



**Epping Forest
District Council**

**PUBLIC HIRE LICENSING
GUIDANCE ON DECISION MAKING**

The following document is to be used for the guidance of Members and Officers in reaching a decision.

None of the suggested courses of action are to be deemed binding and each case must be treated on its own merits.

Officers are reminded that where a decision could be seen as controversial or involve long term loss of employment or at the request of the applicant, the decision must be referred to a Licensing Sub-Committee

High Level Scenario	Scenario Detail	Action	Decision
<p>The applicant has received a custodial sentences for any offence(including suspended sentences).</p> <p>(new applicant)</p>	<p>Court has imposed a custodial sentence, for any type of offence & sentence is still current.</p>	<p>If sentence is still current, irrespective of 'early' release the application should be refused.</p> <p>If sentence is no longer current refer to specific business rule for offence type below.</p>	<p>Application Refused.</p>
<p>The applicant has received a simple or conditional caution</p> <p>(new applicant)</p>	<p>Excludes these Offence Types:</p> <p>major & serious violent offences sexual offences touting driving offences public hire vehicle offences</p>	<p>Consideration should be given to:</p> <p>the nature of the offence the time passed since the offence the outcome of the matter</p>	<ol style="list-style-type: none"> 1. More than 1 caution in last 12 months refuse 2. Up to 3 cautions in last 6 years grant licence with a warning 3. More than 3 cautions in last 6 years refuse 4. Cautions over 6 years old grant licence

High Level Scenario	Scenario Detail	Action	Decision
<p>The applicant has information recorded on DBS form within the “Other Recorded Information” section</p> <p>(new applicant)</p>	<p>Information recorded on DBS that shows applicant has been Arrested / Charged but NOT convicted of any offence.</p> <p>Information concerning allegations made but not substantiated.</p>	<p>Determine whether:</p> <ol style="list-style-type: none"> 1. Court date is pending <ol style="list-style-type: none"> a. Type of offence if convicted would meet guidelines for licensing b. Type of offence if convicted would not meet guidelines for licensing 2. Type offence does not suggest they maybe a danger to the public, consider nature and number of offences, any previous history 3. Type of offence suggests they maybe a danger to the public 	<ol style="list-style-type: none"> 1a. Grant Licence with warning 1b. Application to be placed on hold pending court outcome 2. Decide whether a warning would suffice or a sterner sanction imposed 3. Do not grant but request further information from DBS/ Police

High Level Scenario	Scenario Detail	Action	Decision
<p>Conditional or Absolute Discharge</p> <p>(New applicant)</p>	<p>The offence committed is likely to lead to the refusal of application of the licence.</p> <p>Excludes these Offence Types:</p> <p>major & serious violent offences sexual offences touting driving offences phv / taxi offences</p>	<p>Consideration should be given to the nature of the offence, the time passed since the offence and the outcome of the matter.</p>	<ol style="list-style-type: none"> 1. More than 1 Conditional / Absolute Discharge in last 12 months refuse 2. Up to 3 Conditional / Absolute Discharge's in last 6 years grant licence with a warning 3. More than 3 Conditional / Absolute Discharge's in last 6 years – refuse 4. Conditional / Absolute Discharge's over 6 years old grant licence
<p>A series of offences over a period of time</p> <p>(i.e. Criminal record identifies multiple offences having been committed)</p> <p>(new applicant)</p>	<p>Excludes these Offence Types:</p> <p>Major Violent Offence Sexual Offences Driving Offences</p>	<p>Subcommittee to decide if applicant is a fit and proper person to hold a licence based on the number and nature of offences.</p>	<ol style="list-style-type: none"> 1. Grant 2. Refuse 3. Conditional grant
<p>Major Violent Offence</p> <p>(new applicant)</p>	<p>Murder Manslaughter Culpable homicide whilst driving Terrorism offences Any similar offences</p>	<p>Irrespective of when offence occurred the application should be refused</p>	<p>Application Refused</p>

High Level Scenario	Scenario Detail	Action	Decision
Serious Violence, Immigration and Trafficking Offences (new applicant)	Arson Threats to Kill Wounding with intent to cause GBH GBH ABH that is racially aggravated Robbery Aggravated Burglary Racially aggravated criminal damage Racially or religiously aggravated threatening/disorderly behaviour Riot / Violent Disorder & Affray Trafficking People for Exploitation Any immigration offence Any similar offences	Determine whether 7 years free of conviction or 3 years after completion of term of imprisonment, whichever is greater. Add 2 years to above if offence incurred in the course of employment as a Public Hire Driver	If yes grant a licence with warning If no refuse application
Lesser Violent Offence (new applicant)	Common assault ABH Assault with intent to resist arrest Assault on Police Threatening or disorderly behaviour Criminal damage Harassment Other similar offences	Determine whether 3 years free of conviction or 3 years after completion of term of imprisonment, whichever is greater Add 2 years to above if offence incurred in the course of employment as a Public Hire Driver	If yes grant a licence with warning If more than 5 years since conviction completed grant licence If no refuse application

High Level Scenario	Scenario Detail	Action	Decision
<p>More than 1 Violent Offence within last 10 years</p> <p>(new applicant)</p>	N/A	Application should be refused	Application Refused
<p>Serious sex, indecent & Trafficking for Sexual Exploitation offences</p> <p>(new applicant)</p>	<p>Rape</p> <p>Assault by penetration</p> <p>Offences involving children or vulnerable adults</p> <p>Sexual assault</p> <p>Indecent assault</p> <p>Possession of indecent photos, child pornography</p> <p>Exploitation of prostitution</p> <p>Trafficking for sexual Exploitation</p> <p>Other similar offences</p> <p>Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver</p>	Irrespective of when offence occurred the application should be refused	Application Refused
<p>Other Sexual Offences</p> <p>(new applicant)</p>	<p>Indecent exposure</p> <p>Soliciting (kerb crawling)</p> <p>Other similar offences</p>	<p>Determine whether 7 years free of conviction or 3 years after completion of term of imprisonment, whichever is greater</p> <p>Add 2 years to above if offence incurred in the course of employment as a Public Hire Driver</p>	<p>If yes grant a licence with warning</p> <p>If no refuse application</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>More than 1 Sexual Offence (irrespective of type)</p> <p>(New applicant)</p>	N/A	Application should be refused	Application Refused
<p>Dishonesty Offences</p> <p>(new applicant)</p>	<p>Theft</p> <p>Burglary</p> <p>Fraud</p> <p>Benefit Fraud</p> <p>Handling or receiving stolen goods</p> <p>Forgery</p> <p>Conspiracy to defraud</p> <p>Obtaining money or property by deception</p> <p>Other deception</p> <p>Taking a vehicle without consent</p> <p>Perverting the course of justice</p> <p>Any similar offences</p>	<p>Determine whether 3 years free of conviction or 3 years after completion of term of imprisonment, whichever is greater</p> <p>Determine if more than 1 conviction of this type within last 10 years</p> <p>Add 2 years to above if offence incurred in the course of employment as a Public Hire Driver</p>	<p>If yes grant a licence with warning</p> <p>If more than 10 years since conviction or sentence completed grant licence</p> <p>If no refuse application</p> <p>If more than 1 conviction of this type within the last 10 years refuse application</p>
<p>Drugs Offences</p> <p>(new applicant)</p>	Isolated conviction for the possession of drugs	<p>Consideration needs to be given to the nature and quantity of drugs, as well as the sentence imposed by the court.</p> <p>If conviction is for Class A 5 years free of conviction.</p> <p>If conviction is for Class B or lower 3 years free of conviction</p>	<p>If yes grant a licence with warning</p> <p>If more than 10 years since conviction or sentence completed grant licence</p> <p>If no refuse application</p>

High Level Scenario	Scenario Detail	Action	Decision
Drugs Offences (new applicant)	More than 1 conviction for the possession of drugs	Determine whether: Convictions include Class A 7 years free of conviction Convictions are Class B or lower 5 years free of conviction	If yes grant a licence with warning If more than 10 years since conviction or sentence completed grant licence If no refuse application
Drugs Offences (new applicant)	Conviction for the supply, importing or production of drugs	Determine whether 7 years free of conviction or 3 years after completion of term of imprisonment, whichever is greater	If yes grant a licence with warning If more than 10 years since sentence completed grant licence If no refuse application
Possession of a Weapon offence (new applicant)	N/A	Determine whether 3 years free of conviction or 3 years after completion of term of imprisonment, whichever is greater	If yes grant a licence with warning If more than 10 years since conviction or sentence completed grant licence If no refuse application

High Level Scenario	Scenario Detail	Action	Decision
<p>Touting & Illegally plying for hire</p> <p>(new applicant)</p>	<p>N/A</p>	<p>Determine if isolated conviction and if convicted, caution or other penalty within last 12 months or if more than 1 offence in last 5 years</p>	<p>1. Isolated conviction, caution or other penalty more than 12 months old: yes - grant licence with a warning no - refuse application</p> <p>2. More than 1 conviction, caution or other penalty in last 5 years, refuse application</p> <p>3. More than 1 conviction, caution or other penalty over 5 years old, grant licence with a warning</p>
<p>Driving Offences Involving Loss of Life</p> <p>(new applicant)</p>	<p>1. Causing death by dangerous driving Causing death by careless driving whilst under influence of drink or drugs Any other similar offence</p> <p>2. Causing death by careless driving</p>	<p>1. Determine whether free of convictions for 7 years or 3 years after completion of sentence whichever is greater</p> <p>2. Determine whether free of conviction or completion of sentence for 3 years</p> <p>Add 2 years to above if offence incurred in the course of employment as a Public Hire Driver</p>	<p>If yes grant a licence with warning</p> <p>If no refuse application</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>Isolated Conviction of Drink Driving / Driving while under Influence of Drugs</p> <p>(new applicant)</p>	<ol style="list-style-type: none"> 1. Isolated conviction and still disqualified from driving 2. Isolated conviction which involved the use of a Public Hire and still disqualified from driving 3. Isolated conviction and DVLA now restored 4. Isolated conviction which involved the use of a Public Hire and DVLA now restored 	<p>Determine when DVLA licence was restored and whether conviction involved use of a Public Hire</p> <p>If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed</p>	<ol style="list-style-type: none"> 1. Application should be deemed incomplete and withdrawn. Reapplication should not be considered until the restoration of the DVLA licence 2. Application should be deemed incomplete and withdrawn. Reapplication should not be considered until 12 months after the restoration of the DVLA licence 3a. Grant licence with a warning 3b. If more than 10 years since disqualification completed grant licence 4 . Refuse application until 12 months after the restoration of the DVLA licence

High Level Scenario	Scenario Detail	Action	Decision
<p>More than 1 Drink Driving / Driving while under Influence of Drugs Conviction (new applicant)</p>	<p>1. More than 1 conviction and still disqualified from driving</p> <p>2. More than 1 conviction and DVLA now restored</p>	<p>Determine when DVLA licence was restored</p> <p>If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed</p>	<p>1. Application should be deemed incomplete and withdrawn. Reapplication should not be considered until 3 years after the restoration of the DVLA licence</p> <p>2a. If less than 3 years since restoration of DVLA licence refuse application</p> <p>2b. More than 3 years since restoration of DVLA licence grant licence with a warning</p> <p>2c. More than 10 years since restoration of DVLA licence grant licence</p>

GUIDANCE

High Level Scenario	Scenario Detail	Action	Decision
<p>Conviction/disqualification from driving (has been declared within the last 3 years)</p> <p>(Renewal applicant)</p>	<p>Renewal application declares that a Conviction/disqualification from driving was incurred within the last 3 years</p>	<p>Consider whether matter has already been disclosed and taken into consideration</p> <p>Further escalation may be required were necessary</p> <p>If not previously declared/dealt with, need to also consider:</p> <p>Whether nature of the offence would've led to the revocation of the licence had immediate notification of the conviction been received at the time</p> <p>The length of time that has passed since the conviction</p> <p>The sentence imposed by the court</p> <p>If the licence has expired, how long has it been since licence expiry</p>	<p>1. If matter has already been considered NFA and consider issuing further, continual licence</p> <p>2. If matter has not been previously considered Do not issue further, continual licence</p> <p>Consideration could be given to refusal of the renewal application, if deemed appropriate</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>Endorsable Traffic Offences (new applicant)</p>	<p>Accident offences Driving whilst disqualified Careless Driving Construction and use offences Dangerous driving Drink or drugs offences Insurance offences Licence offences Theft or Unauthorised Taking</p>	<p>Need to consider: Number and nature of offences Consider the penalty imposed for an indication as to the seriousness of the offence</p>	<ol style="list-style-type: none"> 1. If still disqualified from driving due to "totting up" application should be deemed incomplete and withdrawn. Reapplication should not be considered until the restoration of the DVLA licence 2. Isolated offence and DVLA licence restored grant a licence with a warning 3. More than 1 offence in the last 2 years refuse application. Reapplication would not be considered for 1 3 years (depending on number and nature of offences incurred)

High Level Scenario	Scenario Detail	Action	Decision
<p>Endorsable Traffic Offences</p> <p>(new applicant)</p>	<p>Speed limit offences</p> <p>Traffic direction offences</p> <p>No Insurance</p> <p>Driving without Due Care and Attention</p> <p>Driving whilst disqualified</p> <p>Accident offences</p>	<p>Need to consider:</p> <p>Number and nature of offences.</p> <p>Consider the penalty imposed for an indication as to the seriousness of the offence</p>	<p>1. If still disqualified from driving due to "totting up" application should be deemed incomplete and withdrawn. Reapplication should not be considered until the restoration of the DVLA licence</p> <p>2. If 10 or fewer points on DVLA licence grant licence with a warning.</p> <p>3. If more than 1 offence in the last 2 years of a serious driving offence (no insurance, driving without due and attention etc) Refuse (may reapply when 12months have elapsed since last offence)</p>
<p>Criminal Behaviour Order</p> <p>(new applicant)</p>	<p>Dependent on the nature of the order</p>	<p>Sub-committee to decide if applicant is a fit and proper person to hold a licence based on the number and nature of offences.</p>	<p>1. Grant</p> <p>2. Refuse</p> <p>3. Conditional grant</p>
<p>DBS Barred List</p> <p>(new applicant)</p>	<p>DBS shows applicant is on the 'barred list'</p>	<p>Refuse</p>	<p>Application Refused</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>Previous Licence Revoked for PHV / Taxi Offences</p> <p>(new applicant)</p>	<p>Applicant is previous licence holder whose licence was revoked.</p>	<p>Determine whether 3 years since revocation</p>	<ol style="list-style-type: none"> 1. If less than 3 years since revocation. Refuse. 2. Between 3 and 6 years since revocation. Grant licence with warning. 3. More than 6 years since revocation. Grant licence.
<p>Applicant has been previously licensed by another Licensing Authority</p> <p>(new applicant)</p>	<p>Applicant has indicated they have been previously licensed by another Local Authority on application form.</p>	<p>Request for Information to be submitted to other Local Authority under Data Protection Act Section 31.</p> <p>Determine from other LA's response whether:</p> <ol style="list-style-type: none"> 1. The applicant is currently suspended 2. Has served a period of suspension that is now completed 3. Has been previously revoked. Need to consider reasons for revocation and if there is a threat to public safety 	<ol style="list-style-type: none"> 1. Application to be placed on hold until suspension served. 2. Grant licence with warning. 3. If threat to public safety refuse. <p>Otherwise Subcommittee to decide whether warning would suffice or a sterner sanction imposed</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>Previous Licence Holder has submitted late renewal (renewal applicant)</p>	<p>Applicant was previously licensed and has submitted a late renewal</p>	<p>1.Consideration must be given to the following factors and the length of time since expiry of the previous licence, prior to any decision to issue a licence:</p> <p>Is it within 3 months of expiry & has the driver renewed late previously?</p> <p>Did the driver work as a taxi or PHV driver with an expired licence having been warned that he could not work?</p> <p>Did the driver continue to work as a taxi or PHV driver three months after the licence expired?</p> <p>2. Is it more than 3 months since expiry</p>	<p>1. If no Grant licence with warning If yes Refuse application (can reapply after 12 months from refusal)</p> <p>2. Refuse application (can reapply after 12 months from refusal)</p>
<p>Previously revoked or suspended driver submits new or renewal application (new / renewal applicant)</p>	<p>There are outstanding court costs owed to the council</p>	<p>Application payment is to be processed and offset against outstanding debt.& application to be placed on hold until outstanding costs are paid in full and new / renewal application paid</p>	<p>Application Placed on Hold</p>

High Level Scenario	Scenario Detail	Action	Decision
Custodial Sentences (including suspended sentences) All Offences (Licensed Driver)	Court has imposed a custodial sentence, for any type of offence		1. If sentencing imposed at Court is a term of imprisonment (including suspended sentences) Revocation of the licence 2. If still serving term of imprisonment and was convicted of a violent or sexual offence Immediate revocation of the licence

GUIDANCE ONLY

High Level Scenario	Scenario Detail	Action	Decision
<p>Non-Custodial Sentences Except Specified Offences (Licensed Driver)</p>	<p>Court has imposed any type of sentence excluding Custodial Sentences, Conditional Discharge & Absolute Discharge.</p> <p>Excludes these Offence Types:</p> <ul style="list-style-type: none"> Serious Violent Offence Sexual Offence Touting Driving Offences Public Hire Offences Forged / Stolen Identifiers 	<p>Need to consider: Nature of the offence Severity of sentence imposed by the Court Any previous history</p> <p>If immediate notification received</p> <p>Driver notified at renewal</p> <p>If offence occurred whilst in employment as Public Hire Driver, a sterner sanction maybe applicable</p>	<p>Single offence in last 6 years Warning</p> <p>Further offence and warning issued in last 6 years</p> <p>Suspend (1month)</p> <p>More than 1 offence in last 6 years and No Warnings on File</p> <p>Suspend (1 month) (Can consider longer depending on number and nature of offences)</p> <p>Driver suspended in last 6 years Revoke / Refuse.</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>Cautions Except Specified Offences</p> <p>(Licensed driver)</p>	<p>Excludes these Offence Types:</p> <p>Serious Violent Offences</p> <p>Sexual Offences</p> <p>Touting Driving Offences</p> <p>Public Hire Offences</p> <p>Forged / Stolen Identifiers</p>	<p>Consideration should be given to:</p> <p>The nature and number of offences</p> <p>The time passed since the offence</p> <p>The outcome of the matter</p> <p>Any previous history of offences (particularly convictions)</p> <p>If immediate notification received</p>	<p>1. Single Offence in last 6 years – Warning</p> <p>2. Multiple offences or previously warned in last 6 years, consider a period of suspension (1 month), or for persistent offenders revocation may be appropriate.</p>
<p>Conditional or Absolute discharge except Specified Offences</p> <p>(Licensed driver)</p>	<p>If offence committed is likely to lead to the revocation of the licence</p> <p>Excludes these Offence Types:</p> <p>Serious Violent Offences</p> <p>Sexual Offences</p> <p>Touting Driving Offences</p> <p>Public Hire Offences</p> <p>Forged / Stolen Identifiers</p>	<p>Sub-committee to decide if applicant is a fit and proper person to hold a licence based on the number and nature of offences.</p>	<p>1. Grant</p> <p>2. Refuse</p> <p>3. Conditional grant</p>

High Level Scenario	Scenario Detail	Action	Decision
Arrests, charges and summonses (Licensed driver)	Arrested/charged but NOT convicted relating to a serious nature i.e., assaults, rape, paedophilia, drugs or excess alcohol whilst at work Note: Ongoing	Immediate suspension of licence	Licence to be suspended with immediate effect, pending the outcome of the investigation/court hearing
Arrests, charges and summonses (Licensed driver)	Arrested/charged but NOT convicted relating to any other type of offence (which does not suggest they may be a danger to the public) Note: Ongoing	Consideration should be given to: The nature and number of offences The time passed since the offence The outcome of the matter Any previous history of offences (particularly convictions) If immediate notification received	Subcommittee to decide whether further escalation required for consideration of immediate suspension If immediate suspension not being considered (due to no concerns about public safety), a period of suspension (until the outcome of the criminal proceedings) could be considered appropriate
A series of offences over a period of time (i.e. Criminal record identifies multiple offences having been committed) (Licensed driver)	N/A	Escalate to Subcommittee	If sentencing imposed at Court = term of imprisonment (including suspended sentences) Revocation of the licence is likely to follow

High Level Scenario	Scenario Detail	Action	Decision
<p>Serious Violent, Immigration and Trafficking Offences</p> <p>(Licensed Driver)</p>	<p>Arson Threats to Kill Wounding with intent to cause GBH ABH that is racially aggravated Robbery Aggravated Burglary Racially aggravated criminal damage Racially or religiously aggravated threatening/disorderly behaviour Riot / Violent Disorder & Affray Trafficking People for Exploitation Any immigration offence Any other similar offences</p>	<p>Need to consider:</p> <p>Nature of the offence</p> <p>Severity of sentence imposed by the Court</p> <p>Any previous history</p> <p>If immediate notification received</p>	<p>If a lesser penalty imposed at court, such as a community order, curfew etc. Revocation of the licence will normally follow, unless there is significant mitigation, whereby a period of suspension maybe considered</p> <p>Note: Can be reconsidered for licensing as per the New Applicant times periods for such an offence</p>
<p>Serious sex, indecent & Trafficking for Sexual Exploitation offences</p> <p>(Licensed Driver)</p>	<p>Rape Assault by penetration Offences involving children or vulnerable adults Sexual assault Indecent assault Possession of indecent photos, child pornography Exploitation of prostitution Trafficking for sexual Exploitation Other similar offences</p>	<p>Irrespective of when offence occurred the licence should be revoked</p>	<p>Immediate revocation of the licence</p>

High Level Scenario	Scenario Detail	Action	Decision
Other sexual offences (Licensed driver)	Indecent exposure' Soliciting (kerb crawling) Other similar offences.	Need to consider: Nature of the offence Whether it was incurred whilst as a Public Hire driver. Severity of sentence imposed by the Court. Any previous history If immediate notification received.	If offence occurred whilst in capacity as a Public Hire driver Immediate revocation of the licence.
Admission of sexual contact with a passenger (Licensed driver)	Licensed driver is accused of a sexual offence by the police or other credible source and subsequently admits to having sexual contact with a passenger, consensual or otherwise.	Regardless of whether or not the driver is charged, cautioned or convicted for any offence the licence should be revoked.	Immediate revocation of the licence.

High Level Scenario	Scenario Detail	Action	Decision
<p>Drink driving/driving under the influence of drugs</p> <p>(Licensed driver)</p>	<ol style="list-style-type: none"> 1. Isolated conviction and still disqualified from driving 2. Isolated conviction with fare paying passengers on board and still disqualified from driving 3. Isolated conviction, but DVLA now restored 4. Isolated conviction with fare paying passengers on board, but DVLA now restored 5. More than 1 conviction and still disqualified from driving 6. More than 1 conviction, but DVLA now restored 7. Convicted but not disqualified 	<p>Need to consider:</p> <p>Nature of the offence</p> <p>Severity of sentence imposed by the Court</p> <p>Any previous history</p> <p>If immediate notification received</p>	<ol style="list-style-type: none"> 1. Immediate revocation of the licence 2. Immediate revocation of the licence until 12 months after the restoration of the DVLA licence 3. Revocation of the licence 4. Revocation of the licence until 12 months after the restoration of the DVLA licence 5. Immediate revocation of the licence until 3 years after restoration of DVLA licence 6. Revocation of the licence until 3 years after restoration of DVLA licence 7. Revocation of the licence a period equivalent to the minimum period of disqualification for the offence has lapsed since the date of revocation

High Level Scenario	Scenario Detail	Action	Decision
<p>Specified Serious Endorsable Traffic Offences</p> <p>(Licensed driver)</p>	<p>Causing death by dangerous driving</p> <p>Dangerous Driving</p> <p>Causing death by careless driving</p> <p>Causing death by careless driving whilst under the influence of drink/drugs</p>	<p>Need to consider:</p> <p>Nature of the offence</p> <p>Severity of sentence imposed by the Court</p> <p>Any previous history</p> <p>If immediate notification received</p> <p>Driver notified at renewal</p>	<p>Revocation of the licence</p>
<p>Specified Endorsable Traffic Offences</p> <p>(Licensed driver)</p>	<p>Driving whilst uninsured</p> <p>Driving without due care and attention/reasonable consideration</p> <p>Failure to stop / report an accident</p>	<p>Need to consider:</p> <p>Nature of the offence</p> <p>Severity of sentence imposed by the Court</p> <p>Any previous history</p> <p>If immediate notification received</p> <p>Driver notified us at renewal</p>	<p>1. Single offence within a 12 month period OR multiple offences more than 12 months apart</p> <p>Warning</p> <p>2. Second offence within 12 months</p> <p>Revocation of licence</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>Disqualification from driving (Licensed driver)</p>	<p>Notified by Police</p> <p>Notified by driver</p> <p>Failed to notify of disqualification at the time, but identified upon renewal</p> <p>Licence restored by DVLA following disqualification</p> <p>Short term disqualification i.e. 28 days</p>	<p>Need to consider: Length of disqualification</p> <p>Whether DVLA licence has since been restored</p> <p>If immediate notification of the disqualification was received</p> <p>Nature of the offence</p> <p>Severity of sentence imposed</p> <p>Any previous history</p>	<p>Short term disqualification (28 days or less) Request for licence to be surrendered.</p> <p>Can be reissued upon restoration of DVLA licence</p> <p>Disqualified for longer term (28 days+)</p> <p>Immediate revocation of the licence</p> <p>DVLA restored following longterm disqualification (28 days+)</p> <p>Revocation of the licence.</p> <p>If identified upon renewal</p> <p>Renewal application should be refused for a period equivalent to the disqualification period</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>Touting & Illegally plying for hire</p> <p>(Licensed driver)</p>	<ol style="list-style-type: none"> 1. Convicted, cautioned or subject to any other penalty 2. Convicted, cautioned or subject to any other penalty and was disqualified from driving 3. Convicted, cautioned or subject to any other penalty, but only identified upon renewal 	<p>Need to consider:</p> <p>If immediate notification received</p> <p>Request written reps</p> <p>Team leader considers response to determine whether mitigation is relevant</p>	<p>No response and 1st offence 1 month Suspension of licence</p> <p>No relevant mitigation and 1st offence 1 month suspension</p> <p>Relevant mitigation and 1st offence Members to decide action to be taken (likely to be warning)</p> <p>More than 1 conviction would result in revocation</p> <p>Immediate revocation if still disqualified</p>

GUIDANCE ONLY

High Level Scenario	Scenario Detail	Action	Decision
<p>Public Hire offences (Licensed driver)</p>	<p>Examples of Offences include but are not restricted to:</p> <p>Plying for Hire outside of licensed area</p> <p>Refusing to be hired (to a destination within the licensing district)</p> <p>Demanding more than legal fare</p> <p>Abusive language</p> <p>Misbehaviour</p> <p>Failure to carry a copy of a taxi drivers licence</p> <p>Failure to wear a badge (unless exempt)</p> <p>Failure to issue a receipt when requested</p> <p>Failure to produce licence for inspection (within 6 days)</p> <p>Obstructing an Authorised Officer</p> <p>Note: Offences maybe reported by a Compliance Officer, via Police Disclosure, DBS or reported via Complaint</p>	<p>Consideration should be given to:</p> <p>The nature and number of offences</p> <p>The time passed since the offence</p> <p>The outcome of the matter</p> <p>Any previous history of offences (particularly convictions)</p> <p>If immediate notification received</p>	<p>Single offence – Warning</p> <p>Up to 2 different offences in the last 6 years - Warning</p> <p>More than 2 different offences in the last 6 years and no previous warnings - Warning</p> <p>Can consider suspension depending on nature and number of offences</p> <p>If the driver has been suspended in the last 6 years Revoke / Refuse</p>

High Level Scenario	Scenario Detail	Action	Decision
<p>Forged / Stolen Identifiers (Licensed Driver)</p>	<p>Driver has been found in possession of forged / stolen identifiers (plate, badge etc.)</p>	<p>Revocation of Licence</p>	<p>Immediate Revocation Will consider significant mitigation within 14 days of decision</p>
<p>Applicant has been previously licensed by another Licensing Authority (licensed driver)</p>	<p>The council is made aware that driver is currently licensed by another Local Authority, the other LA has taken disciplinary action against the driver.</p> <p>Note: It is possible for this information to appear in the ORI section of DBS or via other known intelligence.</p>	<p>Request for Information to be submitted to other Local Authority under Data Protection Act Section 31</p> <p>Determine from other LA's response whether:</p> <ol style="list-style-type: none"> 1. The driver is currently suspended 2. Has served a period of suspension that is now completed 3. Has been revoked. Need to consider reasons for revocation and if there is a threat to public safety 	<ol style="list-style-type: none"> 1. Consider suspension for same time period as other LA unless significant mitigation provided 2. Warning 3. If threat to public safety revoke <p>Otherwise Subcommittee to decide whether warning would suffice or a sterner sanction imposed</p>

High Level Scenario	Scenario Detail	Action	Decision
Failed Payments (Licensed driver)	Driver has been issued renewal licence, application (renewal) fee has been returned to the council as unpaid	Send rejected payment letters to licensee (Initial Letter, Reminder Letter, Final Letter)	If payment not made within 7 days of Final Letter Immediate Revocation of Licence
DBS Barred List (Licensed driver)	Driver is placed on the DBS 'barred list'	Revocation of Licence	Immediate Revocation
Leaving vehicle unattended on a Taxi Rank (Licensed driver)	Report received from Police or Authorised Officer that a vehicle has been identified and confirmed as left unattended on a taxi rank. Note: Action will be taken irrespective of any conviction / cautions or penalty charge notices		1st offence Written warning 2nd offence One month suspension 3rd offence Three month suspension 4th offence Revocation

High Level Scenario	Scenario Detail	Action	Decision
<p>Renewal Applicant declares conviction/caution on Renewal Form which DOES NOT match the received DBSorNo conviction/cautions are declared(Renewal Applicant)</p>	<p>Applicant has declared a conviction or caution on the renewal application OR included details with the renewal form. The declared offences do not match details of the offences listed on the DBSorApplicant has not declared any convictions or cautions on the renewal application OR included details with the renewal form. Note: This is the first notification to The council of the offence (i.e. not previously known or dealt with)</p>	<p>Determine if;</p> <ol style="list-style-type: none"> 1. The offences listed on the DBS would have led to a revocation or 2. The offences committed would have led to a suspension or warning <p>Note: To determine the above review the licensee business rules for the appropriate offence</p>	<ol style="list-style-type: none"> 1. Refuse application Note: Will be able to reapply for a licence inline with the timescales for a new applicant for the appropriate offence 2. Refuse application Note: Will be able to reapply for a licence 12 months from the date of the refusal

GUIDANCE