

## **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, renewal or cancellation 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 A person with a conviction for serious crime need not be permanently barred from obtaining a licence but shall be expected to have remained free of conviction for 3 to 5 years, according to the circumstances of the offence, before an application is granted. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.
- 2.3 However the overriding consideration will be the protection of the public, particularly children and vulnerable adults.
- 2.4 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.
- 2.5 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.
- 2.6 References to convictions include police cautions, warnings, reprimands and issue of fixed penalty notices.

### **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 with no valid insurance;
- using a motor vehicle in an unfit condition; and
- driving whilst disqualified

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 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 related 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.

## 7. **Sexual or Indecency Offences**

7.1 Hackney carriage and private hire drivers often carry unaccompanied passengers, including children and vulnerable adults. Applicants with a conviction for indecent exposure, indecent assault, importuning, or any sexual offences, shall not be granted a licence until a period of 5 years has elapsed since the offence. More than one conviction of this kind will preclude the granting of a licence for 10 years. **All** such applications would, in any case, be referred to the Taxi and Miscellaneous Sub-Committee.

## 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. 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.

**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 Licensing Officer who may consider it appropriate to refer it to the Taxi and Miscellaneous Sub-Committee for determination.