

Supplement for

General Purposes Licensing Committee

Thursday 2 December 2021

6.00 pm

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Appendix 4

Contents

- | | | |
|----|---|-------|
| 3. | Review of the Policy on The Relevance of Warnings, Offences, Cautions and Conviction | 3 - 6 |
|----|---|-------|

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APPENDIX FOUR

Summary list of the amendments and recommendations to the revised **Policy on the Relevance of Warnings, Offences, Cautions and Convictions:**

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| <p>1. Duration of the Policy
(paragraph 3.5)</p> | <p>The policy will remain in existence for a period of five years, during which time it shall be kept under review and revised as necessary. The Head of Regulatory Services and Community Safety in consultation with the Chair of the General Purposes Licensing Committee is authorised to make minor administrative amendments to the policy where necessary, and to amend the policy to reflect any changes in legislation, statutory guidance or similar.</p> |
| <p>2. Warning system
(paragraph 5.6-5.7)</p> | <p>The warning system within the enforcement procedure has been revised to update the wording of the warnings. The escalation of the warning system is transparent and includes further sanctions, such as Immediate Suspension / Revocation and Hackney Carriage and Private Hire Licensing Sub-Committee powers.</p> |
| <p>3. Enhanced Disclosure and Barring Services (DBS) / Online Update Service / requirement to report matters
(paragraph 7)</p> | <p>All applicants for a Taxi and Private Hire drivers licence must provide current Enhanced Disclosure and Barring Services (DBS) Certificate, as per criteria for licensing.</p> <p>All license holders must subscribe to the online DBS update service and maintain the subscription for the full duration of the licence. Where a driver fails to maintain their subscription with the online DBS Update service, or the DBS update check reveals new information, their licence may be suspended with immediate effect on the grounds of public safety.</p> <p>Where a council has reasonable cause for concern in regards to a licence holder, an enhanced DBS update check may be carried out. Should the check reveal any concerns or new information, the driver shall be notified of the outcome. The Authority shall also carry out annual background checks to ensure no changes in circumstances occurred during the validity of the licence.</p> |

All licence holders and new applicants, must report all new convictions, cautions, warnings, reprimands, anti-social behaviour injunctions, community protection notices, criminal behaviour orders, community service orders, restraining orders, fixed penalties (including traffic offences), court orders or others notices associate with child or adult safeguarding concerns, driver education courses and any disqualifications from driving, or another other notice or legal matter pertaining to a criminal or anti-social behaviour incident, in writing within 48 hours from the date of formal notification.

All licence holders are required to inform the council in writing within 48 hours if they are arrested, formally interviewed as a suspect or charged with an offence by the police or other enforcement body. This is to allow the council to be aware of any public safety concerns and to take appropriate action.

4. Suitability to hold a licence (paragraph 8)

The council criteria and description of a 'fit and proper' person to hold a licence has been revised to include the Statutory Taxi and Private Hire Vehicle Standards recommendation.

Licensing authorities have a duty to ensure that any person to whom they grant a Taxi or Private Hire vehicle driver's licence is a 'fit and proper' person to be a licensee. It may be helpful when considering whether an applicant or licensee is fit and proper to pose oneself the following 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.

Licensing Authorities have a duty to safeguard the public. All decisions on the suitability of an applicant or licensee should be made on the balance of probability. This means that an applicant or licensee should not be given 'the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', they should not hold a licence. The threshold used here is lower than for a criminal conviction and can take into consideration conduct that has not resulted in a criminal conviction.

The Licensing Authority is entitled to take into account all matters concerning an applicant or licensee. They are not simply concerned with that

person's behaviour whilst working in the Hackney Carriage or Private Hire trade. This consideration is far wider than criminal convictions or other evidence of unacceptable behaviours, and the entire character of the individual will be considered. This can include but is not limited to, the individual's attitude and temperament

5. NR3 – National Register of Taxi and Private Hire Vehicle Driver Licence Refusals and Revocations

(paragraph 9.1)

The Authority intends to introduce and use the national register NR3, to share information and mitigate the risk of non-disclosure of relevant information by applicants.

Applicants and licensees are required to disclose if they hold or have previously held a licence with another authority. As well as, if they have had an application for a licence refused, or a licence revoked or suspended by any other licensing authority. Where drivers have been licensed with other authorities, this authority shall carry out checks with those authorities for any information that may be relevant to the application being considered.

6. Safeguarding

(paragraph 12)

Safeguarding within the Taxi and Private Hire has been revised, with a main message that safeguarding is everyone's responsibility. All applicants must complete the mandatory Safeguarding and Disability Awareness course before licence can be granted and all current licence holders must complete the training every three years. Educational safeguarding material for the trade, including safeguarding in the night time economy and county lines has been updated.

Licence holders are obliged to report if there is an immediate risk of harm to a child or vulnerable adult to the relevant authorities.

7. Assessment of previous convictions

(paragraph 2, Guidelines)

Assessment of previous convictions had been revised in its entirety and it aligns with the Department for Transport Statutory Taxi and Private Hire Vehicle Standards recommendations.

8. Complaints against Licence Holders

(paragraph 3, Guidelines)

In assisting the process all licensed vehicles are required to display information for passengers on how to make complaints directly to the licensing authority. For renewals, this requirement will take effect from the next licence renewal after the date of publication of this policy. The licensing authority will provide the information card to be displayed.

9. Medical Certificate Form

The Medical Certificate Form has been updated and is now in the form of the DVLA Group 2 medical form D4. All the medical questions / examination remain the same.

For full information please refer to the revised Policy on the Relevance of Warnings, Offences, Cautions and Convictions.

**All the Application Pack documents (driver, vehicle and operator) shall be updated according to the final agreed Policy on the Relevance of Warnings, Offences, Cautions and Convictions by the Council.*