

# Community Protection Committee

**DATE** 01/09/2020  
**REPORT OF** Clive Tritton - Interim Director for Economy and Growth  
**SUBJECT** Department for Transport Guidance & Updated Members Guidance  
**STATUS** Open

## CONTRIBUTION TO OUR AIM

### Stronger Community:

Support for business operating lawfully and with public safety as a priority by taking appropriate actions against those that do not.

Create a safer and more secure area through timely and effective enforcement against licensed private hire and hackney carriage drivers and operators who do not comply with required standards

### Stronger Economy:

Protecting public safety through monitoring and checks of licensed drivers, operators and applicants for driver's licenses to ensure their suitability.

Strengthen the local economy by providing support to licensed private hire and hackney carriage trade who comply with the required standards.

## EXECUTIVE SUMMARY

- The Department for Transport has issued new guidance to all licensing authorities. The Department for Transport expects the recommendations are implemented, unless there is a strong compelling reason not to.
- The Council's Taxi Licensing Policy and Members Guidance would need to be amended to reflect some of the recommendations following consultation with the Licence Trade.
- The full version of The Department for Transport Guidance can be viewed at: <https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

## RECOMMENDATIONS

- To agree to the recommendations set out in Appendix 1.
- To agree to update the Members Guidance in Appendix 2.

## **REASONS FOR DECISION**

- To assist the Department for Transport by implementing the recommendations and bring consistency to Licensing Authorities.
- The changes focus on protecting all passengers including those that are vulnerable.

## **1. BACKGROUND AND ISSUES**

- 1.1. The fundamental purpose of the taxi licensing department and policy is to protect the safety and welfare of the public who live, work and visit North East Lincolnshire. The importance of a thriving Hackney Carriage and Private Hire trade to the growth and prosperity of Grimsby's local economy is recognised; however, the safety and welfare of the public is the over-riding principle that will be considered when matters are dealt with under the Policy. 1.2
- 1.2. The Council is responsible for the licensing and regulation of all Hackney Carriages (taxis) and Private Hire vehicles, Drivers and Private Hire Operators.

## **2. RISKS AND OPPORTUNITIES**

- 2.1 There is a risk to public safety if appropriate action is not taken where licensed drivers and operators do not conduct themselves in a manner that is fit and proper.
- 2.2 There is an opportunity to provide clear and comprehensive guidance to all hackney carriage and private hire operating requirements, best practice and advise for the benefit of all interested parties.

## **3. OTHER OPTIONS CONSIDERED**

- 3.1 Committee could refuse to implement the new Guidance.
- 3.2 Committee could decide to implement / amend some of the new Guidance.

## **4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS**

- 4.1 There are potential positive reputational implications in relation to this decision. An action plan has been agreed with the Council's communications service covering information requirements and communication channels to be utilised.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 The proposal is consistent with the Council's finance strategy.

## **6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS**

- 6.1 No direct implications

## **7. FINANCIAL IMPLICATIONS**

7.1 There are no direct financial implications as a result of this report

## **8. LEGAL IMPLICATIONS**

8.1 The Guidance makes the expectations and requirements clear and transparent and will strengthen the Councils current standards. It will provide a firm basis for reasonable decision-making and defending any legal challenge. It is considered best practice for these recommendations to be implemented.

8.2 Constitutionally and statutorily it is a matter for the Licensing Committee to agree any changes in policy and for the policy to be kept under review.

## **9. HUMAN RESOURCES IMPLICATIONS**

9.1 There are no HR implications arising from the contents of this report.

## **10. WARD IMPLICATIONS**

10.1 All Wards

## **11. BACKGROUND PAPERS**

11.1 None

## **12. CONTACT OFFICER(S)**

12.1 *Adrian Moody & Tracey Cook 324035*

**CLIVE TRITTON**  
**INTERIM DIRECTOR FOR ECONOMY AND GROWTH**

The following recommendations are in the New Department for Transport's Guidance and not currently part of the Taxi Policy in North East Lincolnshire Council.

- Licence holders to notify within 48 hrs of arrest, release, charge of conviction for sexual offence, violence, dishonesty, or any motoring offence.

Licensing Officers would recommend this condition replaces the current licence condition which says to notify within seven days; rather than having two separate conditions.

- Drivers to register with the DBS update service and be routinely checked every 6 months

Licensing Officers would recommend an annual check as this would be more manageable and coincide with other annual checks for Drivers such as the annual DVLA Check. Currently a DBS is carried out every 3 years. This condition would take some time to implement as each driver would have to have a DBS carried out and then register for the update service.

- Have Safeguarding Training

North East Lincolnshire Council has carried out CSE training for all existing drivers and all new drivers. They must also complete an NVQ – which includes elements of Safeguarding.

Licensing Officers would recommend that the feasibility of introducing additional refresher safeguarding training for existing drivers is investigated.

- LA's to test both oral and written English  
North East Lincolnshire Council carries out a written knowledge test of the local area.

Licensing Officers would recommend that Oral tests are investigated and are currently carried out.

- A basic DBS carried out for vehicle proprietors (when not a licensed driver)  
This is not currently a condition of North East Lincolnshire Council. In the main, vehicle proprietors are licensed drivers, but there are a few vehicle proprietors who are not.

Licensing Officers would support the implementation of this recommendation.

- Private Hire Operators have a basic DBS carried out annually

In the main Private Hire Operators are licensed drivers, but there are a few that are not. Currently in North East Lincolnshire Private Hire Operators have a DBS every three years.

Licensing Officers would support the implantation of this recommendation.

- All Private Hire Operator staff taking bookings to have a basic DBS and the Private Hire Operator to have a policy in place for employing ex-offenders.

This would be a new condition, but something that all existing Private Hire Operators are aware of. It was discussed as part of last years' annual Private Hire Operator Inspections. None currently carry these out for their staff.

Licensing Officers would support the implantation of this recommendation.

- Private Hire Operator Booking records to include which member of staff responded to the booking and dispatched the vehicle.

This is not part of the current Private Hire Operator booking record conditions but could be if felt necessary. Licensing Staff agree that it would be beneficial to know who dispatched the vehicle in the event of any issues.

Licensing Officers would support the implantation of this recommendation.



# GUIDANCE NOTES

## FOR MEMBERS OF THE HACKNEY CARRIAGE SUB COMMITTEE

November 1996  
(amended April 2019)

Director of Finance,  
Operations and Resources

# NORTH EAST LINCOLNSHIRE COUNCIL

## **GUIDANCE NOTES FOR MEMBERS OF THE HACKNEY CARRIAGE SUB COMMITTEE**

### 1. **INTRODUCTION**

Officers have delegated powers to issue Private Hire Operator, Hackney Carriage & Private Hire Vehicle Drivers' Licences where new applicants, or existing drivers applying to renew their licenses have no more than 6 penalty points (except for 1 endorsement of 4 or more penalty points) on their driving licence, and have no unspent convictions, relevant spent convictions, police cautions, reprimands, final warnings, or any relevant information that has been provided by the Chief Police Officer on an Enhanced Disclosure & Barring Services Certificate.

Relevant information taken into consideration that is not an unspent conviction is always in the public's interest, and usually refers to matters of a violent or sexual/indecency nature.

In the event of violent convictions being disclosed, Licensing Officers will consider the penalty imposed in relation to the conviction(s), the amount of such conviction(s), the length of time since the conviction(s) and the type of conviction(s) disclosed when determining the application.

Additionally, in the case of existing drivers, Humberside Police will notify the Senior Licensing Officer of any information that is thought to be relevant, if it is known that the driver's occupation is a Taxi Driver.

Applicants, or existing drivers or Operators who do not come within this criteria are required to appear before the Hackney Carriage Sub Committee, which then makes a decision as to whether they are a fit and proper person for the grant, renewal or continuation of a licence.

An existing driver or Operator will continue to have their suitability to hold a licence reviewed including their attitude and temperament. If their suitability is questioned throughout the licence duration, they may have their licence reviewed by the Hackney Carriage Sub Committee. This would include formal cautions, reprimands, warnings and formal complaints.

The Authority expects that licence holders conduct themselves in a manner that does not bring their profession or authority into disrepute. This includes not threatening or acting violently to members of the public or Officers. Also taking appropriate care of vulnerable passengers including and not refusing a wheelchair passenger; or a passenger with an assistance Dog. Licensees who fail to meet these expectations may expect the Authority to revoke their licence.

## 2. **BACKGROUND**

A copy of the Guidance notes for new applicants is available to all persons interested in holding a Private Hire Operator, Hackney Carriage/Private Hire Drivers licence. The guidance gives information of the required criteria and step by step guide of the procedure.

New applications are only accepted when proof is provided of obtaining BTEC or NVQ Level 2 Award in Transporting Passengers by Taxi and Private Hire (other qualifications that are similar are also accepted).

All applicants are requested to reveal whether or not they have any convictions which are unspent or spent under the terms of the Rehabilitation of Offenders Act 1974 and any relevant driving offences, spent convictions, cautions, reprimands, warnings by the Police. Existing drivers are required to inform the Council of this information, in writing within 7 days of the imposition during the currency of their licence.

Applicants have to complete an authorisation form requesting an Enhanced Disclosure and Barring Service check; existing drivers have a check at 3 yearly intervals. Driving offences are recorded on Driving Licences which are checked annually. Driver's licences are issued for 3 years.

A summary of the rehabilitation periods, after which convictions become spent, is set out below.

<b><i>Sentence/Disposal</i></b>	<b><i>Buffer period for adults (18 and over at the time of conviction or the time the disposal administered). This includes from the end date of the sentence (including the licence period)</i></b>	<b><i>Buffer period for young people (under 18 at the time of conviction or the time the disposal is administered). This applies from the end date of the sentence (including the licence period).</i></b>
A custodial sentence* of over 4 years, or a public protection sentence	Never Spent	Never Spent
Custodial sentence of over 30 months (2 ½ years) and up to and including 48 months (4 years)	7 years	3 ½

Custodial sentence of over 6 months and up to and including 30 months 2 ½ years	4 years	2 years
Custodial sentence of 6 months or less	2 years	18 months
Community order or youth rehabilitation order**	1 year	6 months
<b>Sentence/disposal</b>	<b>Rehabilitation period for adults (18 and over at the time of conviction or the time the disposal is administered)</b>	<b>Rehabilitation period for young people (under 18 at the time of conviction or the time the disposal is administered)</b>
Fine	1 year	6 months
Conditional discharge	Period of the order	Period of the order
Absolute discharge	None	None
Conditional caution and youth conditional caution	3 months or when the caution ceases to have effect if earlier	3 months
Simple caution, youth caution	Spent immediately	Spent immediately
Compensation order*	On the discharge of the order (i.e. when it is paid in full)	On the discharge of the order (i.e. when it is paid in full)
Binding over order	Period of the order	Period of the order
Attendance centre order	Period of the order	Period of the order
Hospital order (with or without a restriction order)	Period of the order	Period of the order
Referral order	Not available for adults	Period of the order
Reparation order	Not available for adults	None

\*custodial sentence includes a sentence of imprisonment (both an immediate custodial and a suspended sentence), a sentence of detention in a young offender institution, a sentence of detention under section 91 of the powers of criminal courts (sentencing) Act 2000, a detention and training order, a sentence of youth custody, a sentence of corrective training and a sentence of Borstal training.

\*\* in relation to any community or youth rehabilitation order which has no specified end date, the rehabilitation period is 2 years from the date of conviction.

**Note:** any reference to imprisonment includes detention in a young offender's institution, youth custody or corrective training.

The Act is quite clear that a rehabilitated person is to be treated as though he had not committed the offence in question. In exceptional circumstances it is permitted to take it into account, but only where the circumstances appear to

be relevant, and where justice cannot be done except by referring to the conviction. Such cases will be the exception and will by Council resolution only refer to serious offences of a violent or sexual/indecency nature. The relevance would depend on the fact that the licence issued by the Council is to drive a motor vehicle, and the licensee is placed in a position of trust with the public.

### **3. PROCEDURE FOR INTERVIEW**

The Licensing Officer will give out to each member a copy of Confidential Information (if applicable) relating to the applicant or licensee.

Reviews for DVLA reasons only are shown in the report.

The Chairman of the Committee or Licensing Officer outlines the reasons for the review and summarises the details.

The applicant is given the opportunity to add anything before leaving the room with the Licensing Officer while Members deliberate and reach a decision.

- (i) The applicant is recalled and given the decision. (Anyone dissatisfied with the decision has a right of appeal to the Magistrates – this is explained at the time by legal / licensing officers after the decision has been made by committee)

### **4. PRINCIPLES IN DECIDING THE ISSUE**

Members may find the following quotation from Osborne's Concise Law Dictionary helpful:

The chief rules are to act fairly, in good faith, without bias, and in a judicial temper; to give each party the opportunity of adequately stating his case, and correcting or contradicting any relevant statement prejudicial to his case, and not to hear one side behind the back of the other. A man must not be judge in his own cause, so that a judge must declare any interest he has in the subject-matter of the dispute before him. A man must have notice of what he is accused. Relevant documents which are looked at by the tribunal should be disclosed to the parties interested.

When considering whether to refuse a renewal application, suspend or revoke a current licence, members must have regard to:-

- (i) A persons entitlement to a fair hearing; article 6 of the European convention on Human rights, and Article 8, the effects on the persons private or family life.
- (ii) The Road Safety Act 2006, section 52, which gives licensing authorities a power to suspend or revoke a drivers licence with immediate effect, where they are of the opinion that the interests of public safety requires such a course of action.

Applicants and licensees can be represented by a friend or solicitor if they wish.

## **CONCLUSION**

These notes are intended to provide basic guide lines for Members. The attending solicitor will provide more detailed information and guidance at any particular hearing. The central issue for any of your meetings is to decide whether the applicant is a fit and proper person, to be driving a motor vehicle for the purpose of conveying paying passengers.

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 by this person at any time of day or night. If on the balance of probabilities the answer is no that individual should not hold a licence.

## **APPENDIX A**

### **GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS**

#### **GENERAL POLICY**

- The Council will as far as possible ensure that all persons holding a Private Hire Operator, Hackney Carriage or Private Hire licence are fit and proper persons.
- The Council will always consider the full facts of each individual case, and each case will be decided on its own merits.
- 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 10 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.
- A series of offences over a period of time is more likely to give cause for concern than an isolated, minor conviction. A serious view will be taken when an applicant shows a pattern of offences.
- Persons with convictions for sexual offences will not be issued with a licence.
- The Council will always put the protection of the public first when considering the relevance of convictions or information including formal complaints.
- The council takes formal complaints made against licensed drivers and operators very seriously, as they are already aware of the standards expected of them. A driver or operator with a number of complaints made against them would normally appear before the Committee for a review of their licence.
- In certain circumstances it may be appropriate to depart from the guidelines when making a decision. Where an offence is a one off and there are

mitigating circumstances or alternately, there are many offences which may show a pattern of offending or unfitness.

- Any applicant who has a Hackney Carriage or Private Hire Drivers Licence revoked will not normally be issued with a new licence for a least one calendar year following the revocation taking effect.

The following examples give a general guide on the action to be taken where convictions are admitted.

### **Motoring Convictions**

**Hackney Carriage and Private Hire 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.**

**Any motoring conviction while a licensed driver demonstrates that the licence 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.**

### **Drink Driving / Driving under the influence of Drugs**

**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 seven years have elapsed since the completion of any sentence or driving ban imposed. 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 they are not using controlled drugs.**

### **Using a hand-held telephone or device**

**Where an applicant has a conviction for using a hand held 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.**

### **Drugs**

**An applicant with a conviction for a drug related offences should be required to show a period of at least 10 years free of convictions, unless there is exceptional circumstances before an application is entertained, or longer after detoxification treatment if he/she was an addict. A certified medical certificate confirming such will be required before an application will be considered.**

## **Indecency Offences**

As Hackney Carriage and Private Hire vehicle drivers often carry unaccompanied, vulnerable passengers, applicants with convictions for indecent exposure, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 5 years) free of such offences. In either case if a licence is granted a strict warning as to future conduct should be issued.

Offences of this nature would always be referred to the Committee to determine.

It is unlikely that anyone with more than one conviction of this kind will be granted a licence.

Applicants who have convictions for rape, any sexual offence involving children, and any offence under the Sexual Offences Act 2003 will be refused a licence.

## **Sexual Offences**

**Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.**

## **Crimes resulting in Death**

If an applicant is convicted of a crime which resulted in the death of another person or was intended to cause the death of another person they will not be licensed.

## **Violence**

As Hackney Carriage, Private Hire drivers and operators maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature. The nature and seriousness of the offence(s) will be taken into consideration. At least 10 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

## **Exploitation**

If an applicant or licensee is convicted of an a crime involving, related to, or has any connection with abuse, exploitation or treatment of another individual irrespective of whether the victim was an adult or child they will not be licensed.

## **Discrimination**

**Where an applicant or licensee has a conviction involving or connected with discrimination in any form Irrespective of whether the victim(s) were adults or children, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.**

## **Possession of a weapon**

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 7 years have elapsed since the completion of any sentence imposed.

## **Dishonesty**

Hackney Carriage, Private Hire vehicle drivers and operators 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. It would be 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 7 years should elapse since the completion of any sentence imposed.**

## **Insurance Offences**

A serious view should be taken to convictions of driving or being in charge of a vehicle without appropriate Insurance. An isolated incident should not debar an applicant from gaining a licence but a strict warning should be given.

More than one conviction of this type should raise grave concerns as to the applicant’s fitness to drive a Hackney Carriage or Private Hire vehicle.

Three or more convictions for Insurance offences should normally warrant a refusal as serious doubts would be raised as to whether or not the applicant is fit and proper.

## **Cautions**

Cautions are not regarded as convictions, but as they are admissions of guilt may be taken into consideration. A caution is administered where a person admits to the offence.

## **Reviews of existing Hackney Carriage and Private Hire Drivers Licences**

It is important to recognise that once a licence is granted there is a continuing requirement on the licensee to maintain their safety / suitability and dishonesty e.g. failure to declare convictions, change in circumstances etc. could result in the licence being refused or revoked.

## **Minor Traffic Offences**

Convictions for the more minor offences, e.g. waiting in a restricted street, speeding etc., should not prevent a driver from continuing as a licensed driver; however the number and frequency of this type of offence shall be taken into consideration. A stern warning should be given if it is a one off offence, but if a significant pattern of this type of offence is disclosed this may warrant a suspension or revocation of the licence.

## **Major Traffic Offences**

As isolated conviction for driving without due care and attention etc. should merit a strong warning, and advice given as to the standard of driving expected of Private Hire and Hackney Carriage drivers.

If more than one conviction for this type of offence is disclosed this would raise grave concerns in relation to the driver's duty of care to his / her passengers.

## **Drugs**

**Where a driver or operator 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, the licence is likely to be revoked.**

## **Violence**

A Hackney Carriage, Private Hire Driver and operators are persons of trust and a conviction of a violent nature for example wounding, assault etc. the nature and seriousness of the offence will be taken into consideration.

If it is an isolated incident that did not happen when the driver or operator was working a strong warning would normally be given a pattern of this type of offence would almost certainly lead to revocation of the licence.

## **Dishonesty**

A driver or operator convicted of dishonesty for example fraud etc. should be taken very seriously as drivers often deal with vulnerable members of the public, who could be taken advantage of.

## **Insurance Offences**

A serious view should be taken if a driver is found to be in charge of a vehicle without the appropriate insurance as they are carrying paying passengers.

An isolated incident depending on the circumstances would normally warrant a very stern warning, if the circumstances surrounding the incident were inexcusable then a suspension or revocation of the licence would normally be the course of action to take.

One or more of this type of conviction would raise extreme concerns as to the driver's fitness to drive a Hackney Carriage or Private Hire Vehicle giving concerns to public safety, more than one of this type of offence would normally result in revocation of the licence.

## **Indecency Offences**

A driver or operator found guilty of an offence of indecent exposure, importuning or any other sexual offence would normally lead to revocation of the licence.

## **Complaints**

Licensed drivers and operators are in positions of trust, and deal with vulnerable people who often solely rely on their services.

If a licensed driver or operator receives three separate complaints in relation to conduct etc. they would normally appear before the committee.

**Officers would have almost certainly issued warning, advice or suspensions to a licensed driver or operator before they appear before the committee.**

Although on occasions, for more serious or similar complaints it may be appropriate to review the licence before three complaints are received.

If a complaint is received regarding a licensed driver refusing to take an assistance dog; or wheelchair passenger, the driver would have their licence reviewed by the Committee even if it is the first official complaint.

All complaints are officially recorded and remain on the driver or operator file. If a licensed driver or operator appears before the committee all recorded complaints made against them would form part of the licence review.

Once a driver or operator has appeared before the committee for complaints, if further complaints are received the driver or operator would re appear before the committee. All previous complaints would be considered again.

If the committee have any doubt as to whether the person is a 'fit and proper' person they may wish to suspend or revoke the licence.

### **Smoking inside a licensed vehicle**

Licensed drivers operate in licensed vehicles therefore they must remain smoke free at all times and all licensed vehicles display at least one no smoking sticker.

If a driver is witnessed smoking inside the vehicle on three separate occasions by council officers or members, they would appear before the committee.

Due to previous written warnings given by council officers a suspension of the licence would normally be given.

If a driver appeared before the Committee for a second time for smoking inside a licensed vehicle, the Committee would normally consider the revocation of the licence.

### **Carrying Assistance Dogs**

If a driver appears before the Committee for refusing to take an assistance dog the Hackney Carriage Sub Committee need to give careful consideration as to the suitability of that driver. A suspension or revocation of the licence would be considered. If a driver were to appear for a second time for the same reason the licence would almost certainly be revoked.

### **Carrying Disabled Persons Using Wheelchairs**

Taxis are a vital link in the accessible transport chain and it is important that disabled people who use wheelchairs can have confidence that the taxi they find on a rank, or hail on the street, will accept them and carry them in their wheelchair at no extra charge.

If a driver appears before the Committee following a wheelchair refusal complaint a suspension or revocation of the licence would be considered. If a driver were to appear for a second time for the same reason the licence would almost certainly be revoked.

### **Taxi Meters & Overcharging**

It is an offence to charge more than the metered fare. If a driver appears before the Committee for overcharging or an allegation of overcharging a warning would normally be issued. If a driver were to appear before the Committee for the same reason again the suspension or revocation of the licence would be considered.

### **Plying for Hire**

If a driver is found to be plying for hire the Council may consider the suspension or revocation of the licence.

If a new applicant applying for a licence has committed any offence(s) under the above acts, serious consideration should be given as to whether or not a licence should be granted.

### **Failure to declare warnings, convictions, cautions endorsements etc.**

All licensed drivers and operators are required to inform the council of any of the above within 7 days of the imposition. All drivers are reminded of this on application, it is a condition of the licence, letters reminding them of this condition have previously been sent and all existing and new drivers are required to sign a declaration in relation to declaring any of the above.

A serious view should be taken if a driver fails to notify the council of any of the above. A stern warning or suspension is normally given depending on the nature / time since the conviction.

If a driver fails to notify the council for a second time a longer suspension could be considered; or if the committee felt it appropriate the revocation of the licence could also be an option.

### **Non attendance**

If an applicant or driver fails to attend Committee without prior notification of his / her absence the case will normally be dealt with in their absence.

### **Suspension / Revocation**

***In order to provide a stepped approach to enforcement the following use of licensing powers is proposed where action is required for repeated non-compliance***

***First Suspension Period – 7 days***

***Second Suspension Period – 28 days***

***If a driver appears before the committee on two or more occasions after having previously been suspended the committee may wish to use their powers of revocation, depending on the reasons and circumstances surrounding the appearance. Or alternatively issue a longer suspension to those listed above.***