

Thurrock: A place of opportunity, enterprise and excellence, where individuals, communities and businesses flourish

Licensing Committee

The meeting will be held at **7.00 pm** on **30 September 2015**

Committee Room 1, Civic Offices, New Road, Grays, Essex, RM17 6SL

Membership:

Councillors Michael Stone (Chair), Roy Jones (Vice-Chair), Oliver Gerrish, Robert Gledhill, Martin Kerin, Steve Liddiard, Ben Maney, Bukky Okunade, Joycelyn Redsell, Andrew Roast, Graham Snell, Deborah Stewart and Kevin Wheeler

Substitutes:

Councillors Chris Baker, Russell Cherry, Charlie Key and Susan Little

Agenda

Open to Public and Press

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To approve as a correct record the minutes of the Licensing Committee meeting held on 7 July 2015.	
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Queries regarding this Agenda or notification of apologies:

Please contact Kenna-Victoria Martin, Senior Democratic Services Officer by sending an email to Direct.Democracy@thurrock.gov.uk

Agenda published on: **22 September 2015**

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DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF

Breaching those parts identified as a pecuniary interest is potentially a criminal offence

Helpful Reminders for Members

- *Is your register of interests up to date?*
- *In particular have you declared to the Monitoring Officer all disclosable pecuniary interests?*
- *Have you checked the register to ensure that they have been recorded correctly?*

When should you declare an interest *at a meeting*?

- **What matters are being discussed at the meeting?** (including Council, Cabinet, Committees, Subs, Joint Committees and Joint Subs); or
- If you are a Cabinet Member making decisions other than in Cabinet **what matter is before you for single member decision?**



Does the business to be transacted at the meeting

- relate to; or
- likely to affect

any of your registered interests and in particular any of your Disclosable Pecuniary Interests?

Disclosable Pecuniary Interests shall include your interests or those of:

- your spouse or civil partner's
- a person you are living with as husband/ wife
- a person you are living with as if you were civil partners

where you are aware that this other person has the interest.

A detailed description of a disclosable pecuniary interest is included in the Members Code of Conduct at Chapter 7 of the Constitution. **Please seek advice from the Monitoring Officer about disclosable pecuniary interests.**

What is a Non-Pecuniary interest? – this is an interest which is not pecuniary (as defined) but is nonetheless so significant that a member of the public with knowledge of the relevant facts, would reasonably regard to be so significant that it would materially impact upon your judgement of the public interest.

Pecuniary

If the interest is not already in the register you must (unless the interest has been agreed by the Monitoring Officer to be sensitive) disclose the existence and nature of the interest to the meeting

If the Interest is not entered in the register and is not the subject of a pending notification you must within 28 days notify the Monitoring Officer of the interest for inclusion in the register

Unless you have received dispensation upon previous application from the Monitoring Officer, you must:

- Not participate or participate further in any discussion of the matter at a meeting;
- Not participate in any vote or further vote taken at the meeting; and
- leave the room while the item is being considered/voted upon

If you are a Cabinet Member you may make arrangements for the matter to be dealt with by a third person but take no further steps

Non- pecuniary

Declare the nature and extent of your interest including enough detail to allow a member of the public to understand its nature



You may participate and vote in the usual way but you should seek advice on Predetermination and Bias from the Monitoring Officer.

Vision: Thurrock: A place of **opportunity**, **enterprise** and **excellence**, where **individuals**, **communities** and **businesses** flourish.

To achieve our vision, we have identified five strategic priorities:

1. Create a great place for learning and opportunity

- Ensure that every place of learning is rated “Good” or better
- Raise levels of aspiration and attainment so that residents can take advantage of local job opportunities
- Support families to give children the best possible start in life

2. Encourage and promote job creation and economic prosperity

- Promote Thurrock and encourage inward investment to enable and sustain growth
- Support business and develop the local skilled workforce they require
- Work with partners to secure improved infrastructure and built environment

3. Build pride, responsibility and respect

- Create welcoming, safe, and resilient communities which value fairness
- Work in partnership with communities to help them take responsibility for shaping their quality of life
- Empower residents through choice and independence to improve their health and well-being

4. Improve health and well-being

- Ensure people stay healthy longer, adding years to life and life to years
- Reduce inequalities in health and well-being and safeguard the most vulnerable people with timely intervention and care accessed closer to home
- Enhance quality of life through improved housing, employment and opportunity

5. Promote and protect our clean and green environment

- Enhance access to Thurrock's river frontage, cultural assets and leisure opportunities
- Promote Thurrock's natural environment and biodiversity
- Inspire high quality design and standards in our buildings and public space

Minutes of the Meeting of the Licensing Committee held on 7 July 2015 at 7.00 pm

Present: Councillors Michael Stone (Chair), Martin Kerin, Ben Maney, Bukky Okunade, Jane Pothecary, Joycelyn Redsell, Graham Snell and Kevin Wheeler

Apologies: Councillors Roy Jones (Vice-Chair), Colin Churchman, Robert Gledhill and Deborah Stewart

In attendance: Paul Adams, Principal Licensing Officer
Gavin Dennett, Head of Public Protection
Adam Rulewski, Legal Services
Jenny Shade, Senior Democratic Services Officer

Before the start of the Meeting, all present were advised that the meeting may be filmed and was being recorded, with the audio recording to be made available on the Council's website.

1. Minutes

The Minutes of the Licensing Committee, held on 18 December 2014, were approved as a correct record.

The Chair asked for clarification on Item 10 of the minutes as no report on the results of the consultation of the setting of the licensing fees had been submitted. The Officer stated that the full consultation report would be brought to the committee in September; ensuring that the full consultation had been done properly and could be presented to the committee as one report.

2. Items of Urgent Business

There were no items of urgent business.

3. Declaration of Interests

No interests were declared.

4. Applications Received

The Principal Licensing Officer introduced the report to Members explaining that the report contained details of applications received under the Licensing Act 2003 and Gambling Act 2005 for the period of the 1 January 2015 to 31 May 2015 and recommended that the contents of the report be noted.

It was explained to members that some of these applications were for temporary events undertaken within the borough which held less than 500 people.

Members were referred to Appendix A that provided details of all applications received for any new/variation/minor variation for a premises licence or club premises certificate of a temporary event notice; or any type of gambling premises licence for the above period.

RESOLVED:

That the contents of the Report be noted.

5. Deregulation Act 2015

The Principal Licensing Officer introduced the report to Members explaining that the report provided a summary of the implications of the Deregulation Act 2015 in relation to Alcohol and Entertainment Licensing and Taxi/Private Hire Licensing and recommended that the contents of the report be noted.

The Officer referred members to Items 2.1 and 2.2 of the agenda for clarification on the Licencing Act 2003 and The Local Government (Miscellaneous Provisions) Act 1976.

Members were informed of the implications in relation to the alcohol and entertainment licence which were listed within the report at page 16.

The Officer further reported that as from 1 October 2015, the Deregulation Act 2015 will amend The Local Government (Miscellaneous Provisions) Act 1976 for Duration of Licences and Private Hire Vehicle Sub Contracting.

The Officer stated that no guidance had been issued by the Department of Transport and that a further report would be presented to members of any policy to fee changes that needed to be made in relation to these changes.

Councillor Snell asked that someone from Thurrock would need to take responsibility for the sub-contractors that were from outside the borough. The Officer confirmed that the responsibility would be with the operator who takes the initial booking and would then have accountability for that vehicle and driver.

Councillor Redsell asked if sub-letting has been happening in Thurrock now and why would they sub-let. The Officer confirmed that the sub-letting was not happening in the borough and these changes were being imposed by the Government. The Officer confirmed that they have a good working relationship with neighbouring boroughs and felt that issues with any drivers or vehicles used in the borough would be reported.

Councillor Okunade questioned why the changes to the Licensing Act were happening. The Officer stated that it is part of the Government Agenda of cutting red tape.

The Chair stated that he was not happy with the changes to the Private Hire Vehicle Sub Contracting and agreed with comments made by Councillors Snell and Redsell.

Councillor Maney questioned why these changes were only just coming to the Licencing Committee when they had already been decided by Government. The committee should have seen sight of them before and had the opportunity to discuss and comment.

The Chair asked for clarification on Item 1.4 – Temporary Event Notices (TENs) – With the increase in the number of TENs that can be applied for would this now allow premises that have already been refused licenses to apply. The Officer confirmed that TENs would only be applied for in the following two situations:

1. Where no licence is held at all at premises ie. School or Community Centre, and that premises wants to put on licensable activities.
2. Where licenced premises were looking to extend their opening hours on a one off event and not as a regular event.

The Officer further confirmed that local residents cannot object to TENs.

RESOLVED:

That the contents of the report be noted.

6. Queens Public House

The following item did not appear on the agenda.

The Chair asked the Principal Licensing Officer to update the members on the recently revoked licence on the Queens Public House.

The Officer stated that the licences for the Queens Public House were revoked early in 2015; an appeal submitted by Queens Public House incomplete but was agreed by the court and time was allowed to submit the outstanding papers. The first hearing is set for the 17 July 2015, where a date will be set for a full hearing. In the meantime, the Queens Public House can continue to open until the court has made a decision. The Officer stated that this item will be reported back to members.

Councillor Kerin asked for clarification on what process would be followed if the Court decided that the licence should not be revoked. The Councillor stated that as this was his Ward he had received lots of casework through his surgery regarding this. The Officer confirmed that monitoring of the premises does and would continue to take place.

Councillor Potheary asked the Officer if there was any period of time that a further review could be submitted, The Officer explained that there was a limit for residents for submitting a further review but there were none for Responsible Authorities.

The meeting finished at 7.35 pm

Approved as a true and correct record

CHAIR

DATE

**Any queries regarding these Minutes, please contact
Democratic Services at Direct.Democracy@thurrock.gov.uk**

30 September 2015	ITEM: 5
Licensing Committee	
Applications Received	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams – Principal Licensing Officer	
Accountable Head of Service: Gavin Dennett – Head of Public Protection	
Accountable Director: David Bull – Director of Planning and Transportation	
This report is: Public	

Executive Summary

This is a summary of applications received under the Licensing Act 2003 and Gambling Act 2005 for the period of the 1 June 2015 to 31 August 2015.

1. Recommendation(s)

1.1 To note the contents of the report.

2. Introduction and Background

2.1 Under the Licensing Act 2003 or the Gambling Act 2005 an application for a New/Variation/Minor Variation for a Premises Licence or Club Premises Certificate will be granted under officer delegation unless there is relevant representation received, from either a Responsible Authority or from Other Persons (Interested Party). Where a representation is made the application will be referred to the Licensing Sub Committee for determination. The same is for Temporary Event Notices.

3. Issues, Options and Analysis of Options

3.1 This report provides details at Appendix 1 of all applications received for any New/Variation/Minor Variation for a Premises Licence/Club Premises Certificate or a Temporary Event Notice; or any type of Gambling Premises Licence for the period of the 1 June 2015 to 31 August 2015.

4. Reasons for Recommendation

4.1 This report is for information only.

5. Consultation (including Overview and Scrutiny, if applicable)

5.1 There is no consultation required in relation to the contents of this report.

6. Impact on corporate policies, priorities, performance and community impact

6.1 None

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no financial implications in relation to this report.

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor - Litigation & Employment

This report is for information only and there are no legal implications.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

There are no Diversity or Equality implications in relation to this report.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1 – Applications Received Report.

Report Author:

Paul Adams

Principal Licensing Officer

Licensing Team, Public Protection

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Appendix 1 - Licences received between 01/06/2015 and 31/08/2015

Date Received	Premises Name	Case Ref.	Premises Address	Summary Of Application	Result if not granted under delegated authority
	Premises Licence				
27-Jul-15	Prezzo	15/00866/LAMIN	Unit 8B The Boardwalk Lakeside Shopping Centre West Thurrock Way	Application for minor amendments to the layout of the	
14-Jul-15	The Treacle Mine	15/00820/LAMIN	Treacle Mine Lodge Lane Grays Essex RM17 5PR	Application for minor amendments to the layout of the	
14-Aug-15	Whitmore Arms	15/00936/LAMIN	Whitmore Arms Rectory Road Orsett Grays Essex RM16 3LB	Application for minor amendments to the layout of the	
13-Aug-15	MS Boudicca	15/00934/LAPRE	London International Cruise Terminal Tilbury Freeport Tilbury Essex RM18	Application for a new premises licence for a cruise ship to be	
26-Aug-15	Soundon Festival	15/00981/LAPRE	Aveley Sports And Social Club Purfleet Road Aveley Essex RM15 4DT	Application for a time limited premises licence (30.04.2016-02.05.2016) for Music Festival to authorise live music, recorded music, performances of dance and supply of alcohol for up to 14,999 people.	Still in Consultation
14-Jul-15	Red Dog American	15/00823/LAPRE	Units 413 And 414 Lakeside Shopping Centre West Thurrock Way	Application for a new premises licence to authorise the sale of	
24-Jul-15	SRI Ganesha News	15/00861/LAPRE	399 London Road South Stifford Grays Essex RM20 4AA	Application to vary hours for sale of alcohol to 05:00 - 23:00 and	
17-Aug-15	Grays Kebab	15/00940/LAPRE	Grays Kebabs 10 Orsett Road Grays Essex RM17 5DL	Application for a new premises licence to authorise the sale of	
17-Jun-15	Smokers Paradise	15/00704/LAPRE	Smokers Paradise 21 Derwent Parade South Ockendon Essex	Application for a new premises licence to authorise the sale of	
17-Jun-15	Smokers Paradise	15/00704/LAPRE	Smokers Paradise 21 Derwent Parade South Ockendon Essex	Application for a new premises licence to authorise the sale of	
29-Jun-15	Grays International Food Centre	15/00746/LAPRE	3 Queensgate Centre Orsett Road Grays Essex RM17 5DF	Application for a new premises licence for the sale of alcohol for	
13-Aug-15	SKK Newsagent And Post Office	15/00930/LAPRE	Sunny's 433 London Road South Stifford Grays Essex RM20 4AB	Application to vary a premises licence to amend the hours for	
	Temporary Event Notice				
13-Aug-15	Orsett Fire Station	15/00935/LATEMP	Orsett Fire Station Stanford Road		

21-Aug-15	Orsett Show	15/00961/LATEMP	Orsett Showground Rectory Road		
15-Jun-15	Royal Opera	15/00676/LATEMP	High House Production Park London		
18-Jun-15	The Welcome	15/00703/LATEMP	The Welcome Club 1 Victoria Road		
08-Jun-15	St Thomas of	15/00641/LATEMP	St Thomas Of Canterbury RC Primary		
09-Jun-15	Heavy Horse	15/00646/LATEMP	Orsett Showground Rectory Road		
20-Jul-15	Koala Park	15/00838/LATEMP	Park Area To Rear Of Darwin Road		
27-Jul-15	Essex County Fire	15/00862/LATEMP	Corringham Fire Station 43 Fobbing		
16-Jun-15	Orsett	15/00686/LATEMP	Orsett Showground Rectory Road		
03-Aug-15	Cherry Wood	15/00891/LATEMP	Cherry Wood Camp Site Arterial		
08-Jul-15	Thurrock Garden	15/00792/LATEMP	Thurrock Garden Centre South Road		
27-Aug-15	High House Barns	15/00988/LATEMP	High House Production Park London		
22-Jun-15	South Essex Blue	15/00708/LATEMP	Bulphan Village Hall Church Road		
08-Jun-15	Essex Wildlife	15/00644/LATEMP	Essex Wildlife Trust Cory		
24-Aug-15	Aveley Football	15/00970/LATEMP	Social Club Aveley Football Club Mill		
02-Jul-15		15/00759/LATEMP	Brennan Road Recreation Ground		
06-Aug-15	Thames RFC	15/00918/LATEMP	142 Garron Lane South Ockendon		
15-Jun-15	The Swan	15/00677/LATEMP	The Swan High Road Horndon On		
23-Jun-15	Inn On The Green	15/00724/LATEMP	The Inn On The Green The Green		
08-Jun-15	Warren Primary	15/00643/LATEMP	Warren Primary School Gilbert Road		
27-Aug-15	High House Barns	15/00987/LATEMP	High House Production Park London		
24-Jun-15	Treetops School	15/00726/LATEMP	Treetops School Buxton Road Grays		
24-Jul-15	Kevin Field	15/00859/LATEMP	The Ship 58 High Street Aveley		
	Late Temporary Event Notice				
06-Jul-15	Busy Bees Day	15/00778/LATENL	Busy Bees Day Nursery Drake Road		
06-Jul-15	Woodside	15/00780/LATENL	Woodside Academy Grangewood		
31-Jul-15	Greene King	15/00889/LATENL	The Sandmartin Drake Road		
16-Jun-15	Deneholm Primary	15/00687/LATENL	Deneholm Primary School Culford		
26-Aug-15	Orsett Show	15/00980/LATENL	Orsett Showground Rectory Road		
21-Aug-15	Orsett Show	15/00964/LATENL	Orsett Showground Rectory Road		
27-Aug-15	Orsett Show	15/00989/LATENL	Orsett Showground Rectory Road		

30 September 2015	ITEM: 6
Licensing Committee	
Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters – Taxi Licensing.	
Wards and communities affected: All	Key Decision: Key
Report of: Paul Adams – Principal Licensing Officer	
Accountable Head of Service: Gavin Dennett – Head of Public Protection	
Accountable Director: David Bull – Director of Planning and Transportation	
This report is: Public	

Executive Summary

Local Authorities have a power to set policy that it requires holders and applicants for Hackney Carriage and Private Hire Drivers; and to meet. This report sets out the proposals for changes to the current Statement of Policy and Guidelines relating to the relevance of Convictions and other matters, seeking views of Members of the Licensing Committee on the proposals before the revised documents go out for public consultation.

- 1. Recommendation(s)**
 - 1.1 That the Licensing Committee considers the proposed recommendations for changes to the Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters, and approves the policy as in Appendix 2 for public consultation; or**
 - 1.2 Suggests amendments and or inclusions to the policy for inclusion before public consultation.**

2. Introduction and Background

- 2.1 Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 2.2 Since March 2002 hackney carriage and private hire drivers have been exempt from the Rehabilitation of Offenders Act 1974. Which means that all convictions, irrespective of age, sentence imposed or offence committed, remain live for the consideration in line with a hackney carriage or private hire drivers licence, where they are relevant to the application.
- 2.3 Local Authorities have the ability to set policy in relation to who it considers to be a fit and proper person, or who it considers not to be a fit and proper person, for persons driving hackney carriages and private hire vehicles licensed by them.
- 2.4 The current Relevance of Conviction Policy is attached as Appendix 1.
- 2.5 The current policy is now dated and requires reviewing to ensure that it remains fit for purpose.
- 2.6 The proposed changes have been developed from the experience of the Licensing Department and suggestions from licence holders, this report seeks the views of Members before the document goes out for public consultation with the trade and other interested parties.

3. Issues, Options and Analysis of Options

- 3.1 The revised policy is attached as Appendix 2
- 3.2 The following points are a summary of the proposed changes to the policy:
 - Includes a particular reference to the failure to disclose/notify convictions, cautions or other relevant matters on application or during duration of licence, and that failure to do so may be treated as deception and could give rise to the refusal, revocation, or suspension for that reason alone.
 - Makes clear that Cautions issued by any authority will be included, not just the police.
 - Inclusion of Restorative Justice, Restorative justice gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime, for any kind of communication to take place, the offender must have admitted to the crime, and both victim and offender

must be willing to participate. Restorative justice can be used for any type of crime and at any stage of the criminal justice system, including alongside a prison sentence.

- There is now an enhanced definition of the categorisation of offences with additional examples given.
- References to racially or religiously aggravated offences have been included, with the timescale for rehabilitation reflecting the seriousness of these Hate Crimes.
- The inclusion of Counter terrorism offences.
- Splits Motoring Convictions into three Categories:
 1. Major,
 2. Intermediate,
 3. Minor,

and gives detailed examples of the type of offences under each category.

- Revised time periods for inclusion of motoring offences.
- Inclusion of reference to drivers repeatedly using unfit vehicles.
- Includes guidance on complaints received by the licensing department and other offences under the taxi legislation.

4. Reasons for Recommendation

- 4.1 This policy will require public consultation. The recommendation allows for the Policy to start the public consultation as written, or it allows for revisions or additions to be recommended for inclusion before the public consultation begins.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 No formal consultation has been undertaken so far, following any comments made by the Licensing Committee; this policy will be placed for public consultation on the Councils website, with all local stakeholders written to asking for comments. Local stakeholders will include all Thurrock Council Hackney Carriage and Private Hire Driver Licence holders, all Private Hire Operators, or any local trade representative groups that are active.
- 5.2 A final proposal will be presented to the Licensing Committee at the next meeting for progression to adoption.

6. Impact on corporate policies, priorities, performance and community impact

6.1 None

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no financial implications in relation to this report.

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor - Litigation & Employment

Following public consultation the revised policy will have to be brought back to this committee for approval before being referred to Full Council for adoption.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

Comments from all persons consulted should be carefully considered at the next stage. An Equality Impact Assessment will accompany the final Version.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1 – Existing Convictions Policy.
- Appendix 2 – Revised Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters

Report Author:

Paul Adams

Principal Licensing Officer

Licensing Team, Public Protection

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POLICY RELATING TO PREVIOUS CONVICTIONS IN RELATION TO FITNESS TO HOLD LICENCES

The local licensing authority must be satisfied that all those who are licensed to drive hackney carriages and private hire vehicles are fit and proper persons. This general policy relates to the Council's assessment of the suitability of an applicant for licensing as a driver of taxis and/or private hire vehicles in terms of their criminal and driving records. Specifically, it is to be applied where an applicant for a drivers licence has a relevant conviction or caution. Additionally, it will be referred to where a relevant conviction or caution has occurred during the period of a drivers licence and used to inform any decision as to the licence-holder's continuing fitness.

These guidelines shall apply to all new applicants and any application by a current holder for a further licence (popularly known as a 'renewal'), for hackney carriage proprietors, private hire drivers and operators. Any reference to an applicant shall also mean any person currently holding a hackney carriage proprietors' or driver's licence, a private hire operator's or driver's licence.

GENERAL POLICY

1. Each case will be decided on its own merits. Although an applicant may have convictions that would fall under the guidelines in this policy, the Council will always consider the full facts of the case and any mitigating or other circumstances before reaching a decision. Hackney carriage and private hire drivers are listed occupations under the Rehabilitation of Offenders Act 1974. This means that an applicant must disclose ALL convictions when applying for the grant of a licence. The Council may take into account anything they consider relevant to the determination of the application.
2. A person with a conviction for crime need not be permanently barred from obtaining a licence but should be expected to have remained free of conviction for a period before an application is considered. However, the overriding consideration when determining whether or not to grant a licence will be the protection of the public.
3. Where any conviction has resulted in a term of imprisonment, the time periods given will run from the date that the applicant was released from prison and not from the date of conviction.
4. Notwithstanding the periods set out below that an applicant is expected to remain free from conviction, an individual's record could be subject to greater scrutiny if it shows a pattern of re-offending both in terms of type of offence or frequency, that could cast doubt on whether the applicant is fit and proper to hold a licence.

5. Normally Thurrock Council will expect that an applicant will not -
 - (a) have been convicted of three or more motoring offences during the previous three years;
 - (b) have been convicted of a serious motoring offence during the previous five years;
 - (c) have been cautioned by the police for a criminal offence during the previous 24 months;
 - (d) have been convicted of a criminal offence during the previous three years;
 - (e) have been convicted of a serious criminal offence or a sexual offence within the previous seven years;
 - (f) have been refused an HGV or PSV Licence or had either revoked by the Traffic Commissioners within the previous three years.
6. A very serious view will be taken of any conviction, no matter how minor or serious, that occurs whilst the person is the holder of a current licence and especially if the offence occurred whilst in the course of their employment as a licensed proprietor, driver or operator.
7. Where appropriate and it can be shown to be in the interests of public safety, any driver's licence may be immediately suspended. The matter will then be referred to the appropriate Committee for consideration. Immediate suspension should be expected in any case involving assault or involving indecency of any description.
8. The above examples are not exhaustive. The Council may, at its discretion and in exceptional circumstances, disregard these guidelines and impose any greater or lesser constraint that it sees to be fit and reasonable having regard to the individual circumstances of a particular case.
9. The following examples may afford a general guide on the action to be taken where convictions or police cautions are revealed:–

Offences involving indecency

Any conviction for an offence of a sexual nature or involving indecency will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the public Protection Sub-Committee for a decision irrespective of how long ago the conviction was.

Drivers of licensed vehicles frequently carry lone children and vulnerable persons. Applicants with convictions for any offence involving indecency or any offence of a sexual nature must show a period of at least seven years free of conviction before their application can be considered.

If an applicant has been required to be placed on the Sex Offenders Register then the period of seven years shall run from the date of removal from that

register. Under no circumstances will an application be accepted from any person still on the register.

Where there is more than one conviction for this type of offence, or the conviction has arisen as the result of the use or operation of a licensed vehicle in the course of public or private hire, no application for the grant of a licence will normally be entertained.

Safeguarding of Vulnerable Groups

Where an applicant is included on the Children's or Adult's Barred Lists of the Independent Safeguarding Authority, no application for grant of a licence will be entertained whilst they remain on either list.

Where an applicant has been on either barred list and subsequently removed from it, no application will be entertained until seven years have elapsed after removal from the list.

Where a current driver licence holder is found to be included on either list, they must expect to have their licence immediately suspended on the grounds of public safety until such time as the Public Protection Sub-Committee has had the opportunity to consider their fitness to continue holding such a licence.

Drugs

Any conviction involving drugs will be viewed seriously. An applicant with such a conviction will be expected to show at least seven years free of conviction before being considered for the grant of a licence. Where a course of rehabilitation has been ordered or undertaken the period of seven years shall commence from the end of that treatment. In addition a letter must be produced from a qualified specialist certifying that the person is no longer misusing drugs and is fit to drive members of the public for hire and reward.

Applications from persons who have been registered drug addicts or have had an addiction to drugs, will not normally be considered, unless exceptional reasons can be shown.

Violence and Assaults

Drivers are often placed in confrontational situations with their passengers. It is important that they have the ability to deal with such situations in a calm and polite manner.

Where an applicant has a conviction for a serious assault they should have remained free from conviction for a period of seven years.

Where the assault was of a minor nature, a period of three years free from conviction will normally apply.

An applicant with more than one conviction involving violence, or where the offence occurred through the use or operation of a licensed vehicle, will only be considered in exceptional circumstances.

Dishonesty

Normally a period of three years free of conviction should have elapsed following any conviction for an offence of dishonesty.

A licensed driver is placed in a position of trust and often carries unaccompanied goods. They are also aware of when particular properties may be empty for some time after taking the occupants to the airport or railway station.

They also have opportunity to overcharge on a lawful fare.

For these reasons the honesty of an individual is of paramount importance when determining the grant of a licence.

Drunkenness

An isolated conviction for minor drunkenness should not necessarily preclude the grant of a licence. However, the Council must be satisfied that it was an isolated occurrence. If an applicant has more than one conviction for this type of offence, particularly if close together and within the preceding three years, doubts will arise as to their suitability to hold a licence.

If there is any history of alcoholism, or a suggestion that the applicant is an alcoholic, then a period of five years should have elapsed after any relevant treatment. The applicant must also undertake a medical examination by a qualified specialist and obtain a letter that certifies them free from the disorder and fit to drive members of the public for hire and reward.

Where a licensed driver is convicted of any offence involving drunkenness, they must expect to be immediately suspended in the interests of public safety.

Serious Traffic Offences

Where an applicant has been convicted of a serious offence such as driving with excess alcohol, dangerous driving, no insurance, etc., no application will be entertained until at least five years have elapsed since conviction.

If a period of disqualification was ordered at conviction then the period of five years will run from the completion of that period of disqualification.

Where the applicant was ordered to re-sit a driving test after the completion of their disqualification, the period of five years will run from the date of passing that driving test.

If an applicant has been convicted of more than one serious motoring offence in the preceding five years the presumption will be against the grant of a licence unless exceptional reasons can be shown in favour of a grant.

Applications will not normally be entertained from applicants who have more than one previous conviction for driving with excess alcohol, especially where they have been ordered by the court to undertake any form of re-habilitation.

Minor Traffic Offences

Convictions for minor traffic offences, or endorsements for fixed penalty notices, will not normally be a bar to the grant of a licence provided there have not been more than two within the three years immediately preceding the date of application.

Where a conviction and/or endorsement has attracted a period of disqualification, no application will be entertained until at least six months after the end of the disqualification and there are no more than two endorsements in the preceding three years.

If an applicant was ordered to re-sit a driving test after any disqualification then the period of six months will run from the date of passing that driving test.

Cautions

To receive an official caution an offender must have been of previous good character and have admitted the crime of which he is accused. It is considered to be a conviction. Therefore the Council will expect that an applicant must not have been subject to a caution during the preceding 24 months.

Any applicant who has a caution for any offence of a sexual nature or involving indecency will have their application referred to the Public Protection Sub-Committee for a decision as to whether a grant should be made.

Other Offences

Where an applicant has been subject to a bind over or other restraining order imposed by a court, no application will normally be considered whilst it is in force. No application will normally be considered until a period of six months has elapsed from the completion of that bind over or restraining order.

An applicant or licence holder aggrieved by the decision of the Council has the right of appeal to a Magistrates Court within 21 days.

Confidential enquiries concerning this policy can be made to:

Licensing Department,
Thurrock Council,
Civic Offices,
New Road,
Grays,
Essex
RM17 6SL

E-Mail: licensing@thurrock.gov.uk



Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
2. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that could amount to good reason to refuse a licence.
3. In considering evidence of an individual's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal and/or other matter(s) is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, and/or other matter(s), the individual's age when the offence was committed and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
4. If an applicant has ever lived outside the UK for a period of more than 4 continuous weeks, other than for a holiday, they will also need to supply a 'Certificate of Good Conduct' from the relevant embassy.
5. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or other conduct, which may be relevant to an individual.
6. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
7. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal investigation or prosecution.

Failure to Disclose Information

8. Withholding information when submitting an application can be interpreted as deception and may lead to refusal of the application for this reason alone.

9. Failure to notify the Licensing Department of any arrest, conviction, caution or other relevant matter during the duration of the licence in accordance with a licence condition or bylaw, will also be treated as deception and may lead to refusal/revocation/suspension of a licence for this reason alone.

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS, FORMAL/SIMPLE CAUTIONS, AND /OR OTHER MATTERS

10. Each case will be decided on its own merits.
11. For the purpose of these guidelines formal and simple cautions and endorsable fixed penalties will be treated as though they were convictions.
12. Where an applicant has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines. In these circumstances the period for which the applicant would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.
13. Restorative justice is increasingly used by the police as a less formal way of dealing with issues as an alternative to the criminal court system. The Council recognise that restorative justice should not be dealt with as though it were a conviction, but that it can be taken into consideration, when deciding if a person is a 'fit and proper' to hold a licence.
14. Where any offence has resulted in a term of imprisonment, the time periods given will run from the date that the applicant was released from prison, not from the date of conviction.
15. Where an applicant has been subject to a bind over, restraining order or similar, imposed by a court, no application will normally be considered until a period of at least 6 months has elapsed from the period of any such order finishes.
16. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to (a) remain free of conviction for an appropriate period and (b) show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
17. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.
18. A very serious view will be taken of any conviction; no matter how minor or serious, that occurs whilst the person is the holder of a current licence and especially if the offence occurred whilst in the course of their employment as a licensed proprietor, driver or operator.

19. The following examples afford a general guide on the action, which might be taken where convictions are disclosed.

a) Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may include vulnerable people.

For these reasons a serious view is taken of any conviction(s) involving dishonesty. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s) or offence(s) which replace the below offences, and the conviction is less than 3 years ago

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit Fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (eg producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception

b) Violence

- i. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences:
 - a. Murder
 - b. Manslaughter
 - c. Manslaughter or culpable homicide while driving
- ii. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 10 years ago:
 - a. Arson
 - b. Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - c. Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially or religiously aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - d. Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - e. Grievous bodily harm with intent (s.20 Offences Against the Person Act)
 - f. Robbery
 - g. Possession of firearm

- h. Riot
 - i. Assault Police
 - j. Common assault with racially or religiously aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - k. Violent disorder
 - l. Resisting arrest
- iii. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 5 years ago:
- a. Racially or religiously -aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - b. Racially or religiously -aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
 - c. Racially or religiously -aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
 - d. Racially or religiously -aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
 - e. Racially or religiously -aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
 - f. Racially or religiously -aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- iv. An application will normally be refused where the applicant has a conviction for an offence, similar offence(s), or offence(s) which replace the below offences and the conviction was less than 3 years ago:
- a. Common Assault
 - b. Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
 - c. Affray
 - d. S5 Public Order Act 1986 offence (harassment, alarm or distress)
 - e. S.4 Public Order Act 1986 offence (fear of provocation of violence)
 - f. S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
 - g. Harassment – breach of restraining order – on conviction Protection from Harassment Act 1997 s.5(5)+s.5(6)
 - h. Obstruction
 - i. Possession of offensive weapon
 - j. Criminal damage

c) Drugs

- i. An application will normally be refused where an applicant has an isolated conviction for an offence related to the possession of drugs in the previous 3 years.
- ii. An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs in the previous 5 years.

- iii. An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs in the previous 5 years.
- iv. If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

d) Sexual and Indecency Offences

- i. Any conviction for an offence of a sexual nature or involving indecency will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the Licensing Sub-Committee for a decision irrespective of how long ago the conviction was.
- ii. As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.
- iii. Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure, other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (usually 7 years) free from any such conviction.
- iv. If an applicant has been placed on the Sex Offenders Register then the period of seven years shall run from the date of removal from that register. Under no circumstances will an application be accepted from any person still on the register.
- v. Where there is more than one conviction for this type of offence, or the conviction has arisen as the result of the use or operation of a licensed vehicle in the course of public or private hire, the application will normally be refused.

e) Drunkenness

- i. With a motor vehicle (No Disqualification)

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the applicant has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to be refused.

- ii. With a motor vehicle (Disqualification)

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

iii. Not in a motor vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence. In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

f) Safeguarding of Vulnerable Groups

Where an applicant is included on the Children's or Adult's Barred Lists of the Independent Safeguarding Authority, no application for grant of a licence will be entertained whilst they remain on either list.

Where an applicant has been on either barred list and subsequently removed from it, no application will be entertained until seven years have elapsed after removal from the list.

g) Counter Terrorism

Any conviction for an offence of relating to counter terrorism will be viewed most seriously. In any application where such offences are declared or found to be recorded against the applicant, the matter will be referred to the Licensing Sub-Committee for a decision irrespective of how long ago the conviction was.

MOTORING CONVICTIONS

20. MAJOR TRAFFIC OFFENCES

One Conviction

Where an applicant has one Major Traffic Offence, within the last 2 years, the application will normally be refused.

Two or more Convictions

Where an applicant has more than one Major Traffic Offences in the previous 5 years, the application will normally be refused.

Disqualification

If any conviction for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled “disqualification”.

For the purposes of these guidelines the following motoring offences are classed as ‘Major Traffic Offences’:

AC10	Failing to stop after an accident
AC20	Failing to give particulars or to report an accident within 24 hours
AC30	Undefined accident offences
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of Court
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death through careless driving when unfit through drugs
CD60	Causing death through careless driving with alcohol level above the limit
CD70	Causing death through careless driving then failing to supply a specimen for alcohol analysis
CD71	Causing death through careless driving the failing to supply a specimen for drug analysis
DD40	Dangerous driving
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink
DR30	Driving or attempting to drive then failing to supply a specimen for analysis
DR31	Driving or attempting to drive when unfit through drugs
DR40	In charge of a vehicle while alcohol level above limit

DR50	In charge of a vehicle while unfit through drink
DR60	Failure to provide specimen for analysis in circumstances other than driving / attempting to drive
DR61	Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive
DR70	Failing to provide specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs
IN10	Using a vehicle uninsured against third party risks
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS50	Motor racing on the highway
MS60	Offences not covered by other codes
MS90	Failure to give information as to identity of driver, etc.
UT50	Aggravated taking of a vehicle
TT99	Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16). Or similar offences or offences which replace the above offences.

21. INTERMEDIATE TRAFFIC OFFENCES

Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence.

One Conviction

An isolated Intermediate Traffic Offence need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

Two or more Convictions

Where an applicant has more than one Intermediate Traffic Offences in the previous 12 months, the application will normally be refused.

Disqualification

If any conviction for an Intermediate Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of the vehicle mobile phones etc
CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration of other road users
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motorway
SP60	Exceeding speed limit offence

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16). Or similar offences or offences which replace the above offences.

22. MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

Two or less Convictions

Where an applicant has two or less Minor Traffic Offences in the previous 12 months, the application will normally be granted with a letter of warning being placed on the file.

Three or more Convictions

Where an applicant has more than two Minor Traffic Offences in the previous 12 months, the application will normally be refused.

Disqualification

If any conviction for a Minor Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled “disqualification”.

For the purposes of these guidelines the following motoring offences are classed as ‘Minor Traffic Offences’:

MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a “Stop” sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding “Stop” sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction sign

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16) Or similar offences or offences which replace the above offences.

23. DISQUALIFICATION

a) **Disqualification – Major Traffic Offence**

An application will generally be refused unless a period of 3 years has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

b) **Disqualification – Intermediate Traffic Offence**

An application will generally be refused unless a period of 2 years has elapsed from the restoration of the DVLA licence.

c) **Disqualification – Minor Traffic Offence**

An application will generally be refused unless a period of 1 year has elapsed from the restoration of the DVLA licence.

24. SPENT CONVICTIONS

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction(s).

25. VEHICLE FITNESS

If a licensed driver is found to be repeatedly driving unfit vehicles, that driver will be considered responsible and as a result will be referred to the Licensing Sub-Committee.

26. COMPLAINTS

All complaints will be kept on file. If a driver receives a complaint, an investigation will take place and, following that investigation, they may be referred to the Licensing Sub-Committee.

If a driver receives several complaints of a similar nature, they will be referred to the Licensing Sub-Committee.

27. OTHER OFFENCES

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public. For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence if (s)he has been convicted of an offence under the Acts in the previous 2 years or has more than one conviction within the last 5 years.

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