

# POLICY STATEMENT ON CONVICTIONS



## LICENSING OF HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS

Approved by  
STEVENAGE BOROUGH COUNCIL  
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This document can be revised at any time to reflect new Acts of Parliament, new legislation, associated revisions to existing legislation and / or policy changes.

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# POLICY STATEMENT ON CONVICTIONS

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# POLICY STATEMENT ON CONVICTIONS

## Definitions

Appeal	A review of our decision. Appeal is to the Magistrates' Court or the Crown Court. The Courts may uphold our decision (agree with the Local Authority), or overturn it (agrees with you).
Conviction	A court decides someone is guilty of a crime.
District	The area covered by Stevenage Borough Council
Driver	The person licensed to drive a licensed vehicle.
Conviction free period	A period without any further convictions.
Fit & proper person	<p>A person who we think has the right skills and ability assessed throughout the application process, because, for example, they:</p> <ul style="list-style-type: none"><li>▪ Are no threat to the public</li><li>▪ Have a good knowledge of the district</li><li>▪ Are healthy</li><li>▪ Are of good character</li></ul>
Hackney carriage	A vehicle that can carry passengers for hire or reward. The vehicle can be hailed by its passenger from the street; can park on a rank while waiting for its passenger; is available for immediate hire.
Mitigating circumstances	Circumstances, which can be presented to the licensing authority to explain what happened which may reduce its seriousness and aid with determination of an application
Private hire vehicle	A vehicle that can carry passengers by prior arrangement only through a licensed operator. This type of vehicle cannot stand on a rank, or give the impression that it is available for immediate hire.
Proprietor	The person(s) who are in possession of a licensed vehicle that is the subject of a hiring agreement or hire-purchase agreement.
Operator	A business, or individual, that invites or accepts bookings for private hire, and sometimes, hackney carriage vehicles.

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Refuse/ refusal	We made a decision not to give the licence. This can also mean, revoking or suspending a licence.
Revoke	To take away a licence permanently.
Suspend	To take away a licence temporarily.
Verbal warning	A spoken statement saying that although a conviction or complaint was not serious enough for a written warning, the matter has caused us concern as regards to the person's suitability to hold a licence. Similar or repeat behavior in the future could lead to suspension, or revocation of a licence.
Written warning	A letter saying that although a conviction, or complaint was not serious enough for us to suspend, or revoke the licence, the matter has caused us concern as regards to the person's suitability to hold a licence. Similar or repeat behavior in the future could lead to suspension, or revocation of a licence.

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## **Overview**

Convictions will not necessarily stop an applicant from getting, or keeping a hackney carriage, private hire or private hire operator's licence.

If you have a conviction, it may mean that you might have to wait a while before we will accept your licence application. Some offences will however, be regarded as being so serious that they will usually prevent you from getting, or maintaining your licence forever.

Our convictions policy is there to assist both officers and members of the General Purposes Committee with considering the safety, protection and well-being of the public, through us ensuring that all our licensed drivers, vehicle proprietors and operators are safe, competent persons, who maintain their permissions to an acceptable standard. Our main aim is to ensure the safety of the public, not to punish applicants or licence holders.

## **Our powers and duties**

Our duty to regulate hackney carriage and private hire vehicles in the District comes from the following:

- Local Government (miscellaneous provisions) Act 1976
- Town Police Clauses Act 1847
- Public Health Act 1936
- Road Safety Act 2006 (sections 52-53)

## **Role of the hackney carriage and private hire trade**

The trade provides services where buses, trains and other forms of public transport are not available, for example, in rural areas where buses will not run into the late hours, or even at weekends.

People with mobility restrictions may also find it easier to use wheelchair accessible vehicles than other forms of transport.

## **Criminal offences and the Rehabilitation of Offenders Act 1974**

Both hackney carriage and private hire drivers are listed as regulated occupations in the Rehabilitation of Offenders Act 1974 (Exceptions) Order (Amendment) (no 2) 2002.

Therefore, a conviction is never 'spent'. This means that when we are deciding whether you can be licensed, we will always be able to consider all convictions that you may have had.

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All types of convictions can be relevant. We take into account all convictions, regardless of the offence, penalty or sentence, and your age at the time the conviction occurred.

You must declare with all applications to us, all criminal and motoring convictions, cautions, fixed penalty notices, and fines incurred. You will also be required to complete a disclosure and barring service criminal reference form at the time of your first application, and periodically thereafter, as will be detailed in the conditions attached to your licence.

In addition, you must also disclose to us any new cautions, convictions, fixed penalty notices, and fines incurred within the timelines outlined in the conditions of your licence.

We may also refer to the Rehabilitation of Offenders Act 1974 as part of our assessment of the convictions, and supplementary lists such as the auto-bar offences list of the Independent Safeguarding Authority, as necessary.

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## 1. Introduction

- 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by the council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and / or private hire driver or operator licence.
- 1.2 The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
- That an applicant for the grant (renewal) of a taxi licence is a fit and proper person
  - That the person (applicant) does not pose a threat to the public
  - That the public are safeguarded from a dishonest person
  - The safeguarding of vulnerable persons
  - The safeguarding of children and young persons
- 1.3 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
- Applicants for driver and operator licences
  - Existing licensed drivers and operators whose licences are being reviewed
  - Licensing officers
  - Members of the licensing committee/ panel (or other relevant decision making body)
  - Magistrates hearing appeals against local authority decisions
- 1.4 Where licensing officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence, unless it is felt appropriate to refer the application to the General Purposes Committee for determination. In all other cases applications for licences will be referred to the general purposes committee / panel (or other relevant decision-making body). Whilst officers and the committee / panel will have regard to the guidelines contained in the policy, **each case will be considered on its individual merits and, where the circumstances demand, the committee / officer may depart from the guidelines.**

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## **2. General policy**

- 2.1 There may be occasions where it is appropriate to depart from the guidelines, for example where the offence is a one-off occurrence or there are mitigating circumstances or, alternatively, where there are many or continuous offences which may show a pattern of offending and unfitness.
- 2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
- a. Remain free of conviction for an appropriate period; and
  - b. Show adequate evidence that he, or she, is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence). Simply remaining free of conviction may not, generally, be regarded as adequate evidence that a person is a fit and proper person to hold a licence.
- 2.3 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

## **3. Appeals**

- 3.1 Any applicant refused a driver's licence on the grounds that the licensing authority is not satisfied that 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 notice of refusal. Public Health Act 1936 sections 300 - 302

## **4. Powers**

- 4.1 Section 61 and Section 62 of the Local Government Miscellaneous Provisions Act 1976 allow the licensing authority to suspend, revoke or refuse to renew a licence if the applicant / licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.2 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the licensing authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the licensing authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.



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4.3 In this policy the term “disqualification” refers to the 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.

## 5. Consideration of disclosed criminal history

5.1 Under the provisions of Sections 51, 55, and 59, Local Government (Miscellaneous Provisions) Act 1976, the licensing authority is required to ensure that an applicant for the grant or renewal of a hackney carriage and / or a private hire vehicle drivers’ licence and / or private hire vehicle operators licence is a ‘fit and proper’ person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority 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 (e.g. personal references)
- Any other factors that might be relevant

5.2 Existing holders of drivers’ licences are required to notify the licensing authority in writing within seven days of receiving a driving licence endorsement, fixed penalty notice or criminal conviction (including cautions).

5.3 Applicants can discuss further what effect a caution / conviction may have on any application by contacting the licensing office [01438 242724] in confidence for advice.

5.4 The licensing authority requires disclosures from the Disclosure and Barring Service (DBS) formerly the Criminal Records Bureau (CRB) in respect of any applicant for a driver (enhanced) / operator (basic) licence. The licensing authority follows the DBS Code of Practice on the fair use of disclosure information. A copy is available on request.

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- 5.5 Applicants applying for the grant or a renewal of a drivers' licence will be required to obtain an enhanced disclosure at their expense. The licensing authority abides by the DBS Policy on the secure storage, handling, use, retention and disposal of disclosure information, which is available on request.
- 5.6 More information about the DBS can be found on their website at [www.disclosure.gov.uk](http://www.disclosure.gov.uk).
- 5.7 The licensing authority 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 licensing authority or other licensing authorities, and information disclosed by the police under the Home Office scheme for reporting offences committed by persons in notifiable occupations.
- 5.8 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence. Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## **6 Offences involving children**

- 6.1 Licensed drivers have close regular contact with the public, many of whom are children travelling alone or with a parent or chaperone. The licensing authority is committed to safeguarding and promoting the welfare of children. Applicants with offences against children shall have their application refused or in some circumstances be subject to further checks prior to a licence being granted.
- 6.2 Applicants with offences against children, including sexual offences, who appear on the Disclosure and Barring Service (DBS, formerly ISA) Children's Barred List will be refused a licence, regardless of the time elapsed since the offence or conviction. The licensing authority may refer any individual seeking to work with children who are barred to the DBS and the Police in line with its duty under the Safeguarding Vulnerable Groups Act 2006<sup>1</sup>.
- 6.3 In circumstances where applicants have been cautioned or convicted for an offence, or their role in an offence, contained within the ISA (now DBS)

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<sup>1</sup> <http://www.legislation.gov.uk/ukpga/2006/47/section/39>

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- ‘Children’s Automatic Barring Offences – With No Right to Representations’ list, but they are not on the DBS Children’s Barred List, the application will be refused<sup>2</sup>. The licensing authority may refer any individual seeking to work with children who are inappropriate to the DBS and the Police in line with its duty under the Safeguarding Vulnerable Groups Act 2006<sup>3</sup>.
- 6.4 Should an applicant have committed an offence listed under the ISA (now DBS) ‘Children’s Automatic Barring Offences – With Right to Representations’ list, unless there are exceptional circumstances, the application will be refused<sup>4</sup>.
- 6.5 Should an applicant have committed an offence listed on the Home Office ‘Trigger Offences for Assessment of Risk to Children’ document (see Appendix 2), the applicant will be required to provide evidence that they do not pose a risk to children. Evidence must include statements from professional or statutory bodies such as the probation service. The licensing authority will also apply further checks in such circumstances prior to approving or refusing an application, including, but not limited, to personal interviews and enhanced referencing.
- 7 Offences involving vulnerable adults**
- 7.1 Licensed drivers have close regular contact with the public, many of whom are considered vulnerable. Applicants with offences against vulnerable adults shall have their application refused or in some circumstances be subject to further checks prior to a licence being granted.
- 7.2 Applicants with offences against vulnerable adults, including sexual offences, who appear on the Disclosure and Barring Service (DBS, formerly ISA) Vulnerable Adult’s Barred List will be refused a licence, regardless of the time elapsed since the offence or conviction. The licensing authority may refer any individual seeking to work with vulnerable adults who are barred to the DBS and the Police in line with its duty under the Safeguarding Vulnerable Groups Act 2006<sup>5</sup>.
- 7.3 In circumstances where applicants have been cautioned or convicted for an offence, or their role in an offence, contained within the ISA (now DBS) ‘Vulnerable Adult’s Automatic Barring Offences – With No Right to Representations’ list<sup>6</sup>, but they are not on the DBS Vulnerable Adult’s Barred List, the application will be refused. The licensing authority may refer any individual seeking to work with vulnerable adults who are

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<sup>2</sup> Appendix 1: Relevant (Auto bar) Offences under the Vetting and Barring Scheme

<sup>3</sup> <http://www.legislation.gov.uk/ukpga/2006/47/section/39>

<sup>4</sup> Appendix 1: Relevant (Auto bar) Offences under the Vetting and Barring Scheme

<sup>5</sup> <http://www.legislation.gov.uk/ukpga/2006/47/section/39>

<sup>6</sup> Appendix 1: Relevant (Auto bar) Offences under the Vetting and Barring Scheme

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inappropriate to the DBS and the Police in line with its duty under the Safeguarding Vulnerable Groups Act 2006<sup>7</sup>.

- 7.4 Should an applicant have committed an offence listed under the ISA (now DBS) 'Vulnerable Adult's Automatic Barring Offences – With Right to Representations' list, unless there are exceptional circumstances, the application will be refused<sup>8</sup>.

## **8 Serious offences involving violence**

- 8.1 Licensed drivers have close regular contact with the public. A firm line is to be taken with those who have convictions for offences involving violence. An application will normally be refused if the applicant has a conviction for an offence that involved the loss of life.

- 8.2 In other cases anyone of a violent disposition will normally be refused to be licensed until at least 3 years free of such conviction(s). However, given the range of the offences that involve violence, consideration must be given to the nature of the conviction.

- 8.3 Unless there are exceptional circumstances a licence will not normally be granted where the applicant has a conviction for an offence such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Offences against children
- Offences against vulnerable adults
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

- 8.4 A licence will not normally be granted where the applicant has a conviction for an offence, or similar offence(s) which replace the offences below and the conviction is less than 10 years prior to the date of application:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm which is racially aggravated
- Grievous bodily harm with intent
- Robbery
- Possession of firearm

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<sup>7</sup> <http://www.legislation.gov.uk/ukpga/2006/47/section/39>

<sup>8</sup> Appendix 1: Relevant (Auto bar) Offences under the Vetting and Barring Scheme

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- Riot
- Assault Police
- Common assault which is racially aggravated
- Violent disorder
- Resisting arrest
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.5 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 5 years prior to the date of application:

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

8.6 A licence will not normally be granted where the applicant has a conviction for an offence or similar offence(s) which replace the offences below and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

8.7 A license will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

8.8 In the event of a licence being granted, a strict warning both verbally and in writing should be administered.

## **9. Possession of a weapon**

9.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public.

9.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since

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the completion of the sentence, whichever is longer), before a licence is granted.

## **10. Sex and indecency offences**

- 10.1 As licensed drivers often carry unaccompanied and vulnerable passengers, applicants with convictions for sexual offences will be closely scrutinised. Those applicants with convictions for sexual offences of any nature will generally be refused.
- 10.2 Applicants with previous sexual offence convictions who choose to exercise their right to make an application to the licensing authority for a license, will be expected to demonstrate as part of their application in writing, a statement which includes reference as to why, in their opinion, that they do not pose a risk to the public before a licence will be granted.
- 10.2 Unless the applicant is able to demonstrate as part of their application that there were exceptional circumstances surrounding their convictions, an application will normally be refused, or revoked in the case of existing licence holders, regardless of the time elapsed, where the applicant has a conviction for an offence such as:
- Rape
  - Assault by penetration
  - Offences involving children, including child pornography offences
  - Offences involving vulnerable adults
  - Trafficking for sexual exploitation
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 10.3 Before an application is allowed, an applicant should demonstrate they do not pose a risk to the public, if he / she have a conviction for an offence such as:
- Sexual assault
  - Indecent assault
  - Exploitation of prostitution
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

This demonstration may include reports from professionals such as a counsellor, psychiatrist, probation worker, social worker or other professional as examples.

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- 10.4 Before a licence is granted, an applicant 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), if he / she has a conviction for an offence such as:
- Indecent exposure
  - Soliciting (kerb crawling)
  - Or any similar offences (including attempted or conspiracy to commit) offences which replace the above
- 10.5 In addition to the above the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register. The Licensing Authority shall consider a referral to the Police and/or the Disclosure and Barring Service should an applicant apply for a licence whilst barred from working with children and/or vulnerable adults in line with its duties under the [Safeguarding Vulnerable Groups Act 2006](#)<sup>9</sup>.
- 10.6 Unless in exceptional circumstances, a licence will not be granted if an applicant has more than one conviction for a sex or indecency offence.

## 11. Dishonesty

- 11.1 A licensed private hire vehicle or hackney carriage driver is expected to be a trustworthy person. They deal with cash transactions, and valuable property may be left in their vehicles. Taxi and private hire drivers are required to deposit such property with police within 24 hours. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in licensed drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal or agreed fare, etc. Overseas visitors can be confused by our currency and may be vulnerable to an unscrupulous driver. For all these reasons, a serious view is taken of any conviction involving dishonesty.
- 11.2 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 granting a licence. Offences involving dishonesty include:
- theft
  - burglary
  - fraud
  - benefit fraud
  - handling or receiving stolen goods
  - forgery
  - conspiracy to defraud

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<sup>9</sup> <http://www.legislation.gov.uk/ukpga/2006/47/section/39>

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- obtaining money or property by deception
- other deception
- taking a vehicle without consent
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

## **12. Drugs**

- 12.1 A serious view is taken of any drug related offence. The nature and quantity of the drugs and whether the drugs are for personal use or supply are issues which should be considered.
- 12.2 A license will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs and has not been free of conviction for 5 years.
- 12.3 A license will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 5 years.
- 12.4 An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3-5 years may be granted a licence, but consideration should be given to the nature and quantity of the drugs.
- 12.5 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required before the licence is granted. If the applicant was an addict then they would normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

## **13 Driving offences involving the loss of life**

- 13.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

A licence will not normally be granted unless the applicant is free of conviction for 7 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer) if he has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above



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13.2 Before a licence is granted, an applicant should be free of conviction for 3 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer), if he has a conviction for:

- Causing death by careless driving
- Causing death by driving whilst unlicensed, disqualified or uninsured

## **14 Drink driving / driving under the influence of drugs**

14.1 As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs.

14.2 An isolated incident would not necessarily debar an applicant from proceeding on the restoration of his DVLA driving licence but he should be warned as to the significant risk to his licence status in the event of re-offending. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 3 years, after the restoration of the driving licence following a drink drive conviction should elapse before an application will be considered. If there is any suggestion that the applicant is alcohol or drug dependent, a satisfactory special medical report must be provided before the application can be allowed to proceed.

14.3 Applicants, or existing licensed drivers with convictions or cautions for alcohol or drug related offences, may be required to agree to random alcohol or drugs testing at any time whilst they are engaged in licensable activities.

## **15 Outstanding charges or summonses**

15.1 If the applicant is the subject of an outstanding charge, summons or investigation, a decision as to whether their application can continue to be processed will be considered on its merits. If it is determined that it is acceptable to continue with the application, subject to the conclusion and outcome of the investigation, the application will further be reviewed at the conclusion of proceedings.

15.2 Where information is received through the Notifiable Occupations Scheme on existing licence holders, consideration will be made as to the licence holders ability to still be determined a fit and proper person by the General Purposes committee.

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- 15.2 If the outstanding charge, summons or investigation 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 put on hold until proceedings are concluded or the licence may be refused.
- 15.3 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 the suspension or revocation is not made with immediate effect.
- 15.4 If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver includes a statement that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver. Local Government (Miscellaneous Provisions) Act 1976 section 61 (2B)

## **16 Non-conviction information**

- 16.1 If an applicant 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, consideration should be given to refusing the application. Such offences would include serious violence offences and serious sex offences.
- 16.2 Many offences are now dealt with by cautions or fixed penalty notices, whilst these are not a conviction the recipient has to accept that they committed the offence for the caution or fixed penalty to be imposed upon them. Therefore these should also be taken into account when considering if the applicant is a fit and proper person.
- 16.3 In assessing the action to take, the safety of the travelling public must be the paramount concern. Every case will be considered in its own merits including the details and nature of the offence.

## **17 Licensing offences**

- 17.1 Certain offences under taxi legislation such as plying for hire, overcharging and refusing to carry disabled persons would normally prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

## **18 Insurance offences**

- 18.1 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 he/she has been free of

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conviction for 3 years; however a strict warning should be given as to future behaviour. More than one conviction for these offences would normally prevent a licence being granted or renewed.

- 18.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would normally be granted for a hackney carriage or private hire drivers licence. An operator found guilty of aiding and abetting the driving of hackney carriage or private vehicles for hire and reward whilst without insurance will have his operators' licence revoked immediately and prevented from holding a licence for three years.

## **19 Overseas residents**

- 19.1 If an applicant has been resident or spent three continuous months or more overseas (excluding service in H.M armed forces) the licensing authority will expect to see evidence of a criminal record check (Certificate of Good Conduct) from the country / countries covering the period.
- 19.2 When an applicant for a licence has been resident in the United Kingdom for a period of five years or less; a Certificate of Good Conduct may be required in addition to the CRB disclosure. The Certificate of Good Conduct must be obtained via the applicants Embassy or Legation and authenticated by that Embassy or Legation.

## **20 Licenses issued by other licensing authorities**

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

## **21 Summary**

- 21.1 To summarise, 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 3 to 10 years, according to circumstances, before an application can be considered. However, there may be occasions when an application can be allowed before 3 years free from conviction have elapsed.
- 21.2 Any person who has committed an offence and has to wait before an application is positively considered is more likely to value their licence and act accordingly.

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- 21.3 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 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 is the protection of the public.

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## Annex A – Motoring offences and penalty points

The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

Code	Offence	Penalty Points
<b>Accident Offences</b>		
AC10	Failing to stop after an accident	5-10
AC20	Failing to give particulars or to report an accident within 24 hours	5-10
AC30	Undefined accident offences	4-9
<b>Disqualified Driver</b>		
BA10	Driving whilst disqualified by order of court	6
BA30	Attempting to driver while disqualified by order of court	6
<b>Careless Driving</b>		
CD10	Driving without due care and attention	3-9
CD20	Driving without reasonable consideration for other road users	3-9
CD30	Driving without due care and attention or without reasonable consideration for other road users	3-9
CD40	Causing death through careless driving when unfit through drink	3-11
CD50	Causing death by careless driving when unfit through drugs	3-11
CD60	Causing death by careless driving with alcohol level above the limit	3-11
CD70	Causing death by careless driving then failing to supply a specimen for analysis	3-11
CD71	Causing death by careless driving then failing to supply A specimen for drug analysis	3-11
CD80	Causing death by careless, or inconsiderate, driving	3-11
CD90	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11
<b>Construction &amp; Use Of Offences</b>		
CU10	Using a vehicle with defective brakes	3
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3

# POLICY STATEMENT ON CONVICTIONS

C80	Using a mobile phone while driving a vehicle	3
<b>Dangerous Driving</b>		
DD40	Dangerous Driving	3-11
DD60	Manslaughter or culpable homicide while driving a vehicle	3-11
DD90	Furious Driving	3-9
<b>Drink or Drugs</b>		
DR10	Driving or attempting to drive with alcohol level above limit	3-11
DR20	Driving or attempting to drive while unfit through drink	3-11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
DR40	In charge of a vehicle while alcohol level above limit	10
DR50	In charge of vehicle while unfit through drink	10
DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
DR61	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
DR70	Failing to provide specimen for breath test	4
DR80	Driving or attempting to drive when unfit through drugs	3-11
DR90	In charge of a vehicle when unfit though drugs	3-11
<b>Insurance Offences</b>		
IN10	Using a vehicle uninsured against third party risks	6-8
<b>Licence Offences</b>		
LC20	Driving otherwise than in accordance with the licence	3-6
LC30	Driving after making a false declaration about fitness when applying for a licence	3-6
LC40	Driving a vehicle having failed to notify a disability	3-6
LC50	Driving after a licence has been revoked or refused on medical ground	3-6
<b>Miscellaneous Offences</b>		
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3-11
MS60	Offences not covered by other codes	As Appropriate
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc.	3
<b>Motorway Offences</b>		
MW10	Contravention of Special Roads Regulations (excluding speed limits)	3
<b>Pedestrian Crossings</b>		
PC10	Undefined Contravention of Pedestrian Crossing	3

# POLICY STATEMENT ON CONVICTIONS

	Regulation	
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3
<b>Speed Limits</b>		
SP10	Exceeding goods vehicle speed limits	3-6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3-6
SP30	Exceeding statutory speed limit on a public road	3-6
SP40	Exceeding passenger vehicle speed limit	3-6
SP50	Exceeding speed limit on a motorway	3-6
<b>Traffic Directions And Signs</b>		
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'Stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3
<b>Special Code</b>		
TT99	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3 Years, the driver is liable to be disqualified	
<b>Theft or Unauthorised Taking</b>		
UT50	Aggravated taking of a vehicle	3-11

## **Aiding, abetting, counseling or procuring**

Offences as coded, but with 0 changed to 2 e.g. LC10 becomes LC12.

## **Causing or permitting**

Offences as coded, but with 0 changed to 4 e.g. LC10 becomes LC14.

## **Inciting**

Offences as coded, but with the end 0 changed to 6 e.g. DD40 becomes DD46.

## **Non-endorsable offences**

Some offences are non-endorsable. A non-endorsable offence is an offence which courts do not endorse onto the paper counterpart. No penalty points are attributed to these offences but they (can) carry a period of disqualification.

# POLICY STATEMENT ON CONVICTIONS

At the end of the disqualification (over 56 days) the driver will have to apply for a renewal licence together with the appropriate fee. Any queries about offences and endorsements should be directed to the convicting court.

## **Period of time**

Periods of time are signified as follows: D=Days, M=Months, Y=Years

Endorsements remain on a counterpart licence for the following periods of time:

Endorsements must remain on a licence for 11 years from date of conviction if the offence is:

- Drinking / drugs and driving (shown on the licence as DR10, DR20, DR20 and DR80).
- Causing death by careless driving whilst under the influence of drink/drugs (shown on the licence as CD40, CD50 and CD 60).
- Causing death by careless driving, then failing to provide a specimen for analysis (shown on the licence as CD70).

Or 4 years from the date of conviction if the offence is as listed below:

- Reckless / dangerous driving (shown on the licence as DD40, DD60 and DD80).
- Offences resulting in disqualification.
- Disqualified from holding a full licence until a driving test has been passed.

Or 4 years from the date of offence in all other cases.

Source [www.gov.uk](http://www.gov.uk)



# POLICY STATEMENT ON CONVICTIONS

## Annex B – Home Office List of Offences against Children (2005)

### ***ALPHABETICAL LIST OF OFFENCES AGAINST CHILDREN***

<b>Offences</b>	<b>Act</b>	<b>Section</b>
Abduction of a woman by force or for the sake of her property (repealed by 2003 Act)	Sexual Offences Act 1956	Section 9
Abduction of Child in Care/ Police Protection; take away/induce away/assist to run away/ keep away	Children Act 1989	Section 49
Abduction of defective from parent or guardian (repealed by 2003 Act)	Sexual Offences Act 1956	Section 21
Abduction of unmarried girl under 16 from parent or guardian (repealed by 2003 Act)	Sexual Offences Act 1956	Section 20
Abduction of unmarried girl under 18 from parent or guardian (repealed by 2003 Act)	Sexual Offences Act 1956	Section 19
Abuse of position of trust: causing a child to watch a sexual act	Sexual Offences Act 2003	Section 19
Abuse of position of trust: causing or inciting a child to engage in sexual activity	Sexual Offences Act 2003	Section 17
Abuse of position of trust: sexual activity in the presence of a child	Sexual Offences Act 2003	Section 18
Abuse of position of trust: sexual activity with a child	Sexual Offences Act 2003	Section 16
Abuse of Trust (Repealed by 2003 Act)	Sexual Offences (Amendment ) Act 2000	Section 3
Administering a subject with intent	Sexual Offences Act 2003	Section 61
Administering drugs to obtain or facilitate intercourse of a girl under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 4
Administering Poison or wounding with intent to murder a child under 18	Offence Against the Person Act 1861	Section 11
Admission of Children under 14 to a Bar -Licensee to allow/ Cause/procure child to be in bar/ attempt to cause/procure	The Licensing Act 1964	Section 168
Aiding, abetting, counseling or procuring the suicide of a person under 18	Suicide Act 1961	Section 2
Allowing a child or young person under 16 to be in a brothel	Children and Young Persons Act 1933	Section 3
Allowing children under 16 to take part in performances endangering life or limb	Children and Young Persons Act 1933	Section 23

# POLICY STATEMENT ON CONVICTIONS

Applying for/ knowingly offer position to Disqualified person	Criminal Justice and Court Services Act 2000	Sec 35 (1) & (2)
<b><u>Offences</u></b>	<b><u>Act</u></b>	<b><u>Section</u></b>
Arranging or facilitating child prostitution or pornography	Sexual Offences Act 2003	Section 50
Arranging or facilitating commission of a child sex offence	Sexual Offences Act 2003	Section 14
Assault by penetration	Sexual Offences Act 2003	Section 2
Assault occasioning actual bodily harm	Offence Against the Person Act 1861	Section 47
Assault of a child under 13 by penetration	Sexual Offences Act 2003	Section 6
Assault with intent to commit buggery with a person under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 16
Attempt in relation to offences under section 2,5,6,7,10,11,12,22 and 23	Sexual Offences Act 1956	*****
Attempt, conspiracy, incitement, aiding and abetting, counseling or procuring in relation to any of the offences from Sexual Offences Act 2003.	Sexual Offences Act 2003	*****
Buggery (attempt or commit) where the victim is under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 12
Burglary (entering a building or part of building with intent to rape a child	Theft Act 1968	Section 9
Care workers: causing a person with a mental disorder to watch a sexual act (where the victim is under 18)	Sexual Offences Act 2003	Section 41
Care workers: causing or inciting sexual activity (where the victim is under 18)	Sexual Offences Act 2003	Section 39
Care workers: sexual activity in the presence of a person with a mental disorder (where the victim is under 18)	Sexual Offences Act 2003	Section 40
Care workers: sexual activity with a person with a mental disorder (where the victim is under 18)	Sexual Offences Act 2003	Section 38
Causing a child to watch a sexual act	Sexual Offences Act 2003	Section 12
Causing a person to engage in sexual activity without consent.	Sexual Offences Act 2003	Section 4
Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception (where the victim is under 18)	Sexual Offences Act 2003	Section 35

# POLICY STATEMENT ON CONVICTIONS

Causing a person with a mental disorder to watch a sexual act by inducement, threat or deception	Sexual Offences Act 2003	Section 37
Causing a person, with a mental disorder impeding choice, to watch a sexual act (where the victim is under 18)	Sexual Offences Act 2003	Section 33
Causing or allowing persons under 16 to be used for begging	Children and Young Persons Act 1933	Section 4
<b>Offences</b>	<b>Act</b>	<b>Section</b>
Causing or encouraging prostitution of defective (repealed by 2003 Act)	Sexual Offences Act 1956	Section 29
Causing or encouraging prostitution of, or intercourse with, or indecent assault on, girl under 16 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 28
Causing or inciting a child to engage in sexual activity	Sexual Offences Act 2003	Section 10
Causing or inciting a child under 13 to engage in sexual activity	Sexual Offences Act 2003	Section 8
Causing or inciting a person, with a mental disorder impeding choice, to engage in sexual activity (where the victim is under 18)	Sexual Offences Act 2003	Section 31
Causing or inciting child prostitution or pornography	Sexual Offences Act 2003	Section 48
Causing or inciting prostitution for gain	Sexual Offences Act 2003	Section 52
Causing prostitution of a girl under 16 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 22
Causing/allowing persons under 16 to be begging	Children and Young Persons Act 1933	Section 4
Child destruction	Infant Life (Preservation) Act 1861	Section 1
Child sex offences committed by a children or young persons	Sexual Offences Act 2003	Section 13
Child Stealing or receiving a stolen child	Offence Against the Person Act 1861	Section 56
Committing an offence with intent to commit a sexual offence (if intended offence is against a child)	Sexual Offences Act 2003	Section 62
Common law assault or battery	Common law	
Conspiring or soliciting to commit murder	Offence Against the Person Act 1861	Section 4
Controlling a child prostitute or a child involved in pornography	Sexual Offences Act	Section 49

# POLICY STATEMENT ON CONVICTIONS

	2003	
Controlling prostitution for gain	Sexual Offences Act 2003	Section 53
Cruelty to a person under sixteen	Children and Young Persons Act 1933	Section 1
Detention of a girl under 18 in a brothel or other premises (repealed by 2003 Act)	Sexual Offences Act 1956	Section 24
Drunk in Charge of a child under 7 yrs	Licensing Act 1902	Section 2
<b><u>Offences</u></b>	<b><u>Act</u></b>	<b><u>Section</u></b>
Engaging in sexual activity in the presence of a child	Sexual Offences Act 2003	Section 11
Engaging in sexual activity in the presence of a person with a mental disorder impeding choice (where the victim is under 18)	Sexual Offences Act 2003	Section 32
Engaging in sexual activity in the presence, procured by inducement, threat or deception, of a person with a mental disorder (where the victim is under 18)	Sexual Offences Act 2003	Section 36
Exposing a child under 7 to risk of burning.	Children and Young Persons Act 1933	Section 11
Exposing a child, whereby life is endangered	Offence Against the Person Act 1861	Section 27
Exposure	Sexual Offences Act 2003	Section 66
False imprisonment	Common law	
Give/ Cause to be given Intoxicating Liquor to a child under 5 yrs	Children and Young Persons Act 1933	Section 5
Importation of goods including indecent photographs of persons under 16	Customs and Excise Management Act 1979	Section 17
Incest by a man where the victim is under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 10
Incest by a woman where the victim is under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 11
Inciting a child family member to engage in sexual activity	Sexual Offences Act 2003	Section 26
Inciting girl under 16 to have incestuous sexual intercourse (repealed by the 2003 Act)	Criminal Law Act 1977	Section 54
Indecency between men where one or both parties are under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 13
Indecent assault on a female under 18 (repealed by 2003 Act)	Sexual Offences Act	Section 14

# POLICY STATEMENT ON CONVICTIONS

	1956	
Indecent assault on a male under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 15
Indecent conduct towards young child (repealed by the 2003 Act)	Indecency with Children Act 1860	Section 1(1)
Indecent exposure (repealed by 2003 Act)	Town Police Clauses Act 1847	Section 28
Indecent photographs of children	Protection of Children Act 1978	Section 1
Inducement, threat or deception to procure sexual activity with a person with a mental disorder	Sexual Offences Act 2003	Section 34
<b><u>Offences</u></b>	<b><u>Act</u></b>	<b><u>Section</u></b>
Infanticide	Infanticide Act 1938	Section 1
Intercourse with a girl between 13 and 16 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 6
Intercourse with a girl under 13 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 5
Intercourse with a woman who has a mental disorder (repealed by 2003 Act)	Sexual Offences Act 1956	Section 7
Kidnapping	Common law	
Living on earnings of male prostitution	Sexual Offences Act 1967	Section 5
Making a threat to kill a child	Offence Against the Person Act 1861	Section 16
Maliciously administering poison so as to endanger life or inflict grievous bodily harm on a child under 18	Offence Against the Person Act 1861	Section 23
Man living on earnings of a prostitute (repealed by 2003 Act)	Sexual Offences Act 1956	Section 30
Manslaughter of a child or young person under 18	Offence Against the Person Act 1861	Section 5
Meeting a child following sexual grooming etc.	Sexual Offences Act 2003	Section 15
Murder of a child under 18	Offence Against the Person Act 1861	Section 1
Murder or manslaughter of a child or young person	Common law	
Offence of abduction of a child by parent	Child Abduction Act	Section 1

# POLICY STATEMENT ON CONVICTIONS

	1984	
Paying for the sexual services of a child	Sexual Offences Act 2003	Section 47
Permits defective to use premises for intercourse (repealed by 2003 Act)	Sexual Offences Act 1956	Section 27
Permitting a girl between 13 and 16 to use premises for intercourse (repealed by 2003 Act)	Sexual Offences Act 1956	Section 26
Permitting a girl under 18 to use premises for intercourse (repealed by 2003 Act)	Sexual Offences Act 1956	Section 25
Possession of indecent photographs of children	Criminal Justice Act 1988	Section 160
Procreation of girl under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 23
<b><u>Offences</u></b>	<b><u>Act</u></b>	<b><u>Section</u></b>
Procurement of a defective (repealed by 2003 Act)	Sexual Offences Act 1956	Section 9
Procurement of a girl under 18 by false pretences (repealed by 2003 Act)	Sexual Offences Act 1956	Section 3
Procurement of a girl under 18 by threats (repealed by 2003 Act)	Sexual Offences Act 1956	Section 2
Procuring others to commit homosexual acts (Repealed by 2003 Act)	Sexual Offences Act 1967	Section 4
Rape	Sexual Offences Act 2003	Section 1
Rape of a child under 13	Sexual Offences Act 2003	Section 5
Rape of a child under 18 (repealed by 2003 Act)	Sexual Offences Act 1956	Section 1
Recovery of missing or unlawfully held children	Children Act 1989	Section 50
Sexual Activity with a Child	Sexual Offences Act 2003	Section 9
Sexual activity with a child family member	Sexual Offences Act 2003	Section 25
Sexual activity with a person with a mental disorder impeding choice (where the victim is under 18)	Sexual Offences Act 2003	Section 30
Sexual assault	Sexual Offences Act 2003	Section 3
Sexual assault of a child under 13	Sexual Offences Act	Section 7

# POLICY STATEMENT ON CONVICTIONS

	2003	
Sexual Intercourse with patients (where the victim is under 18)	Mental Health Act 1959	Section 128
Supplying or offering to supply a Class A drug to a child	Misuse of Drugs Act 1971	Section 4
Trafficking into the UK for sexual exploitation	Sexual Offences Act 2003	Section 57
Trafficking out of the UK for sexual exploitation	Sexual Offences Act 2003	Section 59
Trafficking within the UK for sexual exploitation	Sexual Offences Act 2003	Section 58
Trespass with intent to commit a sexual offence (if intended offence is against a child)	Sexual Offences Act 2003	Section 63
Voyeurism	Sexual Offences Act 2003	Section 67
Woman exercising control over a prostitute.	Sexual Offences Act 1956	Section 31
Wounding and causing grievous bodily harm	Offence Against the Person Act 1861	Sections 18 and 19

**Please note that if an offence is listed above its inclusion here is due to the fact that the victim was under 18 years of age.**

List compiled 2004

# POLICY STATEMENT ON CONVICTIONS

## **Annex C – Disclosure and Barring Service Relevant Offences**

<http://www.homeoffice.gov.uk/publications/agencies-public-bodies/dbs/dbs-referrals-guidance/dbs-factsheet-5?view=Binary>