

ANNEX A - SOLIHULL COUNCIL GUIDANCE FOR DETERMINING THE SUITABILITY OF APPLICANTS AND LICENCE HOLDERS IN THE HACKNEY CARRIAGE AND PRIVATE HIRE TRADES

1. Purpose

- 1.1 Licensing issues are dealt with by both Councillors of the appropriate Committee, and SMBC authorised officers, acting in the capacity of the Licensing Authority.
- 1.2 Taxis (Hackney Carriages) and Private Hire Vehicles (PHV) are used by almost everyone in our society occasionally, but they are used regularly by particularly vulnerable groups, including children; the elderly; disabled people; and the intoxicated. A taxi driver has significant power over a passenger who places themselves, and their personal safety, completely in the driver's hands. The licensing authority's duty is to ensure that the public are protected. A member of the public stepping into a motor vehicle driven by a stranger must be able to trust the driver. Are they honest? Are they competent? Are they safe? Are they trustworthy?
- 1.3 Case law makes it clear that the impact of losing (or not being granted) a licence on the applicant and his or her family is not a consideration to be taken into account. The paramount responsibility of a licensing authority is to protect the public, not provide employment opportunities. This policy will ensure a consistent approach with regards to the way in which applicants and licence holders can expect to be treated.
- 1.4 In all cases, the licensing authority will consider the conviction or behaviour in question and what weight should be attached to it, and each and every case will be determined on its own merits, and in light of these guidelines. The licensing authority can depart from the policy where it considers it appropriate to do so. This will normally happen where the licensing authority considers that there are extenuating circumstances which warrant a different decision based on the list below paragraph 2.1 below. A caution will usually be 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.

- 1.5 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 or operate. The test to be applied is to ask, “Would I allow my son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom I care, to get into a vehicle with this person alone?” If the answer is no then the licence should be refused.
- 1.6 The Department for Transport elaborates further and poses the question: “Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night?” If, on the balance of probabilities, the answer to the question is 'no', the individual should not hold a licence.” If a licence holder falls short of the fit and proper standard at any time, the licence should be revoked or not renewed on application.

2. Local Government (Miscellaneous Provisions) Act 1976

- 2.1 The licensing authority is required to ensure that an applicant for the grant or renewal of any licensed driver's and/or private hire vehicle or operator's licence is a 'fit and proper' person to hold such a licence. If an applicant has any convictions, warnings, cautions or charges awaiting trial or complaints against them, the licensing authority will look into the following where applicable:

- 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/Caution etc
- Circumstances of the conviction/caution/warning
- Sentence imposed by the court
- The applicant's age at the time of conviction/Caution etc.
- Whether they form part of a pattern of offending
- Any other character check considered reasonable (e.g. personal references)
- The person's willingness or proven ability to demonstrate their rehabilitation. This might include appropriate training, support, work experience (paid or otherwise) and general attitude to society and community
- Evidence of remorse (this may be established by a face to face interview with an authorised officer, for example)
- Any other factors that might be relevant and appropriate
- Previous licensed record (if applicable) as well as records held by the operator
- Attitude, temperament and conduct.

- 2.2 In determining whether a person is fit and proper, the licensing authority is entitled to take into account all matters concerning that applicant or licence holder. 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. It is important to recognise that licensing authority is not imposing any additional punishment in relation to previous convictions or behaviour. It is using all the information that is available to make an informed decision as to whether or not the applicant or license holder is or remains fit and proper.
- 2.3 Sections 60-62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the licensing authority to suspend, revoke or refuse to renew a vehicle, driver and operator's licence for failure by the licence holder to comply with the provisions under that act or of the Town Police Clauses Act 1847, following a dishonest/indecency/violence conviction or any other reasonable cause.

3. The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002

- 3.1 This allows the licensing 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. Having regard to an individual's previous behaviour and their potential to re-offend will play a significant part when making a decision to grant or renew a licence.
- 3.2 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.
- 3.3 In appropriate circumstances a suspension, refusal to renew or revocation may be abated by the licence holder demonstrating to the satisfaction of the Licensing Authority that they have successfully completed appropriate training which should be evidenced in writing.
- 3.4 In the case of any new applicant who has been charged with any offence and is awaiting trial, the determination will normally be deferred until the trial has been completed or the charges withdrawn. Where an existing licence holder is

charged, it will be for the licensing authority to decide what action to take in the light of this policy.

- 3.5 Any offences committed, or unacceptable behaviour reported whilst driving as a licensed driver or private hire vehicle, or in connection with an operator, 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.
- 3.6 Any dishonesty by any applicant or other person on the applicant's behalf, which is discovered to have occurred in any part of the 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) will normally result in a licence being refused, or if already granted, revoked and may result in prosecution.
- 3.7 One common misunderstanding is that if the offence was not committed when the driver was driving a taxi/PHV, it is much less serious. This is not the case; any driving offences are relevant as they put the general public at risk.

4. Private Hire Operators

- 4.1 A private hire 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 obtain and hold 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.
- 4.2 The general test of fitness and propriety for private hire operators is "would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person, and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes?"
- 4.3 As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to operators as those

applied to drivers as regards fit and proper, apart from any driving convictions the authority is aware of.

5. Vehicle Proprietors

- 5.1 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.
- 5.2 Vehicle proprietors that have information on their DBS certificate that is not in line with this guidance will be subject to the same standards as those applied to drivers regarding their fitness and propriety.

6. Relevant Convictions, Cautions/ Fixed Penalties /Community / Resolutions /Offence(s) and all relevant information received.

6.1 New Applicants

- 6.1.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined later in this document will result in any new applicant being referred to authorised officers to determine their application.

6.2 Existing Licence Holders

- 6.2.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories below will result in any existing licensed driver/operator being referred to authorised officers to determine a course of action.
- 6.2.2 In cases where it is in the interests of public safety, an authorised officer or appropriate committee may suspend or revoke a driver's licence with immediate effect following a review. In such cases, the licence holder will be afforded a reasonable opportunity to offer an explanation/mitigation, but if that opportunity is not taken up within a specified period of time determined by the allegations made, appropriate action may be taken without that explanation/mitigation.

- 6.2.3 In all 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 the suspension/revocation takes effect when the notice is served on the driver.

7. Reviewing/Overtaking decisions

- 7.1 When necessary and appropriate, the licensing authority reserves the right to review and overturn a decision that has previously been made or refuse a renewal of a licence. In addition, the licensing authority will undertake periodic auditing of currently licensed drivers / vehicle proprietors. Such audits will be conducted using this policy as the required standard.

8. Implementing changes to licensing policy and requirements

- 8.1 It is important to remember that any changes in licensing requirements should be followed by a review of the licences already issued. If the need to change licensing requirements has been identified, this same need is applicable to those already in possession of a licence. That is not however to suggest that licences will be automatically revoked overnight, for example if a vehicle specification is changed it is proportionate to allow those that would not meet the criteria to have the opportunity to adapt or change their vehicle. The same pragmatic approach will be taken to driver licence changes - if requirements are changed to include a training course or qualification, a reasonable time will be allowed for this to be undertaken or gained.
- 8.2 Where a more subjective change has been introduced, the licensing authority will still consider each case on its own merits. Where there are extenuating and compelling reasons to deviate from the policy, the licensing authority may do so. The licensing authority will record the reasons for any deviation from the policy.
- 8.3 Where updates to legislation, statutory or best practice guidance take place, the licensing authority intends to make amendments to the policy where appropriate. Unless the changes are considered major changes, the licensing authority will not normally undertake a full consultation exercise.

9. Complaints

- 9.1 A complaint relating to the conduct of an operator, driver or vehicle proprietor, may, depending on the severity of the allegations, result in a written warning, suspension or revocation of the licence. Complaints can be submitted to the licensing authority and details are available on the Council's website. Consideration will be given to evidence provided by both parties and this may also include patterns of poor behaviour, and/or where numerous complaints have been received by the licensing authority and/or Operator.

10. Previous Conduct

- 10.1 Where an applicant who has previously held a licence at this or any other authority or, on review of an existing licence and relevant convictions, has previously been considered by the licensing authority then any decision on a new application or on review can be made by either an authorised officer or appropriate Committee. The authorised officer or Committee will consider any relevant convictions or behaviour that have arisen since any previous application or review. 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) or behaviour is/are of a similar nature to those that have arisen since any previous application or review. Patterns of repeated unacceptable behaviour are likely to cause greater concern. This will be treated particularly seriously if the applicant or licence holder's conduct towards licensing authority staff falls below the standards expected.
- 10.2 An applicant or licence holder whose application/licence is subject to an appearance before the appropriate Committee will be advised in writing /telephone 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 will normally proceed in his or her absence. At the hearing, the authorised officers will produce a report which will include recommendations to the appropriate Committee.
- 10.3 In all cases involving suspension, revocation and refusal to grant or renew the applicant or licence holder, there is a right to appeal against the decision of the appropriate Committee or the employees through the Magistrates Court within 21 days beginning with the day on which the decision notice is deemed to have

been received by the applicant or licence holder. The decision notice will give reasons for the suspension/revocation or refusal to renew/grant the licence and will also outline the appeal rights.

- 10.4 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.
- 10.5 Decisions will normally be made in accordance with these guidelines; however each case will be considered on its merits. Regard will be had to, where applicable to the bullet points in paragraph 2.1 above.
- 10.6 Dependent on the facts and where deemed appropriate an authorised officer may make a decision contrary to that suggested by the policy or where appropriate refer a matter to the appropriate Committee for decision. In these circumstances, reasons will be given and recorded.
- 10.7 Offences listed in the tables below 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 authorised officers or the appropriate Committee.

11. Other Testing

- 11.1 Hackney carriage and private hire vehicle drivers should be able to communicate satisfactorily in English (both orally and in writing) in order to be considered a fit and proper person to hold a licence. Not being able to communicate in English to a satisfactory level may result in the suspension, revocation of or refusal to renew an existing licence or the refusal to grant a new one. A suitable assessment on communication is part of the application process.
- 11.2 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 which will be determined by a driving assessment for new applicants and existing licence holders where appropriate. This level is to be determined by the licensing 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 the refusal to grant or renew a licence, or the suspension or revocation of an existing licence.

- 11.3 Applicants or licence holders may be required to undertake medical testing and/or drug testing at the request of the Council at their own expense and this may be required at short notice.
- 11.4 Applicants for the grant or renewal of a driver's licence will have to undergo an enhanced DBS check, which will also include a check of the barred lists. In the interest of public safety, a licence will not normally be issued to an individual on any of the barred lists. The licensing authority may require drivers to subscribe to the DBS update service which enables a check to be made on the status of a DBS certificate at any time. Checks may be made periodically throughout the duration of the licence. These checks may include police checks.

12. Training

- 12.1 Those within the industry can be an asset in the detection and prevention of abuse or neglect of children and vulnerable adults, so all applicants, drivers and operators will be required to undertake safeguarding training. This training will also include other forms of safeguarding understanding such as wider exploitation including child sexual exploitation, human trafficking and criminal exploitation including 'county lines' drug trafficking whereby vulnerable people, often children, are exploited by gangs to move and store drugs and money across the country. This training also needs to be centred around 'contextual safeguarding' wherein drivers and operators understand the context of how children and young people can be harmed and abused by the people they meet and at places they are taken to.
- 12.2 Applicants, drivers and operators may be requested to undergo other forms of training such as disability awareness training, and may also be required to undertake refresher training in certain subjects or circumstances.

13. Determination of Action to be Taken

- 13.1 In determining the course of action to be taken in connection with an application for or the review of any driver's or operator's licence, the following sanctions will be applied as a guide. In all cases the stated period for suspension, revocation or refusal refers to the period free of conviction, not including any custodial sentence imposed.

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

A minor traffic or vehicle related offence is generally one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile device, and has not resulted in injury to any person or damage to any property (including vehicles). This is not an exhaustive list, and may be subject to change, and there may be circumstances where an offence listed here is considered to be a major offence and will be treated accordingly.

Construction and use offences	
CU10	Using a vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyre(s)
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
Insurance offences	
IN10	Using a vehicle uninsured against third party risks
Licence offences	
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 cancelled (revoked) or refused on medical grounds
Miscellaneous offences	

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to give informative as to identify of driver etc
Motorway offences	
MW10	Contravention of special roads regulations (exceeding speed limits)
Pedestrian crossings	
PC10	Undefined contravention of pedestrian crossing regulations
PC20	Contravention of pedestrian crossing regulations with moving vehicle
PC30	Contravention of pedestrian crossing regulations with stationary vehicle
Speed limits	
SP10	Exceeding goods vehicle speed limits
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
Traffic directions and signs	
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with 'stop' sign

TS40	Failing to comply with direction of a constable/warden
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)
TS60	Failing to comply with a school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Where an applicant or licence holder been convicted, has points on their DVLA licence or has been issued a FPN for minor traffic or similar offences, the following sanctions will be enforced:

0-3 points	written warning to be kept on file
4-8 points	written warning and/or relevant educational rehabilitation course approved by officers (at driver's expense)
9-11 points	Fit and proper decision – potential suspension for specified period (3 – 12 months) to be determined by the concerns/severity/history and in line with policy guidance.
12 points -	revocation or refusal to renew

13.3	"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) 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 may have to be satisfactorily completed prior to a licence being granted. An existing licence will normally be revoked.

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

13.4	Major Traffic Offences (Other than drink driving and drug offences)
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A major traffic offence is a road traffic offence (other than for touting 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 and is subject to change.

Accident offences	
AC10	Failing to stop after an accident
AC20	Failing to give particulars or report an accident within 24 hours
AC30	Undefined accident offences
Disqualified driver	
BA10	Driving while disqualified by order of court
BA30	Attempting to drive while disqualified by order of court
BA40	Causing death by driving while disqualified
BA60	Causing serious injury by driving while disqualified
Careless driving	
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs

CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD80	Causing death by careless, or inconsiderate, driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers
Construction and use offences	
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone
Reckless/ Dangerous driving	
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DD90	Furious driving
Drink	
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive

DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drinking
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive
DR70	Failing to provide specimen for breath test
Drugs	
DG10	Driving or attempting to drive with drug level above the specified limit
DG60	Causing death by careless driving with drug level above the limit
DR80	Driving or attempting to drive when unfit through drugs
DG40	In charge of a vehicle while drug level above specified limit
DR90	In charge of a vehicle when unfit through drugs
Theft or unauthorised taking	
UT50	Aggravated taking of a vehicle
Mutual recognition' codes	
MR09	Reckless or dangerous driving (whether or not resulting in death, injury or serious risk)
MR19	Wilful failure to carry out the obligation places on driver after being involved in a road accident (hit or run)
MR29	Driving a vehicle while under the influence of alcohol or other substance affecting or diminishing the mental and physical abilities of a driver
MR39	Driving a vehicle faster than the permitted speed
MR49	Driving a vehicle whilst disqualified

MR59

Other conduct constituting an offence for a which a driving disqualification has been imposed by the State of Offence

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

13.5 Drink Driving Offences and Driving under the Influence of Drugs

Any drink driving or drug related driving offence is treated very seriously by the licensing 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 7 years following the expiration of the disqualification period or if not disqualified 7 years from the date of conviction, caution or in the absence of these the date of the last offence or relevant incident.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of conviction, caution or in the absence of these the date of the last offence or relevant incident.

13.6 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 12 months or refuse to renew. A new licence will not normally be granted for 12 months following the date of conviction, caution or in the absence of these the date of the last 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 the last offence or relevant incident.

13.7	Drug Related Offences
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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 13.8), the applicant will normally be required to satisfy the licensing authority that they are free of addiction subject to a licence being granted.

- (a) *First offence* – 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 the last offence or relevant incident. In these circumstances, any applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- (b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last offence or relevant incident. In these circumstances, any applicant will have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

13.8	Dealing/Manufacture/Supply of Drugs
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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 the last offence or relevant incident.

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

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

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

The licensing 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 will be informed by discussions with the Police and/ or Solihull's Adult's and Children's Safeguarding Services.

The licensing authority will not normally 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.

13.11	Dishonesty
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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. As per 13.19, dishonesty by any applicant as part of the application process (failure to disclose convictions, false names or addresses or falsified references) will normally result in a licence being refused or if a licence has been granted it will normally be suspended or revoked and may result in prosecution.

For the purpose of this policy the following are examples of offences involving '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 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last offence or relevant incident.

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

13.12	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 12 months or refuse to renew. A new licence will not normally be granted for 12 months following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last 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 the last offence or relevant incident.

13.13	Violence
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For the purpose of this policy the following are examples of ‘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 7 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last offence or relevant incident.

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

For the purpose of this policy 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 13.13 and 13.14.

13.14	Violence (Serious)
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For the purpose of this policy the following are examples of '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 10 years following the date of conviction, caution, expiry of a prison sentence or in the absence of these the date of the last 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 policy 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 13.13 and 13.14.

13.15	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 this policy, the following are offences 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 loss of life or intent to cause loss of life will normally result in revocation or refusal to renew. Where a new applicant has been convicted of a crime which resulted in the death of another person or was intended to cause death or serious injury they will not normally be licensed.

13.16	Terrorism
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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, including suspicion of 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.

13.17	Hate Crime and discrimination
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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 7 years following the date of conviction, caution or in the absence of these the date of the last offence or relevant incident.

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

13.18	Plying for Hire including 'touting', using/operating private hire vehicles without a licence
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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. Complaints about plying for hire will also be taken into consideration. Offences of this nature generally result in passengers being uninsured during the journey. Touting is generally deemed to be as serious and will be treated as such.

(a) *First offence* – 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 the last 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 5 years following the date of conviction, caution or in the absence of these the date of the last offence or relevant incident.

13.19	Non-Disclosure/Late Disclosure of a Conviction/Caution/Fixed Penalty
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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 receive a written warning to be kept on file or suspend for up to 1 month or refuse to renew. A new licence will not normally be granted for 1 month from the date of revocation or refusal to renew.

In some circumstances, 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.

This section refers to failure to disclose only, if the offence falls elsewhere in the guidelines and carries a higher 'penalty' then it is likely that a higher penalty will be imposed.

13.20	Breach of Licence Conditions / <i>Bylaws</i>
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Licences are issued with conditions and bylaws applying to them; this is to ensure that the trade operates in a fair and consistent manner. Breaches of conditions/bylaws can result in poor service to customers. Serious breaches of conditions/bylaws 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 receive a written warning to be kept on file or 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.

In some circumstances, 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 more than 6 months or refuse to renew. A new licence will not normally be granted for at least 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.

13.21	Any other relevant 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 6 months or refuse to renew. A new licence will not normally be granted for 12 months following the date of conviction, caution or in the absence of these the date of the last 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 the last offence or relevant incident.

13.22	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 13.2 – 13.30, the licensing 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 6.2.2 may also be used in these circumstances if it is in the interests of public safety. Where an individual 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 normally be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

There is a general duty on the operator or licence holder to disclose any arrest or involvement in any investigation (criminal, motoring or civil) within 7 days of becoming aware of them. Failure to disclose may lead to revocation of a licence.

13.23	Breach of Requirements as to Control of the Vehicle, such as using a handheld mobile device 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 7 years following the expiration of the disqualification period or if not disqualified 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 12 years following the expiration of the last disqualification period or if not disqualified 12 years from the date of conviction, caution or in the absence of these the date of offence or relevant incident.

13.24	Health Act 2006
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A hackney carriage or private hire licence is a badge of approval, it states the licensing 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 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 the last 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 the last offence or relevant incident. Consideration will be given to complaints received about this behaviour.

13.25	Conduct of Applicants / Licence Holders
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A hackney carriage or private hire licence is a badge of approval, it states the licensing 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 Solihull, 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 between 3 - 12 months, or refuse to renew. A new licence will not normally be granted for 3 - 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.

13.26	Driving Standards
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Applicants/drivers of hackney carriage and/or private hire driver's licences must satisfy the licensing 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. 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.

13.27	Equality Act 2010 - Breach of Licence Conditions / Bylaws
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Under the Equality Act 2010, it is an offence for any driver or operator to refuse to carry an assistance dog or to charge more for the fare or booking. The Council medical exemption certificate issued in accordance with Equality Act 2010 must be displayed at all times to the windscreen of the Private Hire or Hackney Carriage Vehicle, facing outwards. Private Hire Vehicle Drivers have a responsibility to ensure that their operator is aware of such medical condition when they first undertake work for them.. Offences under this Act are deemed serious and therefore shall normally result in revocation.

- (a) First instance - A new licence will not normally be granted for 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 6.2.2 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.

13.28	Environmental Crime Legislation, Health & Safety Legislation, Food Safety Offences and Licensing Act offences etc.
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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.

13.29	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 an application to renew a licence, if the applicant to meet the required medical standard the licence will normally be refused. A new licence will not normally be granted until the applicant can meet the required medical standard, or for any period advised by a GP or registered 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.

(c) A licence can also be suspended, revoked or a renewal refused if an existing licence holder fails to produce a medical certificate at the required intervals in line with the Group 2 Standard.

13.30	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.

14. Delegations

- 14.1 Under the Council’s Constitution the appropriate Committee has the authority, amongst other licensing matters, to discharge non-executive regulatory functions with respect to Hackney Carriage and Private Hire licensing. To facilitate the effective discharge of the functions, less contentious matters are delegated to appropriately authorised council officers. This approach ensures the appropriate level of separation between decision makers and those that investigate complaints against licence holders. Clear separation between the investigator and decision maker demonstrates independence and ensures that senior authorised officers can attempt to resolve disputes in relation to service actions without the perception that involvement will affect the judgement in relation to decisions made at a later date.
- 14.2 Arrangements for dealing with serious matters that may require the immediate revocation of a licence will be designated to a senior officer/manager with responsibility for Licensing.

15.0 Table of Offences

Offence	Penalty/Action	Outcome	Decision Maker
Minor Offences			
13.2 Minor Traffic Offence Single Offences	0-3 points	Warning	Authorised Officer
	4-8 points	Written warning and/or Relevant educational rehabilitation course (at own expense)	Authorised Officer/Officer panel
Repeat Offences	9-11 points	Fit and Proper – Committee - Suspension for specified period (3-12 mths) to be determined by the concerns/severity	Committee
	12 points	Revocation or refusal to renew New Licence – Refuse for 5 years	Committee

		Renewal or existing driver– Refuse or Revoke for 5 years	
13.3 Totting Up			
If a 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	1 st offence	New, renewal or existing – Refuse for 7 years	Officer Panel
	Repeat offences	Revoke for 7 years	Committee
Major Offences			
All major offences should be notified to an Authorised Officer immediately, this may be reported to Managers and may lead to immediate revocation of licence			
13.4 Major Traffic Offences (other than drink driving and drug offences) *please note this not an exhaustive list:			
<ul style="list-style-type: none"> • Failing to stop after an accident • Failing to give particulars or to report an accident within 24 hours • Undefined accident offences • Driving whilst disqualified by order of Court • Attempting to drive whilst disqualified by order of Court • Driving without due care and attention • Dangerous driving • Using a vehicle uninsured against third party risks • Driving otherwise than in accordance with a licence • Driving after making a false declaration about fitness when applying for a licence • Driving a vehicle having failed to notify a disability • Driving a licence has been revoked or 	1 st offence	New – Refuse for 7 years Renewal or existing – refuse or Revoke for 7 years	Officer Panel
	Repeat Offences	New – Refuse for 12 years Renewal or existing – refuse or Revoke for 12 years	Committee

<p>refused on medical grounds</p> <ul style="list-style-type: none"> • Motor racing on the highway • Offences not covered by other codes • Failure to give information as to identity of driver, etc. • Aggravated taking of a vehicle 			
<p>13.5 Drink Driving/Driving under the influence of Drugs Any drink driving or drug related driving offence is treated very seriously by the Local Authority.</p>	<p>1st offence</p> <p>Repeat Offences</p>	<p>New – Refuse for 7 years Renewal or existing – refuse or Revoke for 7 years</p> <p>New – Refuse for 12 years Renewal or existing – refuse or Revoke for 12 years</p>	<p>Officer Panel</p> <p>Committee</p>
<p>13.6 ASB/Public Order Offences Drivers should display a measured and calming manner in the face of provocation and difficult situations.</p>	<p>1st offence</p> <p>Repeat Offences</p>	<p>New – Refuse for 12 months Renewal or existing – Suspend for 12 months or refuse to renew</p> <p>New – Refuse for 5 years Renewal or existing – refuse or Revoke for 5 years</p>	<p>Officer Panel</p> <p>Committee</p>
<p>13.7 Drug Related Possession of illegal drugs or other drug related offences (excluding dealing, manufacture or supply of drugs) the applicant will normally be required to satisfy the Local Authority that they are free of addiction subject to a licence being granted.</p>	<p>1st offence</p> <p>Repeat Offences</p>	<p>New – Refuse for 5 years Renewal or existing – refuse or Revoke for 5 years</p> <p>New – Refuse for 7 years Renewal or existing – refuse or Revoke for 7 years</p>	<p>Officer Panel</p> <p>Committee</p>
<p>13.8 Dealing/ Manufacture/Supply of Drugs</p>	<p>1st offence</p>	<p>New – Refuse for 10 years</p>	<p>Officer Panel</p>

Due to the nature of work carried out in 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.	Repeat offences	Renewal or existing – refuse or Revoke for 10 years New – Refuse Renewal or existing – refuse or Revoke	Committee
13.9 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.	1 st offence Repeat offences	New – Refuse for 7 years Renewal or existing – refuse or Revoke for 7 years New – Refuse Renewal or existing – refuse or Revoke	Officer Panel Committee
13.10 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.	No licence will be granted to any applicant that is currently on the Sex Offenders register or on any ‘barred’ list.	New – Refused Renewal or existing – refuse or Revoke	Officer Panel
13.11 Dishonesty For the purpose of these guidelines the following offences are classed as ‘Dishonesty’ <ul style="list-style-type: none"> • Theft • Burglary • Fraud • Benefit fraud (incl offences under sect 111A and 112 of the Social Security Administration Act 1992) • Handling or receiving stolen goods • Forgery (e.g producing false insurance policy) 	1 st offence Repeat offences	New – Refuse for 7 years Renewal or existing – refuse or Revoke for 7 years New – Refuse for 12 years Renewal or existing – refuse or Revoke for 12 years	Officer Panel Committee

<ul style="list-style-type: none"> • Conspiracy to defraud • Obtaining money or property by deception • Other deception • Immigration Offences 			
13.12 Obstruction of Police Officer/Authorised Officer (to include failure to surrender to bail)	1 st offence	New – Refuse for 6 months Renewal or existing -Suspend for 6 months or refuse to renew	Officer Panel
	Repeat offences	New – Refuse for 5 years Renewal or existing – refuse or Revoke for 5 years	Committee
13.13 Violence For the purposes of these guidelines the following are classed as ‘violent offences’ <ul style="list-style-type: none"> • 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	1 st offence	New – Refuse for 10 years Renewal or existing – refuse or Revoke for 10 years	Officer Panel
	Repeat offences	New – Refuse Renewal or existing - refuse or Revoke	Committee
13.14 Violence (Serious) <ul style="list-style-type: none"> • Arson • Malicious wounding or grievous bodily harm • Actual bodily harm • Racially aggravated • Grievous bodily harm with intent • Robbery • Possession of firearm 	1 st offence	New – Refuse for 10 years Renewal or existing – refuse or Revoke for 10 years	Officer Panel
	Repeat offences	New – Refuse	Committee

<ul style="list-style-type: none"> • Riot • Assault Police • Violent disorder • Resisting arrest • Kidnapping • Wounding <p>Other serious violence</p>	<p>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 relate to one incident of violence together with one incident of serious violence defined under guidelines 13.13 and 13.14</p>	<p>Renewal or existing – refuse or Revoke</p>	
<p>13.15 Offences or unlawful act resulting in Loss of life or with the Intent to Cause Loss of Life This is not an exhaustive list.</p> <ul style="list-style-type: none"> • Murder • Manslaughter • Manslaughter or culpable homicide while driving • Attempted murder • Corporate manslaughter • Causing death by dangerous driving 	<p>Any offence(s)/conviction (s)/ caution(s) of a nature resulting in loss of life or intent to cause loss of life will normally result in revocation or refusal to renew.</p>	<p>New – refused Renewal or existing – refuse or revoke</p>	<p>Officer Panel</p>
<p>13.16 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.</p>	<p>This also includes any offence, act or omission linked to a terrorism offence.</p>	<p>New – refused Renewal or existing – refuse or revoke</p>	<p>Officer Panel</p>
<p>13.17 Hate Crime A hate crime is any criminal offence that is motivated by hostility or prejudice based upon the victims disability, race, sexual orientation, transgender, religion or belief.</p>	<p>1st offence</p> <p>Repeat offences</p>	<p>New – refuse for 7 years Renewal or existing – refuse or revoke for 7 years</p>	<p>Officer Panel</p> <p>Committee</p>

		New – refused Renewal or existing – refuse or revoke	
13.18 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.	Up to 3 separate incidents without evidence	Warning Escalate to '1 st offence with evidence' if 3 incidents received	Authorised Officer
	1 st offence with evidence	New –Refuse for 3 years Renewal or existing – refuse or revoke for 3 years	Officer Panel
	Repeat offences with evidence	New – refuse for 5 years Renewal or existing – refuse or revoke for 5 years	Committee
13.19 Non Disclosure/Late disclosure of any 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. The conviction/caution/Fixed Penalty when disclosed will be considered in any event in line with this guidance document.	1 st offence	New – refuse for 1 month and/or written warning Renewal or existing – suspend for 1 month and/or written warning (potential to complete additional training course relevant to breach)	Authorised Officer/Officer Panel
	2 nd offence	New – refuse for 6 months Renewal or existing – refuse or suspend for 6 months	Officer Panel
	3 rd or more offences	New – Refuse for 3 years Renewal or existing – Refuse or Revoke for 3 years	Committee
13.20 Breach of Conditions/Bylaws	1 st offence		

		<p>New – refuse for 2 months and/or written warning Renewal or existing – suspend for 2 months and/or written warning (potential to complete additional training course relevant to breach)</p> <p>New – refuse for 6 months Renewal or existing – refuse or suspend for 6 months</p> <p>New – Refuse for 3 years Renewal or existing – Refuse or Revoke for 3 years</p>	<p>Authorised Officer/Officer Panel</p> <p>Officer Panel</p> <p>Committee</p>
<p>13.21 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)</p>	<p>Up to 3 separate incidents without evidence</p>	<p>Warning Escalate to ‘1st offence with evidence’ if 3 incidents received</p>	<p>Authorised Officer/Officer Panel</p>
	<p>1st offence with evidence</p>	<p>New – refuse for 3 years Renewal or existing – refuse or suspend for 12 months or revoke</p>	<p>Officer Panel</p>
	<p>Repeat offences with evidence</p>	<p>New – Refuse for 7 years Renewal or existing – refuse or Revoke for 7 years</p>	<p>Committee</p>
<p>13.22 Investigation of Serious Offences (involving violence, sexual offences, child sexual exploitation, safeguarding etc).</p>	<p>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)</p>	<p>Authorised Officer/Officer Panel</p>	

	are under investigation or have been under investigation for a matter that relates to any of the offences outlined in any this table, the Local Authority may consider the information provided and take action in relation to it. This may mean a licence is suspended, revoked, or a renewal or new licence is refused. The power to suspend or revoke immediately may also be used in these circumstances if it is in the interests of public safety.		
13.23 Breach of Requirements as to Control of the Vehicle, such as using a handheld mobile telephone or interactive mobile communications device	Up to 3 separate incidents without substantiated evidence	Warning Escalate to '1 st offence with evidence' if 3 incidents received	Officer Panel
	1 st offence with evidence	New – refuse for 7 years Renewal or existing – refuse or revoke for 7 years	Officer Panel
	Repeat offences with evidence	New – refuse for 12 years Renewal or existing – refuse or revoke for 12 years	Committee
13.24 Health Act 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	1 st offence	New – refuse for 6 months Renewal or existing – refuse or suspend for 6 months	Officer Panel
	Repeat offences	New – refuse for 3 years	Committee

the conduct of these licenced at all times. Drivers most not smoke in a licenced vehicle. Any offence under this act can risk the health of both the driver and passengers.		Renewal or existing – refuse or revoke for 3 years	
<p>13.25 Conduct of Applicants/Licence Holders</p> <p>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 Solihull, where drivers are expected to co-operate with reasonable requests from compliance staff authorised in other areas.*</p>	<p>1st offence</p> <p>Repeat offences</p>	<p>New –refuse for 3 - 12 months Renewal or existing – refuse or suspend for 3 - 12 months</p> <p>New – Refuse for 3 years Renewal or existing – refuse or Revoke for 3 years</p>	<p>Officer Panel</p> <p>Committee</p>
<p>13.26 Driving Standards</p> <p>Applicants/drivers of hackney carriage and/or private hire drivers licences must satisfy the Local Authority they are able to drive at a standard that meets the National Standard of driving.</p>	<p>Up to 3 separate incidents without substantiated evidence</p> <p>1st offence with evidence</p> <p>Repeat Offences with evidence</p>	<p>Warning Escalate to ‘1st offence with evidence’ if 3 incidents received</p> <p>New – refuse for 6 months Renewal – suspend pending further competence assessment</p> <p>New – Refuse for 3 years Renewal or existing –Refuse or Revoke for 3 years</p>	<p>Authorised Officer</p> <p>Officer Panel</p> <p>Committee</p>
<p>13.27 Any Equality Act 2010 related breaches, including related breach of Licence Conditions/Bylaws</p>	<p>1st offence</p>	<p>New – refuse for 7 years Renewal – revoke for 7 years Power to suspend immediately may</p>	<p>Officer Panel</p>

	Repeat offences	be used if in the interests of public safety New – refuse Renewal or existing - revoke	Committee
13.28 Environmental Crime Legislation, Health & Safety Legislation, Food Safety Offences and Licensing Act offences etc. The 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 licenced at all times.	1 st offence	New – refuse for 6 months Renewal or existing – suspend for 6 months	Officer Panel
	Repeat offences	New – refuse for 3 years Renewal or existing – revoke for 3 years	Committee
13.29 Physical Fitness and Medical Conditions Applicants for drivers licences must satisfy the medical fitness standards issued by the DVLA. The agreed standard is the Group 2 Standard for vocational drivers.	<p>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.</p> <p>In the case of an existing licence holder, if a person has a medical condition which falls below the standard outlined in the Group 2 Standard of the published medical standards, or they failed to provide a certificate declaring them medically fit in line with the Standard, the licence may be suspended, revoked, or the renewal of a licence refused, dependant on the nature of the condition along with any recuperation or rehabilitation periods.</p>		Authorised Officer/Officer Panel
13.30 Immigration Status	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		Authorised Officer/Officer Panel

	<p>applicant fails to provide satisfactory documentary evidence from the Home Office of a legal right to work in the UK as a Hackney Carriage or Private Hire Vehicle driver and failure to do so will result in refusal of any application.</p> <p>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 driver will result in revocation.</p>	
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*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 suspension, revocation or refusal to grant or 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 aggravating factors.

Sanction starts from the date of conviction date or end of custodial sentence.

When a period of time is highlighted to suspend, revoke or refuse, this is from the expiration of the disqualification period or date of the conviction, caution or in the absence of these date, date of offence or relevant incident and additional training may be required e.g. road risk assessment, driving course etc.

If, at any time, an Authorised Officer is in doubt then a 'fit and proper' decision may be directed to the appropriate Committee.