualification has elapsed since the end of the disqualification period *and a road risk assessment will may have to be satisfactorily completed prior to a licence being granted.*

- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.3 Major Traffic Offences (Other than drink driving and drug offences)

A major traffic offence is a road traffic offence (other than for totting and drink driving) that can result in four or more penalty points and/or a period of disqualification and/or imprisonment.

For the purpose of these guidelines the following motor offences are classed as 'Major Traffic offences'. However, this is not an exhaustive list.

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD10	Driving without due care and attention
DD40	Dangerous driving
DD80	Causing death by dangerous driving
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5~~ 7 years following the expiration of the disqualification period or if not disqualified ~~5~~ 7 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~40~~ 12 years following the expiration of the last

disqualification period or if not disqualified ~~40~~ **12** years from the date of the most recent conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.4 Drink Driving Offences and Driving under the Influence of Drugs

Any drink driving or drug related driving offence is treated very seriously by the Local Authority. An offence of this nature is highly relevant to the individual's role as a hackney carriage or private hire driver.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5~~ **7** years following the expiration of the disqualification period or if not disqualified ~~5~~ **7** years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the expiration of the last disqualification period or if not disqualified 10 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.5 Anti-Social Behaviour and Public Order Offences

Drivers of hackney carriages and private hire vehicles should display a measured and calming manner in the face of provocation and difficult situations.

- (a) *First offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 2 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.6 Drug Related Offences

~~Convictions for the~~ Possession of illegal drugs or other drug related offences (excluding the dealing, manufacture or supply of drugs, for which there is a separate guideline at 5.1.7), the applicant ~~may~~ **will normally** be required to satisfy the Local Authority that they are free of addiction subject to a licence being granted.

- (a) *First offence* – will normally **revoke** ~~suspend for up to 6-12 months~~ or refuse to renew. A new licence will not normally be granted for ~~3~~ **5** years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5~~ **7** years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

~~Applicants or licence holders who have committed repeat offence(s) for drug possession may have to undertake additional medical testing at their own expense. This may be required at short notice or at a time of officers choosing to ensure that they are not using drugs or showing physical symptoms of drug addiction. A licence will not be granted. Failure to attend the medical test or where traces of illegal drugs are found a licence will not be granted.~~

5.1.7 Dealing/Manufacture/Supply of Drugs

Due to the nature of work carried out in the hackney carriage and private hire industry, the dealing, manufacture or supply of drugs is treated very seriously and will normally preclude a licence being issued for a considerable time.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.8 Public - Indecency Offences

Public indecency relates to an act or display which is obscene or disgusting to an extent which outrages minimum standards of public decency in contemporary society and is in a place accessible to or in view of the public.

Indecency offences of a sexual nature will normally be dealt with under the Sexual Offences Guidelines.

The holder of a proprietors, operators and/or private hire or hackney carriage drivers licence are in a position of trust and hackney carriage/private hire drivers often work in isolation with members of society. Therefore, any offence for indecency is treated very seriously.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5~~ 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~40~~ **12** years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

5.1.9 Sexual Offences

The holder of a proprietors, operators and/or private hire or hackney carriage drivers licence are in a position of trust and hackney carriage/private hire drivers often work in isolation with members of society.

The Local Authority seeks to minimise risks associated with these persons and for that reason a more serious view will be taken where sexual offences occur.

Decisions relating to the determination of an application or review of an existing licence may be informed by discussions with the Police and/ or Wolverhampton Safeguarding Unit: The Local Authority Designated Employee.

The licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list.

Any offence(s)/conviction(s)/caution(s) or behaviour of a sexual nature against any person will normally result in revocation or refuse to renew. A new licence will not normally be granted.

5.1.10 Dishonesty

All applicants and licence holders are expected to be persons of trust. For these reasons a serious view is taken of any offences involving dishonesty.

For the purpose of these guidelines the following offences are classed as 'Dishonesty':

- Theft.
- Burglary.
- Fraud.
- Benefit fraud (including offences under Section 111A and 112 of the Social Security Administration Act 1992).
- Handling or receiving stolen goods.
- Forgery (e.g. producing false insurance policy).
- Conspiracy to defraud.
- Obtaining money or property by deception
- Other deception.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5~~ **7** years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~40~~ **12** years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

5.1.11	Obstruction of Police Officer/Authorised Officer (to include failure to surrender to bail)
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- (a) *First offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

5.1.12	Violence
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For the purpose of these guidelines the following are classed as 'violent offences':

- Battery
 - Common assault.
 - Affray.
 - S5 Public Order Act 1986 offence or distress/harassment, alarm.
 - S4 Public Order Act 1986 (fear of provocation of violence).
 - S4A Public Order Act 1986 (intentional harassment, alarm or distress).
 - Possession of offensive weapon.
 - Criminal damage.
 - Other violent offences.
- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5~~ **7** years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~40~~ **12** years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 5.1.12 and 5.1.13.

5.1.13	Violence (Serious)
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For the purpose of these guidelines the following are classed as 'Serious Violent offences':

- Arson
 - Malicious wounding or grievous bodily harm
 - Actual bodily harm
 - Racially aggravated
 - Grievous bodily harm with intent
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Violent disorder
 - Resisting arrest
 - Kidnapping
 - Wounding
 - Other serious violence
- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for **7 10** years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

For the purpose of this guideline repeat offences can also include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 5.1.12 and 5.1.13.

5.1.14	Violence Crime Offences or unlawful act resulting in Loss of Life or with the Intent to Cause Loss of Life
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A conviction **or** caution for the following offences would normally preclude the applicant / licence holder from holding a licence due to the nature of the work involved.

*For the purpose of these guidelines the following are **offences** ~~crimes~~ resulting in loss of life or intent to cause loss of life?*

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Attempted murder
- *Corporate manslaughter*
- *Causing Death By Dangerous Driving*

This is not an exhaustive list.

Any offence(s)/conviction(s) / cautions of a nature resulting in ~~violence~~ ~~crime~~ leading to loss of life or intent to cause loss of life will normally result in revocation or refusal to renew. A new licence will not normally be granted.

5.1.15 Terrorism

Terrorism means the use or threat of action where designed to influence the Government or an international governmental organisation or to intimidate the public or a section of the public, for the purpose of advancing a political, religious or ideological cause.

‘Action’ includes serious violence against a person, serious damage to property, endangering a person’s life, other than that of the person committing the action, creating a serious risk to the health or safety of the public or a section of the public, or an act designed to seriously interfere with or seriously to disrupt an electronic system, or the use of firearms or explosives.

This also includes any offence, act or omission linked to a terrorism offence.

Any offence(s)/conviction(s) / cautions relating to terrorism will normally result in revocation or refusal to renew. A new licence will not normally be granted.

5.1.16 Hate Crime

A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victim’s disability, race, sexual orientation, transgender, religion or belief.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5~~ **7** years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.17 Plying for Hire

Convictions for plying for hire and related no insurance offences show that a driver is unable to work within the legal restrictions of a private hire/hackney carriage driver’s licence. Offences of this nature generally result in passengers being uninsured during the journey.

- (a) *First offence* – will normally **revoke** suspend for up to ~~6-12~~ months or refuse to renew. A new licence will not normally be granted for ~~6 months~~ **3 7 years** following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

- (b) *Repeat offences* – will normally revoke or refuse to renew the private hire or hackney carriage driver's licence. A new licence will not normally be granted for ~~3~~ **12** years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.18 Non-Disclosure/Late Disclosure of a Conviction/Caution/Fixed Penalty

Declarations of criminal and motoring convictions, cautions and fixed penalties are vitally important in order for the Local Authority to review the suitability of licence holders. Failure to declare any of the above can result in unsuitable drivers holding a licence.

- ~~(a) *First offence* – will normally result in a written warning.~~
- ~~(b) *Second offence* – will normally suspend for up to 2 months or refusal to renew. A new licence will not normally be granted for 2 months following the date of conviction/caution/fixed penalty.~~
- ~~(c) *Three or more offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction/caution/fixed penalty.~~

- (a) *First offence – will normally suspend for up to 2 months or refuse to renew. A new licence will not normally be granted for 2 months from the date of revocation or refusal to renew.***

This may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the driver's/proprietor's own expense.

- (b) *Second offence – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months from the date of revocation or refusal to renew.***
- (c) *Three or more offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years from the date of revocation or refusal to renew.***

5.1.19 Breach of Licence Conditions / Byelaws

Licences are issued with conditions and byelaws, applying to them; this is to ensure that the trade operates in a fair and consistent manner. Breaches of conditions/byelaws can result in poor service to customers. Serious breaches of conditions/byelaws will result in a review. A review will also normally be called where a driver/proprietor has persistently breached conditions, in accordance with Regulatory Services enforcement policy.

- (a) *First offence* – will normally suspend for up to 2 months or refuse to renew. A new licence will not normally be granted for 2 months from the date of revocation or refusal to renew.

This may be abated by completion of a targeted enhanced training course relevant to the breach and will be subject to the driver's/proprietor's own expense.

- (b) *Second offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months from the date of revocation or refusal to renew.
- (c) *Three or more offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years from the date of revocation or refusal to renew.

5.1.20	Any other relevant offences (including 'touting', using/operating private hire vehicles without a licence, offences under the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847)
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- (a) *First offence* – will normally suspend for up to for ~~4~~ **12** months, or refuse to renew. A new licence will not normally be granted for ~~4 months~~ **3 years** following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~3~~ **7** years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.21	Physical Fitness and Medical Conditions
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Applicants for hackney carriage and/or private hire drivers licences must satisfy the medical fitness standards issued by the Driver and Vehicle Licensing Agency (DVLA). The agreed standard is the Group 2 Standard for vocational drivers.

- (a) In the case of a new application or an application to renew a licence, if the applicant fails to meet the required medical standard the licence will normally be refused. A new licence will not normally be granted for one year after the date of the medical examination or any period advised by an approved medical practitioner.
- (b) In the case of existing licence holders, if a person has a medical condition which falls below the standard outlined in the Group 2 Standard of the published medical standards, the licence may be suspended, revoked, or the renewal of a licence refused, dependent on the nature of the condition along with any recuperation or rehabilitation periods.

5.1.22	Investigation of Serious Offences (involving violence, sexual offences, child sexual exploitation, safeguarding etc.)
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Where information is received in relation to an existing licence holder or a new applicant from the Police or other enforcement bodies that an individual(s) are under investigation or have been under investigation for a matter that relates to any of the offences outlined in sections 5.1.1 – 5.1.25 **29**, the Local Authority may consider the information provided and take action in relation to the information provided. This may mean a licence is suspended, revoked, a renewal of a licence or a new licence is refused. The power to suspend or revoke immediately as set out in section 2.2.2 may also be used in these circumstances if it is in the interests of public safety.

5.1.23	Mobile Phones Breach of Requirements as to Control of the Vehicle, such as using a Mobile Phone etc
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This type of offence is treated very seriously as it increases the likelihood of an accident.

- (a) *First offence* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~5~~ **7** years following the expiration of the disqualification period or if not disqualified ~~5~~ **7** years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for ~~40~~ **12** years following the expiration of the last disqualification period or if not disqualified ~~40~~ **12** years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.24	Health Act
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A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times.

Drivers must not smoke in a licensed vehicle. Any offence under this act can risk the health of both the driver and passengers.

- (a) *First offence* – will normally suspend for up to ~~2~~ **6** months. A new licence will not normally be granted for ~~2~~ **6** months following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) *Repeat offences* – will normally ~~suspend for up to 6-12 months~~ **revoke or refuse to renew**. A new licence will not normally be granted for ~~4~~ **3** year following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

5.1.25	Conduct of Applicants / Licence Holders Hackney Carriage and Private Hire Vehicle Drivers, Proprietors and Operators
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A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times. This includes when drivers are operating outside of Wolverhampton, where drivers are expected to co-operate with reasonable requests from compliance staff authorised in other areas.

If the applicant or driver/proprietor/operator licence holders behaviour falls below that expected from a licence holder the following will apply;

- (a) *First instance* – will normally suspend for up to 12 months, or refuse to renew. A new licence will not normally be granted for 12 months following a relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later.
- (b) *Repeat instance* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following a relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later.

It should be noted that conduct is a wide open area and as such there may be occasions where one incident falls so far below the standards expected that a refusal, revocation, suspension or refusal to renew is felt the appropriate course of action, even in the first instance. This may include factors such as improper conduct in other areas, the severity of the conduct, the involvement of passengers or other aggravating factors.

5.1.26	Driving Standards
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Applicants/drivers of hackney carriage and/or private hire driver's licences must satisfy the Local Authority they are able to drive at a standard that meets the National Standard of driving.

If the applicant/driver's standard of driving falls below that expected of a licence holder the following will apply;

- (a) *First instance* – will normally suspend until outcome of occupational competence/road risk assessment, revoke or refuse to renew. A new licence will not normally be granted for 6 months following the outcome of any review hearing in relation to any incident relating to driving standards.
- (b) *Repeat instances* – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the outcome of any review hearing in relation to any incidents relating to driving standards.

5.1.27	Immigration Status
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Applicants/licence holders must satisfy the Local Authority **that** they have a right to work in the UK.

In the case of a new application or an application to renew a licence if the applicant fails to provide satisfactory documentary evidence from the Home Office of a legal

right to work in the UK as a Hackney Carriage and or/Private Hire Vehicle driver and failure to do so will result in refusal of any application.

Failure by an existing licence holder to provide satisfactory documentary evidence from the Home Office of a legal right to work in the UK as a Hackney Carriage and or/Private Hire Vehicle driver will result in revocation.

5.1.28	<i>Disability and Discrimination Act - Breach of Licence Conditions / Byelaws</i>
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Condition 11 of the Conditions Relating To The Issue Of A Licence To Drive A Private Hire Vehicle provides; *The licence holder must carry guide or other assistance dogs accompanying passengers, free of charge, unless the driver has a proven medical condition that would preclude such action. The Council medical exemption certificate issued in accordance with Section 37A of Disability and Discrimination Act 1995 must be displayed at all times to the windscreen of the Private Hire Vehicle, facing outwards. Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of such medical condition when they are first employed.* Breach of this condition is deemed serious and therefore shall normally result in revocation.

- (a) **First instance** - A new licence will not normally be granted for ~~12 months~~ **7 years** following the date of conviction, caution or in the absence of these the date of offence or relevant incident or the outcome of any review hearing in relation to the incident, whichever is the later. The power to suspend or revoke immediately as set out in 2.2.2 may also be used in these circumstances if it is in the interests of public safety.
- (b) **Repeat offences** - will normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.29	Environmental Crime Act
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A hackney carriage or private hire licence is a badge of approval, it states the Local Authority feels the holder is fit and proper and suitable in every way. The standard of behaviour and level of trust expected should be demonstrated in the conduct of those licensed at all times.

- (a) **First offence** – will normally suspend for up to 6 months. A new licence will not normally be granted for 6 months following the date of conviction, caution or in the absence of these the date of offence or relevant incident.
- (b) **Repeat offences** – will normally revoke or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction, caution or in the absence of these the date of offence or relevant incident.

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Appendix 2

Guideline Consultation

The following were invited to respond to the consultation:

- All English police forces
- All English licensing authorities
- The Black Country Magistrates' Courts
- Age UK
- Associated Taxis
- Beacon Centre
- Institute of Licensing
- International Guide Dog Federation
- Leonard Cheshire
- Mencap
- Mind
- National Private Hire Association
- National Society for the Prevention of Cruelty to Children (NSPCC)
- NAWG
- Rainbow Taxis
- Royal National Institute of Blind People
- Scope
- Suzy Lamplugh Trust
- Taxi Owners Association (Wolverhampton) Limited
- The Gem Centre
- West Midlands Combined Authority
- Wolverhampton Councillors and Members of Parliament
- Wolverhampton Hackney Carriage Drivers Association
- Wolverhampton Hackney Carriage Working Group
- Wolverhampton Private Hire Working Group

Consultee	Issues raised	Response
Mobility Cabs	Drivers' ability to communicate.	Section 4.8 of the existing guidelines states, "Hackney carriage and private hire vehicle drivers should be able to communicate satisfactorily in English with customers, in order to be considered a fit and proper person to hold a Licence. Not being able to communicate to a satisfactory level may result in refusal to grant or renew, suspension or revocation of a licence".
	Drivers' dress.	Section 4.1 of the existing 'Conditions Relating To The Issue Of A Licence To Drive A Private Hire Vehicle' states, "The holder of this licence shall maintain a high standard of personal hygiene and he/she shall wear freshly laundered respectable clothing, with the upper part of the arms being covered. This could include for example, a shirt, polo shirt or t-shirt and single colour trousers or for female drivers a blouse or t-shirt and single colour trousers or skirt or alternatively a dress".

	Requiring drivers to hold a 'Driver Certificate of Professional Competence' (Driver CPC).	The Driver CPC is for professional drivers of lorries over 3.5 tonnes or Passenger Carrying Vehicles (PCV) with 9 or more seats.
	Monitoring drivers' hours of work.	Recommendation 34 in 'Taxi and private hire vehicle licensing: recommendations for a safer and more robust system' is that, "Government should urgently review the evidence and case for restricting the number of hours that taxi and PHV drivers can drive, on the same safety grounds that restrict hours for bus and lorry driver". We are awaiting the results of the review into whether there is any evidence that driving time restrictions for hackney carriage and private hire drivers is required on safety grounds and if a workable and proportionate way of doing so can be found.
	Fare equity between private hire and hackney carriages.	This is outside the scope of the guidelines. However, whilst licensing authorities have the authority to set hackney carriage fares, there is no provision in legislation to set private hire fares. These must be agreed between the customer and the operator at the time of booking.
	Geographical restrictions on licences to drive hackney carriage and private hire vehicle.	There is no provision in the law for City of Wolverhampton Council to restrict journeys to within Wolverhampton.
Joint response from: <ul style="list-style-type: none"> • Albatross Cars • Go Carz • Diamond Cars • Boro Cars • Nova Rides • Star Cars 	Rehabilitation period required before granting a licence to an applicant who has been disqualified from driving.	The Council has changed the guidelines to read, "A new licence will not normally be granted for 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of the conviction, caution or in the absence of these the date of the offence or relevant incident and a road risk assessment will may have to be satisfactorily completed prior to a licence being granted".
	Bespoke 'Fitness and Propriety Policy' document submitted to replace guidelines.	The policy was considered. Wolverhampton's policy is equal on treatment of sex offenders, those on a barred list, the revocation of the licences of drivers who were disqualified from driving and the treatment of applicants' medical conditions.

		<p>The policy recommended that applicants who have ever committed a drug related offence be refused a licence. The Council's guidelines on drug related offences have been amended so that licensed drivers who offended will normally have their licence revoked. The rehabilitation period for drug related offences has been increased to match the Institute of Licensing (IoL) guidelines. For repeat offences, the Council's rehabilitation period is now 7 years.</p> <p>The policy suggested the refusal to licence any applicant with an unspent conviction. The rehabilitation periods until convictions are considered spent listed in The Rehabilitation of Offenders Act 1974 are shorter than the rehabilitation periods in CWC's guidelines and these applicants would not normally be granted a licence.</p> <p>The policy recommended the referral of applicants with nine or more current penalty points on their driving licence to Non-Statutory Licensing Sub-committee. Authority is delegated to officers to make a decision on these applicants.</p> <p>The policy recommended that applicants who had been disqualified from driving under the totting-up provisions be granted a licence upon restoration of their licence. It recommended that applicants who had been disqualified from driving under other circumstances be granted a licence until after three times the period for which they were disqualified had passed. The council has increased the rehabilitation period for anyone disqualified due to the totting up procedure, from a period equal to the length of disqualification to 7 years.</p>
Elite Radio Cars	The length and complexity of the document.	To ensure that we have robust guidelines which can be used to defend against a legal appeal, the document is necessarily specific. Simplification of the guidelines may leave gaps which mean that offences cannot easily be considered. Under City of Wolverhampton Council's guidelines, any

		offence(s)/conviction(s) / cautions relating to terrorism will normally result in revocation or refusal to renew and a new licence will not normally be granted. Other guidelines make no mention of terrorism.
	Adoption of Uttlesford District Council's Licensing Standards for drivers.	<p>The rehabilitation periods of many offences in Uttlesford's standards are shorter than Wolverhampton's.</p> <p>The rehabilitation periods until convictions are considered spent listed in The Rehabilitation of Offenders Act 1974 are shorter than the rehabilitation periods in CWC's guidelines and would result in a lowering of standards.</p>
	Complexity of treatment of driving licence penalty points.	The treatment of applicants with penalty points in 5.1.1 has been simplified.
Telford & Wrekin Council	Adoption of the Institute of Licensing's 'Guidance on the suitability of applicants in the taxi and private hire trades'.	The rehabilitation periods for all offences have been increased so that they are at least as long as the IoL's guidance and in many cases Wolverhampton's rehabilitation periods are longer. The IoL's guidelines do not advise on how to treat hate crimes, nor do they take into consideration the severity of repeat offences.
Uber	Applicants who have made a dishonest application.	Applications which are dishonest will normally result in a licence being refused, or if already granted, revoked and may result in prosecution.
Greater Manchester Authorities	Adoption of the Institute of Licensing's 'Guidance on the suitability of applicants in the taxi and private hire trades'.	The rehabilitation periods for all offences have been increased so that they are at least as long as the IoL's guidance and in many cases Wolverhampton's rehabilitation periods are longer. The IoL's guidelines do not advise on how to treat hate crimes, nor do they take into consideration the severity of repeat offences.
	Refusal or revocation of licence with six penalty points	This has been changed to will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years and a road risk assessment may have to be successfully completed prior to a licence being granted.
	Increase in rehabilitation period for applicants with convictions for drink whilst intoxicated.	This has been increased to 7 years.
	Increase in rehabilitation period for applicants with convictions for	The existing rehabilitation periods are currently considered satisfactory.

	anti-social behaviour and public order offences.	
	Treatment of all indecency offences as sexual offences.	Where the offence was sexual in nature, this will be considered as a sexual offence.
The Guide Dogs for the Blind Association	Display of a medical exemption certificate, issued in accordance with Section 37A of Disability and Discrimination Act 1995, in licensed vehicles of drivers who are exempt.	This has been made explicit in in Section 5.1.28 of the guidelines.
	Completion of a qualification in Equality and Diversity for drivers who are in breach of guideline 5.1.28.	Applicants must successfully complete a driver training programme before receiving a licence to drive a private hire vehicle. This includes a comprehensive module on drivers' legal obligations to carrying assistance dogs.
	The inclusion of a guideline relating to repeat offences under The Disability and Discrimination Act.	The guidelines have now been updated so that those who commit repeat offences under The Disability and Discrimination Act will not normally be granted a licence or will have their licence revoked or renewal application refused.
	Treatment of repeat offenders for refusing to carry an assistance dog.	This has been changed so repeat offences will normally revoke or refuse to renew. A new licence will not normally be granted.
Anonymous	Recommending basic DBS certification of private hire operators' staff is positive.	Agreed.
247 Cars	Requiring basic DBS certification on office staff is not necessary.	The guidelines recommend operators require a basic DBS certificate from their staff, however it is not a requirement that this is done. However, if an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that may lead to the operator's licence being revoked.

Avon and Somerset Constabulary	Adoption of the Institute of Licensing's 'Guidance on the suitability of applicants in the taxi and private hire trades'.	The rehabilitation periods for all offences have been increased so that they are at least as long as the IoL's guidance and in many cases Wolverhampton's rehabilitation periods are longer. The IoL's guidelines do not advise on how to treat hate crimes, nor do they take into consideration the severity of repeat offences.
Kettering Borough Council	Adoption of the Institute of Licensing's 'Guidance on the suitability of applicants in the taxi and private hire trades'.	The rehabilitation periods for all offences have been increased so that they are at least as long as the IoL's guidance and in many cases Wolverhampton's rehabilitation periods are longer. The IoL's guidelines do not advise on how to treat hate crimes, nor do they take into consideration the severity of repeat offences.
Shropshire Council	Details of the delegations of authority to officers.	These are included in the City of Wolverhampton Council's Constitution and are not in scope of the purpose of this document.
	The wording 'reasonable' should be reconsidered.	The Council is satisfied with the wording used in the document.
	Section 1.4 does not state if no action; providing written or verbal advice or a written warning will be considered or not.	Drivers who receive written, verbal advice or a written warning will be considered fit and proper, hence the receipt of a licence.
	CWC should take advice from its safeguarding board.	Licensing Services has a close working relationship with the Council's Safeguarding team and regularly receive the latest advice.
	Vehicle safety.	The guidelines relate to the licensee, rather than the vehicle that is licensed. It is a requirement of a vehicle licence that a valid MOT certificate no more than 10 days old is provided with the application.
	List at 1.6 is narrow and should include non conviction information.	The Council is satisfied with the list included in the document.

	All behaviour should be considered, not just that in the guidance.	Regards will be made to all other relevant circumstances as stated in the guidelines.
	Need to decide if using wording 'safe and suitable' or 'fit and proper'.	Safety and suitability has been changed to fit and proper.
	A certificate of good conduct is not requested from applicants.	This is requested by our DBS provider.
	Does not consider isolated convictions/ incidents.	All convictions/ incidents are taken into account.
	Include a glossary of terms in the document	The Council does not deem this is necessary.
	What is deemed as 'appropriate' training?	Appropriate training will be determined once the review hearing takes place.
	Needs to be made clear that operators are responsible for processing information in line with GDPR.	This is not the document to include this information.
	List operator responsibilities at 1.20	Operator responsibilities will be outlined in their conditions of licence and therefore it is not required in this document.
	The entire history of an applicant should be considered on the occasion of each and every application.	Section 1.9 states the local authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

	Wording of 4.7 should be replaced with wording in paragraph 4.23 of IoL guidance.	The Council is satisfied with the current wording.
	An explanation should be provided of what a 'review' is.	This is deemed as not necessary.
	Does not state what happens to applicants with 4,5,7 or 8 penalty points.	Anyone with three or more penalty points which is not classed as a minor traffic offence, will be considered under section 5.1.3.
	Table at 5.1.3 should be removed.	The Council is satisfied with the table included.
	Rehabilitation periods for 5.1.4 are not the same as those in 5.1.3 and do not align with IoL guidance.	This has been changed for a first offence and has been increased to 7 years.
	Wording of 'may' should be replaced with 'will' or 'must' in section 5.1.6. Consideration should be given to paragraph 4.37 of IoL guidance. Sanction to suspend a licence can create difficulties if the licence holder cannot demonstrate they are not using controlled drugs. Needs to include revocation for existing licence holders.	This has been noted and wording of 'may' has been replaced with 'will normally' in section 5.1.6. Repeat offences has been increased to 7 years.

	Wording of 5.1.7 would benefit as being the same as paragraph 4.36 in IoL guidance	The Council is satisfied with the current wording.
	Indecency offences should be addressed in the same way as sexual offences.	This is dealt with as a separate issue and has been clarified in the guidelines.
	Concerns raised in section 5.1.9 over wording of 'not normally be granted'. IoL guidance states a licence will not be granted.	The Council is satisfied with the current wording.
	List of offences classed as dishonesty should be removed and paragraph 4.35 of IoL guidance should be followed.	The Council is satisfied with the list included.
	Rehabilitation periods in section 5.1.11 do not align with the Rehabilitation of Offenders Act 1974 (as amended).	The Council is satisfied with the rehabilitation periods.
	Remove list of violent offences at section 5.1.12 and 5.1.13 and follow paragraph 4.31 of IoL guidance. Concerned violence is split into two categories – should be made into one section. The rehabilitation periods do not align with the IoL guidance or the	The Council is satisfied with the lists included and the rehabilitation periods. When considering repeat offences, it can include a situation where an applicant or licence holder has a conviction/caution or there is other information which relates to one incident of violence together with one incident of serious violence defined under guidelines 5.1.12 and 5.1.13.

	Rehabilitation of Offenders Act 1974 (as amended).	
	Remove question mark at end of first paragraph in section 5.1.14.	Comment noted and document updated.
	Remove list used to define crimes resulting in loss of life or intent to cause loss of life and follow paragraph 4.29 of IoL guidance. Concerns raised over wording 'will normally result' and 'not normally be granted' as under IoL guidance a licence will not be granted.	The Council is satisfied with the list and wording used.
	Revert back to original heading of 5.1.14 using word 'Violence' not 'Crime' or reword heading to 'Convictions'.	Heading has been changed to 'Offences or unlawful act resulting in Loss of Life or with the Intent to Cause Loss of Life'.
	Concerns raised over wording in section 5.1.15. Encourage that a licence will not be granted or an existing licence will be revoked.	The Council is satisfied with the existing wording. Guidelines state 'Any offence(s)/conviction(s) / cautions relating to terrorism will normally result in revocation or refusal to renew. A new licence will not normally be granted.'
	Rehabilitation periods for plying for hire are less than that of the IoL guidance.	The rehabilitation periods for this offence have been increased so that they are at least as long as the IoL's guidance.
	Clarity requested regarding the 'targeted enhanced training course' in Section 5.1.19	Depending on the offence, the driver may be asked to attend a training course relevant to that offence. This will be decided by Councillors or authorised officers at the time of decision.

	That the inclusion of 'Section 5.1.21 Physical Fitness and Medical Conditions' is redundant.	The guidelines are used in hearings to determine fitness and propriety; where an applicant is deemed unfit by a medical practitioner, this guideline is provided to the applicant upon refusal.
	Section 5.1.22 should include information from any relevant source.	This section relates to persons under investigation and only the police or enforcement bodies would be conducting a relevant investigation.
	Reference to 'mobile phones' in Section 5.1.23	Heading has been changed to 'Breach of Requirements as to Control of the Vehicle, such as using a Mobile Phone etc'.
	Reference to smoking needs to include clarity over electronic cigarettes etc.	Using electronic cigarettes is not an offence under the Health Act. Use of electronic cigarettes is a breach of a driver's conditions of licence (Section 3.2).
	No details given as to what the occupational competence/road risk assessment is.	Details of the occupational competence/ road risk assessment will be provided at the time of the review hearing if this option is taken.
	Equality Act 2010 sets out that a proven medical condition is only acceptable where the local authority has issued a certificate exempting the driver from carrying assistance dogs on medical grounds – this is not clear in section 5.1.28 of the CWC guidelines.	This has been made explicit in in Section 5.1.28 of the guidelines.
	Concerns over wording of 'normally' and 'not normally' and inclusion of an exception to address human rights perspective.	The Council is satisfied with the existing wording. Section 1.4 states the application of the Human Rights Act will be considered carefully and balanced against the overriding consideration to protect the public.

	Section 5.1.26 should state that each case will be considered on its own merits.	Section 1.3 of the guidelines states, "Whilst employees and Councillors will have regard to the guidelines, each case will be considered on its individual merits, and where reasonable, the Employees/ Committee may depart from the guidelines."
	Rationale used for specified sanctions and rehabilitation periods is unclear.	Sanctions and rehabilitation periods are decided on several factors and through consultation with stakeholders.