

Policy and Guidelines relating to the relevance of convictions and/or cautions or the accumulation of penalty points for granting Hackney Carriage/Private Hire Drivers Licence

This policy guidance assumes:-

- 1) that convictions are never spent.
 - 2) that any sentence of imprisonment whether suspended or otherwise is completed.
 - 3) that any period of probation is completed.
 - 4) that any period of disqualification from driving is completed.
 - 5) the use of the word conviction also relates to the disclosure of a caution.
1. Each application is considered on its own merits.
 2. A person with a current conviction or caution 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 mitigating circumstances. However, the overriding consideration should be the protection and safety of the public.
 3. The following examples afford a general guide on the action to be taken where convictions/cautions are admitted or revealed under the Criminal Records Bureau disclosure.

No Licence

Murder - No licence granted.

Manslaughter - No licence granted.

Causing death by reckless driving - No licence granted.

Persons on the sexual offences register.

Minor traffic offences

All new applicants who apply for a private hire or hackney carriage driver's licence who have 9 or more penalty points on their licence will have to undertake a driver assessment before any licence is issued.

Convictions for minor traffic 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 hackney carriage or PHV licence may be granted after its restoration but only in accordance with the following:

1. 1 year free of endorsements, or endorseable offences from the date upon which any disqualification under section 35 of the Traffic Offenders Act 1988 comes to an end and attendance and completion of a Driver Assessment and Training course as approved by the Council before the issue of any licence.
2. Any driver who accumulates 9 points or more on his licence will have his driving licence suspended pending the attendance and completion of a Driver Assessment and Training course as approved by the Council before the re-issue of any licence. An allowance of two months will be given before any suspension comes into being to enable drivers' to undertake the assessment.

NB. Any currently licensed drivers with 9 or more penalty points will be required to undertake the driver assessment either prior to the renewal of their licence or on notification to the licensing team of penalty points received which bring them up to 9 or more at the time.

3. Any driver who has 3 endorsements for speeding in 2 years will have his driving licence suspended pending the attendance and completion of a Driver Assessment and Training course as approved by the Council before the re-issue of any licence. In the event of an applicant being disqualified as a "totter" by reason of his or her accumulating 3 endorsements for speeding offences the provision in paragraph 1 shall apply.
4. Any driver who has an endorsement for careless driving/undue care and attention will be expected to provide a full account of the charge.
5. Any driver who receives more than 2 endorsements or endorseable offences during the licence period will be required to undertake a driver assessment as approved by the Council.

Major Traffic Offences

6. An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of a hackney carriage and private hire vehicle driver. More than one conviction for this type of offence within the last two years should merit refusal or revocation and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed. Attendance and completion of a Driver Assessment and Training course as approved by the Council before the issue of any licence.

However, the following offences should be specifically looked at in accordance with this policy.

7. Reckless driving - Licence granted after 3 years from conviction. Attendance and completion of a Driver Assessment and Training course as approved by the Council will be compulsory prior to any licence being granted.

8. Drink driving with motor vehicle: a serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident will not necessarily debar an applicant but this guidance will be considered.
9. Licence granted after 3 years for isolated incident of drunkenness, more than one conviction for drunkenness will result in a 5 year clear period from conviction. Attendance and completion of a Driver Assessment and Training course as approved by the Council will be compulsory prior to any licence being granted.
10. If there is any suggestion the applicant is an alcoholic, a special medical examination will be required before an application is entertained. If the applicant is found to be an alcoholic a period of 5 years must elapse after treatment is complete before a further licence application will be considered.
11. Drunkenness not in motor vehicle: an isolated conviction for drunkenness need not debar an applicant from gaining a licence. However, 1 years free period of convictions from the end of any disqualification period is required before an application will be considered.
12. Driving without insurance - Licence granted after 2 years from conviction. Attendance and completion of a Driver Assessment and Training course as approved by the Council will be compulsory prior to any licence being granted.
13. Taking a vehicle without consent - Licence granted after 2 years from conviction. Attendance and completion of a Driver Assessment and Training course as approved by the Council will be compulsory prior to any licence being granted.
14. **Drugs**: an applicant with a conviction for a drug related offence will 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.
15. **Indecency offences**: as hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, will be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind will preclude consideration for at least 5 years.
16. **Violence**: as hackney carriage and private hire vehicle drivers maintain close contact with the public any offences of a violent nature will be considered in line with the following.
17. **Grievous bodily harm with intent**: 3 years free of convictions.
18. **Grievous bodily harm/wounding** - Licence granted after 3 years free of conviction.

19. **Actual bodily harm** - Licence granted after 2 years from conviction.
20. **Assault** - Licence granted after 2 years from conviction.
21. **Aggravated burglary** - licence granted 3 years free of conviction.
22. **Burglary** - Licence granted after 2 years from conviction.
23. **Armed robbery** - No licence granted.
24. **Robbery** - Licence granted after 3 years from offence.
25. **Dishonesty**: 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. Overseas visitors can be confused by the change in currency and may become fair game for an unscrupulous driver. 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 is required before an application will be entertained.
26. **Racism/harassment etc** - Any offences relating to racism, harassment and the like , licence granted after 3 years from conviction.

Dated March 2006.