

## **Taxi and Private Hire Assessment of Criminal Convictions**

This assessment of criminal convictions to be considered in conjunction with the Taxi and Private Hire Policy, in particularly decision making and the fit and proper person test.

Applicants/licensees are entitled to a fair and impartial consideration of their application, therefore, each case will be determined on its own merits. 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. 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.

### **1. Crimes resulting in death**

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

### **2. Exploitation**

Where an applicant 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.

### **3. 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.

A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

### **4. 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 7 years have elapsed since the completion of any sentence imposed.

### **5. 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, a licence will not be granted to any applicant who is currently on the Sex Offenders Register or on any barred list.

### **6. 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 7 years have elapsed since the completion of any sentence imposed.

## **7. 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.

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 5 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.

## **8. Discrimination**

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.

## **9. 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. Applicants with multiple motoring convictions, however, may indicate that they do not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

All current endorsable offences will be shown on an individual's driving licence. An endorsable offence will usually attract penalty points and/or a period of disqualification. Some endorsable offences can be only be dealt with by a prosecution, others can be dealt with by either prosecution or fixed penalty notice (FPN(E)). Applicants with more than 6 points endorsed on their driving licence will have their application determined by Members at a hearing.

Endorsable offences include: -

- Accident offences
- Driving whilst disqualified
- Careless driving
- Dangerous driving
- Drink and drugs offences
- Insurance offences
- Licence offences
- Speed limit offences
- Traffic direction and sign offences
- Theft or unauthorised taking

More than one conviction for this type of offence within the last 2 years resulting in more than 6 points endorsed on their licence would normally merit refusal and no further application would be considered until a period of 1 to 3 years free from conviction had elapsed.

Convictions for minor (non-endorsable) traffic offences, e.g. obstruction, waiting in a restricted street, should not prevent an application from proceeding. Non-endorsable traffic offences are not recorded on driving licences.

### **10. 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 7 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.

### **11. 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 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.

### **12. Licensing offences**

Certain offences under taxi or private hire legislation, e.g. plying for hire, overcharging or refusing to carry disabled persons, would normally prevent a licence being granted until 3 years has passed. A licence will not normally be granted if an applicant has more than one conviction for a licensing related offence.

### **13. Insurance offences**

A serious view will be taken of convictions of driving or in charge of a vehicle without insurance. An isolated incident in the past will not necessarily stop a licence being granted provided the applicant has been free of conviction for 3 years. A licence will not normally be granted if an applicant has more than one conviction for an insurance related offence.

An operator found guilty of aiding and abetting the driving of passengers whilst without insurance will normally have his operator's licence revoked immediately and be prevented from holding a licence for at least 3 years.

### **14. Outstanding charges or summonses**

If the applicant is the subject of an outstanding charge or summons, their application can be processed, but the application will be reviewed when proceedings are concluded. If the outstanding charge or summons involves a serious offence, the application will be put on hold until proceedings are concluded or the licence may be refused.

### **15. Non-conviction information**

If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence, the application may be refused.

## **16. Cautions**

Admission of guilt is required before a caution can be issued: each case will be considered on its merits.

## **17. Once a licence has been granted**

If a licence holder's conduct is such that, were they applying for a new licence their application would normally be refused, consideration will be given to the suspension and revocation of their licence.

A suspension or revocation of the licence takes effect at the end of 21 days, beginning with the day the notice is given to the driver. In the interests of public safety, there may be a requirement for a suspension or revocation of the licence to have immediate effect.

A suspension or revocation of an operator's licence will take effect at the end of 21 days, beginning with the day the notice is given to the operator.

## **18. Summary**

A criminal history will not automatically result in refusal and a current conviction for a less serious crime need not bar an applicant permanently from becoming licensed. The overall offending history will be considered when assessing an applicant's suitability to be licenced.

A series of offences over time is more likely to give cause for concern than an isolated minor conviction. Some discretion can be afforded if an offence is minor and isolated with mitigating circumstances, but the overriding consideration is the protection of the public.