

Proposed adoption of Statutory Standards

It is proposed that the suggested changes to the wording of the Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook for each the Statutory Standards listed below will be provided at a future Committee meeting. The Policy wording will be presented along with any options to be considered specific to any of the standards to be adopted.

This document outlines each of the Statutory Standards which were consulted upon, the outcome and findings of the consultation for each standard and which section/s of current policy will be affected by adoption of the standard as outlined in the Statutory guidance.

Consultation Question Number (standards paragraph no.)	Outcome and findings of the consultation	Current Policy sections effected by adoption	Proposal for consideration by Committee
<p>1 (4.5) Enhanced DBS Checks</p> <p>a) The Department for Transport recommends that holders of driver licences undergo an enhanced DBS check every 6 months. This can be done by subscribing to the DBS update service with the driver giving consent to check the status of the certificate on a more frequent basis.</p> <p>b) There are circumstances in which individuals are not permitted by the DBS to subscribe to the update service and they should still be subject</p>	<p>73% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 2.4 Existing holders of a Private Hire or Hackney Carriage Drivers licence. Existing licence holders whose DBS is due to expire must also complete a new DBS disclosure certificate and apply to join the update service. Any licence holder who fails to join the DBS update service or fails to renew their subscription to the DBS Update Service will have their licence suspended and will be unable to work until a new DBS certificate has been produced. All drivers will have their criminal history checked via the DBS update service at least every 12 months. If the Licensing Office receives information that a driver has committed an offence or receives intelligence on offending behaviour, the Licensing Office will regularly check the current status of the licence holder's disclosure certificate via the DBS update service. If the DBS update service reveals that the original certificate</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>to an enhanced DBS check every six months. All costs to be paid by the driver</p>		<p>is no longer valid the licence holder will be required to complete a new DBS disclosure application at their own expense. They will also have their licence suspended until the new information can be considered by the Licensing Sub Committee.</p> <p>Any driver referred to the committee will have their DBS checked through the update service.</p> <p>The Licensing Sub Committee has the discretion to require a licence holder to be subject to more frequent DBS checks.</p> <p>All applicants and holders of a licence must give permission for the Council to carry out checks, at any time, via the update service.</p> <p>2.23 Disclosure and Barring Service Online Update Service</p> <p>All licence holders must subscribe to the Disclosure and Barring Service Online Update Service. Any costs associated with maintaining this subscription must be met by the licence holder.</p> <p>The driver must give permission for the Council to undertake checks of their DBS status should the Council consider it necessary to do so. The Council will use the update service to monitor the criminal record of drivers.</p> <p>7.6.6 So that the local authority receives relevant information as quickly as possible in order to take appropriate and proportionate action to protect public safety, it is the local authority's policy to require applicants to register for the DBS's update service. Registration lasts for one year. Licence holders are required to provide evidence of continuous registration</p>	
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		throughout the duration of their licence. The local authority will check the licence holder's criminal history at least every 12 months via the DBS Update Service.	
<p>2 (7.3) Basic DBS Checks</p> <p>The Department of Transport recommends that applicants for vehicle licences undergo an annual basic DBS check. Should the certificate contain information, this shall be considered in line with the Council's policy on consideration of disclosed criminal history. If the applicant is a company or partnership, basic DBS certificates will need to be provided for all directors and/or partners.</p>	<p>81% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 3.1 Making a Vehicle Application This section will provide all the information you will require to license a Hackney Carriage or Private Hire vehicle in Sandwell. All Hackney Carriage and Private Hire vehicles in Sandwell must pass the Council's Vehicle Test before a licence can be issued. Before you attend for your appointment at the Licensing Office, you must ensure that you bring the following items with you.</p> <ul style="list-style-type: none"> • The completed application form. Signed or stamped by the Licensed Operator you are going to work for. • The complete DVLA (V5) Vehicle Registration document (Log Book)* • A valid, original insurance document. • Your full, current driving licence issued by the DVLA. • The current licence fee (A current fee schedule is available from the Licensing Office). 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<ul style="list-style-type: none"> • Your meter calibration certificate (Hackney Carriages only). • If your vehicle has been converted to run on Liquefied Petroleum Gas (LPG) you must also produce a safety certificate issued within the last twelve months from a UKLPG approved installer. • If your vehicle is fitted with a tail-lift you must also produce a LOLER safety inspection certificate issued within the last six months. <p>If you forget any of the above items when you attend the Licensing Office to make your application, your application may not be accepted, and you may incur additional costs and delays.</p> <p>6.5 Fitness and Propriety</p> <p>The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:</p> <p>Criminal record (including convictions, cautions, warnings and reprimands),</p> <p>Factors such as general character, non-criminal behaviour, honesty and integrity,</p> <p>Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Sandwell Council),</p> <p>Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)</p>	
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		<p>In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.</p> <p>If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p> <p>Similarly all employees (i.e. call handlers etc.) working through the base will also be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p>	
<p>3 (3.7) Length of Licences</p> <p>The Department of Transport recommends that driver licences should be issued for three years, vehicle licences for one year and private hire operator licences for five years. Any shorter duration licence should only be issued when the licensing authority thinks it is appropriate in the specific</p>	<p>79% of respondents to the consultation were in favour of this proposal.</p>	<p>The currently Policy position offer drivers the choice of a one year or a three year licence for dual, hackney carriage and driver licences and operators the choice of a one year, a three year or a five year licence and 4 months or 1 year for hackney carriage and private hire vehicle licences.</p> <p>We are still obliged to offer the options of a one year or a three year licence for drivers and whilst we can promote the three year licence, in the current economic climate drivers may wish to only pay for the one year licence.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>circumstances of the case e.g. the licence holder's leave to remain in the UK is time limited or the licence is issued to meet a short term demand.</p>		<p>We are obliged to offer the options of a one year, a three year and a five year licence for operators and whilst we can promote the three and five year licences, again in the current economic climate operators may wish to pay for the one year licence.</p> <p>Vehicle testing is carried out at the Council's Transport Depot in Waterfall Lane, Cradley Heath, on the same site as the Licensing Office. Some larger or specialist vehicles may be sent to another testing station if the Council's facility is too small to safely examine them. If you are licensing a vehicle for the first time, or your current licence is due for renewal, your vehicle will be subjected to a test. This test will be undertaken in accordance with the Supplementary Vehicle Testing Criteria.</p> <p>There are three types of test, the details of which are listed below:</p> <p>Full Test</p> <p>The full test lasts about 1 hour and includes a full MOT, together with a taxi test. The taxi test covers items such as the general condition of the vehicle both in terms of the vehicles bodywork and interior condition, possible accident damage and the examination of items such as the first aid kit and fire extinguisher.</p> <p>Interim Vehicle Check</p> <p>Interim Vehicle Checks are designed to ensure that licensed vehicles are suitably maintained throughout the lifetime of their licence. The Interim Vehicle Check lasts about half an hour and includes the taxi test. The number of Interim Vehicle Checks your vehicle will be subjected to are outlined in the table over the page.</p>	
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<p>4 (4.12) Licensee Self Reporting</p> <p>The Department of Transport recommends that licence holders should be required to notify the issuing authority within 48 hours of an arrest and release, charge or conviction of any sexual offence, any offence involving dishonesty or violence and any motoring offence. An arrest for any of these offences to result in a review of the licence holders suitability to hold a licence.</p>	<p>87% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 2.13 All Drivers Licences</p> <p>All applicants for a licence and all existing licence holders must comply with the following requirements:</p> <ul style="list-style-type: none"> • On expiry of a licence, identification badges must be returned to the Licensing Office within 7 days. • If a licence has been suspended or revoked the identification badges must be returned to the Licensing Office immediately. • Any change in medical condition which affects the driver's ability to drive safely must be reported to the Licensing Office within one working day. • Any convictions, fixed penalties, cautions, reprimands etc. must be reported in writing within 7 days. This also includes any allegations currently under investigation by the Police or any other Enforcement Agency. • Whether charged or not the driver must report any arrest within 3 days. 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<p>2.21 Convictions, cautions, arrest etc. The licence holder must notify the Licensing Office in writing within 7 days (or 3 days in the case of arrest) providing full details of any conviction, bind over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her during the period of the licence.</p> <p>2.22 Fixed Penalty Notices</p> <p>The licence holder must notify the Licensing Office in writing of any Fixed Penalty Notice (FPN) or Notice of Intended Prosecution (NIP) within 7 days of the receipt of such a notice. The notice must be produced to the Licensing Office. The licence holder must subsequently produce his/her driving licence to the Licensing Office, together with any court, fixed penalty office, or DVLA correspondence immediately following receipt of confirmation that the endorsement has been placed on the drivers licence records, or in any case within 8 weeks of the date of the original offence. An on-line DVLA licence check will be carried out by the Licensing Office.</p> <p>This includes all motoring offences – whether endorsable or not and requirements to attend a Speed Awareness Course. This means that licence holders are required to notify the Licensing Office if they opt to attend a speed awareness course rather than have their licence endorsed.</p> <p>Arrest for any Offence</p>	
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		<p>Whether charged or not the licence holder must notify the Licensing Office within 3 days of their arrest for an alleged offence(s).</p> <p>6.17 General Conditions c) The Operator must notify the Council in writing within 7 days (or 3 days in the case of arrest) providing full details of any conviction, bind over, caution, warning, reprimand or arrest for any matter (whether or not charged) imposed on him / her (or if the Operator is a Company or Partnership on any of the Directors, Secretary or Partners) during the period of the licence.</p> <p>7.6.2 Existing holders of drivers' licences are required to notify the local authority in writing within 3 days of being arrested (whether charged or not), and within 7 days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions and reprimands).</p>	
<p>5 (4.34) Time Spent Abroad</p> <p>The Department of Transport recommends that as the DBS cannot access criminal records held overseas, that where an applicant has spent three or more continuous months outside the UK, that they should provide criminal records information from that country or a</p>	<p>73% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 2.4 The DBS Disclosure Existing holders of a Private Hire or Hackney Carriage Drivers licence. Existing licence holders whose DBS is due to expire must also complete a new DBS disclosure certificate and apply to join the update service. Any licence holder who fails to join the DBS update service or fails to renew their subscription to the DBS Update Service will have their licence suspended and will be unable to work until a new DBS certificate has been produced.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>“Certificate of Good Character” on their return.</p>		<p>All drivers will have their criminal history checked via the DBS update service at least every 12 months. If the Licensing Office receives information that a driver has committed an offence or receives intelligence on offending behaviour, the Licensing Office will regularly check the current status of the licence holder’s disclosure certificate via the DBS update service. If the DBS update service reveals that the original certificate is no longer valid the licence holder will be required to complete a new DBS disclosure application at their own expense. They will also have their licence suspended until the new information can be considered by the Licensing Sub Committee.</p> <p>Any driver referred to the committee will have their DBS checked through the update service.</p> <p>The Licensing Sub Committee has the discretion to require a licence holder to be subject to more frequent DBS checks.</p> <p>All applicants and holders of a licence must give permission for the Council to carry out checks, at any time, via the update service.</p> <p>2.27 Occasions when licensed drivers are not utilising their licences for an extended period of time</p> <p>If circumstances are such that a licensed driver does not intend to work as a private hire driver in Sandwell for a period exceeding 4 weeks, they must surrender their licence to the Licensing Office. The identification badges and licence must be surrendered as soon as it becomes clear that the driver will not be working for a period exceeding this time.</p>	
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		<ul style="list-style-type: none"> • An enhanced criminal record check and evidence that they are not on a child and/or vulnerable adult barring list. • A certificate of their current medical fitness [to DVLA Group 2 standard] – (See medical section in Driver Policy). • That the applicant is authorised to drive a vehicle of the same classification as that which the licence will allow them to drive. • That the applicant holds a UK driving licence and has a minimum of two years post-qualification driving experience. • That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for. This will be demonstrated by means of a test. (See Suitability Assessment section in Driver Policy). • That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for. This will be demonstrated by means of a test. (See Suitability Assessment section in Driver Policy). • That the applicant has completed Child Sexual Exploitation (CSE) Awareness and Safeguarding Training provided by the local authority's appointed training provider. (See CSE & Safeguarding Training in Driver Policy). • That the applicant has completed Equality & Disability Awareness Training provided by the local authority's appointed training provider. 	
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		<p>(See Equality & Disability Awareness Training in Driver Policy).</p> <ul style="list-style-type: none"> • For persons who seek to be authorised to drive a wheelchair accessible vehicle) that the applicant has the ability to safely load and secure wheelchair users in a wheelchair accessible vehicle whilst in their chair. This is provided for by the Wheelchair Assessment Test. • That the applicant has completed the driving test carried out by the local authority's appointed driving test provider. (See The Driving Test section in Driver Policy). • If an applicant has previously lived outside of the United Kingdom the applicant must produce a criminal record check from each country in which they have lived whilst over the age of 18 before a licence application can be made. 	
<p>6 (4.29 & 4.31) Complaints about Licence Holders</p> <p>To ensure that passengers know who to complain to, details on how and who to make a complaint to should be displayed in all licensed vehicles</p>	<p>81% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 3.7 Improvement to Vehicle Standards In order to improve the service offered to members of the public, the Council has agreed the following changes in Policy: Vehicle Identification -Hackney Carriages From 1 September 2015, the Council will only grant a hackney carriage licence if, to the satisfaction of the Licensing Manager or the Legal Manager, the vehicle is black in appearance. This policy only relates to new applications for a hackney carriage licence for non-purpose built hackney carriages i.e. van or MPV</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<p>conversions. Existing Sandwell MBC licensed hackney carriages that are not black may still continue to be licensed providing the vehicle licence has not expired for more than 14 days and only in exceptional circumstances. Purpose built London-style hackney carriages can be any colour.</p> <p>Vehicle Identification – Private Hire Vehicles</p> <p>From 1 September 2015, with the exception of Minibuses and Multi Purpose Vehicles (MPV's), the Council will grant a private hire vehicle licence for any colour vehicle. Minibuses and MPV type vehicles may be any colour apart from black. A licence will not be issued for a Minibus or MPV if the vehicle's paintwork could be mistaken for being black.</p> <p>Any vehicle that is black in colour which has the appearance of a hackney carriage or in the opinion of the Licensing Manager or the Legal Manager could be mistaken for being a hackney carriage will not be licensed as a private hire vehicle by the authority.</p> <p>Age Policy</p> <p>Applicants will be able to make an application for a vehicle of any age however the age of the vehicle will still determine the level of licence fee and the number of Interim Vehicle Checks that the vehicle will be subject to. (Further information on Interim Vehicle Checks is available on pages 3.6 and 3.7).</p> <p>Window Stickers</p> <p>All Sandwell MBC licensed vehicles must display a self-adhesive sticker along the top edge of the window glass of each rear passenger door. The sticker will confirm that the vehicle is a licensed vehicle and that smoking is not allowed in the vehicle. The stickers</p>	
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		<p>must be displayed at all times that the vehicle is in use on the road (even if it is not being used for work).</p> <p>Roof Signs & Operator door signs.</p> <p>With effect from 1 October 2017, the council will recall all council supplied roof signs. The licensed operator will have the discretion to decide if vehicles working through their business are required to display an illuminated roof sign of the operator's choice. If using roof signs the operator must ensure that the roof sign displays, as a minimum, the name and telephone number of the Operator. The Operator base name must be displayed at the front of the roof sign and the telephone number on the rear of the roof sign. All letters and numbers must be at least 1 inch in height and clearly distinguishable.</p> <p>If the operator decides not to use roof signs, the operator must ensure that all vehicles working through the base display door signs/stickers clearly identifying the name and telephone number of the company. Limousines and Speciality/Novelty vehicles will be exempt from displaying company signage.</p> <p>3.16 Licence conditions applicable to Private Hire Vehicles</p> <p>2) The licence holder must ensure that the large and small Private Hire plates issued by Sandwell Metropolitan Borough Council, are displayed in the following manner:</p> <ul style="list-style-type: none"> • The large exterior plate must be securely attached to the rear of the vehicle. 	
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		<ul style="list-style-type: none"> The small interior plate must be displayed inside the vehicle in a position that is clearly visible to all passengers. <p>3.17 Licence Conditions Applicable to Hackney Carriage Licence Holders</p> <p>2) The licence holder must ensure that the large and small Hackney Carriage plates, issued by Sandwell Metropolitan Borough Council, are displayed in the manner dictated by the Licensing Office at all times.</p> <ul style="list-style-type: none"> The large exterior plate must be securely attached to the rear of the vehicle. The small interior plate must be displayed inside the vehicle in a position that is clearly visible to all passengers. 	
<p>7 (5.12) Fit and Proper Test</p> <p>As a Licensing Authority, Sandwell Taxi Licensing have a responsibility to ensure that the person to whom a licence is granted is a fit and proper person and propose that the new definition of this as detailed below be adopted:</p> <p>“Without any prejudice and based on the information before you, would you allow a person</p>	<p>79% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>7.1.3 The term “Fit and Proper Person” for the purposes of hackney carriage and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications and licences are effectively asking the following question of themselves: ‘Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?’</p> <p>If the answer to the question is an unqualified ‘yes’, then the person can be considered to be fit and proper.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of the day or night?”		If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.	
<p>8 (6.14) Language Proficiency</p> <p>The Department of Transport recommend that as a lack of language proficiency could impact on a driver’s ability to understand written documents, such as policy and guidance relating to the protection of children and vulnerable adults, that all licensing authorities should conduct a test that covers both oral and written English skills.</p>	85% of respondents to the consultation were in favour of this proposal.	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states: 7.3 Pre-requisites to making an application That the applicant has adequate literacy and numeracy skills to provide the service that they wish to be licensed for. This will be demonstrated by means of a test. (See Suitability Assessment section in Driver Policy).</p> <p>That the applicant has sufficient ability to speak English and to understand spoken English to provide the service that they wish to be licensed for. This will be demonstrated by means of a test. (See Suitability Assessment section in Driver Policy).</p> <p>2.5 The Suitability Assessment</p> <p>To ensure that all your customers receive a consistently high level of service, all applicants for a Private Hire Driver’s Licence or Hackney Carriage Driver’s Licence are required to pass a classroom based suitability assessment which is designed to ensure that you understand the following:</p> <ul style="list-style-type: none"> • The law and conditions of the licence. • When to inform us if you are convicted of an offence, or if you have received cautions, 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording and method of assessment will be presented at a future Committee meeting.</p>

		<p>reprimands, conditional discharges, bind-overs or fixed penalties.</p> <ul style="list-style-type: none"> • Your responsibilities to the Council. • Your knowledge of the Highway Code. • Your command of the English language. • Your basic maths skills. • Vehicle maintenance. • Customer Service. • Geographical Knowledge. <p>To assess your understanding, we will ask 50 questions and you will need to answer at least 45 correctly. You will be given 1 hour to complete the assessment. If you do not successfully complete this assessment, retests can be taken up to a maximum of 3 assessments in total (i.e. 2 retests). A fee is payable for each assessment. If you have failed the assessment 3 times, we will refuse to grant your licence.</p> <p>You will not be able to reapply within 12 months of the date of your last unsuccessful Suitability Assessment. If your English or basic skills are below the required standard to pass the Suitability Assessment, your application will be refused.</p>	
<p>9 (7.9) CCTV Cameras in Licensed Vehicles</p> <p>The Department of Transport has asked that Local Authorities consider if there is a local need for the installation of CCTV in licensed vehicles.</p>	<p>68% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>3.13 CCTV</p> <p>The use of CCTV equipment in Hackney Carriages and Private Hire Vehicles shall be permitted providing the licence holder informs the Licensing Office that they have installed such a system.</p>	<p>It is proposed that this standard would not be adopted as a mandatory condition in Policy as outlined in the Statutory guidance.</p>

<p>Any costs of installing cameras would be at the driver's expense.</p> <p>Do you feel there is a need for CCTV cameras and do you support the installation of cameras in all licensed vehicles?</p>		<p>The installation of this equipment must comply with all relevant legislation e.g. CE Mark requirements.</p> <p>It is the licence holder's responsibility to ensure that they comply with all the requirements of Data Protection legislation in particular issues around the storage of data, and the need to display a notice informing passengers that CCTV recording equipment is in use.</p> <p>The licence holder must ensure that the CCTV equipment is recording every time that the vehicle is being driven regardless of whether or not there are passengers on board. The licence holder must provide a copy of the data stored on their CCTV device to any Police Officer or authorised officer of Sandwell MBC on request.</p> <p>The use of advertising on CCTV screens is permitted providing the advert has been approved by the Licensing Manager or the Legal Manager.</p>	<p>It is instead proposed to maintain the current Policy position of voluntary installation of CCTV at the request of the licence holder at this time.</p> <p>Proposed minor amendments to Policy wording will be presented at a future Committee meeting.</p>
<p>10 (8.8)</p> <p>Booking and dispatch staff</p> <p>Licensing authorities should as a condition of granting a private hire operator's licence require a register of all staff who either take bookings or dispatch vehicles to be kept and require operators to evidence that they have had sight of a basic DBS check for these staff and this be evidenced in the register. Operators should also be required to provide their policy</p>	<p>86% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>6.3 Criminal Record Checks for Operators, Managers, Deputies and all staff with access to passenger data (This section does not apply to anyone who is a Sandwell MBC licensed driver).</p> <p>From 1 December 2017, all new applicants for a Private Hire Operators licence will be required to produce a valid Basic Disclosure Certificate prior to a licence being issued.</p> <p>From 1 December 2017, existing holders of a Private Hire Operators licence will be required to produce a valid Basic Disclosure Certificate prior to a licence being renewed.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>on employing ex-offenders in these roles.</p>		<p>Operators must meet the same standard as Drivers when considering criminal records. A Basic Disclosure Certificate must have been issued within one month of the application for a licence. Operators will be required to produce a new Basic Disclosure Certificate annually. Failure to produce evidence of a new Basic Disclosure Certificate prior to the previous one expiring may result in your licence being suspended.</p> <p>From 1 December 2017, the Operator must ensure that all staff, working at the base, who have access to customer data, including the manager/deputy, are checked annually with regard to their criminal record. Staff working at the base must meet the same standard as Drivers and Operators when considering criminal records. Evidence of an employee's Basic Disclosure Certificate must be presented to an authorised officer on request.</p> <p>Operators and Call handlers at the base can handle sensitive information, such as details of vulnerable adults and children. They can also be aware of any houses that are empty if the occupant(s) are using a licensed vehicle. For these reasons it is essential that only suitable people are allowed to work at Private Hire Operator bases.</p> <p>If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p>	
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		<p>Similarly all employees (i.e. call handlers etc.) working through the base will also be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p> <p>6.8 Operator responsibility in relation to vehicles/drivers that are operated and staff employed at the business</p> <p>The operator is responsible for all persons (and vehicles) that are employed, contracted or otherwise used in the course of their business. To that end, the operator must undertake sufficient checks to satisfy themselves that only suitable employees, drivers and vehicles are used (and continue to be used) in the course of their business. The failure of an operator to ensure that appropriate checks are carried out may call into question the operator's fitness and propriety. In addition, a failure to take appropriate action in relation to drivers that persistently breach licence conditions may also be detrimental to the continued fitness and propriety of the operator.</p> <p>The following are examples of circumstances that may affect the fitness and propriety of a Private Hire Operator:</p> <ul style="list-style-type: none"> • Licensed drivers or vehicle proprietors persistently (either individually or as a group) breaching the conditions of their 	
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		<p>licence whilst working for / under the instruction of a particular operator.</p> <ul style="list-style-type: none"> • Vehicles being operated that are in an unsuitable condition. • Failure by the operator to satisfactorily address concerns in relation to licensed drivers / vehicle proprietors (including matters related to child / adult safeguarding). <p>The council expects licensed operators to support the council in its aims to raise awareness of and tackle issues around child and adult safeguarding. Operators must remain alert to these and similar issues, failure to do so will call into question the fitness and propriety of the operator.</p> <p>6.5 Fitness and propriety The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following: Criminal record (including convictions, cautions, warnings and reprimands), Factors such as general character, non-criminal behaviour, honesty and integrity, Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Sandwell Council), Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)</p>	
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		<p>In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.</p> <p>If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p> <p>Similarly all employees (i.e. call handlers etc.) working through the base will also be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers).</p>	
<p>11 (8.13) Operator Record Keeping</p> <p>Licensing Authorities should as a minimum require private hire vehicle operators to record the following information for each booking:</p> <ul style="list-style-type: none"> • The name of the passenger • The time of the request • The pick-up point • The destination 	<p>94% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>6.15 Record of Bookings</p> <p>a) The operator must keep an accurate record of every booking of a private hire vehicle or hackney carriage accepted by him/her. The loss of records by theft or otherwise must be reported to the Council in writing within 24 hours, and also immediately to the Police in the event of theft being suspected. Separate records must be kept at each premises from which the Operator conducts business. The records must be kept at all times at the business premises and not removed.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<ul style="list-style-type: none"> • The name of the driver • The driver's licence number • The vehicle registration number of the vehicle • The name of the individual that responded to the booking request • The name of the individual that dispatched the vehicle 		<p>All such records must be in English, permanent, legible and preserved for a period of not less than 5 years following the date of the last entry.</p> <p>Records must be kept in one of the following forms:</p> <ul style="list-style-type: none"> i. a bound book with consecutively numbered pages (loose leaf registers are not acceptable) or ii. on continuous stationery which has been generated in the form of an instantaneous print out by a computerised system. The Operator must ensure that adequate supplies of continuous stationery and ink cartridges are maintained and that the printer is appropriately replenished to ensure that at all times full and legible booking details are printed, or iii. a computerised recording system which automatically generates a permanent entry onto a recordable CD or DVD at the same time the booking is entered onto the system. Satisfactory certification from the program supplier/installers must be produced to the Council before using any such system for the recording of bookings required by law to be maintained. Such certification must confirm that the system stored or recorded is tamper-proof; and once inputted, cannot be altered, amended, deleted or added to in any way. Any change to the recording system must only be by way of prior written agreement from the Council. iv. the removable CD/DVD must be changed on the first day of every month and kept in a secure place at the premises for production on demand by the Police or an Authorised Officer. v. on secure computer hard drives or secure cloud storage systems. 	
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		<p>Regardless of which system is used. Copies of booking records must be provided to an authorised officer or Police officer on request.</p> <p>b) In respect of whichever system is used the Operator must, at the time the booking is taken, enter therein:</p> <ul style="list-style-type: none"> i. the date and time the booking was received, any subsequent cancellation, and the signature (or in the case of a computer system, the identity) of the person taking the booking; ii. the name and address of the hirer; iii. the time of the journey, together with the journey date if different from the booking date; the address or name of the premises from which it is to commence (i.e. the point of pick up of the passenger(s)) and the address or place of destination; iv. the private hire/hackney carriage plate number of the vehicle to be used for the journey (personal code systems are not acceptable); v. the badge number of the driver of the vehicle used; vi. remarks (including details of any sub-contracting to another licensed operator). <p>c) Where any bookings are sub contracted either by the operator to another licensed operator or are accepted by the operator from another operator a full record of the booking (in line with 3b above) and notes must be included; including the name of the sub-contractor and contact information)</p> <p>6.17 General Conditions</p> <p>i) You must keep and maintain at your licensed premises a register of all persons employed whether full or part time, in which shall be recorded their full</p>	
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		name, date of birth, address, national insurance number, contact telephone number, any call sign/codes they are allocated and the dates their employment commenced/terminated. Further, in relation to each employed individual, copies of supporting documentation in the form of a valid passport or a DVLA photocard licence and utility bills of no more than 2 months old must be kept. This register must be retained at your licensed premises and be available for inspection by an authorised officer at any time during the hours of operation.	
<p>12 (8.16) Use of PSVs by PHOs</p> <p>The use of a driver who holds a PSV licence and the use of a public service vehicle (PSV) such as a minibus to undertake a private hire vehicle booking should not be permitted as a condition of the private hire operator's licence without the informed consent of the person making the booking/hiring</p>	<p>76% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook does not currently have such a requirement.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>
<p>13 (6.3) Driver Licensing - barred lists</p> <p>In the interests of public safety, licensing authorities should not, as part of their policies, issue a licence to any individual who appears on either of the DBS barred lists (barred from working</p>	<p>94% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook - 7 Private Hire and Hackney Carriage Determination of Matters Policy Guidelines</p> <p>7.1 Introduction</p> <p>7.1.1 The purpose of the Policy Guidelines (The Guidelines) is to provide guidance on the criteria taken into account by the council when determining whether or not to grant/renew a licence to an applicant or to</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a</p>

<p>with children or barred from working with adults)</p>		<p>take action on an existing licence holder in respect of a driver, vehicle, or private hire operator's licence. This policy will be immediately applied to all current licences, in addition to being considered at the time of renewal and grant of a licence.</p> <p>7.1.2 The overriding aim of the local authority is to protect the safety of the public.</p> <p>The local authority is concerned to ensure:</p> <ul style="list-style-type: none"> • That a person is a fit and proper person. • That the person does not pose a threat to the public. • That the public are safeguarded from a dishonest person. • The safeguarding of children and young people, people with disabilities, and vulnerable people. <p>7.1.3 The term "Fit and Proper Person" for the purposes of hackney carriage and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining applications and licences are effectively asking the following question of themselves: 'Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'</p> <p>If the answer to the question is an unqualified 'yes', then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.</p>	<p>future Committee meeting.</p>
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		<p>In order to assess the suitability of an applicant or licence holder (and to inform decision makers when answering the question above), the local authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:</p> <ul style="list-style-type: none"> • Criminality • Period of holding a driver's licence • Number of endorsed driving licence penalty points • Right to work • Medical fitness • Standard of driving / driving ability • The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process). • The previous licensing history of existing / former licence holders. <p>In addition the local authority will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.</p> <p>7.2 General Policy</p>	
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<p>14 (7.5) Private Hire Operators and vehicle licence – notification of changes to company/partnership</p> <p>Private hire vehicle operator and vehicle licences may be applied for by a company or partnership; licensing authorities should apply the “fit and proper” test to each of the directors or partners in that company partnership. For this to be effective, private hire vehicle operators and those organisations who hold a vehicle licence should be required to advise the licensing authority of</p>	<p>87% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>6.5 Fitness and Propriety</p> <p>The Council will only issue licences to applicants that are deemed to be fit and proper. In assessing this, the Council will have regard to the following:</p> <p>Criminal record (including convictions, cautions, warnings and reprimands),</p> <p>Factors such as general character, non-criminal behaviour, honesty and integrity,</p> <p>Previous conduct (particularly in cases where the applicant holds or has previously held a licence issued by Sandwell Council),</p> <p>Business practices demonstrated by the applicant (for example standard of record keeping, compliance with other regulatory requirements, financial practices etc.)</p> <p>In addition the Council will also consider further information sources such as the Police (including</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

any change in directors or partners.		<p>abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.</p> <p>If an application is received from a person that is not a driver licensed by Sandwell MBC, the applicant will be required to provide a Basic Disclosure from the Disclosure and Barring Service, and undertake the council's Equality & Disability Awareness Training and also the CSE Awareness and Safeguarding Training (as required for licensed drivers). Should the basic DBS certificate contain any convictions, they will be considered in line with the Council's convictions policy which means they may need to be referred to committee for determination.</p> <p>6.9 New Management of company following revocation of a licence.</p> <p>Where a licence has been revoked, the Authority will not normally grant an application for an operator's licence within 12 months of the date of the revocation, when they are not satisfied that the management structure of the private hire company is not related to the management involved in the revoked licence and when the authority is not satisfied that the applicant is a fit and proper person to hold the licence. However, each application is to be considered on its own merits.</p>	
<p>15 (4.21) NR3 Register</p> <p>NR3 is a national register of taxi and private hire licence refusals and revocations. The Department of Transport ask</p>	<p>84% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook does not currently have NR3 registration as a requirement.</p> <p>Sandwell Council is not currently signed up to the national database for sharing information with regard to drivers</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p>

<p>that tools such as NR3 should be used to share information on a more consistent basis to mitigate the risk of non-disclosure of relevant information by applicants and are asking that all Local Authorities subscribe.</p>		<p>who have had their licences either refused or revoked. All applicants applying for a driver's licences would have to be checked against the NR3 register as part of the new and renewal application process and that in the event we refuse to renew or revoke we will add their information to the register.</p> <p>We would need a policy on disclosing information to other authorities if we have refused or revoked a licence and on what we will do with information disclosed to us. A draft have been produced and shared with the Information Governance Team</p> <p>2.1 Making an Application for a Driver's Licence (New and Renewals)</p> <p>A new section would be required in this section of Policy making drivers aware that their details will be checked against the NR3 register to ascertain whether or not they have ever had a taxi/dual/private hire drivers licence either refused or revoked.</p> <p>7.7 Once a Licence has been granted</p> <p>7.7.3 Existing licence holders who committed an offence in the past, other than those referred to in the above paragraph and specified in these Policy Guidelines, which has previously been determined by the Committee or officers or Court, whereupon if they were being determined after the implementation of the policy would expect an alternative outcome, will be brought before the committee, upon receipt of their</p>	<p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>
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		<p>application for a renewal, to consider whether or not their licence should be suspended for a longer period of time or if the licence should be revoked. The committee will consider each case on its merits and take into account the length of time that has elapsed since the conviction and the drivers conduct and the length of time the licence holder has held a licence.</p> <p>7.7.4 A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver by the officer with delegated powers, or at the Committee meeting. [Local Government (Miscellaneous Provisions) Act 1976, Section 61 (2A) & (2B)]</p> <p>7.7.5 A suspension or revocation of the licence of an operator takes effect at the end of the period of 21 days beginning with the day on which notice is given to the operator.</p> <p>7.13 In order to assess the suitability of an applicant or licence holder (and to inform decision makers when answering the question above), the local authority will undertake whatever checks and apply whatever processes it considers necessary to ensure that licences are not issued to, or used by, unsuitable people. In</p>	
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		<p>assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:</p> <ul style="list-style-type: none"> • Criminality • Period of holding a driver's licence • Number of endorsed driving licence penalty points • Right to work • Medical fitness • Standard of driving / driving ability • The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process). • The previous licensing history of existing / former licence holders. <p>1.5 The Licensing Committee</p> <p>The Council has an obligation to ensure that Private Hire and Hackney Carriage licences are only issued to applicants that are considered to be 'fit and proper'. To enable the Council to do this, the Council has drawn up criteria, which an applicant must meet for the licence to be issued.</p> <p>If you don't fulfil these criteria for any reason and wish to pursue your application, you will be required to attend a Licensing Sub Committee Meeting.</p>	
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		<p>This Committee has the power to grant or refuse applications. The Committee can also suspend, revoke or refuse to renew an existing licence.</p> <p>The Licensing Sub Committee is comprised of Elected Council Members who normally meet at least once a month, in order to deal with licensing issues.</p> <p>There will be a number of council officers present during the meeting to assist the Members.</p> <p>If you are required to attend a committee meeting, the reason will be explained to you at the earliest opportunity by a member of staff from the Licensing Office.</p> <p>A letter will be sent inviting you to attend the next available meeting. This letter will contain the time and date of the meeting and a copy of the report that will be presented to the Committee.</p> <p>If you are unable to attend the meeting or feel that you need further assistance in any way, you should contact the Licensing Office immediately.</p> <p>The meeting gives you the opportunity to tell the Committee about anything you feel they should know, before they make a decision about your application. It also allows the Committee to look at the background to your individual circumstances before making a decision on the application.</p> <p>Licensing Office staff will not be included in the decision making process and have no influence over the decision of the Committee. To ensure that this is the case, members of staff from the Licensing Office who are involved in the investigation and compilation of the report will leave the meeting room with you, whilst the decision is made.</p>	
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		<p>You will be informed of the Committee's decision immediately after it has been made. This decision is then confirmed in writing within 14 days. If a licence is refused, suspended or revoked, the letter will outline the reason for the Committee's decision and will inform you of any right of appeal you may have.</p> <p>If you are unhappy with the Council's decision, and wish to appeal, you may want to seek legal advice.</p>	
<p>16 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Crimes resulting in death</p> <p>Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.</p>	<p>86% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.8.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence.</p> <p>7.8.2 A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Murder. • Manslaughter. • Manslaughter or culpable homicide while driving. • Terrorism offences. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.13.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<p>A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Causing death by dangerous driving. • Causing death by careless driving whilst under the influence of drink or drugs. • Causing death by driving: unlicensed, disqualified or uninsured drivers. • Or any similar offences. 	
<p>17 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Exploitation</p> <p>Where an applicant or licensee has been convicted of a crime involving, relating to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims</p>	<p>93% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>7.10 Sex and indecency offences</p> <p>7.10.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those applicants with convictions for the more serious sexual offences will not be granted.</p> <p>7.10.2 A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Rape. • Assault by penetration. • Offences involving children or vulnerable adults. • Sexual assault. • Indecent assault. • Exploitation of prostitution. • Trafficking for sexual exploitation. • Possession of indecent photographs, child pornography etc. 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, this is not an exhaustive list</p>		<ul style="list-style-type: none"> • Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>All current licence holders with such a conviction will be brought before the Committee, following the implementation of the policy, to consider whether or not their licence should be revoked.</p>	
<p>18 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Offences involving violence against the person</p> <p>Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p>	<p>80% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook states:</p> <p>7.8.3 At the time of application a minimum period of 10 years free of conviction or at least 10 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <ul style="list-style-type: none"> • Any racially or religiously aggravated offence. • Arson. Wounding with intent. • Grievous bodily harm. • Robbery. • Riot. • Assault occasioning actual bodily harm. • Violent disorder. • Cruelty to a child. • Neglect of child. 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

		<ul style="list-style-type: none"> • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.8.4 At the time of application a minimum period of 5 years free of conviction or at least 5 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <ul style="list-style-type: none"> • Section 4 Protection from Harassment Act 1997. • Affray. • Assault on a Constable • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.8.5 At the time of application a minimum period of 3 years free of conviction or at least 3 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <ul style="list-style-type: none"> • Common assault / Battery / Assault by beating. • Section 5 Public Order Act 1986 offence (harassment, alarm or distress). • Section 4 Public Order Act 1986 offence (fear of provocation of violence). 	
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		<ul style="list-style-type: none"> • Section 4A Public Order Act 1986 offence (intentional harassment, alarm or distress). • Section 2 Protection from Harassment Act 1997. • Obstruction. • Criminal damage. • Resisting arrest. • Stalking. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.8.6 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.</p> <p>7.8.7 In the event of a licence being granted, a strict warning as to the applicant's future conduct and how it may affect the licence, both verbally and in writing should be administered.</p>	
<p>19 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and</p>	<p>81% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes more detail and a shorter period before a licence applicant may apply and does not accept a firearms conviction. It reads as follows:</p> <p>7.9.1 If an applicant has been convicted of possession of a weapon/bladed article or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a</p>

<p>rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Possession of a weapon Where an applicant has a conviction for possession of a weapon or any other weapons related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed</p>		<p>7.9.2 At the time of application a minimum period of 5 years free of conviction or at least 5 years from completion of the sentence given (whichever is the longer) should be required before granting a licence.</p> <p>7.9.3 An application will not normally be granted where the applicant has a conviction for an offence involving a firearm. All current licence holders with such a conviction will be brought before the Committee, following the implementation of the policy, to consider whether or not their licence should be revoked.</p>	<p>future Committee meeting.</p>
<p>20 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Sexual Offences Where an applicant has a conviction for any offence involving or connected with</p>	<p>97% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes sex and indecency offences only and reads as follows:</p> <p>7.10.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences must be closely scrutinised. Those applicants with convictions for the more serious sexual offences will not be granted.</p> <p>7.10.2 A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Rape. • Assault by penetration. • Offences involving children or vulnerable adults. 	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.</p>		<ul style="list-style-type: none"> • Sexual assault. • Indecent assault. • Exploitation of prostitution. • Trafficking for sexual exploitation. • Possession of indecent photographs, child pornography etc. • Or any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>All current licence holders with such a conviction will be brought before the Committee, following the implementation of the policy, to consider whether or not their licence should be revoked.</p> <p>7.10.3 At the time of application a minimum period of 10 years free of conviction or at least 10 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <p>Indecent exposure.</p> <p>Soliciting (kerb crawling).</p> <p>Voyeurism.</p>	
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		<p>Or any similar offences (including attempted or conspiracy to commit offences which replace the above).</p> <p>7.10.4 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a sexual nature other than those mentioned in 10.2 above where a single offence will mean that the licence will not be granted.</p> <p>7.10.5 In addition to the above the local authority will not grant a licence to any applicant who is currently on the Sex Offenders Register. All current licence holders currently on the Sex Offenders Register will be brought before the Committee, upon receipt of their application to renew their licence.</p>	
<p>21 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Dishonesty Where an applicant has a conviction for any offence where dishonesty is an element of the</p>	<p>79% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.11.1 A licensed driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.</p> <p>7.11.2 At the time of application a minimum period of 10 years free of conviction or at least 10 years from</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording will be presented at a future Committee meeting.</p>

<p>offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>		<p>completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <ul style="list-style-type: none"> • Theft. • Burglary. • Fraud. • Benefit fraud. • Forgery. • Conspiracy to defraud • Obtaining money or property by deception • Other deception • Money laundering. • Perverting the course of justice. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.11.3 At the time of application a minimum period of 5 years free of conviction or at least 5 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p>	
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		<ul style="list-style-type: none"> • Handling or receiving stolen goods. • Taking a vehicle without consent. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.11.4 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for a dishonesty offence.</p>	
<p>22 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Drugs</p> <p>Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with the intent to supply, a licence</p>	<p>85% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.12.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which should be considered.</p> <p>7.12.2 A licence will not be granted where the applicant has a conviction for an offence such as:</p> <ul style="list-style-type: none"> • Supply of drugs. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>All current licence holders with such a conviction will be brought before the Committee, following the implementation of the policy, to consider whether or not their licence should be revoked.</p> <p>7.12.3 At the time of application a minimum period of 5 years free of conviction or at least 5 years from</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording and options for testing methods will be presented at a future Committee meeting.</p>

<p>will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>		<p>completion of the sentence given (whichever is the longer) should be required before granting a licence;</p> <ul style="list-style-type: none"> • Possession of drugs. • Or any similar offences (including attempted or conspiracy to commit offences which replace the above). <p>7.12.4 A licence will not normally be granted if an applicant has more than one conviction for a drugs related offence.</p>	
<p>23 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relates to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p>	<p>94% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook reads as follows:</p> <p>7.8.3 At the time of application a minimum period of 10 years free of conviction or at least 10 years from completion of the sentence given (whichever is the longer) should be required before granting a licence. Such offences are set out below:</p> <p>Any racially or religiously aggravated offence.</p> <p>Motoring Convictions</p> <p>Our current policy includes minor and major traffic offences and reads as follows:</p> <p>(Highlighted Grey in the Tables at Annex A)</p> <p>7.17.1 In the case of new applicants and existing licence holders, where there are six or less points on</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance.</p> <p>Proposed change to Policy wording and method of assessment will be presented at a future Committee meeting.</p>

<p>Discrimination</p> <p>Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed</p>		<p>the DVLA licence, the matter will be determined by an officer with delegated authority. Such officer, as per the scheme of delegations, will have the power to grant and renew a licence with or without a warning and in the case of an existing licence holder to take no action or to take action by way of a warning.</p> <p>7.17.2 If a new applicant has failed to disclose a minor traffic offence or an existing licence holder has failed within seven days to disclose a minor traffic offence, on the first occasion, the Licensing Manager will issue a written warning.</p> <p>7.17.3 An applicant for the grant of a licence, or an existing licence holder, will be referred to the Committee if he/she has more than six live* points on their driving licence for any offence(s) other than major traffic offences.</p> <p>In the case of an application for the grant or renewal of licence, if the applicant has six points to his/her DVLA licence:-</p> <p>The Committee when considering the grant of a licence must take into account the applicant's driving record. If the Committee decides to grant a licence, a strict warning as to the applicants future conduct and how it may affect the licence, both verbally and in writing should be administered.</p> <p>In the case of an existing licence holder, if the licence holder has seven to nine points on his/her DVLA licence:-</p> <p>The Committee must take into account the applicant's driving record. Sanctions could range from a Strong Written Warning to Revocation if the licence holder has repeatedly committed the same offence.</p>	
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<p>24 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)</p> <p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards,</p>	<p>84% of respondents to the consultation were in favour of this proposal.</p>	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.14.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance http://www.rospa.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf) which shows that drivers who use a mobile phone</p>	<p>Adoption of the standard in principle as outlined in the Statutory guidance whilst maintaining any element of the current Policy where higher.</p>

<p>we are not consulting on changing or lowering existing standards</p> <p>Motoring Convictions</p> <p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Any motoring convictions <u>while</u> a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire driver licence providing the authority considers</p>		<p>suffer physical and cognitive distraction which means they:</p> <ul style="list-style-type: none"> • are much less aware of what's happening on the road around them. • fail to see road signs. • fail to maintain proper lane position and steady speed. • are more likely to 'tailgate' the vehicle in front. • react more slowly, take longer to brake and longer to stop. • are more likely to enter unsafe gaps in traffic. • feel more stressed and frustrated. <p>7.14.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.</p> <p>7.14.4 An application will not normally be granted where the applicant has a conviction or fixed penalty for using a mobile whilst driving within the previous 5 years. In the case of an existing licence holder the licence will normally be revoked.</p> <p>7.14.5 A licence will not normally be granted if an applicant has more than one conviction in the last 10</p>	<p>Proposed change to Policy wording and method of assessment will be presented at a future Committee meeting.</p>
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<p>that the licensee remains a fit and proper person to retain a licence.</p>		<p>years for an offence of driving under the influence of drink or drugs, or whilst using a mobile phone.</p> <p>7.17 Minor Traffic Offences (Highlighted Grey in the Tables at Annex A)</p> <p>7.17.1 In the case of new applicants and existing licence holders, where there are six or less points on the DVLA licence, the matter will be determined by an officer with delegated authority. Such officer, as per the scheme of delegations, will have the power to grant and renew a licence with or without a warning and in the case of an existing licence holder to take no action or to take action by way of a warning.</p> <p>7.17.2 If a new applicant has failed to disclose a minor traffic offence or an existing licence holder has failed within seven days to disclose a minor traffic offence, on the first occasion, the Licensing Manager will issue a written warning.</p> <p>7.17.3 An applicant for the grant of a licence, or an existing licence holder, will be referred to the Committee if he/she has more than six live* points on their driving licence for any offence(s) other than major traffic offences.</p> <p>In the case of an application for the grant or renewal of licence, if the applicant has six points to his/her DVLA licence:-</p> <p>The Committee when considering the grant of a licence must take into account the applicant's driving record. If the Committee decides to grant a licence, a strict warning as to the applicants future conduct and how it may affect the licence, both verbally and in writing should be administered.</p>	
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		<p>In the case of an existing licence holder, if the licence holder has seven to nine points on his/her DVLA licence:- The Committee must take into account the applicant's driving record. Sanctions could range from a Strong Written Warning to Revocation if the licence holder has repeatedly committed the same offence.</p> <p>In the case of an application for the grant or renewal of licence, if the applicant has 10 or more points on his/her DVLA licence; a licence will not normally be granted.</p> <p>In the case of an existing licence holder, if the licence holder has 10 or more points on his/her DVLA licence; the Committee would normally revoke the licence.</p> <p>*The word 'live' is used to signify 3 years from date of offence (Fixed Penalties only), conviction or sentence, whichever is the later.</p> <p>7.18 Major Traffic Offences (Offences that are not highlighted in the Tables at Annex A)</p> <p>7.18.1 With the exception of Major Traffic Offences covered in Paragraphs 7.13 to 7.16 in the case of an application for the grant or renewal of licence, a licence will not normally be granted. A period of 3 years free from convictions should elapse before another application is considered.</p> <p>In the case of an existing licence holder, a licence will normally be revoked.</p>	
25 Assessment of Previous Convictions (Standards Paragraph Annex to the Standards)	88% of respondents to the consultation were in favour of this proposal.	<p>The Sandwell Private Hire and Hackney Carriage Licensing Policy Handbook includes other offences and reads as follows:</p> <p>7.14.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or</p>	Adoption of the standard in principle as outlined in the Statutory guidance whilst maintaining any element of the

<p>The following proposed changes relate to convictions and rehabilitation periods. Where the Council's Policy meets or exceeds minimum standards, we are not consulting on changing or lowering existing standards</p> <p>Drink driving/driving under the influence of drugs</p> <p>Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.</p>		<p>drugs. An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his/her DVLA driving licence but he or she should be warned as to the significant risk to his/her licence status in the event of re-offending. Normally at least 5 years, after the restoration of the driving licence following a drink/drug drive conviction should elapse before an application will be considered. If there is any concern 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>7.14.2 Applicants should also be aware of the serious risk posed by driving whilst using a mobile phone. There is a substantial body of research (see for instance http://www.rospea.com/rospaweb/docs/advice-services/road-safety/drivers/mobile-phone-report.pdf) which shows that drivers who use a mobile phone suffer physical and cognitive distraction which means they:</p> <ul style="list-style-type: none"> • are much less aware of what's happening on the road around them. • fail to see road signs. • fail to maintain proper lane position and steady speed. • are more likely to 'tailgate' the vehicle in front. 	<p>current Policy where higher.</p> <p>Proposed change to Policy wording and options for testing methods will be presented at a future Committee meeting.</p>
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		<ul style="list-style-type: none"> • react more slowly, take longer to brake and longer to stop. • are more likely to enter unsafe gaps in traffic. • feel more stressed and frustrated. <p>7.14.3 There is evidence to show that drivers who use a mobile phone have slower reaction times than those who have consumed up to the legal alcohol limit. In light of this, an equally serious view should be taken of convictions for driving whilst using a mobile phone as for driving under the influence of drink or drugs.</p> <p>7.14.4 An application will not normally be granted where the applicant has a conviction or fixed penalty for using a mobile whilst driving within the previous 5 years. In the case of an existing licence holder the licence will normally be revoked.</p> <p>7.14.5 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of driving under the influence of drink or drugs, or whilst using a mobile phone.</p>	
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