

Report to Regulatory Panel

Agenda
Item:

A.1

Meeting Date: 15th February 2017
Portfolio: Finance, Governance and Resources
Key Decision: Not Applicable:
Within Policy and Budget Framework
Public / Private Public

Title: WAYNE HEWITSON - DISCLOSURE OF CONVICTION
Report of: Corporate Director of Governance and Regulatory Services
Report Number: GD.11/17

Purpose / Summary:

Wayne Hewitson is the holder of Hackney Carriage Driver licence and a Private Hire Driver licence with this Council.

On 19th January 2017 he disclosed in writing to the Licensing Office that he had been convicted of assault/battery at Carlisle Magistrates Court on 17th January 2017.

Recommendations:

To reach a decision on Mr Hewitson's fitness to be a licensed driver from the options available, after hearing evidence and any response from Mr Hewitson.

This is in accordance with Section 61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976.

Tracking

Executive:	
Overview and Scrutiny:	
Council:	

To the Chairman & Members of the Regulatory Panel on 30th July 2014

NAME Mr Wayne Hewitson

ADDRESS Scotby Close, Carlisle

AGE 52yrs

1. BACKGROUND

- 1.1 Mr Hewitson became a licensed Private Hire driver with this Council in 1986 and remained a licensed driver until 2000 when he took up other employment. During that period he made applications to the Council for a Private Hire drivers' licence but his applications in 1988 and 1990 were refused by the Licensing Panel as he was deemed not to be a fit and proper person. Records detailing the reports for these decisions were lost in the floods. He returned to driving to become a Hackney driver in 2007 and has also held a Private Hire driver's licence since 2013. Mr Hewitson's current Hackney and Private Hire driver licenses are due to expire in February 2019 (3yr licenses).
- 1.2 In January 2013 Mr Hewitson reported to the licensing office that he had received a Police Caution for an incident that had occurred on a school bus on 14th December 12 when offensive language had been used towards children. The matter was dealt with by way of a written warning issued by the Licensing Manager to Mr Hewitson **(App.A)**. As a result of this incident Cumbria County Council later refused to re issue his badge to carry out school contract work.
- 1.3 On 27th May 2014 Mr Hewitson's Hackney and Private Hire driving licenses were suspended on medical grounds due to him suffering from an angina condition. He handed his badges in to the licensing office and was informed that they would only be returned when his family doctor confirmed in writing that he was fit to drive a licensed vehicle. In February 2016 Carlisle Licensing office were made aware that Mr Hewitson had obtained a Hackney Driver licence with Copeland Borough Council without declaring his medical condition. Copeland Borough Council were made aware of his medical condition, and as a result the matter was dealt with by their Taxi Licensing Panel on 5th April 16. Mr Hewitson did not attend the panel and the matter was dealt with in his absence when they decided to suspend his Hackney Driver licence.

- 1.4 On 4th April 2016 Mr Hewitson applied to Carlisle City Council for a Hackney and Private Hire driver licence (**App.B**). His family doctor had then declared him fit to drive a licensed vehicle. It is noted within the statutory declaration that he was convicted of an offence of common assault in 1995. Both licenses were issued and are due to expire in February 2019.

2.0 CURRENT CONVICTION

On 19th January 2017 Mr Hewitson disclosed in writing to the Licensing Office that he had appeared at Carlisle Magistrates Court on 17th January 2017 for an offence of assault/Battery (**App.C**). He was sentenced to 18 weeks imprisonment suspended for 12 months and ordered to pay £500 compensation and £200 costs.

The offence occurred on 19th December 2016 when it was reported that Mr Hewitson had assaulted a parking attendant in the grounds of the Cumberland Infirmary Carlisle.

The circumstances were reported that a Parking Attendant at the hospital was patrolling the hospitals drop off zone outside the main entrance at about 9.10pm when Hewitson's taxi pulled up. The attendant photographed the car which is a normal procedure and he attempted to explain this to Mr Hewitson. A few minutes later the attendant noticed that Hewitson was walking towards him and Hewitson demanded that the photograph of his car be deleted. He then grabbed the attendants arm and upper shoulder and began repeatedly kicking him all over his body. The attendant fell to the ground but when struggling to get to his feet Hewitson pushed him down again and continued kicking him. As a result of the assault the attendant suffered from a swollen lip and chin as well as facial grazes. His mobile phone had also been damaged. The presiding Magistrate at Court described the actions of Hewitson as 'a sustained assault'. Mr Hewitson states on the disclosure that he was suffering from emotional stress at the time of the incident and his actions were regrettable.

- 2.1 A check of Mr Hewitson's driving licence indicates that there are currently no endorsements on the licence
- 2.2 Mr Hewitson was then advised that the matter would be referred to the Regulatory Panel for a decision.

3 LEGISLATION

- 3.1 Section 61(1) of the Local Government Miscellaneous Provisions Act 1976 states that a District Council may suspend or revoke a Hackney Carriage Driver Licence on a number of grounds.

Section 61(1)(b) gives the grounds of “any other reasonable cause” **(App.D)**

- 3.2 Department of Transport Circular 2/92 and Home Office Circular 13/92 give guidance on the disclosure of criminal records. This has been adopted by the Council for guidance of the Panel. The Circular gives guidance on the relevance of convictions based on the criteria used by the Metropolitan police, the relevant extract is attached **(App.E)**

4 LEGAL ADVICE

- 4.1 Section 59 of the 1976 Act provides that a licensing authority shall not grant a Hackney Carriage Driver’s Licence unless it is satisfied that the applicant is a fit and proper person to hold such a licence. Section 61(1)(b) enables the Panel to take action in respect of a Driver, notwithstanding that no criminal proceedings have been brought, if they consider that circumstances exist which mean that the driver is not, or is no longer, a fit and proper person to hold a driving licence.
- 4.2 While there is no statutory definition of ‘fit and proper person’, the Courts have given helpful guidance over the years and it is established that the objectives of the licensing regime are intended to ensure that licensed drivers are “suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience; sober, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse or assault passengers” (*McCool –v- Rushcliffe Borough Council [1998]*).
- 4.3 Mr Hewitson has been convicted of the above offence and having heard Mr Hewitson and established the facts, Members need to consider whether Mr Hewitson is, in light of these facts, a fit and proper person to continue to hold his licence. If not, it should be revoked. If the misconduct is not, however, enough to lead to that conclusion, the Panel may consider whether a suspension or other lesser sanction is appropriate.
- 4.5 Members will realise that taxis and private hire vehicles are more likely than other modes of transport to transport vulnerable people. Safety of the public is paramount.

5. **OPTIONS**

It is recommended that after hearing the evidence and any representations today, that members reach a decision in line with the options available:

- Issue a warning letter
- Suspend Mr Hewitson's Hackney Carriage and Private Hire Drivers Licence for a period of time.
- Revoke his Hackney Carriage Driver and Private Hire driver Licenses.

Contact Officer: Nicola Edwards Ext: 7029

Appendices attached to report:

- A – Written Warning from Licensing Manager**
- B – Current Hackney/Private hire driver applications**
- C - Disclosure of conviction**
- D - Sec 61 Local Government (Misc. Provisions) Act 1976**
- E- Department of Transport Circular 2/92 and Home Office Circular 13/92**

CORPORATE IMPLICATIONS/RISKS:

Chief Executive's -	n/a
Deputy Chief Executive –	n/a
Economic Development –	n/a
Governance –	included within the report
Local Environment –	n/a
Resources -	n/a

**CARLISLE
CITY COUNCIL**



www.carlisle.gov.uk

Governance Directorate

Director of Governance: M D Lambert LLB (Hons)

Civic Centre Carlisle CA3 8QG Telephone (01228) 817000 Fax (01228) 817023
Document Exchange Quote DX 63037 Carlisle Type talk 18001 01228 817000
Council Website www.carlisle.gov.uk

Mr W Hewitson
Scotby Gardens
Carlisle
Cumbria
CA1 2XH

Enquiries to:
Direct Dial:

Jim Messenger
01228 817523

6 February 2013

Dear Mr Hewitson

Hackney Carriage driver - Police Caution

You are a licensed Hackney Carriage Driver with this licensing authority and have recently applied for a Private Hire drivers licence.

In January 2013 you reported to the licensing authority that you had received a Police caution for an incident on a school bus on 14 December 2012, when you used offensive language to some children. We note that you were not driving under your Hackney Carriage licence at the time.

My Officers have carried out an investigation into this incident, speaking to the Police, Cumbria Coaches and the Headmaster of William Howard School. Whilst the versions of the events differ slightly, the fact remains that although provoked, you lost your temper and swore at a number of schoolchildren.

We have taken into account that you are no longer undertaking school contracts for Cumbria Coaches and the fact that you haven't been able to get any taxi work since the incident. We also note that you have no convictions since 2005.

The licensing authority takes a very serious view of incidents and conduct like this, which is not expected of our licensed drivers. Mr Sharrock has discussed this with you and you appreciate this fact.

On this occasion we have decided to deal with the incident by way of a written warning, however I must inform you that should there be any further reports of misconduct you may be brought before the Regulatory Panel where Members may suspend or revoke your licence.

Yours sincerely

Licensing Manager

CITY OF CARLISLE

HACKNEY CARRIAGE
DRIVERS LICENCE APPLICATION

Lalpac No.	22341
Fee Paid	£222.25
Receipt No	25823
FUND 31 HA	
Licence Issued	4-4-16

**Before completing this form
you should read the notes and
forms (A to H) attached.**

Please complete in black ink

DVLA CHECK
DBS EXPIRY
MEDICAL EXPIRY
DSA TEST PASS
DSA W/C PASS
KNOWLEDGE TEST PASS
DISABILITY AWARENESS PASS

FILE No

19

1. Full Names of Applicant	WAYNE HEWITSON
2. Home Address of Applicant (including postcode)	CARLISLE, CUMBRIA
3. Tel No. Mobile No. email address	
4. Date of Birth	
5. Is this application for a renewal of an existing licence? If so, give number	HD * Wheelchair/Non Wheelchair * Delete as applicable
6. (a) Have you previously held a Hackney Carriage or Private Hire Drivers Licence?	(a) yes
(b) If 'Yes', has it ever been suspended or revoked? If so, give details	(b) NO
(c) If 'No', have you ever been refused such a licence, and, if so by whom?	(c) NO

Form A

7. Driving Licence number: Date of Licence Expiry:	 18-05-2019
8. Please state how many years of driving experience you have	30 Year.
9. Do you have the right to work in the United Kingdom?	No
10. What is your National Insurance Number?	
11. Name of Radio Circuit/Operator for whom applicant will drive	CARLISLE TAXI HIRE.

I hereby apply for the grant/renewal of a Hackney Carriage Drivers Licence. I understand it is an offence to knowingly or recklessly make a false statement or omit any material particulars in giving the above information.

I enclose:

- (1) The fee payable, amounting to £
- (2) One passport size photograph
- (3) Disclosure Barring Service application (**new applicants & every three years**)
- (4) DSA "Taxi Test" Pass Certificate (**new applicants only**)
- (5) DSA Wheelchair Pass Certificate (if required) (**new applicants only**)
- (6) Statutory Declaration signed by me in the presence of a Solicitor/Commissioner for Oaths (Form C)
- (7) Consent to Disclosure signed by me (Form D)
- (8) Medical Certificate (Form E or F as appropriate)
- (9) I also give Carlisle City Council consent to view my driving licence information through the Government digital enquiry service (Gov.uk)

Date: 14-4-16 Signature: _____

NOTES

1. Remittances by cheque should be made payable to the "City of Carlisle".
2. The completed form should be returned to The Licensing Manager, Governance Directorate, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
In the event that this application is refused or not proceeded with, the licence fee will be retained to cover administrative costs.

Form B

REQUEST FOR A DISCLOSURE & BARRING SERVICE (DBS) CHECK IN RESPECT OF AN APPLICATION FOR THE GRANT OF A LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE

What is the Disclosure & Barring Service (DBS)?

The Disclosure & Barring Service is an executive non-departmental public body sponsored by the Home Office to help organisations make safer recruitment decisions. By providing wider access to criminal record information, the DBS will help employers in the public, private and voluntary sectors identify candidates who may be unsuitable for certain work, especially where it involves contact with children or other vulnerable members of society.

The DBS will help protect the public through a service called Disclosure. For more information on this new service visit the Disclosure & Barring Service Website (www.gov.uk) or telephone the DBS Information Line on 0870 90 90 811.

How does this concern me as a prospective Hackney Carriage/Private Hire driver?

The onus falls upon the applicant to complete a DBS application form that will be provided by the council with your application documents.

Then what do I do?

You must complete the form and return it to the Civic Centre for a Licensing Officer (Registered by the DBS) to countersign the application. They will also need to see several original documents to confirm your identity. The documents are listed on the DBS application form and may include your passport, driving licence, confirmation of your NI number, birth certificate, marriage certificate, utility bill etc. The completed form & fee will be sent to the DBS. The fee may be paid by cheque (payable to City of Carlisle), cash or Debit Card

How long will the disclosure take?

You can expect to receive your disclosure within about four weeks of the DBS receiving your application. the Council **do not** receive a copy of this disclosure; therefore you will be required to bring your disclosure to the Civic Centre for a Licensing Officer to verify the information.

When will I get my Hackney Carriage/Private Hire driving licence?

The disclosure check is only one of a number of formalities that you must go through to obtain your licence. Once you have completed the DBS check, DSA driving test, Medical, Local Knowledge test and Disability Awareness Session, a Licensing Officer will be able to advise you further regarding these stages.

Will I need to complete another DBS form in the future?

Yes, every three years you must update your disclosure. The Licensing Office will send you an application form a couple of months before it is due.

STATUTORY DECLARATION

I WAYNE HEWITSON of CARLISLE
 Date of Birth

DO SOLEMNLY DECLARE as follows:

1. For at least twelve months prior to the date hereof I have held a licence (not being a provisional licence) under Part III of the Road Traffic Act 1972 authorising me to drive a motor car.
2. * I have never been convicted of any offence

OR (* DELETE AS APPLICABLE)

- 3.** * I have been convicted of an offence or offences and I list below every offence which I have been convicted of including the date of the offence, the date of conviction, the court at which convicted and the sentence imposed by the court. This list includes any penalty imposed upon me other than by a Court but as a result of any legal process.

Date of offence	Date of conviction	Offence	Court at which convicted	Sentence or Order of the Court or Fixed Penalty Notice
	24-8-81	THEFT	AINWICK	£30.00
	14-12-89	CRIMINAL DAMAGE	CARLISLE	Also compensation
	10-11-95	COMMON ASSAULT	CARLISLE	£25 + £30 comp
	21-5-2001	FALSE ENTRY ON RECORD SHEET	South Lakeland	£200
	19-12-12	PUBLIC ORDER	CARLISLE POLICE STATION	CAUTION

I have not been convicted of any other offence except as set out above and I make this solemn declaration conscientiously believing the same along with the answers given in the attached application form to be true and by virtue of the provisions of the Statutory Declarations Act, 1835, and Section 5 of the Perjury Act, 1911.

Declared at CARLISLE, CUMBRIA

This 4TH day APRIL 2016 Signature of applicant

In the County of CUMBRIA

Before me
 Solicitor/Commissioner for Oaths

Office Address & Stamp (if available) BUTTERWORTHS, 24 LANTHER STREET
CARLISLE, CA3 8DA

APPLICANTS ARE REMINDED THAT AS FAILURE TO COMPLETE THIS DECLARATION CORRECTLY COULD GIVE RISE TO CRIMINAL PROCEEDINGS, IT IS IMPORTANT THAT THE SOLICITOR INVOLVED IS GIVEN ALL THE RELEVANT FACTS.

THE DECLARATION ABOVE RELATES TO ALL OFFENCES INCLUDING ANY MOTORING OFFENCES AND MUST INCLUDE ALL CONVICTIONS EVEN THOUGH THEY MAY HAVE BEEN DISCLOSED ON PREVIOUS APPLICATIONS. BY VIRTUE OF THE REHABILITATION OF OFFENDERS ACT 1974 EXCEPTIONS ORDER 1975 AS AMENDED, (Hackney/Private Hire Drivers being a listed occupation)

ALL SPENT CONVICTS MUST BE DISCLOSED

CITY OF CARLISLE
DATA PROTECTION ACT 1998

CONSENT TO DISCLOSURE

Name WAYNE HEWITSON
of [REDACTED] CARLISLE, CUMBRIA
Date of Birth [REDACTED]

I the undersigned consent to the processing of my personal data by Carlisle City Council (whether held on computer or on file) including:

- My personal details (Form A)
- My Statutory Declaration Form (Form C)
- The result of my Disclosure Barring Service check
- The result of my DVLA driving licence verification check through Gov.uk
- My Medical Certificate (Form E) or my Self-Certificated Medical Questionnaire (Form F)

I consent to any or all of the information contained in Form A, C, E and F or information obtained as a result of the Disclosure & Barring Service check being disclosed at any hearing, whether in public or in private, of the Carlisle City Council Regulatory Panel (the RP) or any hearing held in any Court or Tribunal in relation to my application for a licence or any licence granted to me by Carlisle City Council. I understand that all the information contained in the above forms will be processed, disclosed and published for any or all of the following purposes:

- (a) determining my licensing application
- (b) monitoring and enforcing the licence conditions and bye-laws
- (c) in the event that a breach of the licence occurs, to assist the RP to determine what action will be taken
- (d) assisting a Court or Tribunal in reaching a decision about a case before it

This council is under a duty to protect public funds and to promote social wellbeing. To this end, we may share the personal information you have provided with other departments of this council and with auditors, other councils and partner agencies in order to improve delivery of services, protect the public, prevent and detect fraud and reduce crime and disorder. We will not supply other authorities with your information unless we are satisfied that equal measures are in place to protect the information from unauthorised access. The council will also not supply your information to any organisation for marketing purposes without your prior consent. For further information please phone the Council Corporate Information Officer on 01228 817165.

Signature [REDACTED]
Date 4-4-16

Form E

CITY OF CARLISLE

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS

MEDICAL EXAMINATION

Notes: You should complete Part A without signing the form at this stage. You should arrange for a medical examination to be carried out by **your own Medical Practitioner who should complete Part B below**. Any consequential fee for this service is payable direct by the applicant to the Medical Practitioner. This completed form must be returned to the Council along with your application for your driver's licence. Please note that a medical report must be submitted every three years. In the two years in between, only the self-certificated form at Form G need be completed.

Once you reach the age of 65 years a full medical is required annually.

Part A

Name of Applicant (Block Capitals)	WAYNE HENITSON
Address & Postcode	CARLISLE, CUMBRIA CA1 2X9
Date of Birth	
Signature of Applicant (sign in the presence of the Medical Practitioner signing this certificate)	X

Part B

I certify that I am a Doctor within the applicant's medical practice and that I have this day examined the applicant. He has signed this form in my presence and in my opinion is **fit to drive a Hackney Carriage/Private Hire vehicle**. I have come to this decision having studied his medical records and using Group 2 standards for vocational drivers as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLA, Swansea.

Signature of Medical Practitioner:

Name:

Date:

DR C. PATTERSON
4/4/16

Surgery Address or stamp

DR. C. PATTERSON
BRUNSWICK HOUSE
MEDICAL GROUP
1 BRUNSWICK ST.
CARLISLE CA1 1ED

Form F

THIS FORM TO BE COMPLETED UPON RENEWAL ONLY WHERE THE THREE YEARLY
MEDICAL EXAMINATION IS NOT REQUIRED

SELF-CERTIFICATED MEDICAL QUESTIONNAIRE

FULL NAME: WAYNE HOBWITSON

ADDRESS: [REDACTED] Carlisle

DATE OF BIRTH: [REDACTED]

Questions

- (1) Have you, to the best of your knowledge, had an epileptic attack in the last 10 years? **YES/NO**
- (2) Are you, to the best of your judgement, subject to: **YES/NO**
- (a) Vertigo or sudden attacks of disabling giddiness or fainting:
- (b) Any mental ailment likely to interfere with the efficient discharge of your duties as a driver? **YES/NO**
- (3) Have you any deformity or loss of members or physical disability likely to interfere with your duties as a driver of a Hackney Carriage? **YES/NO**
- (4) Do you suffer from, or have ever suffered from any heart or lung disorder? **YES/NO**
- (5) Do you suffer from any serious defect of hearing? **YES/NO**
- (6) Do you suffer from any form of diabetes that is being treated with either insulin or tablets? **YES/NO**
- (7) Are you now, or have you ever been, addicted to excessive consumption of alcohol or drugs? **YES/NO**
- (8) Do you suffer from any deficiency in eyesight that may cause the driving by you or a Hackney Carriage to be a source of danger to the public? **YES/NO**
- (9) Give details of any other disease or physical disability likely to interfere with the efficient discharge of your duties as a driver, or to cause the driving by you of a Hackney Carriage to be source of danger to the public.

If you have answered yes to any of the above please give brief details below

.....
.....

I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THE ABOVE ANSWERS ARE TRUE AND I AGREE THAT IF IT IS CONSIDERED NECESSARY MY FAMILY DOCTOR OR OTHER MEDICAL ADVISER MAY BE CONTACTED ABOUT MY HEALTH.

SIGNED X [REDACTED] DATE 4/4/16

Name and Address of Doctor [REDACTED]

1 Bunswood Street
Carlisle
CA2 1ED

Form G
CITY OF CARLISLE

**HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE
DRIVER'S LICENCES**

CONDITIONS OF APPLICATION

Before the Council grant a driver's licence to any driver of a hackney carriage or private hire vehicle the applicant for the licence must comply with the following:

1. Complete and submit to the Council an application on the forms prescribed by the Council.
2. Pay to the Council such fee as may be demanded by the Council for the issue of the licence.
3. Satisfy the Council that he is a fit and proper person to hold a driver's licence. In this connection the applicant will be required to undergo a Driving Standards Agency "Taxi" test, take a verbal local knowledge test and Disability Awareness Assessment. The relevant pass mark must be achieved. In addition a Disclosure & Barring Service check is also required.
4. Be a person who has for twelve months immediately prior to the date of the application been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1972 authorising him to drive a motor car.
5. The Council will require the applicant to undertake a medical examination by the applicant's **own** registered medical practitioner as to his fitness to be a driver of a hackney carriage or private hire vehicle. This examination is required every three years until aged 65 years, then annually thereafter. In the intervening years the self-certificated medical questionnaire should be completed. The medical practitioner will carry out the examination having regard to the guidelines for Group Two vocational drivers as recommended by the DVLA document "At a Glance Guide to the Current Medical Standards of Fitness to Drive"
6. Whether or not such a certificate has been produced, the Council may require the applicant to undergo a medical examination by a registered medical practitioner selected by the Council as to his physical fitness to be the driver of a hackney carriage or private hire vehicle. Any consequential fee for this service is payable direct by the applicant to the Medical Practitioner
7. Produce for examination a current driving licence issued to the applicant under the Road Traffic Acts 1960 to 1972 and sign a DVLA verification mandate to allow a driving licence check to be carried out.
8. Agree to comply with all conditions and/or codes or practices that are attached to the granting of a hackney carriage or private hire vehicle driver's licence.
9. Provide such other information as may be required by the Council.

If during the currency of any licence granted as a result of the application, any change takes place in the particulars supplied, the applicant shall forthwith notify the Council in writing of the change.



Licence summary

You can share this licence information summary with someone else like your employer or a car hire firm.

Mr WAYNE HEWITSON

Driving licence number

Licence issue number

78

Licence valid from

30 September 2015

Licence valid to

18 May 2019

Check code

CCT3XdWG

This code

- is case sensitive
- is valid for 21 days
- can only be used once

Date summary generated

4 April 2016 10:50

Driving Status

Current full licence

Endorsements

0

Offences

0

Points

Can drive

Category	Start date	End date	Codes
AM	7 April 2013	20 January 2035	01
A	19 January 2013	20 January 2035	01, 79(3)
B1	17 April 1986	20 January 2035	01
B	17 April 1986	20 January 2035	01
BE	17 April 1986	20 January 2035	01
C1	17 April 1986	20 January 2035	01
C1E	17 April 1986	20 January 2035	01, 107
D1	17 April 1986	20 January 2035	01, 101
D1E	17 April 1986	20 January 2035	01, 101, 119
F	17 April 1986	20 January 2035	01
K	17 April 1986	20 January 2035	01
L	17 April 1986	20 January 2035	01
N	17 April 1986	20 January 2035	01
P	17 April 1986	20 January 2035	01
Q	7 April 2013	20 January 2035	01

Provisionally drive

Category	Start date	End date	Codes
A	28 March 1985	20 January 2035	01
G	28 March 1985	20 January 2035	01
H	28 March 1985	20 January 2035	01

What to do next

How to share your licence summary

Give the check code or this licence summary to someone else, like your employer or a car hire firm. They'll also need the last 8 characters of your driving licence number.

Where to view a shared licence summary

Visit <https://www.gov.uk/check-driving-licence> and enter the last 8 characters of the driving licence number and the check code.

Check code not working?

If the code generated is older than 21 days, or the code has been viewed once before, a new code must be created.





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DRIVING LICENCE

1. HENNINGSON
2. WAYNE

3. [REDACTED] UNITED KINGDOM
4a. 30.08.2015 to DVA
4b. 18.06.2019
5. [REDACTED]
6. [REDACTED] CARLISLE, CA1 5XD
7. [REDACTED]
8. [REDACTED]
9. [REDACTED]

AM/A/B/C/D/E/F/G/H/I/J/K/L/M/N/O/P/Q/R/S/T/U/V/W/X/Y/Z



	1	2	3	4
1	05.04.88	28.01.85	01	
2				
3				
4	28.01.85	28.01.85	28.01.85	
5	17.04.88	28.01.85	01	
6	17.04.88	28.01.85	01	
7	17.04.88	28.01.85	01	
8	17.04.88	28.01.85	01	
9	17.04.88	28.01.85	01	
10	17.04.88	28.01.85	01	
11	17.04.88	28.01.85	01	
12	17.04.88	28.01.85	01	
13	17.04.88	28.01.85	01	
14	17.04.88	28.01.85	01	
15	17.04.88	28.01.85	01	
16	17.04.88	28.01.85	01	
17	17.04.88	28.01.85	01	
18	17.04.88	28.01.85	01	
19	17.04.88	28.01.85	01	
20	17.04.88	28.01.85	01	
21	17.04.88	28.01.85	01	
22	17.04.88	28.01.85	01	
23	17.04.88	28.01.85	01	
24	17.04.88	28.01.85	01	
25	17.04.88	28.01.85	01	
26	17.04.88	28.01.85	01	
27	17.04.88	28.01.85	01	
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29	17.04.88	28.01.85	01	
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31	17.04.88	28.01.85	01	
32	17.04.88	28.01.85	01	
33	17.04.88	28.01.85	01	
34	17.04.88	28.01.85	01	
35	17.04.88	28.01.85	01	
36	17.04.88	28.01.85	01	
37	17.04.88	28.01.85	01	
38	17.04.88	28.01.85	01	
39	17.04.88	28.01.85	01	
40	17.04.88	28.01.85	01	
41	17.04.88	28.01.85	01	
42	17.04.88	28.01.85	01	
43	17.04.88	28.01.85	01	
44	17.04.88	28.01.85	01	
45	17.04.88	28.01.85	01	
46	17.04.88	28.01.85	01	
47	17.04.88	28.01.85	01	
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51	17.04.88	28.01.85	01	
52	17.04.88	28.01.85	01	
53	17.04.88	28.01.85	01	
54	17.04.88	28.01.85	01	
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56	17.04.88	28.01.85	01	
57	17.04.88	28.01.85	01	
58	17.04.88	28.01.85	01	
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62	17.04.88	28.01.85	01	
63	17.04.88	28.01.85	01	
64	17.04.88	28.01.85	01	
65	17.04.88	28.01.85	01	
66	17.04.88	28.01.85	01	
67	17.04.88	28.01.85	01	
68	17.04.88	28.01.85	01	
69	17.04.88	28.01.85	01	
70	17.04.88	28.01.85	01	
71	17.04.88	28.01.85	01	
72	17.04.88	28.01.85	01	
73	17.04.88	28.01.85	01	
74	17.04.88	28.01.85	01	
75	17.04.88	28.01.85	01	
76	17.04.88	28.01.85	01	
77	17.04.88	28.01.85	01	
78	17.04.88	28.01.85	01	
79	17.04.88	28.01.85	01	
80	17.04.88	28.01.85	01	
81	17.04.88	28.01.85	01	
82	17.04.88	28.01.85	01	
83	17.04.88	28.01.85	01	
84	17.04.88	28.01.85	01	
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88	17.04.88	28.01.85	01	
89	17.04.88	28.01.85	01	
90	17.04.88	28.01.85	01	
91	17.04.88	28.01.85	01	
92	17.04.88	28.01.85	01	
93	17.04.88	28.01.85	01	
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95	17.04.88	28.01.85	01	
96	17.04.88	28.01.85	01	
97	17.04.88	28.01.85	01	
98	17.04.88	28.01.85	01	
99	17.04.88	28.01.85	01	
100	17.04.88	28.01.85	01	

1. Name 2. First name 3. Last name 4. Place of birth
5. Date of issue 6. Date of expiry 7. Issued by
8. Currency 9. Number 10. Valid from 11. Valid to 12. Codes

FR92077676

CITY OF CARLISLE

PRIVATE HIRE
DRIVERS LICENCE APPLICATION

Lalpac No.	22345
Fee Paid	£175
Receipt No	25823
FUND 31 HI	
Licence Issued	4-4-16

**Before completing this form
you should read the notes
and forms (A to H) attached.**

Please complete in black ink

DVLA CHECK
DBS EXPIRY
MEDICAL EXPIRY
DSA TEST PASS
DSA W/C PASS
KNOWLEDGE TEST PASS
DISABILITY AWARENESS PASS

FILE No

19

1. Full Names of Applicant	WAYNE HEWITSON
2. Home Address of Applicant (including postcode)	CARLISLE. CUMBRIA. CA12 8XG
3. Tel. No. Mobile No. email address	
4. Date of Birth	
5. Is the application for a renewal of an existing licence? If so, give number	PD *Wheelchair/Non Wheelchair * Delete as applicable
6. (a) Have you previously held a Hackney Carriage or Private Hire Drivers Licence?	(a) YES
(b) If 'Yes', has it ever been suspended or revoked? If so, give details	(b) NO
(c) If 'No', have you ever been refused such a licence, and, if so by whom?	(c) No

Form A

7. Driving Licence number: Date of Licence Expiry:	 18.05.2019
8. Please state how many years of driving experience you have	30.
9. Do you have the right to work in the United Kingdom?	No.
10. What is your National Insurance Number?	
11. Name of Operator or Radio Circuit for whom applicant will drive	CARLISLE TAXI HIRE.

I hereby apply for the grant/renewal of a Private Hire Drivers Licence. I understand it is an offence to knowingly or recklessly make a false statement or omit any material particulars in giving the above information.

I enclose:

- (1) The fee payable, amounting to £
- (3) One passport size photograph
- (4) Disclosure Barring Service application (**new applicants & every three years**)
- (5) DSA "Taxi Test" Pass Certificate (**new applicants only**)
- (6) DSA Wheelchair Pass Certificate (if required) (**new applicants only**)
- (7) Statutory Declaration signed by me in the presence of a Solicitor/Commissioner for Oaths (Form C)
- (7) Consent to Disclosure signed by me (Form D)
- (8) Medical Certificate (Form E or F as appropriate)
- (9) I also give Carlisle City Council consent to view my driving licence information through the Government digital enquiry service (Gov.uk)

Date: 4-4-2016 Signature: [Redacted]

NOTES

1. Remittances should be made payable to the "City of Carlisle".
2. The completed form should be returned to The Licensing Manager, Carlisle City Council, Civic Centre, Carlisle, CA3 8QG
3. In the event that this application is refused or not proceeded with, the licence fee will be retained to cover administrative costs.

Form B

REQUEST FOR A DISCLOSURE & BARRING SERVICE (DBS) CHECK IN RESPECT OF AN APPLICATION FOR THE GRANT OF A LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE

What is the Disclosure & Barring Service (DBS)?

The Disclosure & Barring Service is an executive non-departmental public body sponsored by the Home Office to help organisations make safer recruitment decisions. By providing wider access to criminal record information, the DBS will help employers in the public, private and voluntary sectors identify candidates who may be unsuitable for certain work, especially where it involves contact with children or other vulnerable members of society.

The DBS will help protect the public through a service called Disclosure. For more information on this new service visit the Disclosure & Barring Service Website (www.gov.uk) or telephone the DBS Information Line on 0870 90 90 811.

How does this concern me as a prospective Hackney Carriage/Private Hire driver?

The onus falls upon the applicant to complete a DBS application form that will be provided by the council with your application documents.

Then what do I do?

You must complete the form and return it to the Civic Centre for a Licensing Officer (Registered by the DBS) to countersign the application. They will also need to see several original documents to confirm your identity. The documents are listed on the DBS application form and may include your passport, driving licence, confirmation of your NI number, birth certificate, marriage certificate, utility bill etc. The completed form & fee will be sent to the DBS. The fee may be paid by cheque (payable to City of Carlisle), cash or Debit Card

How long will the disclosure take?

You can expect to receive your disclosure within about four weeks of the DBS receiving your application. the Council **do not** receive a copy of this disclosure; therefore you will be required to bring your disclosure to the Civic Centre for a Licensing Officer to verify the information.

When will I get my Hackney Carriage/Private Hire driving licence?

The disclosure check is only one of a number of formalities that you must go through to obtain your licence. Once you have completed the DBS check, DSA driving test, Medical, Local Knowledge test and Disability Awareness Session, a Licensing Officer will be able to advise you further regarding these stages.

Will I need to complete another DBS form in the future?

Yes, every three years you must update your disclosure. The Licensing Office will send you an application form a couple of months before it is due.

STATUTORY DECLARATION

I of

Date of Birth

DO SOLEMNLY DECLARE as follows:

1. For at least twelve months prior to the date hereof I have held a licence (not being a provisional licence) under Part III of the Road Traffic Act 1972 authorising me to drive a motor car.
2. * I have never been convicted of any offence

OR (* DELETE AS APPLICABLE)

3. * I have been convicted of an offence or offences and I list below every offence which I have been convicted of including the date of the offence, the date of conviction, the court at which convicted and the sentence imposed by the court. This list includes any penalty imposed upon me other than by a Court but as a result of any legal process.

Date of offence	Date of conviction	Offence	Court at which convicted	Sentence or Order of the Court or Fixed Penalty Notice
DECLARED ON HACKNEY CARRIAGE H-4-16				

I have not been convicted of any other offence except as set out above and I make this solemn declaration conscientiously believing the same along with the answers given in the attached application form to be true and by virtue of the provisions of the Statutory Declarations Act, 1835, and Section 5 of the Perjury Act, 1911.

Declared at

This day Signature of applicant

In the County of

Before me

Solicitor/Commissioner for Oaths

Office Address & Stamp (if available).....
.....

APPLICANTS ARE REMINDED THAT AS FAILURE TO COMPLETE THIS DECLARATION CORRECTLY COULD GIVE RISE TO CRIMINAL PROCEEDINGS, IT IS IMPORTANT THAT THE SOLICITOR INVOLVED IS GIVEN ALL THE RELEVANT FACTS.

THE DECLARATION ABOVE RELATES TO **ALL OFFENCES** INCLUDING ANY MOTORING OFFENCES AND MUST INCLUDE ALL CONVICTIONS EVEN THOUGH THEY MAY HAVE BEEN DISCLOSED ON PREVIOUS APPLICATIONS. BY VIRTUE OF THE REHABILITATION OF OFFENDERS ACT 1974 EXCEPTIONS ORDER 1975 AS AMENDED, (Hackney/Private Hire Drivers being a listed occupation)

ALL SPENT CONVICTIONS MUST BE DISCLOSED

Form D

CITY OF CARLISLE
DATA PROTECTION ACT 1998

CONSENT TO DISCLOSURE

Name WAYNE HEWITSON

of CARLISLE, CUMBRIA, CA1 2X9

Date of Birth

I the undersigned, consent to the processing of my personal data by Carlisle City Council (whether held on computer or on file) including:

- My personal details (Form A)
- My Statutory Declaration Form (Form C)
- The result of my Disclosure Barring Service check
- The result of my DVLA driving licence verification check
- My Medical Certificate (Form E) or my Self-Certificated Medical Questionnaire (Form F)

I consent to any or all of the information contained in Form A, C, E and F or information obtained as a result of the Disclosure & Barring Service check being disclosed at any hearing, whether in public or in private, of the Carlisle City Council Regulatory Panel (the RP) or any hearing held in any Court or Tribunal in relation to my application for a licence or any licence granted to me by Carlisle City Council. I understand that all the information contained in the above forms will be processed, disclosed and published for any or all of the following purposes:

- (a) determining my licensing application
- (b) monitoring and enforcing the licence conditions and bye-laws
- (c) in the event that a breach of the licence occurs, to assist the RP to determine what action will be taken
- (d) assisting a Court or Tribunal in reaching a decision about a case before it

This council is under a duty to protect public funds and to promote social wellbeing. To this end, we may share the personal information you have provided with other departments of this council and with auditors, other councils and partner agencies in order to improve delivery of services, protect the public, prevent and detect fraud and reduce crime and disorder. We will not supply other authorities with your information unless we are satisfied that equal measures are in place to protect the information from unauthorised access. The council will also not supply your information to any organisation for marketing purposes without your prior consent. For further information please phone the Council Corporate Information Officer on 01228 817165.

Signature

Date 04-4-16

CITY OF CARLISLE

HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS

MEDICAL EXAMINATION

Notes: You should complete Part A without signing the form at this stage. You should arrange for a medical examination to be carried out by **your own Medical Practitioner** who should complete Part B below. Any consequential fee for this service is payable direct by the applicant to the Medical Practitioner. This completed form must be returned to the Council along with your application for your driver's licence. Please note that a medical report must be submitted every three years. In the two years in between, only the self-certificated form at Form G need be completed. Once you reach the age of 65 years a full medical is required annually.

Part A

Name of Applicant (Block Capitals)	
Address & Postcode	
Date of Birth	
Signature of Applicant (sign in the presence of the Medical Practitioner signing this certificate)	

Part B

I certify that I am a Doctor within the applicant's medical practice and that I have this day examined the applicant. He has signed this form in my presence and in my opinion is **fit to drive a Hackney Carriage/Private Hire vehicle**. I have come to this decision having studied his medical records and using Group 2 standards for vocational drivers as laid down in the current issue of "At a glance guide to the current medical standards of fitness to drive" issued by the Drivers Medical Unit, DVLA, Swansea.

Signature of Medical Practitioner:

Name:

Date:

Surgery Address or stamp

Form F

**THIS FORM TO BE COMPLETED UPON RENEWAL ONLY WHERE THE THREE YEARLY
MEDICAL EXAMINATION IS NOT REQUIRED**

SELF-CERTIFICATED MEDICAL QUESTIONNAIRE

FULL NAME: WAYNE HEWITSON

ADDRESS: [REDACTED], CARLISLE, CUMBRIA, CA1 2XG

DATE OF BIRTH: [REDACTED]

Questions

- (1) Have you, to the best of your knowledge, had an epileptic attack in the last 10 years? ~~YES~~/NO
- (2) Are you, to the best of your judgement, subject to: ~~YES~~/NO
- (a) Vertigo or sudden attacks of disabling giddiness or fainting:
- (b) Any mental ailment likely to interfere with the efficient discharge of your duties as a driver? ~~YES~~/NO
- (3) Have you any deformity or loss of members or physical disability likely to interfere with your duties as a driver of a Hackney Carriage? ~~YES~~/NO
- (4) Do you suffer from, or have ever suffered from any heart or lung disorder? ~~YES~~/NO
- (5) Do you suffer from any serious defect of hearing? ~~YES~~/NO
- (6) Do you suffer from any form of diabetes that is being treated with either insulin or tablets? ~~YES~~/NO
- (7) Are you now, or have you ever been, addicted to excessive consumption of alcohol or drugs? ~~YES~~/NO
- (8) Do you suffer from any deficiency in eyesight that may cause the driving by you or a Hackney Carriage to be a source of danger to the public? ~~YES~~/NO
- (9) Give details of any other disease or physical disability likely to interfere with the efficient discharge of your duties as a driver, or to cause the driving by you of a Hackney Carriage to be source of danger to the public.

If you have answered yes to any of the above please give brief details below

.....
.....

.....
I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, THE ABOVE ANSWERS ARE TRUE AND I AGREE THAT IF IT IS CONSIDERED NECESSARY MY FAMILY DOCTOR OR OTHER MEDICAL ADVISER MAY BE CONTACTED ABOUT MY HEALTH.

SIGNED [REDACTED] DATE 4-4-16

Name and Address of Doctor BRUNSWICK HSE. CARLISLE

Form G

CITY OF CARLISLE

HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCES

CONDITIONS OF APPLICATION

Before the Council grant a driver's licence to any driver of a hackney carriage or private hire vehicle the applicant for the licence must comply with the following:

1. Complete and submit to the Council an application on the forms prescribed by the Council.
2. Pay to the Council such fee as may be demanded by the Council for the issue of the licence.
3. Satisfy the Council that he is a fit and proper person to hold a driver's licence. In this connection the applicant will be required to undergo a Driving Standards Agency "Taxi" test and take a verbal local knowledge test and achieve a pass mark of 75%. In addition a Disclosure & Barring Service check is also required.
4. Be a person who has for twelve months immediately prior to the date of the application been the holder of a licence (not being a provisional licence) granted under Part III of the Road Traffic Act 1972 authorising him to drive a motor car.
5. The Council will require the applicant to undertake a medical examination by the applicant's **own** registered medical practitioner as to his fitness to be a driver of a hackney carriage or private hire vehicle. This examination is required every three years until aged 65 years, then annually thereafter. In the intervening years the self-certificated medical questionnaire should be completed. The medical practitioner will carry out the examination having regard to the guidelines for Group Two vocational drivers as recommended by the DVLA document "At a Glance Guide to the Current Medical Standards of Fitness to Drive"
6. Whether or not such a certificate has been produced, the Council may require the applicant to undergo a medical examination by a registered medical practitioner selected by the Council as to his physical fitness to be the driver of a hackney carriage or private hire vehicle. Any consequential fee for this service is payable direct by the applicant to the Medical Practitioner
7. Produce for examination a current driving licence issued to the applicant under the Road Traffic Acts 1960 to 1972. This licence will be checked using a DVLA mandate.
8. Agree to comply with all conditions and/or codes or practice that are attached to the granting of a hackney carriage or private hire vehicle driver's licence.
9. Provide such other information as may be required by the Council.

If during the currency of any licence granted as a result of the application, any change takes place in the particulars supplied, the applicant shall forthwith notify the Council in writing of the change.

Form I

CARLISLE CITY COUNCIL

DISCLOSURE OF ADDITIONAL CONVICTION

I WAYNE HEWITSON

of .. CARLISLE

Date of Birth ...

being a licensed Hackney Carriage/Private Hire Driver with Carlisle City Council, have been convicted of an additional offence or offences that I have not previously declared to the Council. This/these offences are disclosed below. This List includes any penalty imposed upon me other than by a Court but as a result of any legal process.

I understand that under the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, ALL convictions must be disclosed upon renewal.

Date of Offence	Date of Conviction	Offence	Court at which convicted	Sentence or Order of the Court or Fixed Penalty Notice
19.12.16	17-01-2017	ASSAULT + BATTERY	CARLISLE MAGISTRATES.	£500 FINE COMPENSATION. £200 POUND COSTS. 18 WEEK SUSPENSION SENTENCE FOR 12 MONTHS

Circumstances I have been under alot of emontional stress concerning my own health, having COPD, also my wife having being diagnosed with bipolar, also supporting my son with a custoday case concerning his children. In December we buried my father-in-law. The reason i was at Cumberland Infirmary was to give support to my son, as my grandson had been given a white powdered substance, by his mother, this is why i was at the Infirmary. This added to my emontial stress

PTD.

I agree that this conviction and/or penalty and my history as a licensed driver may be disclosed at the public hearing of Carlisle City Council Regulatory Panel, or any subsequent hearing held in any Court or Tribunal

Signature of Licence Holder

Date: 19-01-2017

that led my actions regrettable. This was total out of character. I have no previous convictions of this nature. as a taxi driver, I have never had any complaints about the way I conduct myself. I have once been in front of the panel for a driving conviction, this was in the late 80's when I first applied for a taxi licence.

I hope my explanation of this incident helps determine the course of action that the licensing committee takes. I fully regret my actions, as I enjoy being a taxi driver.

Yours Sincerely,



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART II

HACKNEY CARRIAGES AND PRIVATE HIRE VEHICLES

Annotations:

Modifications etc. (not altering text)

- C1** Pt. II(ss. 45–80) modified by [Transport Act 1978 \(c. 55, SIF 126\), s. 7\(3\)](#)
- C2** Pt. II(ss. 45–80) amended by [Public Passenger Vehicles Act 1981 \(c. 14, SIF 107:1\), s. 79](#)
- C3** Pt. II(ss. 45–80) applied with modifications by [S.I. 1986/567, regs. 3, 4](#)
- C4** Pt. II (ss. 45-80) extended (1.4.2000) by [1999 c. 29, s. 255\(1\)\(4\)](#); [S.I. 2000/801, art. 2\(2\)\(a\)](#), [Sch. Pt. 1](#)
Pt. II (ss. 45-80) excluded (1.7.2001) by [1981 c. 14, s. 79A\(1\)\(a\)](#) (as inserted (1.7.2001) by [2000 c. 38, s. 265\(2\)](#); [S.I. 2001/1498, art. 3](#))

61 Suspension and revocation of drivers' licences.

- (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefor under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds:—
 - (a) that he has since the grant of the licence—
 - (i) been convicted of an offence involving dishonesty, indecency or violence; or
 - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
 - (b) any other reasonable cause.
- (2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Local Government (Miscellaneous Provisions) Act 1976. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

licence has been suspended or revoked or on which they have refused to renew such licence within fourteen days of such suspension, revocation or refusal and the driver shall on demand return to the district council the driver's badge issued to him in accordance with section 54 of this Act.

- (b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F1}level 1 on the standard scale].

[^{F2}(2A) Subject to subsection (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

- (2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

- (3) Any driver aggrieved by a decision of a district council under [^{F3}subsection (1) of] this section may appeal to a magistrates' court.

Annotations:

Amendments (Textual)

- F1** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F2** [S. 61\(2A\)\(2B\)](#) inserted (16.3.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 52(2)**, 61; [S.I. 2007/466](#), **art. 2**
- F3** Words in [s. 61\(3\)](#) inserted (16.3.2007) by [Road Safety Act 2006 \(c. 49\)](#), **ss. 52(3)**, 61; [S.I. 2007/466](#), **art. 2**

Modifications etc. (not altering text)

- C5** [S. 61](#): functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853](#), **reg. 2(1)**, **Sch. 1** Table B4



DISCLOSURE OF CRIMINAL RECORDS: APPLICANTS FOR HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVERS' LICENCES

Department of Transport Circular 2/92

and

Home Office Circular 13/92

To:

The Chief Executive
Metropolitan District Councils
District Councils in England and Wales
The Council of the Isles of Scilly

Chief Officers of Police
Clerks to Police Authorities

The Commissioner of Police of the Metropolis
The Commissioner of Police for the City of London
County Councils in England and Wales

} for
information
only

SUMMARY

1. This circular advises local authorities on the procedures to adopt for checking with the police the criminal convictions of applicants for hackney carriage and private hire vehicle drivers' licences. They apply where

* local authorities have responsibilities under the Local Government (Miscellaneous Provisions) Act 1976; or

* any local Act contains a provision requiring a local authority to be satisfied as to the fitness of an applicant to hold a licence to drive a hackney carriage or a private hire vehicle.

2. This facility does not apply to local authorities who have not adopted the Local Government (Miscellaneous Provisions) Act 1976 and therefore license hackney carriage drivers by virtue of the Town Police Clauses Act 1847 only.

Annex A explains the procedure.
Annex B sets out a model local policy statement.
Annex C is a model request for a police check.
Annex D contains example guidelines relating to the relevance of convictions.

ACTION

3. The procedure described in Annex A comes into effect on 1 April 1992. Local authorities responsible for the licensing of drivers of hackney carriages or private hire vehicles are asked to adopt it for gaining access to the police records described, and to nominate an officer to liaise with the police. The name of the nominated officer should be given to the police as soon as possible.

BACKGROUND

4. These arrangements stem from Section 47 of the Road Traffic Act 1991 which provides that a council may send to the chief officer of police for the police area in which the council is situated a copy of an application for a hackney carriage or private hire vehicle driver's licence and may request the chief officer's observations on it. The chief officer is required to respond to the request. The arrangements are intended to assist local authorities in satisfying themselves that applicants are fit and proper persons to hold driver licences. The arrangements do not apply to London.

5. This Circular has been drawn up in consultation

ANNEX D

It is recommended that local authorities adopt their own guidelines relating to the relevance of convictions for use in determining applications for hackney carriage and private hire vehicle (PHV) drivers' licences. The following is an example only and is based on criteria used by the Metropolitan Police.

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences, eg obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or PHV licence may be granted after its restoration but a warning should be issued as to future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness

(i) With Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.