

ESSENTIAL REFERENCE PAPER 'B'

Convictions Policy

When submitting an application for a licence to drive a hackney carriage or private hire vehicle an applicant is required to declare any convictions or cautions on the application form and undertake an enhanced Disclosure & Barring Service check. The information given will be treated in confidence and will only be taken into account in relation to the application.

General points

- Each case is considered on its own merits.
- A person with a conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain conviction free for a period of time before an application will be entertained. This period will vary according to the conviction and the disposal given by the Court.
- Since March 2002, Hackney Carriage and Private Hire drivers have been included within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. The consequence of this is that all convictions, irrespective of age, sentence imposed or offence committed, remain live for an applicant for a Hackney Carriage or Private Hire drivers licence.
- The over-riding consideration with regards to taxi licensing is the protection of the public.

Always refuse:

- Inclusion on the Sexual Offences Register
- Information included at discretion of Chief Police Officer indicating a propensity to commit sexual offences.
- Violence: Murder; terrorist offences/causing explosions; conspiracy or incitement to commit any of the above.
- Drugs/Alcohol: Treatment order not completed.

Very high risk

- Violence; Manslaughter; Grievous bodily harm; causing death by dangerous driving;
- Dishonesty: Burglary, theft or similar resulting in a custodial sentence.
- Driving offences: Driving while disqualified by a court order.
- Drugs/Alcohol: Any sentence including drug or alcohol treatment order.

Time since conviction spent under Rehabilitation of Offenders Act 1974	
Not spent	Refuse
0 – 10 years	Refuse
11 years or more	Committee with starting point to refuse

Serious risk

- Offences involving drugs or alcohol: Drink drive; importation, possession, use or supply of Class A or Class B drugs; importation or supply of Class C drugs.
- Dishonesty: Burglary (non-custodial sentence); theft, fraud, deception, perverting the course of justice or similar sentenced with a fine; any theft of a vehicle or vehicle fuel; dishonesty with vehicle or driver licence documentation.

- Violence/Public order: Actual bodily harm; any assault on a passenger; any assault in breach of a position of care or trust; riot; banning order.
- Driving offences: Driving with no insurance or while unlicensed to drive (including driving a taxi while unlicensed as a taxi driver); illegal plying for hire; failing to stop after an accident.

Time since conviction spent under Rehabilitation of Offenders Act 1974	
Not spent	Refuse
0 – 3 years	Refuse
4 - 7 years	Committee with starting point to refuse
8 – 11 years	Committee with starting point to grant
12 years or more	Grant

Significant risk

- Drugs/Alcohol: Possession of Class C drugs; drunk and disorderly.
- Dishonesty: Theft or similar sentenced with a conditional discharge; failing to give information about the driver of a vehicle; giving false or withholding relevant information from the Licensing Authority.
- Violence: Common assault; any offence not involving physical assault resulting in a hospital treatment order for the offender; affray; criminal damage; possession of an offensive weapon; resisting arrest; obstruction of a Police Officer.
- Driving offences: 9 DVLA driving licence points or more; failing to report an accident; parking on a pedestrian crossing.

Time since conviction spent under Rehabilitation of Offenders Act 1974	
Not spent	Refuse
0 – 3 years	Committee with starting point to refuse
4 - 7 years	Committee with starting point to grant
8 years or more	Grant

Identifiable risk

- Violence: Threatening behaviour, causing harassment, alarm or distress; disorderly conduct.
- Dishonesty: Theft or similar dealt with by fixed penalty notice (FPN) or Police caution.
- Driving offences: 4-8 DVLA points.

Time since conviction spent under Rehabilitation of Offenders Act 1974	
Not spent	Refuse
0 – 3 years	Committee with no starting point
4 - 7 years	Grant

Low risk – Always granted under delegated authority

- Driving offences: 3 DVLA points or less.