



Expedited Process to Reinstate Driver's Licence following Revocation

## **Expedited Policy for Revoked Licences where reinstating a licence is considered appropriate**

### **Introduction**

This policy is to assist in the timely replacement of a driver's licence when it has been revoked, but following investigation it has established that the Council does not have any remaining concerns with regards to the fit and proper nature of a person.

This policy will not cover every possible scenario and each case will be considered upon its individual merit.

Revocation of a driver's licence will be considered by the Senior Licensing and Compliance Officer or the Licensing and Compliance Officer in conjunction with the Legal and Licensing Manager under the provisions of s61 Local Government (Miscellaneous Provisions) Act 1976 and where appropriate as amended by s52 Road Safety Act 2006. Either may refer the matter to the Licensing Panel.

The Senior Licensing and Compliance Officer or Licensing and Compliance Officer will, in conjunction with the Legal and Licensing Manager, decide whether to reinstate a driver's licence following revocation of that licence. Either may refer the matter to the Licensing Panel.

The investigation of the council with regards to establishing whether an individual is fit and proper will take into account any available information. It is not reliant on other authorities' investigations into any connected allegations, although information will always be requested from other agencies when they are known to be involved.

### **Guidelines**

The following guidance will be taken into account when determining whether reinstatement of a licence should be considered following revocation:-

#### Nature of the grounds for revocation

Revocation is carried out if it is felt the Hackney Carriage/Private Hire driver is no longer 'fit and proper' in accordance with Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 and where appropriate as amended by s52 Road Safety Act 2006.

Expedited reinstatement of a licence following revocation will only be considered if the applicant fulfils the criteria as a 'fit and proper' person and the original reasons for revocation have been diminished.

### Time period that has elapsed since the revocation was imposed

Consideration will not be given to any applicants whose licence has been revoked for a period of six months or longer. In these circumstances, the applicant will be required to undertake the full application process.

### Revocation on Medical Grounds

If the revocation was instigated for medical reasons, the applicant must provide proof that the matter is no longer a concern and details from the applicant's specialist and/or General Practitioner stating that the applicant is fully compliant with the Group I Medical Standard stipulated by the DVLA prior to consideration.

### Revocation on Criminal Grounds

As the Council is required to consider each case on balance of probability, a police investigation which results in an individual not being convicted may not in itself be considered to be sufficient for the Council to issue a new licence to the individual as police investigations are determined at a higher level of proof i.e. beyond reasonable doubt. In addition to this, a police investigation may uncover breaches of this policy committed by a driver and the Council would need to take these into account.

### **Process**

- a) A new online application will be required from the individual;
- b) Existing documents which are "in date" (i.e. are still valid) will be accepted and transferred to the new application with the discretion of officers;
- c) Depending on the reasons for the revocation, some updated documents may be required. For example if a driver's health leads to their licence being revoked and their health subsequently improves so they may be considered fit to be a licensed driver, a new medical or other appropriate specialist information from a medical practitioner would be required. The same would be the case for an individual who is subject to a police investigation. Their criminal history would need to be rechecked by submitting a new DBS certificate or checked as part of the DBS update service if the applicant subscribes to that service;
- d) A knowledge test and practical driving test would be required at officers' discretion depending upon the reason for revocation;
- e) The applicant's DVLA driving licence needs to be rechecked in all cases.

A decision will usually be made within five working days of all required documentation being received.

### **Fees**

The reinstated licence will usually be issued for the period that the revoked licence had left to run and no further charge will be levied, with the exception of any connected costs such as for new documentation which will remain the applicant's responsibility.

### **Right of Appeal**

The applicant has right of appeal to the Magistrates Court within 21 days when any decision to suspend or revoke a licence is made.