

Private Hire and Hackney Carriage Licensing Criminal & Motoring Convictions Guidelines



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Walsall Council



Walsall Council

Private Hire and Hackney Carriage Licensing

**DRAFT MOTORING & CRIMINAL
CONVICTIONS GUIDELINES**

1 Introduction

- 1.1 The purpose of these guidelines is to provide guidance on the criteria taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver, proprietor or operator licence.
- 1.2 It is the responsibility of Walsall Council under the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847. In exercising this duty the Council will consider the safety of the public as its primary consideration. This Policy gives guidance to those exercising the Council's powers in relation to Hackney Carriage and Private Hire licensing in determining whether or not an applicant or existing licence holder is fit and proper to hold such a licence.
- 1.3 The overriding aim of the Licensing Authority is to protect the safety of the public. The Licensing Authority is concerned to ensure:
- That a person is a fit and proper person in accordance with Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II).
 - That the person does not pose a threat to the public.
 - That the public are safeguarded from dishonest persons.
 - The safeguarding of children and young persons and vulnerable adults.
- 1.4 This document provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for driver's licences.
 - Existing licence driver's, operators and vehicle proprietors whose licences are being renewed or reviewed.
 - Applicants for operator licences.
 - Applicants for vehicle licences.
 - Magistrates hearing appeals against local authority decisions.
- 1.5 Where powers to grant licences have been delegated to licensing officers or managers, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Committee.

- 1.6 The discharge of licensing functions will be undertaken in accordance with the following general principles:
- policies should be used as internal guidance, and should be supported by a member/officer code of conduct.
 - any implications of the Human Rights Act should be considered.
 - the rules of natural justice should be observed.
 - decisions must be reasonable and proportionate.
 - where a hearing is required it should be fairly conducted and allow for appropriate consideration of all relevant factors.
 - decision makers must avoid bias (or even the appearance of bias) and predetermination.
 - data protection legislation
 - Consideration will also be given to the Regulatory Services Enforcement Policy and any other relevant guidance or legislation.
- 1.7 Applicants and licence holders will be treated fairly and impartially, each case will be considered on its individual merits and, where the circumstances demand, the Committee or officer may depart from the guidelines.

2 General guidelines

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where there are mitigating or aggravating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence may challenge being automatically barred from obtaining a licence and in so doing would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
 - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 Where an applicant has been convicted of a criminal offence, the Licensing Authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
- 2.4 Officers from the licensing section will, where appropriate, contact other agencies for any other information which they may hold for instance, the Council's Children Services, Walsall's Exploitation hub and West Midlands Police. Information received from the Disclosure Barring Service or other agency will be kept in strict confidence while the licensing process takes its course and will be retained no

longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

- 2.5 The disclosure of a criminal conviction or other relevant information relating to an individual's conduct will not necessarily debar an individual from being granted, retaining or renewing a licence but clearly the conviction will be an important consideration in whether a licence is granted.

3 Appeals

- 3.1 Any applicant refused a licence on the grounds that the Licensing Authority is not satisfied he/she is a fit and proper person to hold such a licence has a right to appeal to the Magistrates' Court within 21 days of the receipt of the notice of refusal [Local Government (Miscellaneous Provisions) Act 1976, s 77 (1)].

4 Powers

- 4.1 Section 61 and Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 sets out the legal basis for licensing authorities to suspend, revoke or refuse to renew a licence following a conviction for various offences or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, 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. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.
- 4.3 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.
- 4.4 It should be noted that "any reasonable cause" includes conduct falling short of a criminal conviction(s).

5 Consideration of disclosed criminal history

- 5.1 The Local Government (Miscellaneous Provisions) Act 1976 (s51, 55 and 59) require licensing authorities 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 licence is a 'fit and proper' person to hold such a licence.

- 5.2 Walsall Council will take a particularly cautious view of any convictions, warnings, cautions or charges awaiting trial for offences against individuals with special needs, children and other vulnerable groups, particularly those involving violence, those of a sexual nature and those linked to organised crime.
- 5.3 The following will also be given consideration prior to any decision being made.
- How relevant the offence(s) are to the licence being applied for.
 - How serious the offence(s) are.
 - 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.
- 5.4 Licence holders are required to notify Walsall Council if they have been
- arrested and released,
 - charged or reported for summons for any offence
 - questioned by the police and given a date to return to the police station, known as being on bail
 - convicted of an offence
 - cautioned for an offence
 - issued a Fixed Penalty Notice
- 5.5 Where the matters listed in 5.4 relate to any sexual offence, any offence involving dishonesty or violence and any motoring offence then the Licence holder must make the notification within 48 hours.
- 5.6 Where the matters listed in 5.4 relate to any other matter the licence holder must make the notification within seven days.
- 5.7 The notification should be made in writing, email, e-form or other official record.
- 5.8 Once a notification is received in relation to 5.3 or 5.4 Walsall Council will carry out a review as to whether the licence holder is fit to continue to do so.

- 5.9 This does not mean that the licence will be revoked it does however mean consideration as to what, if any, action in terms of the licence should be taken based on the balance of probabilities.
- 5.10 Where Walsall Council has not been or has no evidence of being advised of circumstances as set out in 5.3 and 5.4 then this will be seen as behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation.
- 5.11 The Licensing Authority carries out a Disclosure and Barring Service (DBS) check for any applicant for any licence.
- 5.12 The Licensing Authority is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Licensing Authority or other licensing authorities, National Register of Revocations, Refusals and Suspension (NR3s) and information disclosed by the police under the Home Office scheme for reporting offences committed by notifiable occupations.
- 5.13 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required as part of the application process. Where an applicant has made a false statement or a false declaration as part of their application for the grant or renewal of a licence, the licence will normally be refused or revoked.

6 Crimes Resulting in Death.

- 6.1 A licence will not be granted where the applicant has a conviction for an offence such as:
- Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 6.2 Where a licence holder has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person the licence will be revoked or refused to be renewed.

7 Exploitation

- 7.1 Where an applicant or licence holder has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed.

This includes:

- Slavery
- Child Abuse
- Exploitation
- Grooming
- Psychological,
- Emotional or financial abuse

This list is not exhaustive.

8 Offences involving violence against the person

- 8.1 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding
- Actual bodily harm which is racially aggravated
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Common assault with racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit), or offences which replace the above

- 8.2 A licence will not be granted where the applicant has been convicted for more than one of the above offences. Where a licence holder has been convicted of one or more of the above offences, the licence will be revoked or refused to be renewed.

- 8.3 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the below offences and the conviction

is less than 5 years prior to the date of application:

- Racially-aggravated criminal damage
- Racially-aggravated offence
- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Possession of offensive weapon
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature. Where a licence holder has been convicted of one or more of the above offences, the licence will be revoked or refused to be renewed.

9 Possession of a weapon

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

10 Sexual Offences

10.1 Where the applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.

10.2 Walsall Council will not grant a licence to any applicant who is currently on the Sex offenders Register or on any barred list.

10.3 Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years), where the commission of a sexual offence involves a child or young person an application will normally be refused or an existing licence will normally be revoked, irrespective of the date of offence, conviction or end of sentence.

10.4 The Council will sometimes be made aware of other intelligence or lower level information about an individual which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate

consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Any additional information gathered through this process may then be taken into account at any subsequent committee meeting.

- 10.5 Individuals with a conviction for rape, indecent assault, or other similar offences contrary to the Sexual Offences Act 2003, will normally be refused a licence, or existing licence holders will have their licence(s) revoked, irrespective of the date of offence, conviction or end of sentence.
- 10.6 Applications from Individuals with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences contrary to the Sexual Offences Act 2003, will normally be refused or an existing licence will normally be revoked if the date of conviction or the date on which any custodial sentence is completed is less than 10 years prior to the date of application. Including any suspended sentence or any period where the individual is subject to licence on release (i.e. the custodial sentence will only be considered complete at the end of any licence period).

11 Dishonesty

- 11.1 Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed for a first offence. Where a Hackney Carriage or Private Hire driver has been convicted for any offence where dishonesty is an element of the offence, a licence will be revoked or refused to renew.
- 11.2 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.
- 11.3 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.
- 11.4 Offences involving dishonesty include (but are not limited to):
- Theft
 - Burglary

- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- And any similar offences
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

11.5 A Licence will not normally be granted if an Applicant has more than one conviction for a dishonesty offence. Applicants or existing licence holders that are found to have intentionally misled the Council, or lied as part of the application process, will not be issued with a licence.

12 Drugs

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

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

13 Discrimination

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

14 Motoring convictions.

14.1 Hackney carriage and private hire vehicle drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants

with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

14.2 Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

14.3 **Minor Traffic Offences** - Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc. may prevent a person from being granted a hackney carriage or private hire drivers licence if they have received more than 2 motoring convictions within the last 2 years. Below is a list of Minor Traffic Offences:

CU10	Using 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 tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
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 of other road users
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
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
SP30	Exceeding statutory speed limit on a public road resulting in a fixed penalty
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road – summons (not fixed penalty)
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence
TS10	Failing to comply with traffic light signals

TS20	Failing to comply with double white lines
TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

14.4 The accumulation of 9 or more points will cast grave doubts on the suitability of the applicant and could lead to the refusal or revocation of the application/licence.

14.5 **Major Traffic Offences** – Is a road traffic offence that can result in 4 or more penalty points and/or a period of disqualification and/or imprisonment. A serious view will be taken of any conviction for a major traffic offence, this includes:

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
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
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 when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs

DR90	In charge of a vehicle when unfit through drugs
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

14.6 These guidelines make specific provision for certain types of major traffic offences and to reflect the seriousness of those convictions. In the case of major traffic offences where no such specific provision is made and paragraph 15 (Disqualification) does not apply, an application will normally be refused unless a period of at least 7 years free from conviction of such offences has elapsed

15 Disqualification

- 15.1 Where an applicant has been disqualified from driving following a conviction for a major traffic offence and no specific provision is made above regarding the appropriate rehabilitation period, the application will generally be refused unless a period of 7 years free from conviction has elapsed from the restoration of the DVLA licence.
- 15.2 Where convictions for a number of minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's driving standard. Generally, a period of 7 years following the expiration of the disqualification period must have elapsed from the restoration of the DVLA licence. A new licence will not normally be granted. Existing licence will be revoked.
- 15.3 In "totting-up" cases where disqualification is considered by the court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the Council is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply and an applicant will normally be expected to show a period of 5 years free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification. Current Hackney Carriage & Private Hire vehicle driver's licence will be revoked.

15.4 Any period of disqualification will lead to the suspension/ revocation of a licence.

16 Insurance offences

16.1 A serious view will be taken of convictions of driving or being in charge of a vehicle without insurance. An isolated incident in the past will not necessarily prevent a licence being granted provided he/she has been free of such conviction for 3 years; however a strict warning should be given as to future behaviour.

16.2 More than one conviction for these offences would normally prevent a licence being granted or renewed.

16.3 An operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

17 Drink driving/driving under the influence of drugs

17.1 Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence or driving ban imposed. Where a licensed Hackney Carriage or Private Hire vehicle driver, proprietor or operator has been convicted of this offence the licence will be revoked or refused to be renewed.

17.2 In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

17.3 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 conviction, caution or in the absence of these the date of the offence or relevant incident. A existing licence will normally be revoked or refused to renew for repeat offences.

18 Using a hand-held device whilst driving

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

19 Cautions

- 19.1 Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence. A caution is regarded exactly the same way as a conviction.
- 19.2 If an applicant has received a caution for a traffic offence, given the nature of the offence and the profession of a taxi driver, action may be taken after consideration of this policy and the Regulatory Services Enforcement Policy.
- 19.3 Cautions for more serious offences could lead to refusal of an application or the suspension or revocation of a licence

20 Outstanding charges or summonses

- 20.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made at committee.
- 20.2 If the outstanding charge or summons involves a serious offence, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.
- 20.3 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. [Road Safety Act 2006, s 52, 2A&2B]

21 Licensing offences

- 21.1 Convictions for offences contrary to taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed unless the applicant has been free of such convictions for a period of at least 3 years. Where an existing licence holder receives such a conviction their licence may be revoked or suspended.
- 21.2 Where a licensed driver, proprietor or operator fails to adhere to the conditions of the licence, the Head of Community Safety & Enforcement or Licensing & Safety Committee/sub-committee may decide to review the licence which could result in suspension or revocation of the licence.

22 Licenses issued by other licensing authorities

- 22.1 Applicants who hold a licence with one licensing authority should not automatically assume that their application will be granted by another. Each case will always be decided on its own merits.
- 22.2 Walsall Council has a duty to ensure that any person to whom it grants a licence is a 'fit and proper' person. A useful test when considering whether an applicant or licensee is fit and proper is to pose 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.

- 22.3 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 (that being beyond reasonable doubt) and can take into consideration conduct that has not resulted in a criminal conviction.
- 22.4 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.

23 Private Hire Operators

- 23.1 A private hire operator ("an operator") in performing their duties 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.
- 23.2 Operators 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 may lead to the operator's licence being revoked.

24 Vehicle Proprietors

- 24.1 As well as the suitability of the vehicle, in determining whether to grant a licence to use a vehicle as a hackney carriage / private hire vehicle, those making the decision on behalf of the Council will consider whether the applicant is a fit and proper person to be issued such a licence.
- 24.2 The licensing authority will take into account any information/intelligence shared by Walsall Council's safeguarding board. West Midlands Police and other Responsible authority or local authority's licensing service when reviewing a licence or granting of a new one.

25. Anti-Social Behaviour and Public Order Offences

- 25.1 Hackney Carriage and Private Hire drivers should behave in a calm and measured manner in the face of provocation and difficult situations. Where licensed drivers fail to meet this:
- (a) First offence – will normally result in a suspension 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.

26 Obstruction of Police Officer/Authorised Officer

- 26.1 A licensed Hackney Carriage or Private Hire Driver will normally be suspended for up to 6 months or refuse to renew on a first offence. 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. 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.