

Wood, Pat

From: Bates, Phil
Sent: 27 September 2016 10:59
To: Bates, Phil
Subject: Appendix 4 Email to taxi reps with 1st draft policy
Attachments: 15 06 15 Draft Taxi fit and proper policy no comments.docx

From: Bates, Phil
Sent: 25 January 2016 15:16
To: Clive Johnson, Perry MacMillan, Dave Griffiths and Ian Hall
Subject: 15 06 15 Draft Taxi fit and proper policy no comments

Good afternoon,

As you all know I have delegated powers to determine licences. I have adhered to the present policy that I have copied below. It is now time to review this policy. I have drawn up a draft policy document attached. I welcome your views on the document and dependant on your views will look to submit this for wider public consultation with a view to submitting to the Council for adoption with any amendments deemed appropriate.

So that I can move on with this piece of work I ask you respond to me with your views no later than 7th February 2016. I appreciate this is only 2 weeks but should be sufficient to provide a response on the ethos of the policy if not the detail. Any future public consultation will allow plenty of time for a more detailed response.

Thank you

Phil Bates

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TOWN POLICE CLAUSES ACT 1847 LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976
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GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

GENERAL POLICY

1.	Each case will be decided on its own merits.
2.	A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3.	The following examples afford a general guide on the action to be taken where convictions are admitted:
(a)	Minor Traffic Offences
	Convictions for minor traffic offences, e.g. obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle licence may be granted after its restoration but a warning should be issued as to future conduct.
(b)	Major Traffic Offences
	An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.
(c)	Drunkenness
	<i>(i) With Motor Vehicle</i>
	A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.
	<i>(ii) Not in Motor Vehicle</i>
	An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.
(d)	Drugs
	An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.
(e)	Indecency Offences
	As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, of any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As hackney carriage and private hire vehicle drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

