

GUIDELINES RELATING TO THE RELEVANCE AND TREATMENT OF CONVICTIONS

INTRODUCTION

1. The purpose of this document is to provide ~~guidance information~~ on the ~~criteria guidelines taken into account-adopted~~ by Huntingdonshire District Council (hereafter referred to as the Council) when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold either a hackney carriage/private hire drivers licence or private hire operator's licence.
2. The overriding aim of the licensing authority is to protect the safety of the public, ensuring:
 - That a person is a fit and proper person
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - ~~The safeguarding of children and, young persons.~~
 - ~~The safeguarding of and vulnerable persons—adults.~~
 - ~~That the public have confidence in their use of licensed vehicles~~
3. This document ~~aims to provide~~s guidance to any person with an interest in taxi and private hire licensing in the following areas, but not exclusively:
 - Applicants for driver'/~~operator~~ licences (~~including renewal of licences~~)
 - Existing licensed drivers/~~operators~~ whose licences are being reviewed or-renewed
 - Licensing Officers ~~and Police~~
 - Members of the Licensing and Protection Applications Sub Group (or other relevant decision making body)
 - ~~Appeals to~~ Magistrates' and Crown Court ~~Officials in hearing appeals~~ against Council ~~decisions~~
4. Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to Council's Licensing and Protection Applications Sub Group (hereafter referred to as the Sub Group). Whilst officers and the Sub Group will have regard to the guidelines contained in the policy, each case will be considered on its individual merits, however where circumstances demand, the Sub Group and officers may depart from the guidelines.

GENERAL POLICY

5. Each case will be decided on its own merits.

6. As mentioned in paragraph 4, there may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occasion or there are mitigating circumstances or alternatively where there are many or continuous offences which may show a pattern of offending and unfitness.

7. A person with a current conviction for a serious offence~~crime~~ need not be permanently barred from obtaining a licence but should be expected to:

- (a) Remain free of conviction for an appropriate period of time, and
- (b) Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus being on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an individual is a fit and proper person to hold a licence.

8. For the purposes of this document 'other matters to be considered' may include but are not limited to the following:

- (a) Criminal/motoring convictions;
- (b) Court Martial;
- (c) Cautions;
- (d) Fixed penalty notices or other penalty notices;
- (e) Anti-social behaviour orders or similar orders;
- (f) Formal warnings or Reprimands
- (g) Breach of licensing conditions;
- (h) Charges or matters awaiting trial;
- (i) Fitness and propriety.

9. **Please note: Where an applicant has a conviction(s) or other matter(s) to be considered for~~been convicted of~~ a criminal offence, then the Council cannot review the merits of the conviction or other matter. (see Nottingham City Council v Mohammed Farooq (1998))**

10. Where an applicant / licence holder has a conviction or other matter to be considered for an offence of aiding, abetting, attempting, conspiring, counselling, procuring, causing, permitting or inciting any of the criminal or motoring convictions / matters specified in this guidance, they will be considered relevant for the substantive matter.

~~8. The following examples afford a general guide on the action which might be taken where convictions are disclosed.~~

APPEALS

~~11. Any applicant refused a driver's / operator licence, or a licensed driver / operator whose licence has been suspended or revoked on the grounds that the Council is not satisfied the he or she is a fit and proper person to hold such a licence~~ has a right of appeal to the Magistrates' Court within 21 days of the date of the notice of refusal (Local Government (Miscellaneous Provisions) Act 1976, section 77(1)). There is a further **rightwrite** of appeal to the Crown Court against the decision of the Magistrates' Court and this is by virtue of the Public Health Act 1936, section 301. The method of commencing such an appeal is laid down in the Crown Court Rules 1982, part III.

POWERS

~~12. Powers to grant driver / operator licences are contained within Section 51, Section 55 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).~~

~~13. Section 61 and Section 62~~ of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, Byelaws or any other reasonable cause.

~~14. Section 61 (2B) allows the Council , if it appears that the interests of public safety require the suspension or revocation of the licence, to have immediate effect. A notice will be given to the driver including a statement that this is so and an explanation why the suspension or revocation takes effect when the notice is given. The driver may appeal the decision but may not drive during the appeal period.~~

~~15. Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 allows the Council to suspend, revoke or refuse to renew an operator's licence if the applicant / licence holder has been convicted of any offence under or non-compliance with the provisions of Part II of the Act; or grounds of any conduct on the part of the operator which appears to the Council to render him unfit, or due to any material~~

change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.

16. The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Council to take into account all convictions recorded against an applicant or the holder of a hackney carriage or private hire driver's licence, whether spent or not. Therefore the Council will have regard to all relevant convictions (including cautions), particularly where there is a long history of offending or a recent pattern of repeat offending.
17. In this policy the term 'disqualification' refers to a period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

CONSIDERATION OF DISCLOSED CRIMINAL HISTORY

18. Under the provisions of Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, the Council is required to ensure that an applicant for the grant or renewal of a hackney carriage/private hire driver's licence and private hire vehicle operator's licence is a 'fit and proper' person to hold such a licence. However, if an applicant has any matters to be considered~~convictions, warning, cautions or charges awaiting trial~~, the Council may take into account~~will look into~~:
 - How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of conviction
 - Circumstances of the individual concerned
 - Sentence imposed by the Court
 - The applicant's age at the time of conviction
 - Whether they form part of a pattern of offending
 - Any other character check considered reasonable (for example personal references)
 - Any other factors that might be relevant
19. Existing holders of driver's licences are required to notify the Council in writing within seven days of any offence for which he or she has been convicted whether for criminal or motoring offences, including any official cautions.

20. Applicants can discuss further what effect a caution/conviction may have on any application by contacting the Licensing Section on 01480 387075 in confidence for advice.
21. Applicants are required by the Council to ~~undertake complete~~ an Enhanced ~~Disclosure and Barring Service check~~ Criminal Records Bureau (here after referred to as the DBS ~~CRB~~) ~~disclosure application form~~ when applying for a hackney carriage/ private hire drivers' licence which will be at their own expense. The driver's application will not be processed any further until the result of the CRB ~~disclosure~~ has been shown to the Council ~~received~~. The Council follows the DBS ~~CRBs~~ Code of Practice on the fair use of disclosure information, and abides by the DBS ~~CRBs~~ Policy on the secure storage, handling, use, retention and disposal of disclosure information. Copies of the DBS ~~CRBs~~ Code of Practice and Policy are available on request.
- 22 [More information about the DBS can be found on their website at https://www.gov.uk/disclosure-barring-service-check/overview](https://www.gov.uk/disclosure-barring-service-check/overview)
23. The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other Licensing Authorities and information disclosed by the Police under the Home Office scheme for reporting offences committed by notifiable occupations.
24. It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particularly in giving information required on the application form for a licence. Where an applicant has made a false statement, false declaration or omitted to include information on their application for the grant or renewal of a licence, the licence will normally be refused.
25. The following examples afford a general guide on the action, which might be taken where conviction(s) or other matters to be considered convictions are disclosed

OFFENCES INVOLVING VIOLENCE

Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

26. Drivers of hackney carriages and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken when offences of violence involve children or young persons.

27. Where the commission of an offence involved loss of life a licence will normally be refused or an existing licence suspended or revoked. In other cases anyone of a violent disposition is unlikely will normally be refused to be licensed until they have at least 3 to 10 years free of such conviction(s) or other matter(s) or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction. ~~and the term of rehabilitation could be reduced or increased.~~

Offences against Other Persons

28. As hackney carriage and private hire vehicle drivers maintain close contact with the public, a serious view will be taken with those who have a conviction(s) or other matter(s) to be considered involving violence. ~~Where~~ where the commission of an offence involved loss of life a licence will normally be refused or an existing licence suspended or revoked. In other cases a period of at least 3 to 10 years free of such conviction(s) or other matter(s) or the end of a term of imprisonment if applicable must have passed before an application is likely to be considered favourably. However given the range of the offences that involve violence, consideration must be given to the seriousness and nature of the conviction. ~~and the term of rehabilitation could be reduced or increased.~~

29. Unless there are exceptional circumstances, an application will normally be refused or existing licence suspended or revoked ~~a licence will not normally be granted~~ where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide whilst driving
- Terrorism offences
- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

30. An application will normally be refused or an existing licence suspended or revoked ~~licence will not normally be granted~~ where the applicant has a conviction(s) or other matter(s) for an offence such as:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially/religiously aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of a firearm
- Riot
- Assault on the Police
- Common assault which is racially/religiously aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

and the conviction(s) or other matter(s) to be considered is less than 10 years prior to the date of application.

31. An application will normally be refused or an existing licence suspended or revoked where the applicant has a conviction(s) or other matter(s) to be considered for an offence such as:

- Racially aggravated criminal damage
- Racially aggravated offence
- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

and the conviction(s) or other matter(s) to be considered is less than 5 years prior to the date of application.

32. An application will normally be refused or an existing licence suspended or revoked where the applicant/licence holder has a conviction(s) or other matter(s) to be considered for an offence such as:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- Harassment, alarm or distress (S5 Public Order Act 1986)
- Fear of provocation of violence(S4 Public Order Act 1986)

- Intentional harassment, alarm or distress (S4A Public Order Act 1986)
- Obstruction
- Criminal damage
- Possession of a weapon (or imitation weapon) or any other weapon related offence other than a firearm
- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

and the conviction (s) or other matter(s) to be considered is less than 3 years prior to the date of application.

33. A licence will ~~not~~ normally be refused/granted if an applicant has more than one conviction or other matter to be considered in the last 10 years for an offence of a violent nature.

34. If an applicant has a conviction(s) or other matter(s) to be considered for ~~been convicted of~~ possession of a weapon or a weapon related offence, greater than 3 years old and therefore not falling within paragraph 32 above, this will give serious cause for concern as to whether the person is a fit and proper person to carry members of the public.

35. In the event of a licence being granted, a strict warning both verbally and in writing is to be administered

WEAPON OFFENCES

~~31. Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years prior to the date of application (or at least 3 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.~~

SEX AND INDECENCY OFFENCES

~~36. Any applicant currently on the sex offenders register will not normally be granted a licence An application will normally be refused or existing licence suspended or revoked if the applicant/ licence holder is currently on the sex offenders register.~~

Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

37. Drivers of hackney carriage and private hire vehicles are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons. Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused or existing licence suspended or revoked.

Offences against persons other than Children and Young Persons

38. As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, a firm line is to be taken with those who have convictions or other matters to be considered for sexual offences. An application will normally be refused or existing licence suspended or revoked where an applicant has a conviction(s) or other matter(s) to be considered for an offence of:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults (see paragraph 33)
- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

39. An application will normally be refused or an existing licence suspended or revoked where the applicant/ licence holder has a conviction(s) or other matter(s) to be considered for an offence relating to:

- Sexual or indecent assault
- Possession of indecent photographs, child pornography etc
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

An applicant/ licence holder should be free of conviction for at least ten years (or at least 3 years must have passed since the completion of the sentence, whichever is longer) before an application will be considered.

40. An application will normally be refused or an existing licence suspended or revoked where the applicant/ licence holder has a conviction(s) or other matter(s) to be considered for an offence relating to:

- Indecent exposure
- Soliciting (including kerb crawling)

- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

An applicant/ licence holder should be free of conviction for at least 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer) before an application will be considered.

41. An application will normally be refused licence will not normally be granted if an applicant has more than one conviction or other matter to be considered for a sexual or indecency offence.

DISHONESTY OFFENCES

42. Drivers of hackney carriages and private hire vehicles are expected to be persons of trust. They deal with cash transactions and valuable property left in their vehicles It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare. It should also be noted that a private hire driver is not bound by a set fare structure and therefore is open to potential abuse by dishonest drivers. Customers often use the trade for journeys to airports and drivers are privy to the knowledge that premises will be empty for a period of time. In addition overseas visitors can be confused by the change in currency and may be vulnerable to become 'fair game' for an unscrupulous driver.

43. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people. For these reasons a serious view is taken of any convictions involving dishonesty.

44. 'An application will normally be refused or an existing licence suspended or revoked where the applicant/ licence holder has a conviction(s) or other matter(s) to be considered for an In general a minimum period of 3 years free of conviction or at least 3 years from completion of sentence) whichever is longer should be required before an application can be considered favourably. Offences of dishonesty including:

- Theft
- Burglary
- Fraud
- Benefit Fraud
- Handling or receiving stolen goods
- Forgery

- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception
- Taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

In general a minimum period of 3 years free of conviction or at least 3 years from completion of sentence) whichever is longer should be required before an application can be considered favourably

DRUG OFFENCES

45. A serious view will be taken of with regard to any drug related offence. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered. Drug related offences include:
- Cultivation of a controlled drug
 - Importation of a controlled drug
 - Production of a controlled drug
 - Supply of a controlled drug
 - Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above
46. An application -licence will not normally be refused granted or an existing licence suspended or revoked where the applicant/ licence holder has a conviction(s) or other matter(s) to be considered for any of the above -offences related to the supply of drugs and has not been free of such conviction(s) or other matter(s) to be considered for a period of at least 5 years (or at least 3 years from the completion of any sentence) whichever is longer.
47. An application will normally be refused or an existing licence suspended or revoked where an applicant has more than one conviction or other matter to be considered for offences related to the possession of drugs and has not been free of conviction or other matter to be considered for at least 5 years.
48. An application will normally be refused or an existing licence suspended or revoked where the from an applicant/ licence holder who has an isolated conviction or other matter to be considered for an offence related to the possession of drugs within the last 3 ~~to 5~~ years. will require careful Cconsideration will be given to of the facts, including the nature and quantity of the drugs involved.

49. If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with the DVLA Group 2 Medical Standards) will be required before an application will be considered. If the applicant was an addict then they will be required to show evidence that they have been free from drug taking for a period of at least 5 years ~~after detoxification treatment.~~

DRIVING OFFENCES

Major Traffic Offences (includes loss of life)

50. A very serious view will be taken of any applicant or existing licence holder who has ~~a been~~ convicted or other matter to be considered for ~~of~~ a driving offence that resulted in the loss of life.

51. A licence will ~~not~~ normally be refused granted or an existing licence suspended or revoked unless the applicant has been free of conviction for a period of at least 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he or she has a conviction(s) or other matter(s) to be considered for:

- Causing death by dangerous or reckless driving
- Causing death by careless driving whilst under the influence of drink, drugs or failing to supply a specimen for analysis.
- Manslaughter or culpable homicide whilst driving a vehicle
- Causing death by driving (unlicensed, disqualified or uninsured)
- Or any similar offences (including attempted or conspiracy to commit) or offences which replace the above.

52. Whilst the aforementioned are not a complete list of all the major traffic offences, the seriousness of the offence will be assessed accordingly, with some of the offences being treated under the dishonesty and violence categories.

53. Where an applicant/ licence holder has been disqualified from driving because of a major traffic offence (which did not involve the loss of life) the application will generally be refused or an existing licence suspended or revoked unless a period of 3 years free from conviction has elapsed from the date the DVLA licence was restored.

54. An isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention will require careful consideration of the facts and will at the very least

merit a warning as to future driving and advise on the standard expected of hackney carriage and private hire vehicle drivers. However, where the conviction is within 12 months prior to the date of the application it will normally be refused or an existing licence suspended or revoked. More than one conviction for this type of offence within the last 5 years is likely to merit the refusal of a licence application or the suspension/revocation of an existing licence.

For details of Major Traffic Offences (See Appendix I)

Minor Traffic offences

55. Offences of this type will be treated as 'minor traffic offences' if it incurs between 1 and 3 penalty points
56. Where an applicant / licence holder has one isolated conviction(s) or other matter(s) to be considered for a minor traffic offences this should not usually prevent a person from proceeding with an application result in suspension/ revocation. However, the number, type and frequency of this type of offence will be taken into account and if there are several offences of this nature the applicant will normally be expected to show a period free of conviction(s) or other matters(s) to be considered of at least 12 months. A licensed driver may be referred to the Sub-Group where there are more than two offences.
57. In particular, an application will normally be refused or an existing licence suspended or revoked where the holder applicant has 12 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed and whether or not the Courts decided to enforce a driving disqualification) or where the applicant has more than one conviction for this type of offence within the last 12 months.
58. Where several minor traffic offences have resulted in the applicant being disqualified from driving for a period of time this will normally be taken as reflecting seriously on the applicant's standard of driving. Generally, a period of 12 months free from conviction(s) or other matter(s) to be considered must have elapsed from the restoration of the DVLA licence. Should the DVLA demonstrate a further conviction since the disqualification then a 12 month period should elapse from the date of the last conviction on the DVLA licence before an application is approved.

59. In “totting up” cases where disqualification is considered by the court even if the court does not disqualify a driver (eg because of exceptional circumstances) ~~a driver~~, the Council is likely to refuse a hackney carriage or private hire driver’s licence or suspend/ revoke an existing licence because different criteria apply. ~~A and an applicant/ licence holder~~ will normally be expected to show a period of at least 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

For details of Minor Traffic Offences (see Appendix II)

Intermediate Traffic Offences

60. Offences of this type will be treated as major traffic offences if the court awarded 4 or more penalty points for the offence and as minor traffic offences if the court awarded 3 or less penalty points for the offence.

For details of Intermediate Traffic Offences (see Appendix III)

OFFENCES OF DRINK DRIVING/DRIVING UNDER THE INFLUENCE OF DRUGS

Drunkenness and Drugs (with a motor vehicle)

61. A serious view will be taken of conviction(s) or other matter(s) to be considered of driving or being in charge of a vehicle while under the influence of drink or drugs. Where a disqualification has occurred as a result of a drink-driving offence, at least 3 years (5 years for more than one offence) should elapse from the restoration of the DVLA driving licence before an application will be considered. A conviction or other matter to be considered for ‘refusing or failing to provide a specimen’ will be treated in the same way.
62. If there is a suggestion that the applicant has been or is alcohol/drug dependent, then he or she will normally be required to provide written evidence (medical report) confirming that a period of at least 5 years has elapsed after the completion of detoxification treatment if he or she was an alcoholic.
63. Applicants with more than one conviction or other matter to be considered for driving or being in charge of a vehicle under the influence of alcohol / drugs or refusing or failing to provide a specimen

are unlikely to be granted a licence unless a period of 10 years has elapsed after the restoration of the driving licence following the last conviction or other matter to be considered.

Drunkenness (not in a motor vehicle)

64. An isolated conviction or other matter to be considered for drunkenness need not debar an applicant from gaining a licence or the renewal of a licence for an existing driver. In some cases, a warning may be appropriate. However, a number of convictions or other matters to be considered for drunkenness could indicate a medical problem necessitating critical examination and the refusal of a licence or the suspension/ revocation of an existing licence.
65. If there is a suggestion that the applicant has been or is alcohol dependent, then he or she will normally be required to provide written evidence (medical report) that a period of at least 5 years has elapsed after the completion of detoxification treatment if he or she was an alcoholic.

DISCRIMINATION OFFENCES

- 66 Offences of discrimination are to be treated very seriously, representing as they do a totally unacceptable treatment of certain sections of society. The Council will therefore treat any conviction(s) or other matter(s) to be considered relating to discrimination very seriously when deciding whether or not an applicant / licence holder is a fit and proper person.
671. In general, a period of 3 to 5 years free of conviction(s) or other matter(s) to be considered must have elapsed (or at least 3 to 5 years must have passed since the completion of the sentence) whichever is longer before a licence is likely to be considered favourably depending on the seriousness of the offence. If racial violence has been a factor in the conviction you are to refer to the section dealing with serious offences of violence.

LICENSING OFFENCES

68. One of the main purposes of the licensing regime set out in the Town Police Clauses Act and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (hereafter referred to as the Acts) is to ensure the protection of the public. For this reason a serious view is taken of conviction(s) or other matter(s) to be

considered for offences under the Acts (including illegally plying for hire) when deciding whether an applicant/licence holder is to be treated as a fit and proper person to hold a licence.

69. In general a period of 3 to 5 years free of conviction(s) or other matter(s) to be considered will be required before an application/licence holder is likely to be considered favourably depending on the seriousness of the offence.

LOCAL AUTHORITY OFFENCES (BENEFIT FRAUD etc)

70. Local Authority offences such as benefit fraud, health and safety and food hygiene although not necessarily directly relevant to taxi licensing should not be discounted lightly and should be considered when deciding whether or not an applicant is a fit and proper person.
71. In general a period of at least 3 years free of conviction (or at least 3 years must have passed since the completion of the sentence, whichever is longer) before an application/licence holder is likely to be considered favourably depending on the seriousness of the offence.

OUTSTANDING CHARGES AND SUMMONSES

72. If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but in the interests of public safety the matter application will be considered and may be deferred for determination need to be reviewed at until the conclusion of the proceedings. Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be referred to the Licensing and Protection Applications Sub Group.
73. If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be deferred for determination put on hold until the proceedings are concluded or the licence may be refused.
74. ~~A suspension or revocation of the licence of a driver takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver. If it appears that in the interests of public safety it requires the suspension or revocation of the licence to have~~

~~immediate effect, and the notice given to the driver includes a statement to this effect together with an explanation why, the suspension or revocation takes effect immediately when the notice is given to the driver (Road Safety Act 2006, section 52, 2A&2B).~~

NON CONVICTION INFORMATION

74. Careful consideration of the evidence provided should be given if an applicant or existing licence holder has on more than one occasion been arrested or charged, but not convicted for a serious offence which suggests he could be a danger to the public. Such offences would include serious violent offences and serious sex offences.
75. On the occasion of Any information being supplied by the Chief Officer of Police either as the result of information contained on a DBSCR Disclosure or under the 'Notifiable Occupations Scheme' which relates to an alleged serious offence which resulted in no action being taken, must be considered education should be given to refusing or suspending/ revoking the when determining an application/ licence. Such offences would include those of a violent or a sexual nature. Every case will be considered on its own merits.
76. In assessing the action to take, the safety of the travelling public must be the paramount concern.

CAUTIONS

77. Admission of guilt is required before a caution can be issued. Every case will be considered on its own merits including the details and nature of the offence.

REPEAT OFFENDING

78. While it is possible that an applicant may have a number of convictions or other matters to be considered that individually meet the above guidelines, an application will normally be refused where an applicant has a record of repeat offending which shows a lack of regard for the well-being of others or for property, unless a period of at least 10 years has elapsed since the most recent conviction or other matters to be considered.

INSURANCE OFFENCES

- 79.** A serious view will be taken of convictions of driving or being 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 a period of 3 years prior to the date of application. However, a strict warning should be given as to the applicants' future behaviour. More than one conviction for these offences will normally prevent a licence being granted, or an existing licence from being renewed. An existing licence may also be suspended or revoked.
- 80.** At least 3 years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage/private hire drivers licence. An Operator found guilty of aiding and abetting the driving of passengers for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for a period of at least 3 years.

APPLICANTS FROM OVERSEAS

- 81.** Applicants for hackney carriage/private hire driver and private hire operator's licences that have worked or have been resident overseas in the 5 years preceding the date of application for the licence are required to provide a statement of good conduct in English covering this period. This statement is provided by either the relevant Embassy or Police Force in the Country of Residence and must be arranged, supplied and paid for by the applicant.

LICENSES ISSUED BY OTHER LOCAL AUTHORITIES

- 82.** Applicants who hold a licence with one Licensing Authority should not automatically assume that their application will be granted by another Licensing Authority. Each case will be decided on its own merits.

MEDICAL PROBLEMS PRESENTED

- 83.** Any applicant who's driving licence has been revoked or refused on medical grounds by the DVLA within the last 5 years; or has received a conviction for driving a vehicle after failing to notify a disability; or made a false declaration about fitness and medical health, should expect their application to be deferred/rejected by the Licensing Manager, until medical proof of current fitness can be provided, This decision may be appealed to the Sub Group. In the case of an

existing driver, their licence may be suspended or revoked until medical proof of current fitness is provided.

84. The onus is on the applicant to provide appropriate medical proof from their GP/Consultant or nominated practitioner at their own expense, which may be required to be brought before a Sub Group meeting. The Sub Group may consider issuing a licence if they are satisfied that the report shows a clean bill of health, and that the applicant/ licence holder is a fit and proper person to hold a hackney carriage/private hire driver's licence and is deemed to be of no threat to the public.
85. If the Sub Group has any doubts over the applicant's fitness, then the application should be deferred until further evidence can be produced by the applicant to overcome these doubts.

CONCLUSION

86. A criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant would be expected to remain free from conviction for a period of time, according to circumstances before an application can be considered. However, there may be occasions when an application may not be allowed before 3 years free from conviction have elapsed.
87. While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, the overall offending history must be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give more cause for concern than an isolated minor conviction. Obviously some discretion can be afforded if an offence disclosed is isolated and there are mitigating circumstances, but the overriding consideration must be the protection of the public.