

## **Appendix 2: Summary of Changes**

### Main Document:

- a) The policy is written in a format which will allow all of the policies and guidance documents related to hackney Carriages and Private Hire Vehicles to be included into one single handbook format.
- b) The policy provides a full description of what is considered to be a 'fit and proper' person.
- c) The policy provides an explanation of the important areas that will be considered by the council in making their determination. These are items that the council already considers in a fuller format that previously described.
- d) The procedure for the determination of an application is included. This is described in a format that is believed to be easier for the applicant to understand.
- e) The section on enforcement presents the information in the current policy in an easier to understand format. These matters are contained within the previous policy but in a different format.

### Appendix A: Relevant Convictions and cautions Policy

- a) Explains the purpose and use of the appendix A in decision making in an easier to understand format.
- b) Requires an applicant to disclose all cautions, injunctions, fixed penalty notices, restraining orders and arrests in addition to the current required convictions.
- c) Requires a licence holder to report within seven days all cautions, injunctions, fixed penalty notices, restraining orders and arrests in addition to the current required convictions.
- d) Introduces an extra question into the determination of a person's suitability: *"Would I trust this person with sensitive information? I.e. that my house is empty, that I am on holiday for the next two weeks, that children are alone in the house?"*
- e) The policy recognises that where an applicant has been investigated for a serious criminal offence but not convicted this may also need to be taken into account when determining if a person is fit and proper. A person

may not be considered to be fit and proper even if a criminal prosecution did not proceed or the person was found not guilty.

- f) Allows simple cautions and restorative justice alternatives for offences to be taken into account.
- g) As with the previous policy it acknowledges that there may be times that the policy would need to be departed from. However introduces that multiple offences or a pattern of offences over time may demonstrate that a person is not fit and proper.
- h) The policy expresses in a format that is clearer that offences committed whilst passengers are present will be considered an aggravating features and will be viewed as being more serious.
- i) The policy then provides an indication of how specific offences may be treated. Examples of the changes are showed below. Those that are the same have not been mentioned. The additional offences that have also been named within the new policy are not included, as they too would be taken into account for any application determination under the current policy.

#### **Offences of Dishonesty**

<b>Offence</b>	<b>Minimum period free from conviction</b>	
	<b>Current</b>	<b>Proposed</b>
Fraud (no sentence of imprisonment)	Not Suitable to be licensed	5 years
Theft (no sentence of imprisonment)	Not suitable to be licensed	10 years

#### **Offences of Violence Public Order Offences and Offences against Property**

<b>Offence</b>	<b>Minimum period free from conviction</b>	
	<b>Current</b>	<b>Proposed</b>
Grievous Bodily Harm/ Unlawful Wounding	8-10 years	Not suitable to be licensed
Robbery	10 years	Not suitable to be licensed
Possession of a Firearm	5 years	Not suitable to be licensed
Assault occasioning ABH	5-10 years	10 years
Assaulting a Police Officer	5 years	10 years
Harassment with fear of violence	8 years	Not suitable to be licensed
Harassment	8 years	10 years
Criminal Damage (value over £5000)	10 years	5 years
Threatening Behaviour Section 4 & 4A Public Order Act	8 years	7 years

Common Assault	5 years	7 years
Criminal Damage (value under £5000)	10 years	3 years

If any of the above offences are racially or religiously aggravated they will be treated more seriously.

### **Sexual Offences**

Section has been made clearer and uses appropriate terminology. The proposed policy increases the period free from a conviction of rape from '8 years' to 'not suitable to be licenced'.

### **Drugs Offences**

This section has been made clearer. The proposed policy suggests that anyone with a conviction for possession should be free from this conviction for a period of 5 years. Under the current policy this section was confusing as it depended upon a number of factors.

### **Traffic Offences**

A number of the traffic offences now specifically named in the policy were not mentioned before. However the policy advised a warning upon licence issue depending on the nature of the offence.

<b>Offence</b>	<b>Minimum period free from conviction</b>	
	<b>Current</b>	<b>Proposed</b>
Driving/Attempting to drive under the influence of alcohol or drugs	2 years after DLVA licence returned/ Not suitable to be licenced	10 years
Driving without insurance	Not suitable to be licenced	5 years
Disqualification following totting up	3 years from restoration of DVLA licence.	4 years from end of disqualification period

### **Penalty Points on Driving Licence**

The previous policy had a requirement of 9 points for existing drivers to appear before the committee and a warning to all other applicants. This proposed policy suggests that those applying and existing drivers who are wanting to become or who are professional drivers that must be aware of their passenger safety at all times should have not more than 7 current penalty points upon their licence. For example this would allow a driver to obtain points for two 'exceeding the speed limit in a 30 mile an hour zone' offences.

### **Hackney Carriage/Private Hire Offences**

These convictions have not been previously expressly included within the policy previously. However they would be taken into consideration in the consideration of any application.