

COUNCIL POLICY RELATING TO THE RELEVANCE OF CONVICTIONS

Definition: For the purposes of this policy a conviction is defined as:

- **A sentence imposed by a Court**
- **A formal caution**
- **A fixed Penalty Notice**

General Policy

- (a) Each case will be decided on its own merits.
- (b) A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are exceptional mitigating circumstances. However, persons with convictions for offences of a sexual or child related nature or other very serious crime will not normally be issued with a licence. The overriding consideration should be the protection of the public and all other matters, including unemployment, shall be secondary to the public safety factor.

Minor Traffic Offences

- (a) Convictions for minor offences e.g. obstruction, waiting in a restricted street, speeding etc. should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicant's driving licence then a dual or private hire vehicle driver's licence may be granted after its restoration but a warning should be issued as to future conduct.

Major Traffic Offences

- (a) An isolated conviction for driving without due care and attention or dangerous driving etc. (depending on the circumstances of the individual case) should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and private hire vehicle drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from conviction has elapsed.

An applicant with a conviction for any of the following motoring offences should be refused and no further application should be considered until a period of 3 to 5 years free from conviction has elapsed. A period of 12 months must also have elapsed since the end of any disqualification period:

Using a vehicle uninsured against third party risks,
Reckless driving,
Driving whilst disqualified,
Driving or attempting to drive whilst under the influence of drugs or drink.

Procedure on Reaching 12 Penalty Points on DVLA Driving Licence

- (a) Certain driving offences can attract a punishment of penalty points on a DVLA driving licence and once a person has attracted 12 or more points within a 3 year period they are likely to be disqualified by the courts under the 'totting up' procedures.
- (b) The accumulation of 12 or more DVLA driving points within a 3 year period will cause this Authority to consider whether that person is a 'fit and proper' person to be licensed as a taxi/hackney driver.
- (c) Any hackney carriage/private hire driver licensed with this Authority who has been disqualified from driving by a court of law under this 'totting up' procedure will automatically have their dual/private hire driver's licence revoked.
- (d) Should any driver accumulate 12 or more points on their DVLA driving licence within a 3 year period and retain their driving licence, there will be a rebuttable presumption that their dual/private hire drivers licence will be either suspended or revoked unless the driver can show good cause as to why their licence should not be suspended or revoked and that they are a fit and proper person.
- (e) Once the Authority has been notified by a driver or has received notification that a driver has accumulated 12 or more points within a 3 year period it will write to the driver informing them of the presumption to either suspend or revoke their taxi/hackney licence. The driver will then have 14 days to make a written reply stating why the licence should not be suspended or revoked. It is a condition that drivers must inform the Authority of any convictions they receive. Failure to do so may result in their licence being suspended or revoked.
- (f) Where a decision has been taken by the Authority to suspend or revoke a licence under paragraph 5 they shall give to the driver notice of the grounds on which the licence has been suspended or revoked within fourteen days of such suspension or revocation and the driver shall on demand return to the district Council the driver's badge issued to him.

Criminal Convictions

- (a) An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.
- (b) As hackney carriage and private hire vehicles drivers often carry unaccompanied passengers, applicants with convictions for offences of a sexual or child related nature or other very serious crime will not normally be issued with a licence.
- (c) As hackney carriage and private hire drivers maintain close contact with the public, firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.
- (d) Hackney carriage and private hire vehicle drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare, etc. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.