



Appendix E

Relevance of Convictions to Applications



1 Introduction

- 1.1 The following guidelines shall be used to determine the relevance of criminal and other convictions in relation to applications for hackney carriage and private hire driver's licences and private hire operator's licences.
- 1.2 It should be noted that since 2002 hackney carriage and private hire vehicle drivers are excepted from the protection of the Rehabilitation of Offenders Act 1974, so that all convictions can be considered as to whether they are relevant in respect of any proceedings held in respect of an application for the grant or renewal of a licence to be a hackney carriage or private hire vehicle driver.

2 General Policy

- 2.1 Each application will be determined on its own merits.
- 2.2 However the overriding consideration will be the protection of the public, particularly children and vulnerable adults.
- 2.3 A police caution for violence, dishonesty and drug related offences shall generally be taken into account for a period of 2 years. In all other cases a police caution shall generally be taken into account for a period of 12 months.
- 2.4 Listed below are some general principles relating to the determination of applications for drivers and operators which shall generally be followed where convictions are disclosed.

3 Minor Traffic Offences

- 3.1 Convictions for minor traffic offences such as obstruction, waiting in a restricted street, speeding etc shall not prevent a person from proceeding with an application.
- 3.2 If sufficient DVLA penalty points have been accrued to require a period of disqualification of the applicant's driving licence then a hackney carriage or private hire vehicle driver's licence may be granted after the restoration of the DVLA driving licence. A warning letter shall, however, be issued to such licence holders about future driving standards.

4 Major Motoring Offences

- 4.1 Convictions for motoring offences such as:-
- reckless driving;
 - driving without due care and attention;
 - driving without reasonable consideration for other road users.
 - driving with no valid insurance;
 - using a motor vehicle in an unfit condition;
 - driving whilst disqualified; and
 - causing serious injury by dangerous driving
- will raise concern as to the applicant's fitness to hold a licence. A minimum of 3 years shall have elapsed since the incident before such an application will be granted by the Authority. An applicant can, however, request that the application be referred to the Taxi and Miscellaneous Sub-Committee for determination.
- 4.2 A conviction for causing death by careless driving or by dangerous driving or manslaughter or culpable homicide while driving a vehicle shall result in the application being referred to the Taxi and Miscellaneous Sub-Committee for determination.

5 Drunkenness

5.1 With a motor vehicle

- 5.1.1 A serious view shall be taken of convictions for driving or being in charge of a vehicle whilst under the influence of alcohol or other substances. A single conviction for these offences will raise serious concerns as to the applicant's fitness to hold a licence. At least 3 years should have elapsed since the restoration of the DVLA driving licence before such an applicant is granted for a licence.
- 5.1.2 More than one conviction shall result in the application being referred to the Taxi and Miscellaneous Sub-Committee.
- 5.1.3 If there is any suggestion that the applicant is an alcoholic, a medical examination shall be arranged by the Authority before the application is considered. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before an application can be granted. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.



5.2 Not in a motor vehicle

- 5.2.1 An isolated conviction for drunkenness shall not debar an applicant from obtaining a licence. However, a number of convictions for drunkenness could indicate a problem necessitating a medical examination to be arranged by the Authority. If the applicant is found to be an alcoholic, a period of 3 years must elapse after treatment is complete before an application can be granted. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.

6 Drugs

- 6.1 An applicant with a conviction for a drug use offence shall be required to show a period of at least 3 years free of convictions before an application is granted or 5 years after the completion of detoxification treatment if an addict. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.
- 6.2 An applicant with a conviction for a drug supply offence shall be required to show a period of at least 5 years free of convictions before an application is granted or 5 years after the completion of detoxification treatment if an addict. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.

7 Sexual or Indecency Offences

- 7.1 Hackney carriage and private hire drivers often carry unaccompanied passengers, including children and vulnerable adults. Applications from applicants with a conviction for a serious sexual offence will be minded not to be approved. They shall be referred to the Taxi and Miscellaneous Sub-Committee for determination in accordance with its usual procedure. A serious sexual offence includes:-

- rape;
- assault by penetration; and
- offences involving children and vulnerable adults.

- 7.2 Applicants with a conviction for other sexual offences such as:-

- sexual assault;
- indecent assault;
- possession of indecent photographs;
- exploitation of prostitution;
- trafficking for sexual exploitation
- indecent exposure; and
- soliciting

should be conviction free for at least 5 years before an application will be considered by the Sub-Committee. Applicants with more than one conviction should be conviction free for a period of at least ten years.

8 Violence

- 8.1 As hackney carriage and private hire drivers have close contact with the general public, a serious view shall be taken with applicants who have a conviction for grievous bodily harm, wounding or assault. A period of at least 5 years free of conviction is expected from applicants with convictions for the following offences:-

- arson;
- malicious wounding;
- grievous bodily harm;
- actual bodily harm;
- robbery;
- possession of firearm;
- riot;
- assault police;
- common assault with racial aggravation;
- violent disorder; and
- resisting arrest.

- 8.2 A period of at least 3 years free of conviction is expected from applicants with convictions for the following offences:-

- common assault;
- affray;
- obstruction; criminal damage; and
- other public order offences.

- 8.3 An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.

9 Dishonesty

- 9.1 Hackney carriage and private hire drivers are expected to be trustworthy. The delivery of unaccompanied property is indicative of the trust that businesses place in licensed drivers. Moreover, it is comparatively easy for dishonest drivers to defraud the public, by demanding more than the normal fare. Overseas visitors, in particular can be confused due to the change in currency. For these reasons a serious view will be taken of any convictions involving dishonesty. At least 3 years should have elapsed since the incident before an application is granted. An applicant can, however, request the application be referred to the Taxi and Miscellaneous Sub-Committee.

10 Other Offences and special circumstances

- 10.1 If an applicant has declared or committed any other offence not listed above or the circumstances of the case justify it, the Customer Services Officer shall refer the application to a Senior Licensing Officer who may consider it appropriate to refer it to the Taxi and Miscellaneous Sub-Committee for determination.