



Licensing, Health and Safety and General Purposes Committee

Date: Wednesday, 12 October 2016

Time: 6.00 pm

Venue: Committee Room 1 - Wallasey Town Hall

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SUPPLEMENTAL AGENDA

4. HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CONVICTIONS POLICY - NEW APPLICANTS (Pages 1 - 38)

APPENDIX 2 - STATEMENT OF POLICY (PAGES 1 – 13)

APPENDIX 3 - CONVICTIONS POLICY (PAGES 15 – 16)
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CURRENT POLICY FOR LICENSING NEW DRIVERS (PAGES 17 – 38)

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Statement of Policy and Guidelines relating to the Relevance of Convictions

This policy has been produced in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended). The purpose of this policy is to explain how the Council will carry out its licensing functions in relation to applications for Private Hire and Hackney Carriage Driver Licences in circumstances where the applicant has a criminal record.

Decision making

The powers of the Council will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on their merits, and the Council will provide reasons for all decisions made when an application is refused.

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1 INTRODUCTION

- 1.1 Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
- 1.2 This document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has committed a criminal offence.
- 1.3 This document aims to provide guidance to any person with an interest in public hire and private hire licensing. In particular, but not exclusively:
 - Applicants for Private Hire and Hackney Carriage Driver Licences
 - Licensing Officers
 - Members of the Licensing Panel
 - Magistrates hearing appeals against local authority decisions
- 1.4 This guidance will be used for the determination of new applications in relation to Hackney Carriage Drivers and Private Hire Drivers.
- 1.5 Where Licensing Officers have delegated powers to grant licences they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Panel (the Panel). Whilst Officers and the Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Panel may depart from the guidelines. Offences not specifically identified in these guidelines may also be considered depending on the circumstances.
- 1.6 In exercising its powers the Council must ensure:
 - That a person is a fit and proper person.
 - That a person does not pose a threat to the public.
 - That the public are safeguarded from dishonest persons.
 - The safeguarding of children, young and vulnerable persons.

2 DISCLOSURE AND BARRING SERVICE (DBS) CRIMINAL RECORD CHECK

- 2.1 The Council can consider all convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
- 2.2 The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a Driver Licence for the purposes of sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976.
- 2.3 Information received from the Disclosure and Barring Service (DBS) will be kept in strict confidence while the licensing process takes its course and will be retained no later than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application is determined or any appeal against such determination is decided.

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- 2.4 The disclosure of a criminal record or other information relating to criminal matters will not necessarily debar an applicant from obtaining a Driver Licence. The Council will however consider all information on an enhanced DBS and will take a serious view of any special Police warnings contained therein. Whether or not an applicant will be granted a licence will depend upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.
- 2.5 The Council may not be satisfied that an applicant is a fit and proper person to hold a Driver 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.
- 2.6 In considering evidence of an applicant's good character and fitness to hold a Driver Licence, where previous offences or other information relating to criminal matters is disclosed, the Council will consider the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant.

3 FAILURE TO DISCLOSE A CONVICTION

- 3.1 When completing an application form for a Private Hire or Hackney Carriage Driver Licence it is an absolute requirement:
- To disclose **ALL** offences, including driving offences and all spent convictions, cautions, Police warnings and reprimands, and fixed penalties in the relevant box on the application form.
 - To inform the Council if you are under investigation in respect of any criminal offence, if you are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates, Crown Court or other Tribunal/Court have been commenced against you.
 - To inform the Council if you have had any anti-social behaviour orders (or other orders/injunctions made by a court) issued against you, including details of any sentences upon breach relating to anti social behaviour.
- 3.2 Failure to fully disclose any of these matters may lead to an application being refused and to a prosecution.
- 3.3 The Council has a responsibility to protect the public and, in this regard, may use information provided to prevent and detect fraud, to enforce legislation and to comply with statutory obligations, and may share the information, for the same purposes, with other organisations.

Please contact us on telephone number **0151 691 8043** if you would like to discuss your application in confidence.

4 LICENSING PANEL

- 4.1 In circumstances where an applicant has convictions which are outside of the timeframes referred to in this guidance and/or if there are any concerns about an applicant being 'fit and proper', the application will be referred to the Licensing Panel who will consider the application. Applicants will be advised of the procedure which will enable their attendance before the Licensing Panel and they will be able to attend the Panel to put their case forward. Any person refused a licence has a right of appeal to the Magistrates Court against the Council's decision within 21 days of being notified of the Council's decision.

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- 4.2 Each applicant referred to the Licensing Panel will be considered on their individual merits. In those circumstances the Licensing Panel will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to grant a licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the applicant's suitability as a Private Hire/Hackney Carriage Driver. Alternatively, the Panel may consider that, notwithstanding the applicant being free of offences for the relevant period, it would not be appropriate to grant a licence.
- 4.3 The overriding consideration of the Panel will always to be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of close contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles
- 4.4. Being a licensed Hackney Carriage or Private Hire Driver is a responsible position and the Panel takes its public protection role very seriously. The Panel will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued.
- 4.5 The Panel can consider all criminal offences, including spent convictions and will also take in to consideration cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a court. The Panel will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.
- 4.6 Whilst an applicant may have a number of offences that, individually, meet the Council's policy guidelines, the overall offending history will be considered when assessing suitability for a licence. The Panel may depart from these guidelines at its discretion subject to the circumstances. The policy guidelines provide a general guide to new applicants on various types of offences.

5 GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS

- 5.1 The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining applications for Driver Licences.
- 5.2 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's application.
- 5.3 If an applicant has a conviction for an offence not covered by the guidelines regard will be had to the nature of the offence, the date of offence, the applicant's age when the offence was committed, the penalty imposed and any other factors which might be relevant when deciding whether to grant an application. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.
- 5.4 An applicant with a current criminal conviction will not be permanently barred from obtaining a licence, but an applicant will generally be expected to be free from convictions for a number of years, depending on the nature of their particular offences, before a licence will be issued. Each case will be decided on its own merits.

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- 5.5 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 may be taken into account despite being outside the timeframes referred to in these guidelines. Such cases will generally be referred to the Licensing Panel.
- 5.6 For the purpose of clarity the timeframes referred to in these guidelines start from the date of the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court whether or not the term of imprisonment was suspended), whichever is later.

6 SEXUAL AND INDECENCY OFFENCES

- 6.1 Licensed drivers often carry unaccompanied and vulnerable passengers. Applicants who have committed an offence at any time for indecent exposure, indecent assault, importuning or any sexual offence, will generally not be granted a Hackney Carriage or Private Hire Driver Licence.

7 VIOLENT OFFENCES

- 7.1 Licensed drivers have close regular contact with the public and a firm line will be taken with those who have committed a violent offence. An application will generally be refused if an applicant has a conviction for an offence that involved significant harm or loss of life or an act of terrorism. If an applicant has committed more than one violent offence then it is likely that the application will be refused. An applicant who has committed a violent offence will generally not be licensed until a period of at least five years has passed since either the offence or the date of conviction or, if a term of imprisonment was imposed, ten years free of convictions from the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is later. Given the range of offences that involve violence the Council will carefully consider the nature of the offence and the sentence imposed when determining an application.

Offences involving violence include:

- Assault occasioning actual bodily harm
- Assault on police
- Assault with intent to rob
- Battery
- Robbery
- Violent disorder
- Grievous Bodily Harm
- Common assault
- Wounding
- Wounding with intent
- Arson
- Riot

8 POSSESSION OF AN OFFENSIVE WEAPON

- 8.1 An applicant with such an offence on their record will, depending on the circumstances of the offence, generally be refused a licence for a period of at least 5 years after either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. An applicant who has committed an offence relating to a firearm will generally be refused.

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9 PUBLIC ORDER OFFENCES

9.1 Applicants who have committed public order offences will generally be refused a licence for a period of 3 years from the date of the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. An applicant with more than one such offence in the previous 10 years will be expected to show a period of at least 5 years free of such offences from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

Public order offences include:

- Affray
- Criminal damage
- Using threatening, abusive or insulting words or behaviour
- Drunk and disorderly
- Disorderly behaviour
- Causing harassment, alarm or distress

10 DRUG OFFENCES

10.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply.

10.2 Where an applicant has committed an offence relating to the supply of drugs or for the production or cultivation of drugs the application will generally be refused for a period of at least 10 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

10.3 Where an applicant has committed an offence relating to the possession of drugs the application will generally be refused for a period of at least 5 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later.

10.4 If there is evidence of persistent drug use or dependency a specialist medical examination or a drugs test may be required at the applicant's expense. If an applicant was an addict then they would generally be required to show evidence of seven years free from drug taking after detoxification treatment.

11 DISHONESTY OFFENCES

11.1 Licensed drivers are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an idea of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal fare. For all these reasons, a serious view is taken of any offence involving dishonesty. An applicant with a dishonesty offence will generally be refused a licence for a period of at least five years since either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released

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from custody had they served the full term of imprisonment imposed by the Court) whichever is later. Offences involving dishonesty include:

- Theft
- Fraud
- handling or receiving stolen goods
- conspiracy to defraud
- taking a vehicle without consent
- Burglary
- benefit fraud
- forgery
- obtaining money or property by deception

An applicant who has committed the offence of perverting the course of justice will generally be refused a licence for a period of five years

12 RACIALLY AGGRAVATED OFFENCES

12.1 Applicants who have committed racially aggravated offences will generally be refused a licence for a period of at least 5 years from either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is later. Offences involving racial aggravation include:

- Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
- Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
- Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)
- Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
- Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)

13 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING OFFENCES

13.1 A serious view will be taken of any offences committed by an applicant who has previously been licensed while working as a Hackney Carriage or Private Hire Driver, Proprietor or Operator

14 MOTORING OFFENCES

14.1 An applicant's driving record will be taken into account and the Council will consider the nature and volume of motoring offences when considering applications. A poor record of driving will raise doubts about an applicant's fitness and indicate disregard for the law. The Council has put motoring offences into four categories ranging from extremely serious offences (category A) to less serious miscellaneous offences (category D). The Council will use its discretion when considering the seriousness of motoring offences. A list of motoring offences together with their likely category is attached at Appendix 1.

14.2 Any person with more than 6 penalty points on their DVLA driving record will be referred to the Licensing Panel.

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14.3 When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following:

14.4 CATEGORY A TRAFFIC OFFENCES - DRIVING OFFENCES INVOLVING LOSS OF LIFE

An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. In such circumstances an application would generally be refused.

14.5 CATEGORY B TRAFFIC OFFENCES - DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

A serious view is taken of any motoring offence for driving, attempting to drive, being in charge of a motor vehicle whilst under the influence of alcohol or drugs, and failure to supply a specimen. A person who has been disqualified from driving as a result of such an offence is likely to be refused a licence for a period of at least two years after the restoration of their DVLA driving licence. More than one offence of this type would generally prevent a person from being licensed.

14.6 CATEGORY C TRAFFIC OFFENCES - OTHER SERIOUS OFFENCES

Generally, the Council class a serious traffic offence when six or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than six penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Offences leading to a driving disqualification (except those offences falling within categories A and B) will be treated as a serious offence. Subject to the circumstances an applicant will generally be refused a licence for a period of at least two years after the most recent conviction, or two years after restoration of the DVLA driving licence in the event of a disqualification. Types of offences classed as a serious offence include driving without insurance, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' procedure.

14.7 CATEGORY D TRAFFIC OFFENCES - MISCELLANEOUS OFFENCES

Generally individual traffic offences where less than six penalty points are imposed on a DVLA driving licence will not prevent a person from being issued a licence. A person with more than 6 'live' penalty points for such offences must generally show a period of 12 months free from conviction before their application is likely to be considered favourably. A 'totting up' conviction following a number of separate offences will be considered as a serious offence.

If you have any queries regarding your application please contact us on **0151 691 8043** or email taxilicensing@wirral.gov.uk

MOTORING OFFENCES

Code	Offence	Penalty points	Council category
Accident offences			
AC10	Failing to stop after an accident	5 to 10	C
AC20	Failing to give particulars or to report an accident within 24 hours	5 to 10	C
AC30	Undefined accident offences	4 to 9	C
Disqualified driver offences			
BA10	Driving while disqualified by order of court	6	C
BA30	Attempting to drive while disqualified by order of court	6	C
Careless driving offences			
CD10	Driving without due care and attention	3 to 9	C or D*
CD20	Driving without reasonable consideration for other road users	3 to 9	C or D*
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9	C or D*
CD40	Causing death through careless driving when unfit through drink	3 to 11	A
CD50	Causing death by careless driving when unfit through drugs	3 to 11	A
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11	A
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3 to 11	A

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Construction and use offences

CU10	Using a vehicle with defective brakes	3	D
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	3	D
CU30	Using a vehicle with defective tyre(s)	3	D
CU40	Using a vehicle with defective steering	3	D
CU50	Causing or likely to cause danger by reason of load or passengers	3	D
CU80	Using a mobile phone while driving a motor vehicle	3	D

Reckless and dangerous driving offences

DD40	Dangerous driving	3 to 11	B
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11	A
DD80	Causing death by dangerous driving	3 to 11	A
DD90	Furious driving	3 to 9	C

Drink or drugs' offences

DR10	Driving or attempting to drive with alcohol level above limit		B
DR20	Driving or attempting to drive while unfit through drink		B
DR30	Driving or attempting to drive then failing to supply a specimen for analysis		B
DR40	In charge of a vehicle while alcohol level above limit		B
DR50	In charge of a vehicle while unfit through drink		B
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive		B

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DR70	Failing to provide specimen for breath test		B
DR80	Driving or attempting to drive when unfit through drugs		B
DR90	In charge of a vehicle when unfit through drugs		B

Insurance offences

IN10	Using a vehicle uninsured against third party risks	6 to 8	C
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Licence offences

LC20	Driving otherwise than in accordance with a licence	3 to 6	C or D*
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6	C or D*
LC40	Driving a vehicle having failed to notify a disability	3 to 6	C or D*
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6	C or D*

Miscellaneous offences

MS10	Leaving a vehicle in a dangerous position	3	D
MS20	Unlawful pillion riding	3	D
MS30	Play street offences	2	D
MS50	Motor racing on the highway	3 to 11	C or D*
MS60	Offences not covered by other codes	Various	As appropriate*
MS70	Driving with uncorrected defective eyesight	3	D
MS80	Refusing to submit to an eyesight test	3	D
MS90	Failure to give information as to identity of driver etc	6	C

Motorway offence

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MW10	Contravention of special roads regulations (excluding speed limits)	3	D
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Pedestrian crossings' offences

PC10	Undefined contravention of pedestrian crossing regulations	3	D
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	D
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	D

Speed limit offences

SP10	Exceeding goods vehicle speed limits	3 to 6	D
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6	D
SP30	Exceeding statutory speed limit on a public road	3 to 6	D
SP40	Exceeding passenger vehicle speed limit	3 to 6	D
SP50	Exceeding speed limit on a motorway	3 to 6	D

Traffic direction and signs

TS10	Failing to comply with traffic light signals	3	D
TS20	Failing to comply with double white lines	3	D
TS30	Failing to comply with 'Stop' sign	3	D
TS40	Failing to comply with direction of a constable/warden	3	D
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	D
TS60	Failing to comply with a school crossing patrol sign	3	D
TS70	Undefined failure to comply with a traffic direction sign	3	D

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Special code – ‘totting up’

TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified
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Theft or unauthorised taking

UT50	Aggravated taking of a vehicle	3-11	C
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Aiding, abetting, counselling or procuring

Offences as coded, but with 0 changed to 2, for example LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to , for example LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6, for example DD40 becomes DD46.

Offences remain on a DVLA driving licence for the following periods of time:

CD40, CD50, CD60, CD70, DR10, DR20, DR30 and DR80 - 11 years from date of conviction;

DD40, DD60, DD80 and offences resulting in disqualification - 4 years from date of conviction;

All other offences remain on the licence for 4 years from date of offence.

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Proposed key changes

	Current Policy	Revised Policy
All offences involving Controlled Drugs	Five Years Seven Years if evidence of addiction	Five Years Reference removed as will be considered under Medical Policy Ten years if relating to supply of drugs
All offences involving Sex and/ or Indecency	Normally Refused	Unchanged
All Violence offences	Five Years Ten Years from imprisonment More than one likely to be refused	Unchanged
Public Order offences	One to two years	Three years
Possession of Offensive Weapon	Three years	Five years
All Dishonesty offences	Five years	Unchanged
Driving offences involving loss of life	Five years from restoration of driving licence or end of term of imprisonment whichever is the longer	Generally refused
Driving under the influence of alcohol or drugs	Four years from restoration of driving licence. More than one offence, five years from restoration of driving licence	Two years Generally refused

	In the case of drink or drug dependency, five years after treatment is completed.	Reference removed as will be considered under Medical Policy
Other serious driving offences	Two years or two years after restoration of driving licence in the event of a disqualification	Unchanged
Miscellaneous offences	<p>Up to nine “live” penalty points, is likely to be granted.</p> <p>Ten or more “live” penalty points, must show 12 months free of conviction</p> <p>A “totting up” conviction is considered a serious offence</p>	<p>Less than six “live” penalty points is likely to be granted</p> <p>Six or more “live” penalty points, must show 12 months free of conviction</p> <p>Unchanged</p>

All policy periods relate to either the date of the offence, the date of conviction or, if a term of imprisonment was imposed, the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is longer

Policy for the licensing of Hackney Carriage and Private Hire Drivers

This policy has been produced in accordance with the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976 (as amended). The purpose of this policy is to explain how the Council will carry out its licensing functions in relation to drivers, and to outline the Council's criteria and standards and how to make an application.

Hackney carriage and private hire drivers must be 'fit and proper' persons to hold a licence. The Council's main consideration when determining applications is the protection and safety of the public. Licensed drivers come into regular close contact with adults, children and vulnerable people and therefore hold a position of responsibility. Prior to issuing a licence the Council must be satisfied that an applicant is 'fit and proper'. In developing this policy the Council has taken account of the relevant legislation and best practice guidance relating to hackney carriage and private hire drivers.

In determining whether an applicant is 'fit and proper' the Council will consider, amongst other things, an applicant's criminal and driving records, medical fitness, relevant skills, knowledge, experience, qualifications, and previous history as a licence holder (if applicable).

Appendix 1 of this policy provides applicants and existing drivers with guidelines relating to

- (a) the application process
- (b) the criteria to be met in order to be licensed as a driver
- (c) types of offences that will be taken into consideration when considering applications
- (d) the criteria for applicants who hold European Community or European Economic Area driving licences relating to obtaining a certificate of good conduct;
- (e) the training required and
- (f) the Council's medical standards

Licence conditions

All licences granted are subject to a number of standard conditions which must be complied with. Further conditions can be imposed by the Council if considered necessary.

Decision making

The powers of the Council will be exercised in accordance with the Council's Constitution. Each application for a licence will be considered on their merits, and the Council will provide reasons for all decisions made.

Policy review

This policy will be reviewed every 3 years. The Council will make such revisions to the policy as it considers appropriate after consultation with all interested parties and publish it accordingly.

GUIDELINES FOR APPLICANTS

Applications should be returned in person to the Licensing Office.

If you have any queries regarding your application please contact us on **0151 691 8043** or email licensing@wirral.gov.uk

1 PLEASE READ ALL PARTS OF THIS DOCUMENT CAREFULLY BEFORE YOU COMPLETE YOUR APPLICATION FORM

- 1.1 An applicant for a new hackney carriage or private hire driver licence must satisfy the Council that they are a fit and proper person to hold a driver licence. This purpose of these guidelines is to make applicants aware of the Council's criteria and standards and how to make an application. This document also applies to existing licensed drivers.
- 1.2 Applicants must have held a full driving licence for a minimum of 12 months and the licence must be valid at the time of application. A provisional driving licence held with a driving test pass certificate will not be accepted. Your driving licence must show your current address - it is an offence to hold a driving licence if it is not registered at your current address.
- 1.3 Driving licences issued by another Member State of the European Community (EC) or one of the other countries in the European Economic Area (EEA) are acceptable providing the applicant has held the licence for at least 12 months. Further information for holders of driving licences not issued in this country, including a list of the countries within the EC and the EEA, is shown at Appendix A.
- 1.4 When completing your application form you must disclose **all** convictions (including motoring convictions), 'spent' convictions, cautions, Police warnings and reprimands, and fixed penalties. You must also tell us if you are on police bail pending the outcome of a police investigation or whether any criminal proceedings in the Magistrates or Crown Court have been commenced against you. You must also let us know if you have had any anti-social behaviour order (or other order made by a court) issued against you. Failure to fully disclose any of these matters may lead to your application being refused and to prosecution. Please do not be tempted to leave anything out. The Council can consider all convictions, including spent convictions as appropriate, in accordance with the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002.
- 1.5 The disclosure of a criminal record or other relevant information may not prevent you from gaining a licence unless the Council considers that the information makes you unsuitable. In making this decision the Council will consider the nature of an offence, when it was committed, the sentence imposed, your age when an offence was committed, your overall record of offences and any other relevant factors. Information received from you or the Disclosure and Barring Service (DBS) will be kept in strict confidence while the licensing process takes its course. The Licensing Service fully complies with its obligations under the Data Protection Act 1998, the DBS Code of Practice and other relevant legislation regarding the correct handling, use, storage, retention and disposal of disclosures.

Please contact us on telephone number **0151 691 8043** if you would like to discuss your application.

2 APPLICATION PROCESS

- 2.1 Please complete an application form answering the questions fully. When you submit your application you must produce your driving licence for inspection. If you have a photocard driving licence you must produce both the photocard and the paper licence. Applicants are also required to produce proof of identity such as a birth certificate or passport, and a recent utility bill (electric, gas, phone and so on) which must display the applicants name.
- 2.2 An enhanced DBS check is carried out on all new applicants and you must fill in a DBS form provided by the Council. The DBS check is an important safety measure particularly for those working with children and vulnerable people, and the Council will receive information on all convictions, cautions, reprimands and warnings recorded against you. The DBS will send an applicant a copy of their Disclosure. The fee for this check will be paid by the applicant. Existing licensed drivers will require a DBS check every three years, although in some cases the Council may require a particular driver to have further checks.
- 2.3 The DBS cannot currently access overseas criminal records as part of its disclosure service. Therefore, an applicant who has lived in another country for a continuous period of three months or more within the last five years of the date of their licence application is required to submit a 'Certificate of Good Conduct' (or similar) from each country. This document will either confirm 'good conduct' or list any convictions recorded against an applicant. Further information on this is attached at Appendix A.

3 TRAINING

- 3.1 All new applicants must obtain one of the following Vocationally Related Qualifications (VRQ) before being granted a licence.
 - EDI Level 2 Certificate in Road Passenger Transport (Taxi and Private Hire Route)
 - Edexcel Level 2 BTEC Award in Transporting Passengers by Taxi and Private Hire

For details of where to undertake the training, please contact Merseylearn on 0151 330 1269 or 07738 887 187.

- 3.2 Once granted a licence, applicants can obtain the Level 2 National Vocational Qualification (NVQ) in Road Passenger Vehicle Driving on a voluntary basis. Further details on training are attached at Appendix C.

4 MEDICAL

- 4.1 Applicants must be medically fit to hold a drivers licence, and the Council has adopted the group two medical standards for licensed drivers. These standards, which also apply to professional drivers such as heavy goods drivers, are more stringent than the standard for car drivers and further information on the medical is attached at Appendix D. Each medical case will be considered on its merits although applicants who fail to meet the standards may be refused a licence. Further medicals may be required at the Council's discretion according to the circumstances.

A LICENCE WILL NOT BE ISSUED BY AN OFFICER UNTIL AN APPLICANT HAS MET ALL OF THE COUNCIL'S LICENSING CRITERIA.

5 LICENSING PANEL

5.1 An applicant who does not meet the Council's licensing criteria and/or if there are any concerns about an applicant being 'fit and proper', the application will be referred to the Licensing Panel who will consider the matter. Applicants will be advised of the procedure which will enable their attendance before the Licensing Panel and they will be able to attend the Panel to put their case forward. Any person refused a licence or who has a licence suspended or revoked has a right of appeal to the Magistrate's Court against the Council's decision within 21 days of being notified of the Council's decision.

6 EACH CASE WILL BE DEALT WITH ON ITS OWN MERITS.

6.1 An applicant with a current criminal conviction will not be permanently barred from obtaining a licence, but the applicant would generally be expected to be free from convictions for a number of years, depending on the nature of their particular offences, before a licence will be issued, subject to the following exceptions:

(i) An applicant who has five or more convictions of whatever nature imposed at any time will generally not be granted a licence to drive private hire vehicles or hackney carriage vehicles.

(ii) An applicant who has been convicted of a sexual offence at any time will generally not be granted a hackney carriage or private hire driver licence.

6.2 Each applicant with a criminal conviction(s) will be considered on their individual merits by the Licensing Panel who will decide whether the applicant is a fit and proper person to hold a licence. In certain cases, the Panel may consider it appropriate to grant a licence before the relevant period has elapsed, for instance where an offence is isolated and the circumstances of its commission are such that the Panel consider it is not relevant to the applicant's suitability as a private hire/hackney carriage driver. Alternatively, the Panel may consider that, notwithstanding the applicant being free of convictions for the relevant period, it would still be inappropriate to grant a licence.

6.3 The overriding consideration of the Panel will always be to protect the public. Applicants should be aware that the grant of a licence places a significant responsibility on the holder which by the nature of close contact with members of the public requires the holder to be a person proven to be capable of fulfilling the trust placed in them by the hirers of vehicles

6.4. Being a licensed hackney carriage or private hire driver is a responsible position and the Council takes its public protection role very seriously. The Council will only issue a licence if satisfied that a person is 'fit and proper'. If in doubt then a licence will not be issued. The Council has adopted the policy guidelines on various types of offence although any offences not specifically covered in these guidelines may still be considered, depending on the circumstances.

6.5 The Council can consider all criminal convictions, including spent convictions, cautions, police warnings and reprimands, fixed penalties and any anti-social order (or other order) issued by a

court. The Council will also consider factors such as whether someone is on police bail pending the outcome of an investigation or whether any criminal proceedings in a court have commenced.

6.6 Whilst an applicant may have a number of offences that, individually, meet the Councils policy guidelines, the overall offending history will be considered when assessing suitability for a licence. The Council may depart from these guidelines at its discretion subject to the circumstances. In any case involving a sexual or serious violent offence a licence will normally be refused unless the applicant can demonstrate exceptional reasons why they should be considered 'fit and proper' to hold a licence. The policy guidelines provide a general guide to new applicants and existing licence holders on various types of offences.

7 FAILURE TO DISCLOSE A CONVICTION

It is an absolute requirement for:

- 7.1 Any person completing an application for the first time or renewing a current licence to disclose **ALL** convictions, including driving offences and all spent convictions, in the relevant box on the application form. You **MUST** disclose these convictions whether or not a Criminal Records Disclosure is to be obtained.
- 7.2 You **MUST** also tell us if you are under investigation in respect of any criminal offence.
- 7.3 Any current licensed driver who is convicted of an offence, including a driving offence, **MUST** also advise the Licensing Section in writing within a period of seven days from the date of conviction, the sentence received.
- 7.4 Any person who fails to disclose their convictions may subsequently have their application refused or their licence suspended or revoked.

8 MOTORING OFFENCES

8.1 An applicant's driving record will be taken into account and the Council will consider the nature and volume of motoring offences when considering applications. A poor record of driving will raise doubts about an applicant's fitness and indicate disregard for the law. The Council has put motoring offences into four categories ranging from extremely serious offences (category A) to less serious miscellaneous offences (category D). The Council will use its discretion when considering the seriousness of motoring offences and a list of motoring offences together with their likely category is attached at Appendix B.

Any person with more than 6 penalty points on their DVLA driving licence will be referred to the Licensing Panel.

When considering motoring offences the Council will consider the nature and seriousness of the offence(s) and will have regard to the following;

8.2 CATEGORY A TRAFFIC OFFENCES - DRIVING OFFENCES INVOLVING LOSS OF LIFE

An extremely serious view is taken of a driving offence resulting in the loss of life. Such offences include causing death by dangerous driving, causing death by careless driving whilst under the influence of drink or drugs, or other similar offences. An applicant with such a conviction is likely to be refused a licence for a period of at least five years from restoration of their DVLA driving licence, or five years from completion of any custodial sentence, whichever is longer.

8.3 CATEGORY B TRAFFIC OFFENCES - DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

A serious view is taken of any motoring conviction for driving, attempting to drive, being in charge of a motor vehicle whilst under the influence of alcohol or drugs, and failure to supply a specimen. A person who has been disqualified from driving as a result of such an offence is likely to be refused a licence for a period of at least four years after the restoration of their DVLA driving licence. More than one 'live' conviction of this type would generally prevent a person from being licensed for five years after the restoration of their DVLA driving licence. If there is any suggestion that an applicant is alcohol or drug dependent then a satisfactory medical report (focusing on any dependency) must be provided to the Council. If an applicant was found to be alcohol or drug dependent a period of five years should elapse after treatment is complete before an application is likely to be considered favourably. An alcohol or drug related driving conviction leading to loss of life is dealt with as a category A traffic offence.

8.4 CATEGORY C TRAFFIC OFFENCES - OTHER SERIOUS OFFENCES

Generally, the Council class a serious traffic offence when six or more penalty points have been imposed on a DVLA driving licence in respect of any single offence. However, some offences where less than six penalty points are imposed may, subject to the circumstances, be classed as a serious offence. Offences leading to a driving disqualification (except those offences falling within categories A and B) will be treated as a serious offence. Subject to the circumstances an applicant will generally be refused a licence for a period of at least two years after the most recent conviction, or two years after restoration of the DVLA driving licence in the event of a disqualification. Types of offences classed as a serious offence include driving without insurance, dangerous driving, failure to stop after an accident and a driving disqualification under the 'totting up' procedure.

8.5 CATEGORY D TRAFFIC OFFENCES - MISCELLANEOUS OFFENCES

Generally, traffic offences where less than six penalty points are imposed on a DVLA driving licence will not prevent a person from being issued a licence. A person with up to nine 'live' penalty points on their DVLA driving licence for such offences is likely to be granted a licence subject to a written warning that any further offences may lead to the suspension or revocation of the licence. A person with 10 'live' penalty points and more for such offences must normally show a period of 12 months free from conviction before their application is likely to be considered favourably. A 'totting up' conviction following a number of separate offences will be considered as a serious offence.

9 DRUG OFFENCES

- 9.1 A serious view is taken of any drug related offence, in particular offences involving possession with intent to supply. An applicant with a drug related offence will normally be refused a licence and expected to show a period of at least five years since either the offence, the date of conviction or the end of a term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is longer. If there is evidence of persistent drug use or dependency a specialist medical examination or a drugs test may be required at the applicant's expense. If an applicant was an addict then they would normally be required to show evidence of seven years free from drug taking after detoxification treatment.

10 SEXUAL AND INDECENCY OFFENCES

- 10.1 Licensed drivers often carry unaccompanied and vulnerable passengers. Applicants with a conviction at any time for indecent exposure, indecent assault, importuning or any sexual offence, will generally not be granted a hackney carriage or private hire driver licence.
- 10.2 If notification is received that a licensed driver is the subject of ongoing police investigations regarding an offence of a sexual nature or is charged with such an offence this will result in an immediate suspension of the licence and may result in an automatic review of the licence by the Licensing Panel.

11 VIOLENT OFFENCES

11.1 Licensed drivers have close regular contact with the public and a firm line will be taken with those who have committed a violent offence. An applicant who has committed a violent offence will generally not be licensed until a period of at least five years has passed since either the offence or the date of conviction or, if a term of imprisonment was imposed, ten years free of convictions from the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is longer. An application will normally be refused if an applicant has a conviction for an offence that involved significant harm or loss of life. If an applicant has committed more than one violent offence then it is likely that the application will be refused. Given the range of offences that involve violence the Council will carefully consider the nature of the offence and the sentence imposed when determining an application.

Offences involving violence include:

- Assault occasioning actual bodily harm
- Assault on police
- Assault with intent to rob
- Battery
- Grievous Bodily Harm
- Common assault
- Wounding
- Wounding with intent

12 DISHONESTY OFFENCES

12.1 Licensed drivers are expected to be honest and trustworthy. Drivers deal with cash transactions and valuable property may be left in their vehicles. Drivers often deliver unaccompanied property which gives an idea of the trust that is placed in licensed drivers. It would also be reasonably easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare. For all these reasons, a serious view is taken of any offence involving dishonesty. An applicant with a dishonesty offence will generally be refused a licence for a period of at least five years since either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court) whichever is longer. Offences involving dishonesty include:

- theft
- fraud
- handling or receiving stolen goods
- conspiracy to defraud
- taking a vehicle without consent
- burglary
- benefit fraud
- forgery
- obtaining money or property by deception

13 PUBLIC ORDER OFFENCES

- 13.1 Applicants who have committed public order offences such as affray, criminal damage, drunk and disorderly and other similar offences will generally be refused a licence for a period of one or two years, depending on the nature and seriousness of the offence, from the date of the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is longer. An applicant with more than one such offence will be expected to show a period of at least two years free of such offences.

14 POSSESSION OF AN OFFENSIVE WEAPON

- 14.1 An applicant with such an offence on their record will, depending on the circumstances of the offence, generally be refused a licence for a period of at least three years after either the offence, the date of conviction or the end of the term of imprisonment (meaning the date the offender would have been released from custody had they served the full term of imprisonment imposed by the Court), whichever is longer. A very serious view will be taken if a licensed driver is found in possession of a weapon when working as a driver.

15 HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING OFFENCES

- 15.1 The main purpose of the licensing regime is to ensure the protection of the public. For this reason a serious view is taken of offences committed under the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976, or any breach of licence conditions or byelaws made under the relevant legislation. An offence committed by a person while working as a hackney carriage or private hire driver, proprietor or operator may lead to a licence being suspended or revoked or a renewal application being refused. At the very least a written warning regarding future conduct will be issued.

16 EXISTING LICENCE HOLDERS

- 16.1 Existing licensed drivers will require DBS checks every three years, although in particular circumstances the Council may require a driver to have further checks. This document applies equally to existing licence holders as well as to new drivers. An existing driver who commits an offence will have that matter considered on its merits in the same way as a new applicant. In accordance with licence conditions existing drivers must, within seven days, notify the Council of **all** convictions, including motoring convictions, cautions, Police warnings and reprimands, fixed penalties and any anti-social behaviour order (or other order) issued by a court.
- 16.2 Existing drivers must also disclose if they are under investigation in respect of any criminal offence, on police bail pending the outcome of an investigation or whether any criminal proceedings in the Magistrate's or Crown Court have started against them. Failure to properly disclose **any** matter may lead to an application being refused or their licence being suspended or revoked and may also lead to prosecution.
- 16.3 Complaints made about existing licence holders will also be taken into account according to the circumstances, and may result in a driver being referred to the Licensing Panel. An existing driver who is subject to an ongoing police investigation or criminal proceedings may, subject to the circumstances, have their licence suspended or revoked if it is in the interest of the public and the Council is no longer satisfied that they are a 'fit and proper' person.

17 RENEWAL APPLICATIONS

- 17.1 **IT IS THE DRIVER'S RESPONSIBILITY TO ENSURE THAT A LICENCE IS RENEWED ON TIME BEFORE IT EXPIRES. IF SOMEONE CONTINUES TO WORK AS A HACKNEY CARRIAGE OR PRIVATE HIRE DRIVER WHILST A LICENCE HAS EXPIRED THEN AN OFFENCE IS COMMITTED WHICH COULD LEAD TO PROSECUTION AND WHICH MAY AFFECT ANY FURTHER LICENCE BEING ISSUED.**

HOLDERS OF EUROPEAN COMMUNITY OR EUROPEAN ECONOMIC AREA DRIVING LICENCES AND OBTAINING A CERTIFICATE OF GOOD CONDUCT

18 HOLDERS OF EUROPEAN COMMUNITY OR EUROPEAN ECONOMIC AREA DRIVING LICENCES

- 18.1 Holders of non-UK driving licences can be licensed as a hackney carriage or private hire driver providing an applicant holds a full current driving licence (which has been valid for more than 12 months) issued by a country in the European Community (EC) or European Economic Area (EEA) – see list below;

Austria	France	Liechtenstein	Romania
Belgium	Germany	Lithuania	Slovakia
Bulgaria	Greece	Luxembourg	Slovenia
Cyprus	Hungary	Malta	Spain
Czech Republic	Iceland	Netherlands	Sweden
Denmark	Ireland	Norway	United Kingdom
Estonia	Italy	Poland	
Finland	Latvia	Portugal	

- 18.2 Holders of non-UK driving licences are required to have a DVLA driver licence check every 12 months. This is because any motoring offences committed in this country by the holder of a non-UK driving licence cannot be endorsed onto a driving licence not issued in this country. However, any such offences are recorded by the DVLA, and the Council will check these records annually. The fee for the DVLA check will be paid by the applicant. Any motoring offences must be disclosed by an applicant to the Council.
- 18.3 Applicants holding a full Northern Ireland (NI) driving licence can use that licence in this country until its expiry. A person holding an NI licence can exchange it for a British one providing the NI licence was issued on or after 1 January 1976.
- 18.4 Holders of driving licences issued in Jersey, Guernsey and the Isle of Man and who are resident in this country can drive here for up to 12 months from the time they became resident. To continue driving after that time the driving licence must be exchanged for a British licence. A licence from Jersey, Guernsey or the Isle of Man can be exchanged for a British one providing it was issued after 1 April 1991.
- 18.5 Holders of driving licences issued in the following countries and who become resident in this country can drive here for 12 months from becoming resident. After this date, the licence must be exchanged for a British one. The countries are; Australia, Barbados, British Virgin Islands, Canada, Falkland Islands, Faroe Islands, Hong Kong, Japan, Monaco, New Zealand, Republic of Korea, Singapore, South Africa, Switzerland and Zimbabwe.

19 OBTAINING A CERTIFICATE OF GOOD CONDUCT

- 19.1 The DBS cannot currently access criminal records held overseas except in a limited number of cases. Therefore an applicant who has lived in another country for a continuous period of three months (or more) within the last five years, from the date of their application, is required to submit a 'Certificate of Good Conduct' (or similar) from each country. This is in addition to the DBS disclosure.
- 19.2 This certificate will confirm an applicants 'good conduct' or provide details of any convictions committed overseas. The certificate must be in English and the applicant will be responsible for any costs in obtaining it. The DBS website www.DBS.gov.uk provides further information including how to obtain a certificate from the following countries;

Australia	France	Latvia	Poland
Canada	Germany	Malaysia	South Africa
Czech Republic	Hungary	Malta	Spain
Denmark	Ireland	Netherlands	Sweden
Estonia	Italy	New Zealand	Turkey
Finland	Jamaica	Philippines	

- 19.3 If the country that you are looking for is not listed on the DBS website then you may wish to contact your country's representative. The contact details for those countries that have a representative in the UK can be found on the Foreign and Commonwealth website www.fco.gov.uk or telephone 020 7008 1500.
- 19.4 Where an applicant is unable to provide a certificate they must explain in writing why and provide at least two written references (in English) from individuals and/or bodies who can confirm their conduct for their time in the country (the referee must not be a family member). The Licensing Authority will consider each case on its merits. Particular consideration will be given to assess whether the applicant has demonstrated that they have provided all the available information or made every effort to obtain the information.
- 19.5 Any applicant who has been granted or is awaiting a decision to be granted asylum or refugee status will **not** be required to produce a certificate from the country they are claiming asylum from. The applicant will, however, be required to obtain a certificate from any other country they have lived in within the last five years.

MOTORING OFFENCES

Code	Offence	Penalty points	Council category
Accident offences			
AC10	Failing to stop after an accident	5 to 10	C
AC20	Failing to give particulars or to report an accident within 24 hours	5 to 10	C
AC30	Undefined accident offences	4 to 9	C
Disqualified driver offences			
BA10	Driving while disqualified by order of court	6	C
BA30	Attempting to drive while disqualified by order of court	6	C
Careless driving offences			
CD10	Driving without due care and attention	3 to 9	C or D*
CD20	Driving without reasonable consideration for other road users	3 to 9	C or D*
CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9	C or D*
CD40	Causing death through careless driving when unfit through drink	3 to 11	A
CD50	Causing death by careless driving when unfit through drugs	3 to 11	A
CD60	Causing death by careless driving with alcohol level above the limit	3 to 11	A
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3 to 11	A

Construction and use offences

CU10	Using a vehicle with defective brakes	3	D
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	3	D
CU30	Using a vehicle with defective tyre(s)	3	D
CU40	Using a vehicle with defective steering	3	D
CU50	Causing or likely to cause danger by reason of load or passengers	3	D
CU80	Using a mobile phone while driving a motor vehicle	3	D

Reckless and dangerous driving offences

DD40	Dangerous driving	3 to 11	B
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11	A
DD80	Causing death by dangerous driving	3 to 11	A
DD90	Furious driving	3 to 9	C

Drink or drugs' offences

DR10	Driving or attempting to drive with alcohol level above limit		B
DR20	Driving or attempting to drive while unfit through drink		B
DR30	Driving or attempting to drive then failing to supply a specimen for analysis		B
DR40	In charge of a vehicle while alcohol level above limit		B
DR50	In charge of a vehicle while unfit through drink		B
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive		B

DR70	Failing to provide specimen for breath test		B
DR80	Driving or attempting to drive when unfit through drugs		B
DR90	In charge of a vehicle when unfit through drugs		B

Insurance offences

IN10	Using a vehicle uninsured against third party risks	6 to 8	C
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Licence offences

LC20	Driving otherwise than in accordance with a licence	3 to 6	C or D*
LC30	Driving after making a false declaration about fitness when applying for a licence	3 to 6	C or D*
LC40	Driving a vehicle having failed to notify a disability	3 to 6	C or D*
LC50	Driving after a licence has been revoked or refused on medical grounds	3 to 6	C or D*

Miscellaneous offences

MS10	Leaving a vehicle in a dangerous position	3	D
MS20	Unlawful pillion riding	3	D
MS30	Play street offences	2	D
MS50	Motor racing on the highway	3 to 11	C or D*
MS60	Offences not covered by other codes	Various	As appropriate*
MS70	Driving with uncorrected defective eyesight	3	D
MS80	Refusing to submit to an eyesight test	3	D
MS90	Failure to give information as to identity of driver etc	6	C

Motorway offence			
MW10	Contravention of special roads regulations (excluding speed limits)	3	D
Pedestrian crossings' offences			
PC10	Undefined contravention of pedestrian crossing regulations	3	D
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3	D
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3	D
Speed limit offences			
SP10	Exceeding goods vehicle speed limits	3 to 6	D
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6	D
SP30	Exceeding statutory speed limit on a public road	3 to 6	D
SP40	Exceeding passenger vehicle speed limit	3 to 6	D
SP50	Exceeding speed limit on a motorway	3 to 6	D
Traffic direction and signs			
TS10	Failing to comply with traffic light signals	3	D
TS20	Failing to comply with double white lines	3	D
TS30	Failing to comply with 'Stop' sign	3	D
TS40	Failing to comply with direction of a constable/warden	3	D
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3	D

TS60	Failing to comply with a school crossing patrol sign	3	D
TS70	Undefined failure to comply with a traffic direction sign	3	D

Special code – ‘totting up’

TT99	To signify a disqualification under 'totting-up' procedure. If the total of penalty points reaches 12 or more within three years, the driver is liable to be disqualified		
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Theft or unauthorised taking

UT50	Aggravated taking of a vehicle	3-11	C
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Aiding, abetting, counselling or procuring

Offences as coded, but with 0 changed to 2, for example LC10 becomes LC12.

Causing or permitting

Offences as coded, but with 0 changed to , for example LC10 becomes LC14.

Inciting

Offences as coded, but with the end 0 changed to 6, for example DD40 becomes DD46.

Offences remain on a DVLA driving licence for the following periods of time:

CD40, CD50, CD60, CD70, DR10, DR20, DR30 and DR80 - 11 years from date of conviction;

DD40, DD60, DD80 and offences resulting in disqualification - 4 years from date of conviction;

All other offences remain on the licence for 4 years from date of offence.

Source: www.direct.gov.uk

DRIVER TRAINING AND THE STREET KNOWLEDGE TEST

All new applicants must obtain one of the following Vocationally Related Qualifications (VRQ) before being granted a licence.

- EDI Level 2 Certificate in Road Passenger Transport (Taxi and Private Hire Route)
- Edexcel Level 2 BTEC Award in Transporting Passengers by Taxi and Private Hire

What is the VRQ?

The VRQ is a nationally recognised training course and qualification designed for the hackney carriage and private hire trade.

What does the course include?

The course is in two parts and aims to provide new applicants with the relevant key skills and knowledge required of drivers. The course topics include:

- customer service
 - equality and diversity
 - disability awareness
 - transporting passengers safely
 - carriage of luggage and parcels
 - map reading and route planning
 - taxi and private hire regulation
-
- Applicants will attend a number of classroom based sessions to gain a Vocational Related Qualification (VRQ). This includes study of the above mentioned topics and two multiple choice assessments. On successful completion of part one, applicants will be issued with a VRQ certificate.
 - Applicants must produce their VRQ certificate to the Council before a licence can be issued. If the certificate is not available then satisfactory evidence of passing the VRQ will be accepted at the Councils discretion.
 - Applicants must also fulfil the criteria as being **'fit and proper'** to hold a licence. This includes satisfactory Disclosure and Barring Service (DBS) criminal record checks and medical fitness.

Once an applicant meets the criteria then the Council will issue a licence.

- New drivers have 12 months from the issue of their initial licence to successfully complete the NVQ. Drivers must produce their NVQ certificate to the Council.

- Drivers are required to demonstrate their competence in the workplace as a licensed driver. This involves several on the road assessments carried out by the training provider.

Who does the training?

For details of who to contact about the courses please contact Tony Norbury at Merseylearn on 0151 330 1269 or 07738 887 187.

How much does the training cost?

There is some funding available for the course, dependent on individual circumstances. Please contact Merseylearn or the training providers for further details about funding.

Can I have a licence without attending the training course?

No, all new drivers must complete part one of the training before they get a licence.

What if I have trouble reading or writing?

All training providers should offer ongoing support for all applicants. Please contact the training providers if you have any concerns about taking the course.

What is the street knowledge test?

Licensed drivers in Wirral should provide members of the public with a high quality taxi and private hire service. To help achieve this all licensed drivers are expected to have a good knowledge of the Wirral area and some of the more popular destinations in neighbouring areas. It is to test your knowledge of the Wirral, the highway code and the conditions of licence in preparation for when you obtain your licence. There are 4 sections as follows

Section One - 10 routes

Section Two - 30 spot locations

Section Three - 20 Highway Code questions.

Section Four - 20 questions on Private Hire/Hackney Carriage Legislation

It is a written test and is held once a month in the Town Hall, normally on the first Thursday. It should take no more than 90 minutes. Knowledge test notes will be given to you when you submit your application.

THE COUNCIL'S MEDICAL STANDARDS

The Council has adopted the group two medical standards as recommended by the Medical Commission on Accident Prevention. These standards, which also apply to professional drivers such as heavy goods drivers, are more stringent than the standard for car drivers. Any applicant who fails to meet these standards may be refused a licence, however each case will be considered on its own merits.

A new applicant for a hackney carriage or private hire drivers licence is required to prove their medical fitness to the Council before a licence can be issued. Once licensed, further medicals are required. A new applicant suffering from a group two medical condition (see below) will generally be refused a licence.

Any driver who is subsequently diagnosed as suffering from a group two medical condition is likely to have their licence revoked.

Epileptic attack - applicants must not have a liability to epileptic seizures. Applicants must have been free of epileptic seizures for at least the last ten years and have not taken anti epileptic medication during this ten year period.

Diabetes - insulin treated diabetics may **not** obtain a new licence.

Eyesight - applicants must be able to read in good daylight a number plate at 20.5 metres (67 feet), and, if glasses or corrective lenses are required to do so, these must be worn while driving. In addition applicants must have a visual acuity of at least 6/9 in the better eye, and a visual acuity of at least 6/12 in the worse eye. If these are achieved by correction the uncorrected visual acuity in each eye must be no less than 3/60. Applicants may not be licensed if they suffer from uncontrolled diplopia (double vision) or if they do not have a normal binocular field of vision.

Miscellaneous medical conditions

Applicants are likely to be refused a licence if they are unable to meet the national recommended guidelines in the following cases:

- within 3 months of myocardial infarction, any episode of unstable angina, CABG or coronary angioplasty
- a significant disturbance of cardiac rhythm occurring within the past 5 years unless special criteria is met
- suffering from or receiving medication for angina or heart failure
- hypertension where the blood pressure BP is persistently 180 systolic or over or 100 diastolic or over
- a stroke or unexplained loss of consciousness within the past 5 years

- Meniere's and other conditions causing disabling vertigo, within the past 1 year, and with a liability to recurrence
- recent severe head injury with serious continuing after effects, or major brain surgery
- Parkinson's disease, multiple sclerosis or other "chronic" neurological disorders likely to affect limb power and co-ordination
- suffering from a psychotic illness in the past 3 years, or suffering from dementia
- alcohol dependency or misuse, or persistent drug or substance misuse or dependency in the past 3 years
- difficulty in communicating by telephone in an emergency
- any other serious medical condition which may cause problems for road safety when driving a hackney carriage or private hire vehicle
- if major psychotropic or neuroleptic medication is being taken
- any malignant condition within the last 2 years likely to metastasise to the brain, for example carcinoma of lung or malignant melanoma