

Appendix B – Comparison of conviction time scales

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

East Herts current Suitability Policy: Refuse or revoke.

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

East Herts current Suitability Policy: Refuse or revoke.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: 10 years or revoke. History of two or more convictions of this nature application refused.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: 7 years elapsed or revoke. History of two or more convictions of this nature application refused.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

East Herts current Suitability Policy: Refuse or revoke including those on Sex Offenders Register or barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years has elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: 7 years elapsed or revoke.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: Refuse or revoke (supply related offence).

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these

circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

East Herts current Suitability Policy: 10 years elapsed or revoke (possession related offence).

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

East Herts current Suitability Policy: Conviction in last 7 years refused or revoked. Only 1 conviction and over 7 years old then licence will be granted if the applicant can demonstrate thorough understanding of Equality Act. More than one conviction then refused.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

East Herts current Suitability Policy: Driving offence resulting in loss of life, refuse or revoke. There is then a sliding scale of minor offences, major offences and disqualification. New applicant with 7 or more points on their DVLA licence will be refused. Existing drivers accumulating 9 or more points must pass the

council approved driving test. 12 or more points on a DVLA licence and an application will be refused or licence revoked.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

East Herts current Suitability Policy: As licence holders are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while exceeding the legal limit or under the influence of drink or drugs.

If an individual has previously been an addict then they will be required to show evidence of 5 years free from alcohol or drug taking after detoxification treatment.

The time period that a person would have to remain conviction free would vary from between 1 – 5 years depending on the penalty imposed upon conviction.

PROPOSAL: that the Suitability Policy be amended so that a person who is convicted of drink driving or driving under the influence of drugs will not be granted a licence until at least 7 years have elapsed since completion of any sentence or period of disqualification, whichever is the later. Existing licence holder convicted of drink driving or driving under the influence of drugs to be revoked.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

East Herts current Suitability Policy: This offence is not explicitly detailed in the Suitability Policy so the time period that a person would have to remain

conviction free would vary from between 1 – 5 years depending on the penalty imposed at conviction.

PROPOSAL: that the Suitability Policy be amended so that a person who is convicted for using a held-hand mobile telephone or a hand- held device whilst driving will not be granted a licence until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.