

Appendix

Various Changes to the Current Guidance on Convictions & Conditions

Fit & Proper Test

The correct test as set out in the legislation is whether the driver is a fit and proper person. An alternate view could be as follows:

Would you allow your son or daughter, spouse or partner, mother or father grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?

We also note a further test of “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes.

Amend to:

The correct test as set out in the legislation is whether the driver is a fit and proper person. An alternate view as proposed in the new Statutory taxi and private hire standards is as follows:

Without any prejudice, and based on the information before you, would you allow a person for whom you care, regardless of their condition, to travel alone in a vehicle driven by this person at any time of day or night.

We also note a further test of operators of “Would I be comfortable providing sensitive information such as holiday plans, movements of my family or other information to this person and feel safe in the knowledge that such information will not be used or passed on for criminal or unacceptable purposes.

Code of Conduct when working with Vulnerable Passengers

A vulnerable passenger is a passenger whose age or disability means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.

Amend to:

A vulnerable passenger is a passenger whose age, disability, or any other factor (whether permanent or temporary) means that they are more susceptible to harm than a typical passenger. This may be a child, an elderly person or somebody with learning difficulties for example.

Exploitation

Under the definition of exploitation and modern-day slavery and trafficking we include the use of young people for the transport and sale of illegal drugs (County Lines)

Amend to:

Under the definition of exploitation and modern slavery and trafficking we include the use of young people and vulnerable adults for the transport and sale of illegal drugs (County Lines)

Guidance on Convictions

Note: The duty to report any of the above matters also applies to those with an existing licence (driver, vehicle, or operator) Failing to disclose any of the above will be regarded as a serious breach of the terms of the license and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to become a licensed driver. Multiple convictions irrespective of time then serious consideration will need to be given as to whether they are a safe and suitable person.

Amend to:

Note: The duty to report any of the above matters also applies to those with an existing licence (driver, vehicle or operator) Failing to disclose any of the above will be regarded as a serious breach of the terms of the license and action will normally take place. An applicant's failure to disclose any of the above will be taken into consideration when assessing their propriety to be a licensed driver. **Where there are multiple convictions irrespective of when, then serious consideration will need to be given as to whether they are a safe and suitable person**

Indecency

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, a licence will not normally be granted. The authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list, other than in exceptional circumstances as these offences cover a wide range of behaviour each case will be considered on its own merit. A very serious view will be taken of rape, sexual assaults, gross indecency particularly where a child or adult with vulnerability is concerned. Allegations of sexual assault where drugs are a feature will also be considered to be very serious.

Amend to:

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not normally be granted. The authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any 'barred' list, other than in exceptional circumstances As these offences cover a wide range of behaviour each case will be considered on its own merit. A very serious view will be taken of rape, sexual assaults,

gross indecency particularly where a child or adult with vulnerability is concerned. Allegations of sexual assault where drugs are a feature will also be considered to be very serious.

Renewal of Drivers Licence

Any driver disqualified by a court under the totting up procedure or otherwise will be required to apply as a new applicant following at least one year from restoration of their DVLA licence.

Amend to:

Any driver disqualified by a court under the totting up procedure or otherwise will, other than in exceptional circumstances, normally be required to apply as a new applicant following at least one year from restoration of their DVLA licence.

