

HUNTINGDONSHIRE DISTRICT COUNCIL

DECLARATION OF RELEVANT CONVICTIONS

1. When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle you are requested to declare any convictions, both criminal (including any official cautions or warnings issued by the Police or any other Regulatory Body) and motoring, together with details of any fixed penalty tickets for moving road offences. The information you give will be treated in confidence and will only be used when considering your application.
2. The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1075 was amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002 (SE2002/441). The effect of this order has been to add 'taxi drivers' (hackney carriage and private hire drivers) to the list of 'excepted occupations'. This means that **you must disclose ALL previous convictions for ANY offences** rather than just those which are not 'spent' under the terms of the Rehabilitation of Offenders Act 1974 (as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2012).
3. You should be aware that the District Council is empowered in law to check with the Disclosure and Barring Service (DBS) for the existence and content of any criminal record held in the name of an applicant. Information received from the DBS will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.
4. The disclosure of a criminal record or other information will not stop you from gaining a licence unless the District Council's Licensing & Protection Panel considers that the conviction(s) renders you not a "fit and proper person" under the Licensing legislation. In making this decision the District Council will refer to its guidelines relating to the relevance and treatment of convictions and consider the nature of the offence, how long ago the offence took place and what age you were when it was committed and any other factors which may be relevant. Should you be refused a driver's licence on the grounds that you are not a fit and proper person to hold such a licence you will have a right of appeal to a Magistrates' Court.
5. If you would like to discuss this matter please telephone the Licensing Manager on (01480) 387075, in confidence, for advice.

Under normal circumstances convictions would normally become spent after the following rehabilitation periods, however please see 2. above:

Sentence:

Custodial* over 30 and up to 48 months:

Custodial* over 6 months and up to 30 months:

Custodial* of 6 months or less

Fine

Compensation order

Community or Youth Rehabilitation Order **

A relevant order***

Absolute discharge or other sentence not otherwise covered in this table:

Spent after:

7 years from completion of sentence

4 years from completion of sentence

2 years from completion of sentence

1 year from date of conviction

date payment made in full
1 year from day provided for by or under order as last day order is to have effect. Where no provision is made, 2 years from date of conviction.

last day on which order is to have effect

Nil

Removal from Her Majesty's service****

1 year from date of conviction

A sentence of service detention

1 year from completion of sentence

- NOTE:**
- (i) A custodial sentence of more than 4 years can never become spent.
 - (ii) If you were under 18 years of age at date of conviction, the period shown in the right-hand column is halved.

**A custodial sentence* means a sentence of: (a) imprisonment, (b) detention in a young offenders institution, (c) Borstal training, (d) youth custody, (e) corrective training, (f) detention under s91 of the Powers of Criminal Courts (Sentencing) Act 2000 or s209 of the Armed Forces Act 2006, (g) a detention & training order under S100 of the Powers of Criminal Courts (Sentencing) Act 2000 or an order under s211 of the Armed Forces Act 2006, (h) any sentence of a kind superseded by a sentence mentioned in (f) or (g).

***A community or youth rehabilitation order* means: (a) a community order under s177 of the Criminal Justice Act 2003 (b) a service community order or overseas community order under the Armed Forces Act 2006 (c) a youth rehabilitation order under Part 1 of the Criminal Justice and Immigration Act 2008, or (d) any order of a kind superseded by an order mentioned in (a) (b) or (c)

**** a relevant order* means: (a) a conditional discharge (b) a bind over to keep the peace or be of good behaviour (c) an order under s1(2A) of the Street Offences Act 1959 (d) a hospital order under Part 3 of the Mental Health Act 1983 (e) a referral order (f) an earlier statutory order or (g) any order imposing a disqualification, disability, prohibition or other penalty not otherwise dealt with.

***** removal from Her Majesty's service* means: a sentence of dismissal with disgrace from Her Majesty's service, a sentence of dismissal from Her Majesty's service or a sentence of cashiering or discharge with ignominy