1. Question 20 must be endorsed.
   Private Hire: This must be done using the operator’s stamp
   Hackney Carriage: This must have the details of the vehicle proprietor

2. DVLA Mandate must be completed.

3. ORIGINAL DRIVING LICENCE must be provided. If you have a photocard licence, you
   must bring both parts.

4. Old badges must be returned

5. A photograph will be taken of you at your appointment. This will be free of charge.

CRB - CHECK YOUR RENEWAL LETTER TO ENSURE YOUR CRB IS DUE

Please use **black ink** and write in **BLOCK CAPITALS** with one letter in each box:

| 1 | 2 | T | H | E | D | R | I | V | E | W | A | Y |

Please **DO NOT** fill in the back of the form (W, X, Y & Z)

If you need any help completing your form, or you want to check the progress of your disclosure,
please call the Criminal Records Bureau on: **0870 90 90 811** or go online on:
**www.homeoffice.gov.uk/crb-online-tracking**

If you have Internet Access you may submit your CRB Check on line. Please see CRB Form for
details.

CRB CHECK IDENTIFICATION FOR RENEWAL APPLICANTS

In addition to your driving licence, please provide **two** further **ORIGINAL** forms of identification, one of
which must show your current address. Acceptable documents are listed below.

Please note that this will **replace** the old list from **31 August 2012** and after that date, only documents
from this list will be acceptable.

| CURRENT VALID UK OR EEA PASSPORT | BIRTH CERTIFICATE |
| OR | (UK & CHANNEL ISLANDS) |
| NON-EEA IN COMBINATION WITH A BIOMETRIC | ISSUED WITHIN 12 MONTHS OF DATE OF BIRTH |
| RESIDENCE PERMIT OR CURRENT WORK PERMIT / | FULL OR SHORT FORM IS ACCEPTABLE |
| VISA | Including those issued by UK authorities overseas, such as |
| | Embassies, High Commissions & HM Forces |

| A DOCUMENT FROM CENTRAL / LOCAL GOVERNMENT / GOVERNMENT AGENCY / LOCAL |
| AUTHORITY GIVING ENTITLEMENT TO BENEFIT (UK & CHANNEL ISLANDS) |
| This may be a letter from either the Department for Work & Pensions, the Employment Service, |
| Customs & Revenue, Job Centre, Job Centre Plus, or Social Security. |
| **It must have your address on and be less than three months old.** |

| UTILITY BILL OR CREDIT CARD STATEMENT – LESS THAN THREE MONTHS OLD |
| (MOBILE TELEPHONE BILL NOT ACCEPTABLE) |

| BIOMETRIC RESIDENCE PERMIT (UK) | MARRIAGE / CIVIL PARTNERSHIP |
| or | CERTIFICATE (UK) |
| EU NATIONAL ID CARD | |

| P45/P60 STATEMENT |
| (UK & CHANNEL ISLANDS) |
| ISSUED WITHIN THE LAST 12 MONTHS |

| COUNCIL TAX STATEMENT |
| (UK & CHANNEL ISLANDS) ISSUED WITHIN THE |
| LAST 12 MONTHS |

**IF YOU DON’T HAVE THE CORRECT DOCUMENTS FOR YOUR CRB CHECK, WE WILL BE UNABLE TO ACCEPT YOUR RENEWAL APPLICATION.**
GUIDANCE NOTES

A LICENCE TO DRIVE A HACKNEY CARRIAGE
OR PRIVATE HIRE VEHICLE

Please read the following notes to help you complete this application form

1 How to fill in the application form

Complete the application form in capitals and in ink. Abbreviations or the use of Tippex is not acceptable. If any sections do not apply then the work "NONE" must be written in.

2 Providing the correct details

The details and answers you provide must be true, complete and correct and you will be asked to make a declaration to this effect. If it subsequently transpires, after the granting of a Licence, that you have omitted any material detail or given false information, you may be prosecuted and / or have your Licence suspended or revoked.

3 The checking of details provided

The Council has the power to check with the Criminal Records Bureau (CRB) for the existence and content of any criminal record held in the name of the applicant. Information received as a result of an enhanced criminal record bureau check will be kept in strict confidence during the Licensing process and will be retained for no longer than is necessary. The disclosure by the applicant of a criminal conviction will not debar the applicant from gaining a Licence unless the Council considers the conviction renders the applicant unsuitable. In arriving at such a decision the Council will consider the nature of the conviction, how long ago and the age of the applicant when it was committed together with any other factors that may be relevant. Any applicant refused a Licence has the right of appeal to the Magistrates' Court.

4 Driving Experience

The Council cannot grant a Licence to a person who has not held a full driving licence for at least 12 months at the date of their application.

5 Motoring/Criminal Offences/Formal Cautions and Breaches of Licence

Please refer to attached guidelines relating to relevance of convictions and breaches of licence conditions. (Outcome 13)

6 Documents to be produced

When submitting an application for a Licence to drive a Hackney Carriage or Private Hire Vehicle applicants must enclose with it:

(a) The appropriate fee. Cheques should be made payable to Wolverhampton City Council - WCC).

(b) Current Driving Licence. If a photo card Licence the counterpart Licence is also required.
If you are a new applicant, or your Criminal Records Bureau Disclosure Document is due:

**IN ADDITION TO THE PRODUCTION OF YOUR DRIVING LICENCE, PLEASE PROVIDE TWO FURTHER ORIGINAL DOCUMENTS AS PROOF OF IDENTIFICATION FOR THE ENHANCED CRB APPLICATION. PHOTOCOPIES/INTERNET PRINTOUTS WILL NOT BE ACCEPTED.**

**PLEASE PROVIDE A DOCUMENT FROM GROUP ONE & A DOCUMENT FROM GROUP TWO. IF YOU CANNOT PRODUCE A DOCUMENT FROM GROUP ONE, YOU MUST PROVIDE TWO DOCUMENTS FROM GROUP TWO INSTEAD.**

<table>
<thead>
<tr>
<th>GROUP ONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>VALID PASSPORT OR UK/EU NATIONAL IDENTITY CARD OR NATIONAL IDENTITY CARD FOR FOREIGN NATIONALS</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GROUP TWO</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documents from this group must be under 3 months old</td>
</tr>
<tr>
<td>BANK OR BUILDING SOCIETY STATEMENT</td>
</tr>
<tr>
<td>CREDIT CARD/STORE CARD STATEMENT</td>
</tr>
<tr>
<td>MAIL ORDER CATALOGUE STATEMENT</td>
</tr>
<tr>
<td>UTILITY BILL</td>
</tr>
<tr>
<td>ADDRESSED PAYSILP</td>
</tr>
</tbody>
</table>

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>NATIONAL INSURANCE NUMBER CARD, P60 OR P45</td>
</tr>
<tr>
<td>NHS CARD</td>
</tr>
<tr>
<td>VEHICLE REGISTRATION CERTIFICATE (LOG BOOK)</td>
</tr>
<tr>
<td>May also be produced as an additional document.</td>
</tr>
</tbody>
</table>

(d) A certificate issued by either the applicant's own or one of the Council's approved medical practitioners that they are medically fit to undertake the duties involved in driving a Hackney Carriage or a Private Hire Vehicle.

(e) If an application is received from the unemployed then evidence of unemployment, ie Job Seekers allowance, should be presented.

Enclose the original documents, not photocopies.

**N.B. APPLICATION FEES WILL NOT BE REFUNDED**

7 **Granting of application**

Each application for a Licence to drive a Hackney Carriage or Private Hire Vehicle will be determined by the Council on the understanding that the applicant is deemed to have read and has understood these explanatory notes.

Licensing Services  
Civic Centre  
St Peter’s Square  
Wolverhampton  
WV1 1DA

THE INFORMATION GIVEN MAY BE HELD IN MANUAL OR COMPUTERISED FORM AND WILL BE SUBJECT TO THE PROVISIONS OF THE DATA PROTECTION ACT 1998

Revised: April 2012  
Page 2 of 2  
hc phvd guidance notes
APPLICATION
FOR A HACKNEY CARRIAGE DRIVER’S LICENCE

Wolverhampton
CITY COUNCIL

LICENSING SERVICES
CIVIC CENTRE ST. PETER’S SQUARE WOLVERHAMPTON WV1 1DA
Telephone (01902) 556556 Direct Line (01902) 556035 Telex: 555060 WOLMBC G Facsimile: (01902) 554380

1 DETAILS OF APPLICANT
* Delete as necessary
Mr/Mrs/Miss/Ms* Surname: ..............................................................
Christian/Forenames: ..................................................................................
Maiden Name: ..........................................................................................
Also Known as: .........................................................................................
Present Residential Address: ...................................................................
......................................................................................... Post Code ..................................

Date of Birth

D A Y  M O N T H  Y E A R

National Insurance No


Telephone No.  Home: .........................................................
Business: ..............................................................
Mobile: ........................................................................

2 Have you received a driver’s starter pack? (New Applicants Only). Yes ☐ No ☐
If yes, please indicate whether received from: Civic Centre ☐ Proprietor/Firm ☐

3 DETAILS OF DRIVING LICENCE
(a) Do you hold a full Driving Licence? (New Applicants only) Yes ☐ No ☐
(b) If the answer to question 3(a) above is Yes, please state for approximately how long.
..........................................................................................

4 DO YOU HAVE A LEGAL RIGHT TO WORK IN THE UNITED KINGDOM?
Yes ☐ No ☐
5 DETAILS OF PRESENT OCCUPATION

Are you currently employed?  Yes ☐  No ☐

6
(a) Do you intend to follow any other occupation in addition to driving a Hackney Carriage?
Yes ☐  No ☐

(b) If the answer to question 6(a) above is Yes, please state:
Nature of Employment: .................................................................
Name of Employer: .................................................................
Address of Employer (if any): ..............................................................................
..............................................................................................................................

Hours (each day) engaged in this occupation: ......................................
Hours (each day) intended to be employed as a Hackney Carriage driver: ..............

7 Have you previously applied to Wolverhampton Council for a licence to drive a Hackney Carriage or Private Hire Vehicle?
Yes ☐  No ☐

8 Have you previously applied to any other Council for a licence to drive a Hackney Carriage or Private Hire Vehicle?
Yes ☐  No ☐

9 If the answer to question 7/8 is Yes, please indicate date of application, if application was granted or refused and name of Council.  * Delete as necessary.

Date: .................................  Granted/Refused * .................................................. Council

10 DETAILS OF MOTORING CONVICTIONS

Please set out below details of all motoring offences for which you have been convicted.
IF NONE:  Answer NONE.

<table>
<thead>
<tr>
<th>Offence</th>
<th>Date of conviction</th>
<th>At which Court were you convicted?</th>
<th>What was the sentence imposed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
11 Were any of the offences referred to in question 10 committed while you were driving a Hackney Carriage or other licensed vehicle?
   Yes [ ] No [ ]

12 If you have answered Yes to question 11, were you carrying fare paying passengers at the time of the offence?
   Yes [ ] No [ ]

13 DETAILS OF CRIMINAL CONVICTIONS

   Please note: this Section relates to criminal convictions of any type (other than motoring offences already disclosed in Section 10) whether prosecuted by the Crown Prosecution Service, Department of Social Security, any Council or any other body.

   Have you ever been convicted at a Court or cautioned by the Police for any offence? By virtue of the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (As Amended) spent convictions should be disclosed?
   Yes [ ] No [ ]

14 If you have answered Yes to question 13, please set out details below

<table>
<thead>
<tr>
<th>Offence</th>
<th>Date of conviction</th>
<th>At which Court were you convicted?</th>
<th>What was the sentence imposed?</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>D</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

15 NOTIFICATION OF CRIMINAL/MOTORING CONVICTIONS, CAUTIONS AND FIXED PENALTIES

   NB Should you receive any of the above you should within 14 days give full details in writing to the Chief Regulatory Services Officer. Failure to do so may require an existing driver’s licence to be reviewed.

16 Have you been charged/warned by the Police or any Council that you might be summoned or prosecuted in connection with any motoring or criminal offence?
   Yes [ ] No [ ]

17 If you have answered Yes to question 16 please set out details below.

<table>
<thead>
<tr>
<th>Alleged Offence</th>
<th>Date of alleged offence</th>
<th>State location where alleged offence occurred</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
18 DETAILS OF MEDICAL CONDITION
Do you suffer from poor eyesight, any illness, infirmity or medical condition that might impair your driving ability or hinder your handling of passengers or their luggage?

Yes [ ] No [ ]

If you have answered Yes to question 18, please set out details below:

.............................................................................................................................. ...............
.............................................................................................................................. ...............

NB Should you develop any condition which may impair your driving ability you must immediately notify the Council

19 DETAILS OF FAMILY DOCTOR

Please give details below of the name and address of your family doctor:

Name: .................................................................................................

Address: ..........................................................................................................................
..........................................................................................................................

20 Please state below the name and address of the person, proprietor, company or firm for whom you will drive.

Name: .................................................................................................

Address: ..........................................................................................................................
.......................................................................................................................... Tel No. ...............................

Signature of Proprietor ..................................................................................

21 IMPORTANT CHECK LIST

After you have filled this form, tick boxes to show you have enclosed:

☐ The fee (CHEQUES SHOULD BE MADE PAYABLE TO WOLVERHAMPTON CITY COUNCIL - WCC)

☐ Your Driving Licence (Both parts if Photocard Licence)

☐ Job Seekers Allowance Booklet (New Applicants if appropriate)

☐ HCVD Declaration Form Completed (New Applicants Only)

☐ DVLA Mandate Form Completed

☐ Criminal Records Bureau Disclosure Form and Original Documents (New Applicants or Renewal Applicants if appropriate) *See Guidance Notes

☐ Worcestershire Council Driving Test (New Applicants Only. See Guidance Notes)

☐ Medical Certificate (if appropriate/*New Applicants See Guidance Notes)

☐ Medical Certificate (if appropriate)*Renewal applicants are required to produce a medical certificate at 45/50/55/60/65 years of age or as prescribed by medical practitioner)

☐ Old Badges (Renewals Only)

PLEASE NOTE ALL DOCUMENTS MUST BE ORIGINALS
APPLICATION FEES WILL NOT BE REFUNDED
22 REQUEST FOR AN ENHANCED DISCLOSURE FROM CRIMINAL RECORDS BUREAU (SEE OVERLEAF)

(a) NEW APPLICANTS
Will you now please complete the particulars requested on the enclosed form and produce the necessary original documents in support of an Enhanced Police Check (see guidance notes).

(b) RENEWALS
Have you completed a request for an Enhanced Police Check within the last 3 years?
Yes ☐ No ☐ If the answer is No, then please complete the particulars requested on the enclosed form and produce the necessary original documents in support (see guidance notes).

23 DECLARATION

I DECLARE THAT THE REPLIES GIVEN BY ME ON THIS FORM ARE TRUE, COMPLETE AND ACCURATE. I UNDERSTAND THAT IF ANY INFORMATION GIVEN BY ME IS FALSE, I SHALL BE LIABLE TO PROSECUTION AND THAT ANY LICENCE OBTAINED AS A RESULT MAY BE REVOKED.

Dated: ...............................................................
Signed: ..............................................................

THE INFORMATION GIVEN MAY BE HELD IN MANUAL OR COMPUTERISED FORM AND WILL BE SUBJECT TO THE PROVISIONS OF THE DATA PROTECTION ACT 1998

This authority is under a duty to protect the public funds it administers, and to this end may use the information you have provided on this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

For further information, see http://www.wolverhampton.gov.uk/council/corporate/finance/corruption_fraud/nfi.htm

FOR OFFICIAL USE ONLY

Date Received: ...................................................
Amount: ...........................................................
Method of Payment: Cash ☐ Cheque ☐ Cheque No ☐
Receipt No: .......................................................... Receipt Issued By: ............................
Initial: ........................................................................
REQUEST FOR AN ENHANCED DISCLOSURE FROM CRIMINAL RECORDS BUREAU

When submitting an application for a licence to drive a hackney carriage or private hire vehicle you are requested to declare any convictions or cautions you may have regardless of whether or not they are now regarded as “spent” under the Rehabilitation of Offenders Act 1974. This is by virtue of the Rehabilitation of Offenders Act 1974 ( Exceptions) Order 1975 ( As Amended) spent convictions should be disclosed. The information you give will be treated in confidence and will only be taken into account in relation to your application.

You should be aware that the licensing authority is empowered in law to check with the police for the existence and content of any criminal record held in the name of an applicant. Information received as a result of an enhanced criminal record bureau check will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless the authority considers that the conviction renders you unsuitable. In making this decision the authority will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant. Any applicant refused a driver’s licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates Court.
GUIDELINES RELATING TO RELEVANCE OF CONVICTIONS AND BREACHES OF LICENCE CONDITIONS

1.0 Purpose of Guidelines

1.1 Licensing issues are dealt with by both Councillors and employees. Employees is defined to include Head of Regulatory Services, Licensing Manager and Service Managers from within the Regulatory Services Division, and in the case of new applications Section Leaders from Licensing Services. Responsibility for decision making at employee level will “normally” be as follows:-

(a) Head of Regulatory Service - new/review or renewal  
(b) Service Managers - new/review or renewal  
(c) Section Leaders Licensing - new

1.2 This document provides guidance outlining how drivers/proprietors of hackney carriage and private hire vehicles and operators can expect to be treated. In particular, but not exclusively it will affect:

• Applicants for driver’s licences.  
• Existing licensed drivers whose licences are being reviewed.  
• Magistrates hearing appeals against Local Authority decisions.

1.3 Whilst employees and Councillors will have regard to the guidelines, each case will be considered on its individual merits, and where reasonable, the Employees/Committee may depart from the guidelines.

1.4 Any decision to suspend, revoke or refuse to renew a licence will be applied to an applicant/licence holder who is considered not to be a ‘fit and proper’ person to drive hackney carriages or private hire vehicles. The application of the Human Rights Act will be considered carefully and balanced against the overriding consideration to protect the public.

1.5 The Licensing Committee is concerned to ensure:

• That a person is a fit and proper person.  
• That a person does not pose a threat to the public.  
• That the public are safeguarded from dishonest persons.  
• The safeguarding of children, young and vulnerable persons.
1.6 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required 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 operators licence is a ‘fit and proper’ person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority will look into:

- 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
- 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

1.7 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the local authority to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence as outlined in the guidance involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.

1.8 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the local 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 local authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

1.9 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.

1.10 In appropriate circumstances a suspension may be abated by the licence holder demonstrating to the satisfaction of the Council that they have successfully completed and passed appropriate training which should be evidenced in writing to the Council.

<table>
<thead>
<tr>
<th>2.0</th>
<th>Relevant Convictions, Cautions/Fixed Penalties and Persons Charged with a Serious Offence(s)</th>
</tr>
</thead>
</table>

2.1 New Applicants

2.1.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined in Section 5.0 of this document will result in a new applicant for a hackney carriage or private hire vehicle driver's/operators licence being referred to the employees to determine the application.
2.2 Existing Licence Holders

2.2.1 A conviction/caution or relevant information relating to the alleged committing of an offence falling within any of the categories outlined in Section 5.0 of this document will result in an existing hackney carriage or private hire driver’s/proprietor’s/operators licence being referred to employees to determine a course of action detailed in Section 5.0 below. (In the event of a serious breach or allegation in respect of a licensed operator, the matter will be referred to Licensing Committee for consideration).

2.2.2 In cases where it is in the interests of public safety, the employees may suspend, refuse to renew or revoke a driver’s licence with immediate effect following a review. In such cases a written explanation will be given as to why it is in the interests of public safety to suspend, refuse to renew or revoke immediately.

3.0 Complaints

3.1 A complaint relating to the conduct of an operator, hackney carriage driver, private hire vehicle driver, proprietor of a hackney carriage or proprietor of a private hire vehicle may, depending on the severity of the allegations, result in a written warning or suspension of the licence.

4.0 Further Guidance

4.1 Where an application is made for a new licence, and the applicant has previously held a hackney carriage or private hire drivers, proprietors or operators licence or on review of an existing licence and relevant convictions have previously been considered in decision making by the Local Authority in connection with any further or existing licence any decision on a new application or on review will normally be made by the employees or Licensing Committee, with reliance only on any relevant convictions or behaviour which have arisen since any previous application or review. However 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) is/are of a similar nature to those which have arisen since any previous application or review.

4.2 An applicant or licence holder whose application/licence is subject to a formal review hearing will be advised in writing 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 may proceed in his or her absence.

4.3 In all cases involving suspension, revocation and refusal to grant or renew the applicant or licence holder has the right to appeal against the decision of the Licensing Committee or the employees through the Magistrates Court.
4.4 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.

4.5 Any person who has been cautioned for an offence will be dealt with using the criteria relating to convictions.

4.6 Decisions will normally be made in accordance with these guidelines, however each case will be decided on its merits. Regard will be had to:-

(a) The nature of the offence.
(b) The age of the individual concerned at the date of the offence.
(c) Whether the driver was acting as a private hire or hackney carriage driver at the time. In the case of an operator, whether the operator was acting in the course of business as a private hire operator at the time.
(d) Any other relevant circumstances.

Dependant on the facts and where deemed appropriate the employees may make a decision contrary to that suggested by the guidelines or where appropriate refer a matter to Councillors of the Licensing Sub-Committee for decision. Where decisions are made which are contrary to the guidelines or where the matter is referred to the Licensing Sub-Committee employees will give reasons for this.

4.7 Any list of offences outlined in section 5.0 of this report, 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 the employees/Committee.

4.8 Hackney carriage and private hire vehicle drivers should be able to communicate satisfactorily in English with customers, in order to be considered a fit and proper person to hold a Licence.

5.0 Determination of Action to be Taken

5.1 In determining the course of action to be taken in connection with an application for a hackney carriage, proprietors or drivers licence, private hire vehicle or driver's licence, or private hire vehicle operator's licence or the review of an existing driver’s licence or operator's licence, or proprietor's licence the following sanctions will be applied as a guide. In all cases where it is possible to calculate two or more different periods of time, the calculation which results in the longer period shall be used or both periods of time may be considered consecutively or concurrently at the discretion of the employees/Councillors.

5.1.1 Minor Traffic Offences

The Licensing Committee takes driving offences very seriously, particularly when the applicant displays a pattern of offences.

(a) Single offences resulting in a maximum of 3 current penalty points relevant for 'Totting Up' purposes as outlined at 5.1.2 – Issued with written warning. A new licence will normally be granted with a warning.
(b) Repeat offences resulting in a combined total of 6 current penalty points relevant for ‘Totting Up’ purposes as outlined at 5.1.2 – Issued with final written warning. A new licence will normally be granted with a warning.

(c) Repeat offences resulting in a combined total of 9 or more penalty points currently relevant for totting purposes as outlined 5.1.2 – normally revoke or refuse to renew. A new licence will not normally be granted.

5.1.2 "Totting Up" – Section 35 Road Traffic Offenders Act 1988

If the total 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) First offence – will normally revoke or refuse to renew. A new licence will not normally be granted until a period equal to the length of the disqualification has elapsed since the end of the disqualification period.

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

5.1.3 Major Traffic Offences (Other than drink driving and drug offences)

A major traffic offence is a road traffic offence (other than for totting and drink driving) that can result in four or more penalty points and/or leave a period of disqualification and/or imprisonment.

For the purpose of these guidelines the following motoring offences are classed as ‘Major Traffic offences’. However this is not an exhaustive list.

<table>
<thead>
<tr>
<th>Code</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>AC10</td>
<td>Failing to stop after an accident</td>
</tr>
<tr>
<td>AC20</td>
<td>Failing to give particulars or to report an accident within 24 hours</td>
</tr>
<tr>
<td>AC30</td>
<td>Undefined accident offences</td>
</tr>
<tr>
<td>BA10</td>
<td>Driving while disqualified by order of Court</td>
</tr>
<tr>
<td>BA30</td>
<td>Attempting to drive while disqualified by order of Court</td>
</tr>
<tr>
<td>CD10</td>
<td>Driving without due care and attention</td>
</tr>
<tr>
<td>DD40</td>
<td>Dangerous driving</td>
</tr>
<tr>
<td>DD80</td>
<td>Causing death by dangerous driving</td>
</tr>
<tr>
<td>IN10</td>
<td>Using a vehicle uninsured against third party risks</td>
</tr>
<tr>
<td>LC20</td>
<td>Driving otherwise than in accordance with a licence</td>
</tr>
<tr>
<td>LC30</td>
<td>Driving after making a false declaration about fitness when applying for a licence</td>
</tr>
<tr>
<td>LC40</td>
<td>Driving a vehicle having failed to notify a disability</td>
</tr>
<tr>
<td>LC50</td>
<td>Driving after a licence has been revoked or refused on medical grounds</td>
</tr>
<tr>
<td>MS50</td>
<td>Motor racing on the highway</td>
</tr>
<tr>
<td>MS60</td>
<td>Offences not covered by other codes</td>
</tr>
<tr>
<td>MS90</td>
<td>Failure to give information as to identity of driver, etc</td>
</tr>
<tr>
<td>UT50</td>
<td>Aggravated taking of a vehicle</td>
</tr>
</tbody>
</table>
(a) **First offence** – will normally revoke or refuse to renew. A new licence will not normally be granted for 5 years following the expiration of the disqualification period or if not disqualified 5 years from the date of conviction.

(b) **Repeat offences** – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the expiration of the last disqualification period or if not disqualified 10 years from the date of the most recent conviction.

### 5.1.4 Drink Driving Offences and Driving under the Influence of Drugs

Any drink driving or drug related driving offence is treated very seriously by the Local 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 5 years following the expiration of the disqualification period or if not disqualified 5 years from the date of conviction.

(b) **Repeat offences** – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the expiration of the last disqualification period or if not disqualified 10 years from the date of conviction.

### 5.1.5 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 6 months or refuse to renew. A new licence will not normally be granted for 2 years following the date of conviction.

(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.

### 5.1.6 Drug Related Offences

In the case of drivers with convictions for the possession of illegal drugs or other drug related offences (excluding the supply or dealing of drugs, for which there is a separate guideline at 5.1.7), the applicant may be required to satisfy the Local Authority that they are free of addiction subject to a licence being granted.

(a) First offence – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 3 years following the date of conviction or expiry of a prison sentence.

(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 or expiry of a prison sentence.
Applicants or licence holders who have committed repeat offences for drug possession may have to undertake additional medical testing to ensure that they are not using drugs or showing physical symptoms of drug addiction.

### 5.1.7 Dealing/Supply of Drugs

Due to the nature of work carried out in the hackney carriage and private hire industry, a conviction for the 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 or expiry of a prison sentence.

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

### 5.1.8 Indecency Offences

Any offence for indecency is treated very seriously as hackney carriage/private hire drivers often work in isolation with members of society.

(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 or expiry of a prison sentence.

(b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction or expiry of a prison sentence.

### 5.1.9 Sexual Offences

Drivers of hackney carriage and private hire vehicles 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 where sexual offences occur.

Decisions relating to the determination of an application or review of an existing licence may be informed by discussions with the Police and/or Wolverhampton Safeguarding Unit: The Local Authority Designated Employee.

Any offence(s)/conviction(s) of a sexual nature against any person will normally result in revocation or refuse to renew. A new licence will not normally be granted.
5.1.10 **Dishonesty**

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. For these reasons a serious view is taken of any offences involving dishonesty.

For the purpose of these guidelines the following offences are classed as ‘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 (eg. 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 5 years following the date of conviction or expiry of a prison sentence.

(b) *Repeat offences* – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction or expiry of a prison sentence.

5.1.11 **Obstruction of Police Officer/Authorised Officer**

(a) *First offence* – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months following the date of conviction or expiry of a prison sentence.

(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 or expiry of a prison sentence.

5.1.12 **Violence**

For the purpose of these guidelines the following are classed as ‘violent offences’:

- Battery
- Common assault.
- Affray.
- S5 Public Order Act 1986 offence or distress/harassment, alarm.
- 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 5 years following the date of conviction or expiry of a prison sentence.

(b) **Repeat offences** – will normally revoke or refuse to renew. A new licence will not normally be granted for 10 years following the date of conviction or expiry of a prison sentence.

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<tr>
<th>5.1.13</th>
<th>Violence (Serious)</th>
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For the purpose of these guidelines the following are classed as ‘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 7 years following the date of conviction or the expiry of a prison sentence.

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

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<tr>
<th>5.1.14</th>
<th>Violence resulting in Loss of Life or with Intent to Cause Loss of Life</th>
</tr>
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A conviction for the following offences would normally preclude the applicant / licence holder from holding a licence due to the nature of the work involved.

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Attempted murder

A conviction – will normally result in revocation or refusal to renew. A new licence will not normally be granted.
5.1.15 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.

‘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.

A conviction – will normally result in revocation or refusal to renew. A new licence will not normally be granted.

5.1.16 Hate Crime

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.

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.

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

5.1.17 Plying for Hire

Convictions for plying for hire and related no insurances 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.

(a) First offence – will normally suspend for up to 6 months or refuse to renew. A new licence will not normally be granted for 6 months following the date of conviction.

(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 3 years following the date of conviction.
### 5.1.18 Non-Disclosure/Late Disclosure of a 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.

(a) *First offence* – will normally result in a written warning.

(b) *Second offence* – will normally suspend for up to 2 months or refusal to renew. A new licence will not normally be granted for 2 months following the date of conviction/caution/fixed penalty.

(c) *Three or more 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/fixed penalty.

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### 5.1.19 Breach of Licence Conditions / Byelaws

Licences are issued with conditions and byelaws, applying to them, this is to ensure that the trade operates in a fair and consistent manner. Breaches of conditions/byelaws can result in poor service to customers. Serious breaches of conditions/byelaws 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 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.

(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.

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### 5.1.20 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)

(a) *First offence* – will normally suspend for up to 4 months, or refuse to renew. A new licence will not normally be granted for 4 months following the date of conviction.

(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.
5.1.21 Physical Fitness and Medical Conditions

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 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.

(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.

5.1.22 Investigation of Serious Offences (involving violence, sexual offences, etc)

Where information is received in relation to an existing licence holder 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 5.1.1 – 5.1.25, the Local Authority may consider the information provided and take action in relation to the information provided. This may mean a licence is suspended, revoked or a renewal of a licence is refused. The power to suspend or revoke immediately as set out in section 2.2.2 may also be used in these circumstances if it is in the interests of public safety.

5.1.23 Mobile Phones

This type of offence is treated very seriously as it increases the likelihood of an accident.

(a) First offence – will normally suspend for up to 6 months or refusal to renew. A new licence will not normally be granted for 6 months following the date of conviction.

(b) Repeat offences – will normally revoke or refuse to renew. A new licence will not normally be granted for 1 year following the date of conviction.
**5.1.24 Health Act**

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 2 months. A new licence will not normally be granted for 2 months following the date of conviction.

(b) *Repeat offences* – will normally suspend for up to 6 months. A new licence will not normally be granted for 1 year following the date of conviction.

**5.1.25 Conduct of Hackney Carriage and Private Hire Vehicle Drivers, Proprietors and Operators**

A hackney carriage or private hire drivers badge 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.

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 up to 4 months, or refuse to renew. A new licence will not normally be granted for 4 months following the outcome of any review hearing in relation to the incident.

(b) *Repeat instance* – 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 the incident.