

Appendix E

Guidelines on the relevance of convictions



Statement Of Policy Regarding The Determination By The Council Of Applications For Hackney Carriage And Private Hire Driver Licences

1. The Council when fulfilling its statutory obligations will require an applicant to complete a Criminal Records Bureau application form. The information divulged from this check will be kept confidential and will be used only for the application process and kept for a period not exceeding 6 months. The disclosure of a criminal record or other information will not automatically prevent any applicant from obtaining a licence, unless the Council considers the conviction renders the applicant unsuitable. In making its decision the Council will consider the relevance of any offence, the seriousness of the offence, the length of time since the offence occurred and any pattern of offending behaviour.
2. The Council considers the following offences to be relevant offences when considering the suitability of a person to hold or retain a licence:
 - Dishonesty
 - Violence (including Criminal Damage & Sexual Offences)
 - Alcohol Related Offences
 - Public Order Offences
 - Motoring Offences
 - Substance Abuse (which includes the possession or distribution of unlawful substances)
 - Obscene Materials (which includes the retention or distribution of unlawful obscene images/materials on computer or the internet)
 - Discrimination
 - Offences involving Indecency or other offences of a Sexual Nature
 - Contravention of Licensing Laws or Conditions
 - Disqualification from driving a motor vehicle at any time in the five years prior to applying for a licence (the time to run from the expiry of the disqualification)
3. Generally licences will not be granted to people who have convictions involving the taking of life; offences of a sexual related nature or offences involving drugs and those with such offences might be referred to the Licensing Committee for the matter to be considered.
4. The following section from the Rehabilitation of Offenders Act 1974 will be applied to all new and existing applications for Drivers.

“In accordance with the Rehabilitations of Offenders Act 1974, spent convictions or evidence of them should not be admitted unless the committee considers that justice cannot be done.

Hackney Carriage Drivers and Private Hire Drivers are excluded from the effects of the Rehabilitation of Offenders Act 1974 (“the Act”) by the Rehabilitation of Offenders Act 1974 (exceptions) and order 1975 (as amended).

In particular Article 3 provides:

“None of the provisions of s.4(2) of the Act shall apply in relation to

(a) Any question asked by or on behalf of any person, in the course of the duties of his office or employment, in order to assess the suitability

(b) If the person to whom the question relates or of any person to hold a (taxi driver licence)..... Or to hold it subject to a particular condition or restriction,

Where the person questioned is informed at the time the question is asked that, by virtue of this order, spent convictions are to be disclosed”.

5. All new applications with matters recorded on the DBS certificate shall be determined by the General Licensing Sub Committee. Similarly, if a person has been disqualified from driving at any time in the five years prior to making an application for a licence, then the Committee will determine the application.

6. **Penalty Points**

As the grant of a Private Hire or Hackney Carriage licence permits the transport of members of the public about the Borough, it follows that driving licence endorsements, which include fixed penalties, are highly relevant. Having an endorsement upon a licence will not automatically preclude a person from obtaining a licence, subject to the following guidance: -

If a person has 10 or more penalty points on their driving licence that are less than 12 months old from the date of conviction at the time of application, then the application shall be determined by the Committee

7. **Cautions**

If a person has cautions, this will not automatically preclude that person from obtaining a licence, subject to the following guidance.

If a person has a caution for a relevant offence and it is less than 12 months old, and it is an isolated incident, it shall not prevent that person from obtaining a licence.

If a person has more than one caution for a relevant offence, and they are less than 12 months old, then the application shall be determined by Members of the General Licensing Sub Committee.

If a person has cautions that are more than 12 months old, they shall not, in ordinary circumstances, be considered.

8. Any driver who receives a relevant conviction within their licence period will be referred to the Licensing committee in order that the status of their licence may be reviewed. The above guidance will be followed in such cases.

Note: This policy shall apply to all applicants for a licence and existing licence holders on or after the effective date, and super-cede any previous policy in relation to the relevance of convictions.