

POLICY AND GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

General Policy

Each case will be decided on its own merits.

A criminal conviction is not an automatic bar to obtaining a licence. However, when considering applications from persons with previous convictions, the Council will have regard to the provisions of the Rehabilitation of Offenders Act 1974.

In all cases the Council's primary concern will be to ensure the safety and protection of the general public.

The following guidelines give a general idea of the matters that the Council will take into account when considering an applicants previous convictions.

Minor Traffic Offences

Isolated convictions for minor traffic offences e.g. obstruction, waiting on a restricted street, speeding etc, should not prevent a person from proceeding with an application for a drivers licence. Any new applicant must have held a full drivers licence issued by the DVLA for a minimum period of 12 months without any period of suspension/disqualification. Holders of a hackney carriage/private hire drivers licence who are convicted during the period of the licence of a minor offence (which does not result in disqualification) should be warned as to their future conduct and advised that any future offence(s) which do lead to disqualification may render the holder liable to revocation of their hackney carriage/private hire drivers licence. Re-application will then be considered on its merits.

Major Traffic Offences

An isolated conviction for driving without due care and attention etc will merit at least a warning as to future driving and advice on the standards expected of hackney carriage/private hire drivers. Suspension and/or revocation of a hackney carriage/private hire drivers licence should be considered in the case of more serious convictions or in relation to those drivers who are convicted of more than one major traffic offence within a two year period. Applications from drivers who have had their hackney carriage/private hire drivers licence revoked for any of the above reasons should not be considered until a minimum period of three years free from conviction has elapsed. In the case of applications from persons who have not held a hackney carriage or private hire drivers licence before and possess one or more previous convictions for a major traffic offence within the last three years, refusal should be considered.

Drunkness with a Motor Vehicle

1. A very serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An isolated incident should not necessarily de-bar an applicant provided that a minimum period of three years has elapsed since the date of the last conviction but if a licence is granted strict warning should be given as to future behaviour.

More than one conviction for a drink/drug driving offence should raise grave doubts as to the applicant's fitness to hold a hackney carriage/private hire drivers licence. At least five years from the date of last conviction should elapse before an applicant is considered for a hackney carriage/private hire drivers licence. Any indication of an alcohol related medical problem should necessitate a full medical assessment in accordance with the 'Medical Aspects of Fitness to Drive Guide' relating to alcohol and driving for Group II drivers issued by the DVLA.

2. A hackney carriage or private hire driver found guilty of driving passengers for hire and reward whilst under the influence of drink or drugs should have his hackney carriage or private hire drivers licence revoked immediately and be barred from holding such a licence with the Council.

Drunkenness Not in a Motor Vehicle

An isolated conviction for drunkenness need not de-bar an applicant from obtaining a licence, however, a number of convictions for drunkenness could indicate a medical problem necessitating further examination. In some cases a warning may be sufficient.

Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least three years free of conviction before an application is entertained or after detoxification treatment if he/she was an addict.

Indecency Offences

As hackney carriage/private hire drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning or any of the more serious sexual offences should be refused until they can show a substantial period (at least five years) free of such offences. More than one conviction for this type of offence should be considered in the light of the applicant not being a fit and proper person to hold a licence with the Council.

Violence

As hackney carriage/private hire drivers maintain close contact with the public a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least five years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

Dishonesty

Hackney carriage/private hire 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 become fair game for an unscrupulous driver. For these reasons a serious view should be taken for any conviction involving dishonesty. In general a period of five years free of conviction should be required before entertaining an application.

Insurance Offences with a Motor Vehicle

1. A very serious view should be taken of convictions for driving or for being in charge of a vehicle without the necessary insurance. An isolated incident in the past will not necessarily de-bar an applicant provided that a minimum period of one year has elapsed since the date of the last conviction but if a licence is granted, strict warning should be given as to future behaviour.

More than one conviction for an offence of this nature should raise doubts as to the applicants fitness to hold a hackney carriage/private hire drivers licence. If the applicant has been convicted of more than one offence of driving or being in charge of a vehicle without insurance then at least three years should have elapsed since the date of the last conviction before the applicant can be considered.

2. An applicant with three or more insurance offences should be regarded as being unfit to hold a hackney carriage/private hire drivers licence.
3. A hackney carriage/private hire driver who is convicted of driving passengers for hire and reward without the necessary insurance should have his hackney carriage/private hire drivers licence revoked immediately. Further applications from such a driver should not be considered until a minimum period of three years has elapsed since the date of conviction.
4. Applicants who have been convicted of driving a hackney carriage/private hire vehicle without the necessary insurance on two or more occasions should be regarded as unfit to hold a hackney carriage/private hire drivers licence and their application should be refused.

Scanners

Any driver of a hackney carriage or private hire vehicle convicted of the use of a radio scanner will be barred from holding a Hackney Carriage/Private Hire Drivers Licence with the Council for a minimum period of five years from date of conviction.