

SUITABILITY POLICY

(Implemented 26/01/2023)

Introduction

This policy provides guidance on the criteria to consider when determining whether an applicant or existing licence holder is a safe and suitable person to have granted, have renewed, or continue to hold a Hackney Carriage, Private Hire or Operator Licence. Whilst criminal convictions will play a significant part in the Licensing Authority's determination of whether a driver is safe and suitable, the Council will also consider other factors which are set out further in this policy

1. The purpose of this policy is to ensure that the travelling public can be confident that drivers licensed by this authority are safe and suitable for this role
2. It is a function of the Council to issue hackney carriage, private hire licences and operator licenses. Under the Local Government (Miscellaneous Provisions) Act 1976, This policy will apply to all new applicants and to existing licensees on renewal.
3. The overriding requirement of the Council when carrying out this function is the protection of the public and others who use (or can be affected by) Hackney Carriage and Private Hire services. The aim of this policy is to ensure that public safety is not compromised.
4. The Council must ensure that applicants/licence holders are and remain fit and proper or safe and suitable to hold a licence. They cannot be granted a licence unless the Council is satisfied. This requirement is contained within Sections 51 & 59 of the Local Government (Miscellaneous Provisions) Act 1976, a modern expression of fit & proper would be safe & suitable to be licensed.
5. This policy categorises the types of issues including, crime and driving convictions, that form part of the safe and suitable test to facilitate the assessment of the potential risk to the public.

As part of this assessment the Council is concerned to ensure that:

- **An individual does not pose a threat to the public.**
 - **The Council's obligations to safeguard children and vulnerable adults are met.**
 - **The public are protected from dishonest persons.**
 - **That a person is a safe and suitable person in accordance with Sections 51 and 59 of the Act.**
6. The standards of safety and suitability are not set as a base minimum. They are set high to give the public the assurance it requires when using taxi services. The Council does not have to strike a balance between the driver's right to work and the public's right to protection. The public are entitled to be protected. This means that the Council is entitled and bound to treat the safety of the public as the paramount consideration.
 7. Taxis are used by almost everyone, but they are used regularly by particularly vulnerable groups, such as children, the elderly, disabled people and the intoxicated.

8. As part of the assessment as set out above, the Council can consider convictions, cautions and warnings and actions taken by the Police, other agencies, and the Civil Courts.
9. Reference to convictions in this policy also includes cautions, community resolutions, warnings, reprimands, all forms of fixed penalty notices, restrictive type orders and other relevant information. These must be reported to the Council in writing within seven days of occurrence. In addition, any information relating to the licensee is potentially relevant if it is relevant to their safety and suitability to hold a licence and must be disclosed by an applicant or licensee.
10. Matters which have not resulted in a criminal conviction whether as a result of an acquittal, a conviction being quashed, a decision not to prosecute or an investigation which is continuing where the individual has been bailed will be taken into account by the Council. Any arrest or questioning by the police (i.e., assisting with enquiries) must be disclosed within seven days. Complaints about the conduct of a licensee/applicant where there was no police involvement will also be considered. The Council determine matters on the civil balance of probabilities, not the criminal burden which requires satisfaction beyond all reasonable doubt.
11. In the case of a new applicant who has been charged with any offences and is awaiting trial, the determination will be deferred until the trial has been completed or the charges withdrawn.
12. The licensing process places a duty on the Council to protect the public. Therefore, it is essential that those seeking a living as a driver meet the required standards. As previous offending and other behaviour can be considered as a predictor in determining future behaviour, it is important following the council's investigation that it considers all relevant factors including previous convictions, cautions, complaints, failures to comply with licence conditions and the time elapsed since these were committed.

Applying the Guidance

13. The purpose of this policy is to provide guidance to an applicant or existing licence holder on the criteria to be considered by the Council when determining whether an applicant, or an existing licensee on renewal, is safe and suitable to hold a hackney carriage or private hire driver's licence.
14. In all cases the Council will consider a conviction or behaviour and what weight should be attached to it. The council shall apply the policy with a proper approach to the statutory test. The policy shall assist in making that decision. It is acknowledged that not meeting the policy does not automatically mean that the person is not safe and suitable and any departure from the policy shall be in appropriate cases, not only in exceptional cases, having due regard to all the circumstances of the case. The mere existence of a conviction is not enough to conclude not safe and suitable. The Council approach shall ensure that every case is dealt with on its own merits. The existence of a conviction shall not be the end point, but rather the starting point for consideration of the circumstances of an offence when determining suitability.

Any offences committed or unacceptable behaviour reported whilst driving a licensed vehicle will be viewed as an aggravating factor.

In determining an application or a renewal, the Council will consider the following factors:

- **Offending history (including the circumstances of any offences, aggravating and mitigating factors, the penalty/penalties imposed by the Court and the age of the applicant at the time of the offence(s))**
- **Period of holding a driver's licence**
- **Number of endorsed driving licence points**
- **Right to work**
- **Medical fitness**
- **Standard of driving/driving ability**
- **The conduct of the applicant in making the application.**
- **The previous history of existing/former licence holders.**

In addition, the Council will also consider further information, from other licensing authorities and statutory agencies including the NR3 register. Full details of the NR3 policy are annexed to the Taxi Licensing Policy which can be located on the Council website.

15. There must be clear and compelling reasons for the Council to depart from the policy. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances nor will the impact of losing or not being granted a licence on the applicant and/or his family. Personal circumstances such as the financial impact on an applicant will not be considered.
16. The granting of a licence places an individual in a unique position of trust, and they are expected to act with integrity and demonstrate conduct befitting of the trust placed in them. For this reason, whilst it is possible for an applicant or existing licence holder to have convictions that individually comply with the policy, the overall offending history and conduct of the applicant/licence holder will be considered. Appropriate weight will be applied where a series of convictions or incidents have been incurred over a period of time.
17. The policy applies throughout the duration of a licence. If an existing licence holder's conduct falls short of the safe and suitable standard of behaviour at any time their licence will be reviewed in line with this policy.
18. Where a licence would normally be granted after an elapsed period there may be circumstances where the elapsed period will be extended. For example, licence holders are obliged to inform the Council in writing within seven days of any conviction, caution, warning, reprimand, fixed penalties, arrests and summonses in accordance with this policy, which means supplying the Council with any information that will impact on their continued safety and suitability to hold a licence. If the licence holder fails to do this, then any time to elapse will be extended to ensure the licence holder does not avoid the consequences of prompt disclosure.
A lack of transparency by the licence holder will not place them in a better position than honest and transparent licence holders.

19. Any foreign offence disclosed by the applicant/licence holder or revealed on an enhanced Disclosure & Barring Service Disclosure will be dealt with in line with this policy.
20. Any concerns, issues, incidents, or convictions or /offences not covered by this policy will not prevent the Council from taking them into account.

Disclosure and Barring Service

21. **Applicants need to be aware that because of the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, they are excluded from the provisions of the Rehabilitation of Offenders Act 1974 in relation to spent convictions and that all convictions (including minor motoring convictions and fixed penalty notices) must be declared.** The Secretary of State made this exemption because it is necessary to put public safety as the first consideration and to enable the Council to take a wider view of the applicant over a longer timescale.
22. The Council conducts enhanced disclosures from the Disclosure and Barring Service of any applicant for a driver's licence. Applicants will be required to obtain an enhanced disclosure at their expense and to subscribe to the Disclosure and Barring Update Service.
23. Any information contained in the enhanced DBS certificate that identifies an individual as not suitable to work with children or vulnerable adults will ordinarily lead to refusal of a licence.
24. The Council is entitled to use any records and information including any complaints history that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Councils and information disclosed by the police in accordance with the provisions of common law police disclosure.
25. In determining safety and suitability the Council is entitled to consider all matters concerning that applicant or licensee. This includes not only their behaviour whilst working in the hackney carriage or private hire trade, but also their entire character including, but not limited to, their attitude and temperament.
26. Any applicant who has resided outside the UK for a continuous period longer than six months within the preceding three years may be required to produce a certificate of good conduct dated in the last three months which details any convictions or cautions recorded against the individual. It is the applicant's responsibility to obtain this evidence at their cost. Whilst the Council acknowledge that there may be some difficulties in obtaining this information the applicant must use their best endeavours to obtain evidence of having made such enquiries which must be made available to the Council. This would in most cases take the form of letters or e mails. This will be in addition to the enhanced DBS. Alternatively, an applicant may be required to produce a statutory declaration containing information to the same effect dated in the last three months.
27. It is the responsibility of the applicant/licence holder to satisfy the Council that they are and remain a safe and suitable person to hold a licence. Therefore, the applicant/licence holder must ensure that any matter that may impact on their

continued safety and suitability is disclosed to the Council, including any matter incurred outside of the UK. All convictions, cautions, warnings, reprimands, fixed penalties, arrests, summonses or questioning by the Police should be disclosed. A failure to report any matter that impacts on the licence holder's continued safety and suitability will be given consideration as it demonstrates a lack of honesty and transparency with the Council.

28. Once a licence has been granted there is a continuing requirement on the part of a licensee to maintain their safety and suitability to meet the safe and suitable test. The Council has the powers to act against licence holders and any behaviour, incidents, convictions, or other actions on the part of the licensee which would have prevented them from being granted a licence may lead to the licence being revoked.
29. Any dishonesty by the applicant or other person acting on the applicant's behalf which occurs in any part of the application process may result in a licence being refused for a period up to five years commencing from the expiry of the sentence.
30. An applicant must hold a full DVLA driver's licence and have the right to remain and work in the UK and be a safe and suitable person.
31. Under the Local Government (Miscellaneous Provisions) Act 1976 section 57, the Council has the power to require an applicant to provide:
 - Such information as they may reasonably consider necessary to enable them to determine whether the licence should be granted and whether conditions should be attached to such licence.
 - The provision of this information can help to satisfy the Council that a person has the skills and competencies to be a professional driver to hold a licence. However, the concepts of safe and suitable go beyond this.
32. The character of the applicant in its entirety is the paramount consideration when determining whether they should be licensed. The Council is not imposing an additional punishment in relation to previous convictions or behaviours. The information available to them is used to make an informed decision as to whether the applicant or licence holder is or remains a safe and suitable person.
33. The fact that an offence was not committed when the applicant was driving a taxi or when passengers were aboard is irrelevant, for example speeding, drink driving, and bald tyres are all dangerous, irrespective of the situation. Violence is always serious and should not be considered less serious if a domestic dispute, a person who is inclined to be violent has that potential in any situation. Sexual offences are always serious, a person who has in the past abused their position whatever that may have been to assault another sexually has demonstrated unacceptable standards of behaviour.
34. Licence holders are expected to always demonstrate appropriate professional conduct, whether in the context of their work or otherwise. Licensees should be courteous, avoid confrontation, not be abusive or exhibit prejudice in any way. Licensees should

not take the law into their own hands. Licensees are expected to act with integrity and demonstrate conduct befitting the trust that is placed in them.

35. There are those who seek to take advantage of vulnerable people by providing services they are not entitled to provide, for example, by plying for hire in an area where they are not entitled to do so. The Council expects licensees to be vigilant of such behaviour and to report any concerns to the police and the relevant licensing authority. Passengers must feel able to check that the person offering a service is entitled to do so. Licensees must show their licence badge if asked to do so.

Criminal and Driving Convictions

36. The Council considers that a period of time must normally elapse after a crime before a person can no longer be considered at risk of re-offending.
37. The Council will look at the entirety of the individual and in some cases the suitability will not be determined simply by a specified period having elapsed following a conviction or the completion of a sentence.
38. In addition to the nature of the offence or other behaviour the Council will also consider the number of incidents and the period over which they were committed. Patterns of repeated unacceptable or criminal behaviour are likely to cause greater concern than isolated occurrences as such patterns can demonstrate continued behaviour or offending.
39. This policy does not replace the Council's duty to refuse to grant a licence where they are not satisfied that the applicant or licensee is a safe and suitable person. Where a situation is not covered by this policy the Council must consider the matter from first principles and determine the fitness of the individual.
40. Some offences on their own are serious enough for a licence not to be granted and these are identified below.
41. **Crimes resulting in death** - Applicants and licensees should be aware that where they have been convicted of a crime which has 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.
42. **Exploitation** - Where an applicant or licensee has been convicted of a crime involving, related to or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed, for example slavery, child sexual exploitation, grooming, psychological or financial abuse.
43. **Sex Offenders Register** - The Council will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list. Existing licensees who are placed on the Sex Offenders Register or on any barred list will have their licence revoked.
44. **Convictions for attempt or conspiracy** - These will be regarded as convictions for the substantive crime. A caution is regarded in the same way as a conviction. Fixed

penalties and community resolutions will also be considered in the same way as convictions.

Motoring Convictions

45. Road Safety is a priority to the Council. A taxi driver has direct responsibility for the safety of their passengers, direct responsibility for the safety of other road users and significant control over passengers who are in their vehicle. As those passengers may be alone, and may also be vulnerable, any driving convictions or unacceptable behaviour whilst driving will weigh heavily against a licence being granted or retained.
46. All licensed drivers are professional drivers charged with the responsibility of carrying the public. Any motoring convictions demonstrate a lack of professionalism and will be considered as serious. Whilst it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the grant of a licence or may not result in action taken against an existing licence., Subsequent convictions would indicate that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.

Failure to disclose convictions and relevant information

47. The Council is reliant upon a licence holder to inform the Council as regulator of any conviction or relevant matter within seven days of its occurrence. It is a matter of honesty and transparency with the regulator. If a licence holder fails to do so, then any time to elapse from the end of the sentence or date of conviction will run from the date of written notification to the Council. Licence holders will not be permitted to avoid the normal consequences of disclosure putting themselves in a better position than open and honest licensees who make a proper and timely disclosure.

Immediate revocations and suspensions

Revocations

48. A licence may be revoked with or without immediate effect, suspended or refused under the scheme of delegation by a panel which will include senior officers of the Council in respect of circumstances that may warrant immediate revocation on the grounds of public safety, this can include the following (non-exhaustive) list of scenarios:
 - **A person is charged with a criminal offence in respect of which the sentencing powers carry a term of imprisonment or**
 - **A person is summonsed to appear in Court for such an offence**
 - **A person is deemed by a qualified general practitioner that the individual is unfit to drive to Group 2 Medical Standards**
 - **Where a person's Ordinary Road Traffic Act Driving Licence is revoked or suspended**
 - **Where a person is disqualified from driving for any period**
 - **Where a person has been served an immigration penalty or convicted of an immigration offence**

- **Where information is received, including information disclosed by the Police or other agency (whether confidential or not), which causes the Council to have to make further enquiries**

Suspensions

49. A licence may be suspended under the Scheme of Delegation by a panel which will include senior officers of the Council as above with immediate effect in circumstances where it is considered to be in the interest of public safety to do so. This can include the following (non-exhaustive) list of scenarios:

- **Where a person fails to produce a medical to provide proof of his/her fitness to drive to Group 2 medical standards**
- **Where a person fails to provide a valid photo card DVLA driving licence, on request**
- **Where a person fails to maintain their subscription to the DBS update service**
- **Where the result of a status check on the DBS update service indicates there has been a change to the status of a licence holder's DBS certificate**
- **Where information is received, including information disclosed by the Police or other agency (whether confidential or not), which causes the Council to have to make further enquiries.**

The Council have a responsibility to the travelling public to ensure that public safety is of paramount concern. Where serious allegations have been made against licensed drivers, the Council would always consider a revocation or refusal as a primary course of action to ensure the safety of the travelling public.

An anonymised summary of revocations, suspensions and refusal to grant a licence will be provided periodically to the Licensing committee so that it can have oversight into how the delegated powers under the policy are being applied.

Decision and Right of Appeal

50. Where the Council is minded to refuse an application or suspend or revoke an existing licence in line with this policy the applicant or existing licence holder will be informed and be given an opportunity to provide any additional written evidence and will be invited in to support their application or retention of their licence.

Where the council is considering revoking or suspending a licence (other than in the circumstances set out in paragraphs 48 and 49) a letter setting out the circumstances will be provided to the licence holder prior to the meeting. They will be offered the opportunity to meet with the panel of two senior officers taking the decision and will have the opportunity to give their account of events and answer questions from the panel. Up to ten working days' notice will be given of the meeting. The licence holder has the right to be accompanied by one representative at the meeting who will be allowed to ask questions and to speak on their behalf, but who cannot answer questions put by the panel directly to the licence holder.

51. The applicant or existing licence holder will be notified in writing of the Council's final decision within 14 days of it being made.
52. Any person whose application is refused, or licence suspended or revoked by the Council has a right of appeal to the Magistrates' Court. An Appeal must be lodged within 21 days of the decision at the Magistrates' Court. Appeal rights are contained in Section 77 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II) and Section 300 of the Public Health Act 1936.

Expedited application process

53. Where a licence has been revoked with immediate effect and it is later established that this decision no longer applies an expedited application process will be considered. Matters will be considered on a case-by-case basis depending on the circumstances surrounding the revocation and may include a further enhanced DBS certificate. Any additional documents are obtained at the applicant's own expense. A new completed application form will be required but no application fee is charged.

Classification of offences

54. Serious offences involving violence

An application will not be granted and will be refused or revoked if the applicant has a conviction for an offence as set out below.

55. A licence may not be granted where the applicant has a conviction for:

(A) Offences which include but are not restricted to:

- **Murder**
- **Manslaughter**
- **Causing death whilst driving**
- **Terrorism offences**
- **Any offences including attempted conspiracy to commit offences**

Consideration will normally only be given to the granting/issuing of a licence if at least ten years have passed since the completion of any sentence following the conviction for an offence as below: If the offence is committed whilst currently licensed, the Council will also revoke the licence.

(B) Offences include but are not restricted to:

- **Arson**
- **Actual or grievous bodily harm**
- **Robbery**
- **Possession of a firearm**
- **Riot**
- **Assault police**
- **Violent disorder**
- **Any racially aggravated offence against a person or property**

- **Affray**
- **Any offence which may be categorised as domestic abuse**
- **Any offences including attempted conspiracy to commit offences**

Consideration will normally only be given to the granting or issuing of a licence if at least five years has passed since the completion of any sentence and or licence period following the conviction for an offence as below: If the offence is committed whilst currently licensed, the council may also consider revocation of the licence.

(C) Offences include but are not restricted to:

- **Obstruction**
- **Criminal damage**
- **Any other Public Order Offence which is covered under the Public Order Act**
- **Any offences including attempted conspiracy to commit offences**
- **Resist arrest**

Consideration will normally only be given to the granting or issuing of a licence if at least three years has passed since the completion of any sentence and or licence period following the conviction for an offence as below: If the offence is committed whilst currently licensed, the council may also consider revocation of the licence.

(D) Offences include but are not restricted to:

- **Common assault**

Possession of a weapon

56. If an applicant has been convicted for possession of a weapon or any other weapon related offence, consideration will be given to determine whether the person continues to be safe and suitable. Three years must have elapsed since the completion of the sentence before a licence is granted.

The Council are permitted to consider a revocation in cases where the driver has been arrested or interviewed and is waiting for a decision by the police, or where he has been charged and awaits a court date. If the council choose to take such action, the same time periods shall apply as would have applied had the driver been convicted, but effective from the date of the offence. In these matters, whilst it is acknowledged that guilt has not been proven, the Council may still consider any evidence obtained and revoke, refuse or suspend when necessary.

Sexual and indecency offences

57. Licensed drivers often carry unaccompanied and vulnerable passengers. All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences will be refused a licence, revoked, or refused a renewal of an existing licence.

Offences include but are not restricted to:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and adults and any offence as defined within the Sexual Offences Act 2003
- Making or the distribution of obscene material
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Soliciting (kerb crawling)
- Making obscene or indecent phone calls
- Indecent exposure
- Any offences including attempted conspiracy to commit offences

58. The Council will not grant or renew a licence to any applicant who is currently on the sex offenders register or any other similar register.

59. **Dishonesty**

Drivers may deal with cash transactions and valuable property may be accidentally left in their vehicles. The Council expect drivers to always act with honesty and integrity and make every effort to return any property to the rightful owner. Failure to do so may result in the revocation of a licence.

60. Five years must normally have elapsed since the completion of a sentence for the following offences before a licence will be granted. If the offence is committed whilst currently licensed, the council may also consider revocation of the licence.

Offences include but are not restricted to:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Any similar offences including attempted conspiracy to commit offences

61. **Alcohol and drugs.**

Licensed drivers are professional drivers. Any driver whilst driving under the influence of alcohol or drugs may have their licence revoked. More than one conviction for these offences is an additional factor in determining whether the driver remains safe and suitable. In such circumstances a period of five years shall elapse before a licence will be granted or renewed. If the applicant is alcohol or drug dependant, a satisfactory medical report must be provided before the application can be considered.

62. A licence will not normally be granted until ten years has elapsed where the applicant has a conviction for an offence relating to the supply of drugs. If the offence is committed whilst currently licensed, the council may also consider revocation of the licence.
63. A licence will not normally be granted where the applicant has a conviction for offences related to the possession of illegal or controlled drugs until five years have passed since the completion of any sentence and or licence period. Consideration will be given to the type of offence, which may also lead to the revocation of an existing licence or refusal to grant a new application.
64. If there is evidence of persistent drugs and or alcohol use, misuse or dependency, a medical examination in accordance with DVLA Group 2 medical standards and a satisfactory medical report may be required at the applicant's cost before a licence is considered. If the applicant or licensed driver is dependant, then they would be required to show evidence of two years free from drug and alcohol dependency from the completion of detoxification treatment.

65. **Other traffic offences**

New applicants who have accrued seven or eight points at the point of application within the previous three years will likely be required to undergo an advanced driving course by an approved provider of the council. This will be at the applicants cost. New applicants who have accrued nine or more points will typically not be granted a licence.

- New applicants who refuse to attend the course will be immediately refused a licence
- Existing licence holders who accrue seven eight or nine points during their licence period will also be required to attend an advanced driving course by an approved provider of the council. Drivers who accrue more than nine points will be revoked or refused
- Existing drivers who refuse to attend the course or who fail the course on more than two occasions will not be considered safe and suitable and will therefore have their licence revoked
- Drivers will not be permitted to attend the course more than twice in any three-year period. Drivers must notify the council immediately of the date and time of any advanced driving course booked.

66. There are certain offences which the Council considers to be more serious, and a licence will not be granted or renewed and may be revoked in the following cases:
 - **Driving without due care and attention**
 - **Reckless driving**
 - **More serious speeding offences for example exceeding speed limits by more than 50% of the set limit**

- **Using a handheld device (the council recognises that mobile phones held in a cradle and used on an app are used to allocate or offer fares to licensed drivers)**

New applicants - A licence will not be granted if there is a conviction for one of these offences within the last three years of the date of application.

Existing applicants

A licence will be revoked if any of these offences have been committed in the last three years.

For applicants and existing licence holders with more than one offence this may be increased to five years if the second offence was committed within three years of the first offence. The time required to elapse will commence from the date of notification to the council not the date of conviction

67. In cases where the courts have imposed a disqualification in respect of a DVLA licence, the periods stated above will commence from the date of the restoration of the licence.
68. In assessing the action to take, the safety of the travelling public must be of paramount concern.

69. Licensing Offences

Certain offences under taxi legislation such as plying for hire, overcharging, and refusal to carry disabled persons or an assistance dog without an exemption certificate will prevent a licence being granted or renewed until a period of three years has passed since conviction. For existing licence holders your licence may be revoked. For an offence of no insurance a period of **five years** must elapse before a grant or renewal of a licence is considered. A licence will typically be revoked following a conviction for no insurance.

70. Applicant with periods of residency outside the UK

If an applicant or an existing licence holder has spent six continuous months or more overseas the Council will wish to seek evidence of a criminal record check from the country countries visited covering the period.

71. The Council may require a certificate of good conduct authenticated by the relevant Authority. In the event that the applicant is unable to provide a certificate of good conduct, he or she may be required to provide further documentation to the Council which demonstrates that diligent enquiries have been made within the applicant's previous country (or countries) of residence.

| OFFENCE | PERIOD TO ELAPSE |
|---|---|
| Serious Offences involving violence | |
| Murder Manslaughter Causing death whilst driving Terrorism offences Any offences including attempted conspiracy to commit offences | Will not be granted Existing licence revoked |
| Arson Actual or grievous bodily harm Robbery Possession of a firearm Riot Assault police Violent disorder Resist arrest Any racially aggravated offence against a person or property Affray Any offence which may be categorised as domestic abuse Any offences including attempted conspiracy to commit offences. | Ten years Licence may be revoked |
| Obstruction Criminal damage Any public order offence covered under the Public Order Act Any offences including attempted conspiracy to commit offences. | Five years Licence may be revoked |
| Common assault. | Three years Licence may be revoked |
| Sexual and indecency offences Rape Assault by penetration Offences involving children or vulnerable adults Trafficking Sexual abuse against children and adults Any offence as defined in the sexual offences act 2003 Making or the distribution of obscene material Possession of indecent photographs depicting child pornography Sexual assault Indecent assault | Will not be granted Existing licence revoked |

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| Soliciting (kerb crawling) Making obscene or indecent phone calls Indecent exposure Any offences including attempted conspiracy to commit offences | |
| Dishonesty Theft Burglary Fraud Benefit fraud Handling or receiving stolen goods Forgery Conspiracy to defraud Obtaining money or property by deception Other deception Taking a vehicle without consent Any offences including attempted conspiracy to commit offences. | Five years Licence may be revoked |
| Alcohol and drugs | |
| Supply | Ten years Licence may be revoked |
| Possession | Five years Licence may be revoked |
| Persistent drug and alcohol use misuse or dependency | Five years free from drug and alcohol dependency from completion of detoxification treatment Licence may be revoked |
| Driving under the influence of alcohol/drug related convictions | Five years Licence may be revoked |
| Other driving offences | |
| New applicants who have accrued seven or eight points within the last three years | Required to go on an approved advanced driving course by an approved provider of the Council |
| New applicants who have accrued nine points or more | Will not be granted a licence |
| Existing licence holders who accrue seven eight or nine points during their licence period | Suspension and required to attend an advanced driving course by an approved supplier of the council |
| Existing drivers with more than nine points | |

| | Licence refused at renewal or revoked |
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| Driving without due care and attention Reckless driving More serious speeding offences, e.g., exceeding 50mph Using a handheld device | <p>New applicants. Licence will not be issued if there is a conviction for one of these offences in the last three years from the date of application</p> <p>Existing applicants Licence may be suspended or revoked if any of these offences occurred in last three years</p> |
| Licensing offences | |
| Overcharging Plying for hire Failing to carry disabled person or an assistance dog without an exemption certificate No insurance | <p>Three years Licence may be suspended or revoked</p> <p>Five years. Licence may be suspended or revoked</p> |