

Offences involving violence and threatening behaviour – These offences are highly relevant as some of the clients can be very challenging and the safety of the passengers is absolutely paramount.

Applicants with serious offences, such as murder, manslaughter or manslaughter/culpable homicide while driving, terrorism, or any offences (including attempted or conspiracy to commit offences

- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any offences (including attempted or conspiracy to commit offences) similar to those above

Applicants who are or have ever been on the Sex Offenders Register (or similar) will generally not be considered suitable at any time.

Dishonesty – These offences are highly relevant due to the position of trust held by drivers and escorts. Generally applicants will not be considered until 5 years have elapsed since offence or the completion of any sentence (if applicable).

Such offences include:

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- False representation
- Obtaining money or property by deception
- Other deception
- Fare overcharging
- Any offences (including attempted or conspiracy to commit offences) similar to those above

Two or more convictions for a dishonesty offence will normally result in an application being refused. Applicants or existing TCC Authorised Identification badge holders that are found to have intentionally misled the council, or lied as part of the application process will normally be rejected or refused.

Drug offences – These are highly relevant due to their effect on driving and the position of responsibility the individual will be given with our impressionable clients. These are more serious than alcohol offences as there has been a decision to interact with an illegal substance. Applicants with drug offences of possession will not be considered until 10 years have elapsed since the date of offence or since the completion of any sentence and / or licence period,

whichever is greater. There will then be full consideration of the nature of the offence and quantity/type of drugs involved.

Applicants will not normally be considered if there is an offence related to the supply of drugs.

If there is evidence of previous persistent drug use, misuse or dependency, a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before an Authorised Identity Badge is granted. If the applicant had been an addict, they would be required to show evidence of 10 years free from drug taking after detoxification treatment.

Drink related offences –

Without motor vehicle – Applicants with a single offence will not normally be considered until a minimum of one year has elapsed, but multiple offences would not be considered until a 2 year period has passed since the last offence.

With motor vehicle – Applicants with a single offence will be generally only be considered after 5 years have elapsed since the reinstatement of the licence. Where there are multiple offences, applicants will only be considered after 10 years of the latest reinstatement.

Driving offences involving the loss of life- A very serious view is taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

Applicants will not normally be considered if there are offences relating to: -

- Causing death by dangerous driving

- Causing death by careless driving whilst under the influence of drink or drugs

- Causing death by careless driving

- Causing death by driving: unlicensed, disqualified or uninsured drivers

- Any similar offences, including attempt or conspiracy to commit any of the above

Traffic offences – Where this has resulted in a ban from driving, driver applicants will only be considered after 5 years has elapsed since the reinstatement of the licence. Driver applicants with multiple offences would not be considered until 8 years has elapsed.

Traffic offences such as obstruction, some speeding offences (usually dealt w[]TJo/-3(usu)3(3Ctay

similar checks are not available, the council will require a certificate of good conduct / police character certificate authenticated by the relevant embassy.

Summary

Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming authorised, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be authorised, the Council will be mindful of the need to protect our clients and caution will be exercised. While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of our clients.

When an applicant has offences on their documents it will be considered in relation to the above guidelines by two authorised TCC officers who will record their professional opinion and the Contracts & Control Team Leader (or a Senior Transport Officer in their absence) will sign off their support of their recommendation on the application.

Any Enhanced Disclosure which includes 'any other relevant information', declared on the Enhanced Disclosure at the discretion of the local Police Authority, will clarify

The TCC officers will document their concerns and give their reasons why they came to this conclusion.

D. Additional Checks by the TCC

The TCC officers will also make additional checks on the applicant's suitability to undertake the role. The TCC will check the applicant's right to work in the UK, with the Home Office if necessary. Each applicant will also undergo an English language test at their application appointment to ensure their communication skills are suitable for the work to be undertaken. Drivers will also be subject to a driving licence check and will need to supply confirmation of their professional licensing arrangements (Hackney Carriage / Private Hire / PCV) in order to ensure that they are appropriate to work for their chosen Operator. All of these additional checks must be suitably completed before the TCC will consider issuing a TCC Authorised Identification Badge.

E. Safeguarding Training

Prior to the issue of any new TCC Authorised ID the applicant will be required to complete the Barnardo's Safeguarding Adults & Child Sexual Exploitation Training course and provide the relevant certification to the TCC.

Notification of the TCC Decision

If the applicant is successful they will be notified in writing and their badge will usually be issued within 10 working days to their chosen Operator.

If the applicant is unsuccessful and the decision is taken to refuse a badge the applicant will be informed in writing and given the reason(s) why the authorised TCC officers felt they were not suitable. The decision letter will allow the applicant to make an informed decision as to whether they wish to appeal the decision.

Appealing the Decision

Stage 1

Rejected applicants who wish to appeal the decision must do so in writing, including reasons for the appeal, within 28 days of the date of the decision letter. The applicant will be invited for an appeal hearing which will be conducted by two TCC officers, who will review all the issues relating to the decision as well as reasons given by the applicant for requesting that the decision be reversed.

Stage 2

If the applicant wishes to appeal against the decision made by the two TCC officers at the appeal hearing, then they must do so in writing within 28 days of the notification of the outcome of their appeal hearing including any mitigating circumstances that should be considered. The appeal will be directed to the Contracts & Control Team Leader for consideration. After a further hearing, the applicant will be notified of the decision.

Stage 3

If the applicant wishes to appeal the decision of the Contracts & Control Team Leader at the stage 2 appeal hearing, then they must do so in writing within 28 days of the notification of the outcome of their appeal hearing including any mitigating circumstances that should be considered. The appeal will be directed to an appeal panel of 2 or 3 people consisting of the Group Manager for Travel and Transport, with either a member of legal services and/or an officer from Adult Services or Children's Services. Their

decision will be final and binding. After this final appeal hearing, the applicant will be notified of the decision.

The Appeal Process

Appeals will include a formal interview / discussion with the applicant about the basis of the original decision taken by TCC officers – any incidents stated on the DBS enhanced disclosure, any safeguarding concerns, TCC information or other relevant information. Applicants will also be allowed to submit any relevant information that they feel may give the transport officers, Contracts & Control Team Leader or Chair of the appeal panel a better judgment of their character, such as stable family life, support network, community or charity work, previous employment and professional history, personal and employment references, etc.

An authorised officer of the TCC, preferably but not necessarily one of the officers who made the original decision, may also attend so that they can give their professional opinion and explain to the other TCC officers, team leader or Chair of the appeal panel, the basis for the original decision to refuse the application, and

not present a guarantee of employment, or continued employment, by an operator for provision of the services.

Assault occasioning actual bodily harm

Homicide and threats to kill

Incest, and cruelty to children

Offences relating to prostitution

Rape, and indecent assault

Supplying a class A drug to a child

Wounding and causing grievous bodily harm.

Vulnerable Adults – POVA List

Under the Care Standards Act 2000, a person is banned from working with vulnerW*nLm0 TJET@.000009