

Guidance Notes on the Relevance of Criminal Records in Respect of Applicants for a Licence to Drive a Hackney Carriage or Private Hire Vehicle

1. An applicant for a hackney carriage or private hire driver's licence ("Driver's Licence") will be required to undertake a check, in accordance with the Council's standard conditions, by applying to the Criminal Records Bureau for an enhanced disclosure. This will be required upon first application and upon each subsequent renewal of a Driver's Licence.
2. All parts of the Driver's Licence application form relevant to criminal convictions must be declared. Failure to do so may result in the refusal of a licence.
3. Any reference within this Guidance to convictions shall include cautions.
4. The Council will consider all convictions whether current or spent, in determining the fitness of a person to drive either a hackney carriage or a private hire vehicle.
5. Where any driver is convicted of an offence during the licensed period (whether or not the conviction is disclosed by the driver in accordance with the conditions of the taxi driver's licence), the Council may suspend or revoke the Driver's Licence, having had regard to the relevance of any such conviction.
6. Each case will be considered on its merits. However, examples of the relevance of convictions and the likely effect of such convictions in relation to the issue, suspension, revocation or refusal to grant a Driver's Licence are as follows:
 - (a) **Minor Traffic Offences**
Providing continuing current valid DVLA driver's licence maintained - formal written warning to be issued to the licence holder as to future conduct.
 - (b) **Major Traffic Offences**
Providing continuing current valid DVLA driver's licence maintained:-
 - (i) Single conviction within last two years – refusal of Driver's Licence until 1 year free of conviction.
 - (ii) More than one conviction within last two years – refusal of Driver's Licence until two years free of conviction and full DVLA drivers licence held for preceding two years.
 - (iii) Convictions related to alcohol or drugs – for example. Attempting to drive while under the influence, driving while under the influence, being in charge of a vehicle while under the influence, or refusal to provide a sample:-

- (a) Single conviction – refusal of Driver's Licence until three years have elapsed after restoration of a full DVLA driver's licence.
- (b) More than one conviction – refusal of Driver's Licence until five years have elapsed after restoration of a full DVLA driver's licence.

(c) Alcohol Related Offences

- (i) Single conviction of minor nature – formal written warning to be issued to licence holder as to future conduct.
- (ii) More than one conviction – refusal of Driver's Licence until three years have elapsed since date of conviction.

Note: If drunkenness is associated with any other offence the longer of the refusal period is to apply.

(d) Drugs related Offences

- (i) Single conviction – refusal of Driver's Licence until three years have elapsed since date of conviction.
- (ii) More than one conviction – refusal of Driver's Licence until five years have elapsed since date of last conviction.

Note: The above will apply (but is not limited to) the following offences;

Possession of a controlled drug
 Production of a controlled drug
 Supply of a controlled drug
 Possession of a controlled drug with intent to supply
 Permitting activities (drug related) to take place on premises

(e) Indecency Offences

- (i) Single conviction – refusal of Driver's Licence until five years have elapsed since date of conviction.
- (ii) More than one conviction – refusal of Driver's Licence.

NOTE: Notwithstanding the Guidance at paragraph 6(e) (i) above, the Council may refuse to issue a licence to a person who has convictions which fall within this category.

(f) Violence

- (i) Single conviction for any offence of violence against a person - refusal of Driver's Licence for a period of three years free of conviction.
- (ii) More than one conviction for any offence of violence against a person - refusal of Driver's Licence for a period of five years free of conviction.
- (iii) Single conviction for minor criminal damage to property – formal written warning to licence holder as to future conduct.
- (iv) More than one conviction for criminal damage to property – refusal of Driver's Licence for a period of two years free of conviction.

(g) Dishonesty

- (i) Single conviction for minor incident – refusal of Driver's Licence for a period of one year free from conviction.
- (ii) Two convictions for minor incidents – refusal of Driver's Licence for a period of three years free from conviction.
- (iii) More than two convictions for minor incidents or one or more convictions for a significant act of dishonesty – refusal of Driver's Licence for a period of five years free of conviction.

NOTE: The above list is not exhaustive and the Council will have regard to any convictions whether or not they fall within any of the categories detailed above.

- 7. In clarification of the above the recorded date of the court conviction is to be taken as the period to remain free of conviction from, unless a sentence of imprisonment or corrective training exceeding 30 months has been imposed, when the period is to commence from the date of release from imprisonment.
- 8. It should be noted that the above penalties apply to all applications for hackney carriage and private hire driver's licences and that all convictions whether current or spent, may be considered in accordance with Rehabilitation of Offenders Act 1974 (exceptions) Order 1975 as amended.
- 9. Notwithstanding these penalties, the Council will consider those rehabilitation periods specified in the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 as amended.