



Chelmsford City Council Regulatory Committee

Hackney Carriage and Private Hire – Driver Convictions Policy (2025 Review)

Report by: Director of Public Places

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Purpose:

To seek Members' approval of the updated Hackney Carriage and Private Hire, Driver Convictions Policy 2025 which strengthens safeguarding measures, aligns with national guidance, and enhances transparency in driver suitability assessments.

Recommendations:

1. That the Committee approves the revised *Relevance of Convictions Policy 2025* for implementation, as set out in **Appendix A** of this report for implementation.
2. That the Committee delegates authority to the Lead Licensing Officer to make minor non-material amendments (such as formatting or statutory reference updates) to ensure ongoing legal and operational consistency, and that any substantive changes must be returned to the Committee for approval.
3. That any amendments agreed by the Committee be incorporated into the final version of the policy before publication.

1. Background

- 1.1 The current convictions policy helps determine whether applicants and existing drivers are considered “fit and proper” to hold a hackney carriage or private hire licence.
- 1.2 The 2025 review was carried out to ensure the policy remains consistent with national standards, including the Local Government Association’s 2018 guidance “*Determining the suitability of applicants and licensees in the hackney carriage and private hire trades.*” The updated 2024 edition of that guidance, the Department for Transport’s *Statutory Taxi and Private Hire Vehicle Standards* (2020), and recent legislative changes were also considered. This includes the *Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022*, which requires use of the NR3S database.
- 1.3 The full revised clean version is attached as **Appendix A**, and the key differences are summarised in **Appendix B**.
- 1.4 Copy of the existing 2022 criminal convictions policy with 2025 tracked changes showing the proposed changes is attached as **Appendix C**.

2. Summary of Key Policy Changes

- 2.1 The updated Convictions Policy 2025 includes a number of changes aimed at strengthening safeguarding, improving monitoring, and ensuring consistency with national standards.

Key highlights include:

- Mandatory subscription to the DBS Update Service, with checks every six month.
- A new *Convictions and Rehabilitation Table* offering clearer guidance for decision-making.
- Clearer criteria for referrals and revocations where offences occur during the licence period.
- Greater clarity on how sexual offences, violent conduct, and the use of mobile devices while driving are treated for both new and existing drivers.
- Updated procedures for handling non-conviction intelligence and safeguarding concerns.

Full details of these amendments are set out in **Appendix B – Summary of Key Changes**.

3. Legal & Operational Considerations

3.1 The updated policy ensures the Council meets its obligations under:

- The Local Government (Miscellaneous Provisions) Act 1976
- The Rehabilitation of Offenders Act 1974 (Exceptions Order 1975)
- Relevant safeguarding duties under the Children Act 2004 and Equality Act 2010.

3.2 Operationally, the policy promotes consistent decision-making by officers, provides transparency for applicants, and strengthens public protection. The requirement to subscribe to the DBS Update Service enables ongoing monitoring of driver suitability.

4. Conclusion

- 4.1 The revised Convictions Policy 2025 offers a clearer, fairer, and more transparent framework for assessing the suitability of licensed drivers. It enhances safeguarding, aligns local standards with national best practice, and supports consistent decision-making.
- 4.2 Approval of the policy will demonstrate the Council's ongoing commitment to public safety and high professional standards in the licensed trade.

List of appendices:

- Appendix A – Draft *Relevance of Convictions Policy 2025*
- Appendix B – Summary of Key Changes
- Appendix C – Convictions Policy 2022 – 2025 tracked changes

Background papers:

- Local Government Association (LGA), “Determining the Suitability of Applicants and Licensees in the Hackney and Private Hire Trades” (2018 and revised 2024)
- Chelmsford City Council – Existing Convictions Policy (2022 version)
- Department for Transport’s *Statutory Taxi and Private Hire Vehicle Standards*
- *Taxis and Private Hire Vehicles (Safeguarding and Road Safety) Act 2022* (2020)

Corporate Implications:

Legal/Constitutional: Ensures compliance with statutory duties under licensing law.

Financial: Minimal cost; DBS Update Service subscription borne by drivers.

Potential impact on climate change and the environment: None

Contribution toward achieving a net zero carbon position by 2030: None

Personnel: Frees officer time for other regulatory duties: Frees officer time through clearer decision framework.

Risk Management: Reduces reputational and safeguarding risks.

Equality and Diversity: Promotes fairness and transparency in licensing decisions.

Policy: Updates existing Convictions Policy to 2025 version.

Health and Safety: Enhances protection of the travelling public.

Digital: Integration with DBS Update Service monitoring.

Other: N/A

Consultees:

Licensing Officers, Legal Services

Relevant Policies and Strategies:

Chelmsford City Council Taxi Licensing Framework



LICENSING & REGULATORY COMMITTEE

HACKNEY CARRIAGE AND PRIVATE HIRE – VEHICLE DRIVER’S LICENSES

RELEVANCE OF CONVICTIONS POLICY

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1. Introduction

In the Council’s view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This policy aims to provide guidance to all parties with an interest in public and private hire licensing thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

This policy has been developed with reference to the Local Government Association’s guidance *“Determining the suitability of applicants and licensees in the hackney and*

private hire trades” (2018). This is considered the best practice across England and forms the benchmark for assessing fitness and propriety

2. Purpose and Legal Framework

Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.

The policy is intended to provide guidance on how previous convictions, cautions, restorative justice outcomes, and other relevant matters will be considered in determining whether an applicant or licence holder is fit and proper.

3. Definitions and Scope

For the purposes of this policy, the term “**individual**” includes:

- New applicants
- Applicants for renewal
- Existing licence holders

This policy applies at the point of application, at renewal, and throughout the term of a licence where new convictions, cautions, or relevant information come to light.

A commonly used test of whether a person is fit and proper is:

“Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

If the answer is “no,” then the individual should not hold a licence

4. Disclosure Requirements

This policy provides guidance on how the Council will assess whether an applicant or licence holder is a fit and proper person, particularly in cases where they have previous convictions, cautions, restorative justice outcomes, or other relevant matters.

In doing so, the Council seeks to ensure:

- That a person is fit and proper.
- That a person does not pose a threat to the public.
- That the public are safeguarded from dishonest individuals.
- The safeguarding of children and young people.

Applicants for a hackney carriage or private hire driver’s licence must declare:

- All previous convictions
- All formal or simple cautions
- Any matters of restorative justice

- All endorsable fixed penalties
- Any criminal matters under investigation or pending prosecution

The information provided will be treated in confidence and considered only in relation to the application. It will assist the Council in deciding whether the individual is a fit and proper person to hold a licence under sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether action should be taken under section 61 of the Act (suspension, revocation, or refusal to renew a licence)

5. Disclosure and Barring Service (DBS) Checks

5.1 Enhanced DBS Certificates

Individuals The Council is empowered by law to check with the DBS for the existence and content of any criminal record for all individuals who apply or hold a licence with this authority. Information will be treated with strict confidence and retained only as necessary.

5.2 DBS Update Service and Ongoing Monitoring

All licensed drivers are required to subscribe to the DBS Update Service. The Council will conduct checks at least every six months (or more frequently if required). Relevant information may be referred to by the Licensing and Regulatory Committee.

6. General Policy Principles

Each case will be considered on its own merits, whether it involves a new applicant or an existing driver seeking renewal. The overriding consideration is the protection of the public.

The disclosure of a criminal record or other relevant information will not automatically prevent the grant, renewal, or continuation of a licence. The decision will depend on whether the Council is satisfied that the individual is a fit and proper person.

In reaching a decision, the Council will consider factors such as:

- Nature and seriousness of the offence(s)
- Circumstances of the offence(s)
- Applicant's overall conviction history
- Time elapsed since conviction or completion of sentence
- Mitigating circumstances
- Evidence of rehabilitation
- Any other reasonable character checks

Where convictions or other matters are disclosed, the Council may also take into account:

- The individual's age when the offence was committed
- The date of conviction
- Any pattern of behaviour or repeat offending

If suitable evidence of good character and fitness is not provided, or if there are doubts about the evidence submitted, this may be sufficient grounds to refuse a licence.

The Rehabilitation of Offenders Act 1974 does not apply. Taxi drivers are exempt positions under the Exceptions Order 1975, meaning all convictions may be taken into account.

The Council may also consider convictions or relevant conduct outside England and Wales, including overseas offences. Applicants must declare any such matters. Where necessary, the Council may request certified translations or official records to help assess the seriousness of the offence and whether the person is suitable to be licensed.

7. Guidelines on Specific Offence Categories

7.0 Guidelines Overview

The following guidelines set out how the Council will assess the relevance of certain categories of convictions when determining new or renewal applications, or when considering whether to take action against an existing licence holder.

These guidelines are not exhaustive and do not attempt to define what constitutes a “fit and proper person.” Offences not specifically covered will still be considered in line with the principles of this policy.

For avoidance of doubt, where thresholds are set for the grant of a new licence, similar considerations will apply to existing licence holders who are convicted of equivalent offences during the term of their licence. Such cases will normally be referred to the Regulatory Committee, which may consider suspension or revocation depending on the severity and circumstances.

If an individual has a conviction for an offence not covered by these guidelines, the Council will apply the same principles, taking into account the nature, seriousness, timing, and surrounding circumstances of the offence.

7.1 Violence

Licensed drivers have close and regular contact with the public. A firm line will 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.
- In all other cases, the applicant must demonstrate a period free from conviction before an application will be considered. For the purposes of this guidance, “free of conviction” means from the date of conviction or, where a sentence of imprisonment was imposed, from the date of completion of that sentence (whichever is later).

(a) The most serious offences

Applications will normally be refused unless there are truly exceptional circumstances where the applicant has a conviction for:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving
- Terrorism offences
- Any offence resulting in, or intended to cause, the death or serious injury of another person

(b) Serious violent offences

A licence will not normally be granted until at least 7 years have elapsed since the date of conviction, or since the completion of any sentence (whichever is longer):

- Arson
- Kidnapping
- Threats to kill
- Wounding with intent to cause grievous bodily harm (GBH with intent)
- Grievous bodily harm (GBH)
- Assault occasioning actual bodily harm that is racially aggravated
- Robbery
- Aggravated burglary
- Racially aggravated criminal damage
- Racially aggravated public order offences
- Or any similar/replacement offences

(c) Other violent offences

Before an application will be considered, the applicant should be free of conviction for at least 3 years (or 3 years since completion of the sentence, whichever is longer), if convicted of offences such as:

- Common assault
- Battery (including assault by beating under Section 39, Criminal Justice Act 1988)
- Assault occasioning actual bodily harm (ABH)
- Assault with intent to resist arrest
- Assault on Police
- Public order offences (including affray, violent disorder)
- Criminal damage
- Harassment
- Or any similar/replacement offences

(d) Long-term exclusion

Where an applicant has any conviction for an offence of violence against persons, or connected with violence, the Council may determine that a licence will not be granted until at least 10 years have elapsed since completion of sentence, particularly in cases involving multiple offences or patterns of violent behaviour.

(e) Existing licence holders

Any existing licensed driver who receives a conviction for common assault, battery, or similar offences will be referred to the Regulatory Committee. Depending on the circumstances, this may result in suspension or revocation of their licence, in line with the Council's duty to protect the public and uphold confidence in the licensing regime.

7.2 Possession of a weapon

The possession of a weapon, or any other weapon-related offence, raises serious concerns about whether an applicant is a fit and proper person to carry the public

Given the potential risk to public safety, an application will normally be refused if the applicant has been convicted of such an offence within the last 7 years. In addition, at least 7 years must have elapsed since the completion of the sentence (whichever period is longer) before a licence application will be considered.

7.3 Sex and Indecency Offences

Sexual and indecency offences are treated with the utmost seriousness. A licence will be refused for the most serious offences, as these present an unacceptable risk to public safety. For other offences, an application will not normally be granted until the relevant rehabilitation period has elapsed. In all cases, safeguarding and the protection of the travelling public are the overriding considerations.

(a) Absolute refusal

A licence will be refused where an applicant has a conviction for any of the following offences (or any similar or replacement offences):

- Rape
- Assault by penetration
- Sexual offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- Possession, distribution, or creation of indecent images of children
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any sexual offence committed in the course of employment as a taxi or private hire driver

(b) Discretionary refusal (rehabilitation period applies)

Unless there are exceptional circumstances, an application will not normally be granted until at least 7 years have elapsed since conviction, or since completion of any sentence (whichever is longer) where an applicant has a conviction for:

- Indecent exposure (including flashing and public nudity offences under the Sexual Offences Act 2003 or subsequent legislation)
- Soliciting (e.g. kerb crawling)
- Any similar or replacement offences

(c) Repeat offending

An application will normally be refused if an applicant has more than one conviction for an indecency offence.

(d) Broader safeguarding concerns

Where an applicant or licensee has been convicted of any offence involving, related to, or connected with the abuse, exploitation, or mistreatment of another individual, they will not be licensed. This includes, but is not limited to:

- Child sexual abuse
- Grooming
- Slavery or trafficking
- Exploitation (sexual, financial, emotional, or psychological)

(e) Existing licence holders

Any existing licence holder who is convicted of an offence involving indecent exposure will be referred to the Regulatory Committee. Given the serious safeguarding implications, such cases may result in the revocation of the licence.

7.4 Dishonesty

Taxi and private hire drivers are expected to be trustworthy. They regularly handle cash transactions and may be entrusted with passengers' belongings. Drivers are also required by law to hand in lost property to the police, and operators must ensure it is recorded. The nature of the role means that dishonesty offences raise serious concerns about whether an individual is fit and proper to hold a licence.

Dishonesty offences include, but are not limited to:

- Theft
- Burglary
- Fraud (including benefit fraud)
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Taking a vehicle without consent
- Any similar or replacement offences

(a) Rehabilitation period

A licence will not normally be granted until at least 7 years have elapsed since the date of conviction, or since the completion of any sentence (whichever is longer).

(b) Repeat offending

An application will normally be refused if an applicant has more than one conviction for a dishonesty offence within the last 7 years.

(c) Safeguarding and public protection

Where dishonesty offences form part of a wider pattern of offending behaviour, or where there is evidence of ongoing risk to the public, the Council may refuse or revoke a licence irrespective of the time elapsed since conviction.

7.5 Drugs

The misuse of drugs presents a significant risk to public safety, particularly where the individual is responsible for transporting passengers. Convictions for drug-related offences raise serious concerns about an applicant's or licence holder's fitness to drive the public.

(a) Supply of Drugs

A licence will not normally be granted where an applicant has a conviction for, or related to, the supply of drugs, possession with intent to supply, or any comparable offence, until at least 10 years have elapsed since the date of conviction, or since completion of any sentence (whichever is longer).

(b) Possession of Drugs

A licence will not normally be granted where an applicant has a conviction for possession of drugs, or an offence connected with possession, until at least 5 years have elapsed since the date of conviction, or since completion of any sentence (whichever is longer).

(c) Evidency of dependency or misuse

Where there is evidence of persistent drug use, misuse, or dependency (for example, two or more convictions for possession), an applicant may be required to:

- undergo drug testing at their own expense, for a period determined by the Council; and/or
- provide a specialist medical report confirming that they meet the DVLA Group 2 medical standards in relation to drug misuse and dependency.

(d) Existing Licence Holders

Where an existing licence holder is convicted of a drug-related offence, the matter will be referred to the Regulatory Committee. Revocation or suspension of the licence may follow, depending on the seriousness of the offence and any ongoing risk to the public.

7.6 Driving offences involving the loss of life

Driving offences that result in the loss of life are treated with the utmost seriousness. Individuals with convictions of this nature pose an unacceptable risk to public safety.

(a) Absolute refusal

A licence will be refused where an applicant has a conviction for:

- Causing death by dangerous driving
- Any comparable or replacement offence

(b) Discretionary refusal (rehabilitation period applies)

Unless there are exceptional circumstances, a licence will not normally be granted until at least 7 years have elapsed since the date of conviction, or since completion of any sentence (whichever is longer) where an applicant has a conviction for:

- Causing death by careless driving
- Causing death by driving while unlicensed, disqualified, or uninsured
- Any similar or replacement offence

(c) Existing licence holders

Where an existing licence holder is convicted of an offence resulting in the loss of life, the matter will be referred to the Regulatory Committee and will normally result in the revocation of the licence.

7.7 Drink Driving/Driving Under the Influence of Drugs

Driving while under the influence of alcohol or drugs is regarded as a very serious offence. Licensed drivers are expected to maintain the highest standards of road safety, and such convictions raise significant concerns about an individual's suitability to hold a licence.

(a) Absolute refusal

A licence will be refused where an applicant has more than one conviction for:

- Driving or being in charge of a vehicle with excess alcohol
- Driving or being in charge of a vehicle while unfit through drink or drugs
- Failing to provide a specimen
- Any comparable or replacement offence

(b) Discretionary refusal (rehabilitation period applies)

Unless there are exceptional circumstances, a licence will not normally be granted until at least **7 years** have elapsed since the restoration of the applicant's driving licence, where an applicant has a conviction as outlined in 7.7(a)

If there is any evidence of alcohol or drug dependency, the applicant must also provide a satisfactory specialist medical report before an application will be considered.

(c) Existing licence holders

Where an existing licence holder is convicted of driving under the influence of alcohol or

drugs, the matter will be referred to the Regulatory Committee and will normally result in the revocation of the licence.

7.8 Using a hand-held device whilst driving

The use of a hand-held mobile phone or similar device while driving is a serious offence, as it poses significant risks to road safety. Licensed drivers are expected to demonstrate the highest levels of attention and responsibility when driving.

(a) Discretionary refusal (rehabilitation period applies)

Unless there are exceptional circumstances, a licence will not normally be granted until at least 5 years have elapsed since the date of conviction, or since the completion of any sentence (whichever is longer), where an applicant has a conviction for:

- Using a hand-held mobile phone or similar device whilst driving
- Any comparable or replacement offence

(b) Existing licence holders

Where an existing licence holder is convicted of using a hand-held device whilst driving, the matter will be referred to the Regulatory Committee and may result in the suspension or revocation of the licence.

7.9 Motoring Convictions and Endorsable Traffic Offences

Licensed drivers are professional drivers and are expected to maintain a safe and lawful driving record. A poor driving history may raise serious concerns regarding an applicant's fitness to carry the public safely and may indicate a disregard for the law.

(a) Discretionary refusal (rehabilitation period applies)

- Where an applicant has more than 6 current penalty points endorsed on their driving licence, the application will normally be referred to the Regulatory Committee for determination.
- More than one conviction for an endorsable offence within the last 2 years, resulting in more than 6 penalty points, will normally result in refusal. In such cases, no further application will be considered until the applicant has been free from conviction for a period of 1–3 years, depending on the nature and seriousness of the offence(s).
- Endorsable offences include, but are not limited to:
 - Accident offences
 - Driving whilst disqualified
 - Careless driving
 - Construction and Use offences
 - Dangerous driving
 - Drink or drug driving
 - Insurance offences
 - Licence offences
 - Speed limit offences
 - Traffic direction and sign offences
 - Theft or unauthorised taking of a vehicle
 - Any comparable or replacement offence

(b) Minor, non-endorsable traffic offences

Convictions for minor traffic offences (for example, obstruction or waiting in a restricted street) will not normally prevent a licence from being granted. These offences are not recorded on driving licences.

(c) Existing licence holders

Where an existing licence holder accumulates more than 6 penalty points or is convicted of multiple endorsable offences within a short period, the matter will be referred to the Regulatory Committee and may result in the suspension or revocation of the licence.

8. Other relevant factors

8.1 Outstanding charges or summonses

Applicants must demonstrate that they are fit and proper to hold a licence. Where there are outstanding criminal proceedings, this may raise concerns about their suitability.

(a) Applications

- Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed but will be reviewed once proceedings are concluded.
- If the outstanding charge or summons relates to an offence that would ordinarily result in refusal if convicted, the application will be placed on hold until the outcome of proceedings is known.

(b) Existing licence holders

- Where an existing licence holder is subject to an outstanding charge or summons, the matter will be referred to the Regulatory Committee.
- The Committee may decide to take no action pending the outcome or may consider suspension or revocation where the nature of the alleged offence raises immediate concerns for public safety.

8.2 non-conviction information

The licensing authority has a duty to protect the travelling public. Information other than convictions, such as arrests, charges, complaints, or safeguarding intelligence, may indicate concerns about an individual's suitability to hold a licence, even in the absence of a conviction.

(a) Applications

- Where an applicant has, on more than one occasion, been arrested or charged (but not convicted) for a serious offence, this may suggest they pose a risk to public safety. In such cases, the licensing authority may consider refusing the application.
- Serious offences include, but are not limited to:
 - Violent offences
 - Sexual offences
 - Any other offence raising safeguarding concerns

(b) Existing licence holders

- Persistent complaints, safeguarding intelligence, or multiple arrests without conviction may, when considered cumulatively, raise doubts about an individual's continued suitability.
- Such matters will be considered on a case-by-case basis and may be referred to the Regulatory Committee, which may determine that suspension or revocation of the licence is appropriate.

(c) Paramount consideration

In all cases, the safety of the travelling public will be the overriding concern.

8.3 Civil orders (ASBOs, CPNs, etc.)

Civil Injunctions and Community Protection Notices (CPNs) are issued to individuals who have engaged in behaviour causing harassment, alarm, or distress. Although these are civil

measures, breaches may amount to criminal offences.

(a) Applications

- Where an applicant is subject to a civil order, consideration will be given to both:
 - The nature of the restrictions imposed, and
 - The behaviour that led to the order.
- If the underlying behaviour conflicts with the standards expected of a licensed driver, the application will normally be refused.

(b) Existing licence holders

- Where an existing licence holder becomes subject to a civil order, the matter will be referred to the Regulatory Committee.
- The Committee may determine that the licence should be suspended or revoked, depending on the seriousness of the behaviour and the terms of the order.

(c) Paramount consideration

The safety and wellbeing of the public will remain the overriding consideration when assessing the impact of any civil order on an individual's suitability to be licensed.

8.4 Hate crimes

Licensed drivers are expected to treat all members of the public with courtesy, fairness, and respect. Offences motivated by prejudice or hostility are unacceptable for a licence holder.

(a) Applications

- An application will not normally be granted where the applicant has been convicted of a hate crime or any offence motivated by prejudice within the last 7 years.
- More than one conviction of this nature will normally result in refusal of the application, regardless of the time elapsed.
- Relevant offences include, but are not limited to:
 - Racially or religiously aggravated offences
 - Homophobic, transphobic, or disability-related hate offences
 - Any comparable or replacement offence

(b) Existing licence holders

- Where an existing licence holder is convicted of a hate crime or a prejudice-motivated offence, the matter will be referred to the Regulatory Committee.
- Such offences will normally result in the revocation of the licence.

(c) Paramount consideration

The licensing authority's priority is to protect the travelling public and to ensure that all passengers can travel in an environment free from harassment, hostility, or discrimination.

9. Suspension / revocation of a current driver licence.

The licensing authority has a duty to ensure that all licence holders remain fit and proper throughout the duration of their licence. Information received during the licence period must therefore be assessed to determine whether suspension or revocation is appropriate.

(a) Immediate suspension

- Where information suggests that a driver may pose a threat or danger to the public if allowed to continue working, their licence will normally be suspended with immediate effect, pending the outcome of any investigation.

(b) Revocation

- A subsequent conviction for a serious offence will normally result in the revocation of the licence.
- Serious offences include (but are not limited to) violent, sexual, safeguarding-related, or motoring offences which present a risk to public safety.

(c) Referral to the Regulatory Committee

- The Council retains discretion to refer any licence holder to the Regulatory Committee where information arises indicating they may no longer be a fit and proper person.
- This may include:
 - Convictions
 - Cautions
 - Safeguarding intelligence
 - Information received via the DBS Update Service
 - Information from safeguarding partners or other agencies

(d) Paramount consideration

The overriding priority will be the protection of the travelling public and the maintenance of confidence in licensed drivers.

10. Appeals

Applicants and licence holders have the right to challenge decisions made by the licensing authority.

(a) Right of appeal

- Any individual who is refused a driver's licence, or who has a licence suspended or revoked on the grounds that they are not considered a fit and proper person, has the right of appeal to the Magistrates' Court.

(b) Timeframe

- An appeal must be lodged within 21 days of receiving the notice of refusal, suspension, or revocation.

(c) Paramount consideration

- While the right of appeal exists, the licensing authority's primary responsibility remains the protection of the public and the maintenance of high standards among licensed drivers.

11. Summary

A criminal history will not automatically result in refusal of a licence, nor does a current conviction for a serious offence necessarily mean that an applicant is permanently barred. However, certain offences – including serious sexual offences, offences involving children or vulnerable adults, terrorism, murder, manslaughter, and causing death by dangerous driving – are regarded as incompatible with being a licensed driver. In such cases, a licence will be refused or revoked.

For other offences, the Council will normally expect an applicant to remain free from conviction for a defined minimum period – typically between 5 and 10 years, depending on the seriousness and nature of the offence – before an application can be considered. These rehabilitation periods are set out in Section 7 and the Convictions and Rehabilitation Periods Table.

When assessing suitability, the Council will take into account:

- the seriousness and circumstances of each offence;
- the time that has elapsed since conviction or completion of sentence;
- the individual's overall offending history; and
- any evidence of rehabilitation or good conduct.

A pattern of offending behaviour is more likely to give rise to concern than an isolated conviction. While discretion may be applied where there are isolated offences with clear mitigating circumstances, the overriding consideration will always be the protection of the travelling public and the maintenance of confidence in licensed drivers.

13. Convictions and Rehabilitation Periods Table

<u>Offence Category</u>	<u>New Applicants – Minimum Free Period (from conviction or sentence)</u>	<u>Existing Licence Holders – Likely Action</u>
Violence (e.g. GBH, ABH, threats)	5–10 years depending on severity	Referral to Committee
Murder, Manslaughter, Terrorism	Refusal – permanent	Revocation
Dishonesty (e.g. theft, fraud)	7 years	Referral
Drug Supply / Intent to Supply	10 years	Referral
Drug Possession	5 years + possible drug testing	Referral
Drink/Drug Driving	7 years after restoration of licence	Referral
Causing Death by Dangerous Driving	Refusal – permanent	Revocation
Causing Death by Careless Driving	7 years	Referral to Committee
Using Hand-Held Device While Driving	5 years	Referral to Committee
Sexual Offences (e.g. rape, abuse, exploitation)	Refusal – permanent	Revocation
Indecent Exposure / Soliciting	7 years	Referral

(e.g. kerb crawling)		
Possession of Indecent Images	Refusal – permanent	Revocation
Weapons Offences	7 years	Referral
Hate Crime / Discrimination Offences	7 years	Referral
Multiple Minor Motoring Offences (e.g. >6 points)	1–3 years free from offence	Referral to Committee
ASBO / Community Protection Order	Case-by-case	Referral to Committee
Non-conviction Intelligence (e.g. arrests, safeguarding concerns)	Case-by-case	May be referred to Committee

Summary of Key Changes – 2025 Draft Convictions Policy

The following updates have been made to improve clarity, consistency, and safeguarding in line with national guidance and best practice:

Policy Framework & Structure

1. Alignment with National Guidance
 - Incorporates the *Local Government Association's 2018 guidance* as the standard for assessing suitability.
 2. Expanded Definition of “Fit and Proper”
 - Introduces the widely accepted test:
“Would you allow a loved one to travel alone with this person?”
 3. Application Scope Clarified
 - Policy now explicitly applies throughout the licence term, not just at application or renewal.
 4. DBS Update Service Requirement Introduced
 - All licensed drivers must now subscribe to the DBS Update Service.
 - Six-monthly checks (minimum) introduced to monitor for new convictions or cautions.
-

Assessment Process Enhancements

5. Formal Committee Referral Process Defined
 - Offences or concerns (including during the licence term) now clearly linked to Regulatory Committee referral or revocation.
 6. Introduction of a Convictions & Rehabilitation Table
 - A new summary table at the end of the policy outlines:
 - Minimum free-from-conviction periods for new applicants.
 - Likely action for existing licence holders.
 7. Out-of-Jurisdiction Offences Considered
 - Applicants must now declare offences committed overseas or in other UK jurisdictions.
 8. Non-Conviction Intelligence and Complaints
 - Persistent safeguarding concerns or multiple arrests can now trigger licence review, even without convictions.
-

Changes to Specific Offence Categories

9. Hand-Held Device Use (e.g. Mobile Phones)

- Now applies to existing drivers as well. Conviction results in Regulatory Committee referral.

10. Violent Offences – Clarification for Existing Drivers

- Common assault, battery or Section 39 offences by existing drivers will trigger Committee review.

11. Sexual Offences – Greater Clarity

- Indecent exposure, including public nudity, clarified.
- Existing licence holders convicted of indecent exposure will now face revocation.

12. Drug Offences – Expanded Measures

- Reiterated requirement for drug testing at applicant's expense.
- A medical examination may be required for cases involving persistent drug use.

13. Motoring Offences – Structured Response

- Applicants with more than 6 points automatically referred to Committee.
 - Clearer guidance on treatment of multiple motoring offences.
-

Other Enhancements

14. Cautions, Fixed Penalties, and Restorative Outcomes Now Considered

- Though not convictions, these are acknowledged as indicators of conduct.

15. ASBOs / Community Protection Orders – Explicit Action

- Clear guidance that such orders may lead to refusal or Committee referral.

16. Hate Crime Clarification

- Reinforced that any offence motivated by prejudice within the last 7 years will result in refusal or referral.

Appendix A



LICENSING & REGULATORY COMMITTEE

HACKNEY CARRIAGE AND PRIVATE HIRE – VEHICLE DRIVER'S LICENSES

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

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12. Summary and Review of Policy

1. Introduction

In the Council's view this statement and the guidelines that follow are compatible with the rights and freedoms under the European Convention on Human Rights.

This policy aims to provide guidance to all parties with an interest in public and private hire licensing thereby providing transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

This policy has been developed with reference to the Local Government Association's guidance *"Determining the suitability of applicants and licensees in the hackney and*

private hire trades" (2018). This is considered the best practice across England and forms the benchmark for assessing fitness and propriety

2. Purpose and Legal Framework

Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.

The policy is intended to provide guidance on how previous convictions, cautions, restorative justice outcomes, and other relevant matters will be considered in determining whether an applicant or licence holder is fit and proper.

3. Definitions and Scope

For the purposes of this policy, the term "**individual**" includes:

- New applicants
- Applicants for renewal
- Existing licence holders

This policy applies at the point of application, at renewal, and throughout the term of a licence where new convictions, cautions, or relevant information come to light.

A commonly used test of whether a person is fit and proper is:

"Would you allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?"

If the answer is "no," then the individual should not hold a licence

4. Disclosure Requirements

This policy provides guidance on how the Council will assess whether an applicant or licence holder is a fit and proper person, particularly in cases where they have previous convictions, cautions, restorative justice outcomes, or other relevant matters.

In doing so, the Council seeks to ensure:

- That a person is fit and proper.
- That a person does not pose a threat to the public.
- That the public are safeguarded from dishonest individuals.
- The safeguarding of children and young people.

~~When submitting an application for a licence to drive a hackney carriage or private hire vehicle, applicants are required to declare all previous convictions they may have. Individuals are also required to declare all formal/simple cautions, any matters of restorative justice and all endorsable fixed penalties they have received and to provide details of all criminal matters of which they are currently the subject of criminal~~

investigation or prosecution.

Applicants for a hackney carriage or private hire driver's licence must declare if they have:

- Any ~~l~~ previous convictions ~~£~~
- Any ~~l~~ formal or simple cautions they have
- Any matters of restorative justice in relation to them
- All endorsable fixed penalties
- Any criminal matters they are under investigation for or any pending prosecutions

Commented [DW1]: Reformatted in to a bullet point structure rather than paragraph.

The information provided will be treated in confidence and considered only in relation to the application. It will assist the Council in deciding whether the individual is a fit and proper person to hold a licence under sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether action should be taken under section 61 of the Act (suspension, revocation, or refusal to renew a licence)

5. Disclosure and Barring Service (DBS) Checks

5.1 Enhanced DBS Certificates

Individuals should be aware that the Council is empowered by law to check with the DBS for the existence and content of any criminal record for all individuals who apply or hold a licence with this authority. Information will be treated with strict confidence and retained only as necessary.

~~Individuals should be aware that the Council is empowered by law to check with the Disclosure & Barring Service for the existence and content of any criminal record held in their name. Information received from the Disclosure & Barring Service will be kept in strict confidence while the licensing process takes its course and will be retained no longer than is necessary and in any event will be destroyed in accordance with the requirements of the Data Protection Act 1998 and in accordance with good practice after the application/renewal or review of licence is determined or any appeal against such determination is decided.~~

~~8. New Applicants – The disclosure of a criminal record or other information relating to criminal and/or other matters will not necessarily debar an applicant from obtaining a driver's licence. Whether or not an applicant will be granted a licence will depend upon whether or not they can satisfy the Council that they are a fit and proper person to hold such a licence.~~

~~9. Re-licence/Existing drivers – the disclosure of a criminal record or other information when re-licensing or during the currency of a licence relating to criminal and/or other matter will not necessarily debar the renewal or continuance of a driver's licence. Whether a licence will be renewed or continued depends upon whether the Council can be satisfied that the driver remains a fit and proper person to hold such a licence.~~

~~10. The Council may fail to be satisfied that an individual is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence that a person is a fit and proper person is not adduced or if there is good reason to question or doubt the evidence provided, then that may provide sufficient grounds to refuse a licence.~~

- ~~11. In considering evidence of an individual's good character and fitness to hold a driver's licence, where previous convictions or other information relating to criminal and/or other matter(s) is disclosed, the Council will consider the nature of the offence, when it was committed, the date of conviction, and/or other matter(s), the individual's age when the offence was committed and any other factors which might be relevant. Where an individual has been convicted of a criminal offence, the Council cannot review the merits of the an individual conviction [Nottingham City Council v. Mohammed Farooq (1998)].~~
- ~~12. The Council has adopted the following guidelines relating to the relevance of convictions to which it refers in determining new/re licence applications for drivers' licences, and when considering whether to take any action against an existing licence.~~
- ~~13. The guidelines do not deal with every type of offence, and do not prevent the Council from taking into account offences not specifically addressed in the guidelines, or any other conduct, which may be relevant to an individual.~~
- ~~14. If an individual has a conviction for an offence not covered by the guidelines regard will be had to the factors at paragraph 11 when deciding whether any action should be taken. Offences described in the guidelines and similar offences, though differently entitled in any statutory provision, modification or re-enactment, will be taken into account in accordance with the guidelines.~~
- ~~3-~~
- ~~15. The guidelines are not an attempt to define what is a "fit and proper person".~~
- ~~16. Any individual who is refused a driver's licence or has such a licence suspended or revoked on the ground that the Council is not satisfied he 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.~~

5.2 DBS Update Service and Ongoing Monitoring

All licensed drivers are required to subscribe to the DBS Update Service. The Council will conduct checks at least every six months (or more frequently if required). Relevant information may be referred to by the Licensing and Regulatory Committee.

6. General Policy Principles

~~Each case will be considered on its own merits.~~

~~A person with a current conviction for serious crime need not be permanently bared from obtaining a licence, but should be expected to remain free of convictions for 5 years, according to the circumstances, before an application is determined. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration must be the protection of the public. Any disclosures should be considered in the light of the following:-~~

Each case will be considered on its own merits, whether it involves a new applicant or an existing driver seeking renewal or if a conviction comes to light of an existing licensed driver. The overriding consideration is the protection of the public.

The disclosure of a criminal record or other relevant information will not automatically prevent the grant, renewal, or continuation of a licence (except a disclosure of a conviction for an offence listed at 7.3(a) below)? - The decision will depend on whether the Council is

satisfied that the individual is a fit and proper person.

- ▲ ~~nature of the offence(s)~~
- ▲ ~~circumstances in which any offence was committed~~
- ▲ ~~circumstances of the individual concerned~~
- ▲ ~~subsequent periods of good behaviour~~
- ▲ ~~overall conviction history~~
- ▲ ~~sentence imposed by the court~~
- ▲ ~~any other character check considered reasonable (e.g. personal references)~~

In reaching a decision, the Council will consider factors including such as:

- Nature and seriousness of the offence(s)
- Circumstances of the offence(s)
- Applicant's overall conviction history
- Time elapsed since conviction or completion of sentence
- Mitigating circumstances
- Evidence of rehabilitation
- Any other reasonable character checks

Where convictions or other matters are disclosed, the Council may also take into account:

- The individual's age when the offence was committed
- The date of conviction
- Any pattern of behaviour or repeat offending
- Any other factors it considers relevant?

~~3. It must be remembered that for the purposes of considering whether or not an applicant is a 'fit and proper' person to hold a drivers' licence, the Rehabilitation of Offenders Act 1974 does not apply, in that no convictions are considered to be 'spent'. On 1 March 2002 the Exceptions Order 1975 was amended to include taxi drivers. The Exceptions Order to the Rehabilitation of Offenders act 1974 sets out those occupations and positions exempt from the provisions of the Rehabilitation of Offenders Act. These are generally positions of trust, where there is a valid need to see a person's full criminal history in order to assess their suitability for a position. Any previous offences may therefore be taken into consideration.~~

~~4. The following examples afford a general guide on the action to be taken where convictions are admitted:~~

If suitable evidence of good character and fitness is not provided, or if there are doubts about the evidence submitted, this may be sufficient grounds to refuse a licence.

The Rehabilitation of Offenders Act 1974 does not apply. Taxi drivers are exempt positions under the Exceptions Order 1975, meaning all convictions may be taken into account.

The Council may also consider convictions or relevant conduct outside England and Wales, including overseas offences. Applicants must declare any such matters. Where necessary, the Council may request certified translations or official records to help assess the seriousness of the offence and whether the person is suitable to be licensed.

7. Guidelines on Specific Offence Categories

7.0 Guidelines Overview

The following guidelines set out how the Council will assess the relevance of certain categories of convictions when determining new or renewal applications, or when considering whether to take action against an existing licence holder.

These guidelines are not exhaustive and do not attempt to define what constitutes a "fit and proper person." Offences not specifically covered will still be considered in line with the principles of this policy.

For avoidance of doubt, where thresholds are set for the grant of a new licence, similar considerations will apply to existing licence holders who are convicted of equivalent offences during the term of their licence. Such cases will normally be referred to the Regulatory Committee, which may consider suspension or revocation depending on the severity and circumstances.

If an individual has a conviction for an offence not covered by these guidelines, the Council will apply the same principles, taking into account the nature, seriousness, timing, and surrounding circumstances of the offence.

7.1 Violence

Licensed drivers have close and regular contact with the public. A firm line will 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.
- In all other cases, the applicant must demonstrate a period free from conviction before an application will be considered. For the purposes of this guidance, "free of conviction" means from the date of conviction or, where a sentence of imprisonment was imposed, from the date of completion of that sentence (whichever is later).

~~In particular:-~~

~~(a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:-~~

(a) The most serious offences

Applications will normally be refused unless there are truly exceptional circumstances where the applicant has a conviction for:

- Murder
- Manslaughter

- Manslaughter or culpable homicide while driving
- Terrorism offences

~~(a) Any other offences where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.~~

- Any offence resulting in, or intended to cause, the death or serious injury of another person

~~(b) Before an application is allowed, an applicant should be free of conviction for at least 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 an offence such as:-~~

(b) Serious violent offences

A licence will not normally be granted until at least 7 years have elapsed since the date of conviction, or since the completion of any sentence (whichever is longer):

- Arson
- Kidnapping
- Threats to kill
- Wounding with intent to cause grievous bodily harm (GBH with intent)
- Grievous bodily harm (GBH)
- Assault occasioning actual bodily harm that is racially aggravated
- Robbery
- Aggravated burglary
- Racially aggravated criminal damage
- Racially aggravated public order offences
- ~~Any offence or any similar offence that replace the above~~ Or any similar/replacement offences

(c) Other violent offences

Before an application will be ~~allowed~~ **considered**, the applicant should be free of conviction for at least 3 years (or 3 years since completion of the sentence, whichever is longer), if convicted of offences such as:

- Common assault
- **Battery (including assault by beating under Section 39, Criminal Justice Act 1988)**
- Assault occasioning actual bodily harm (ABH)
- Assault with intent to resist arrest
- Assault on Police
- Public order offences **(including affray, violent disorder)**
- Criminal damage
- Harassment
- ~~Or any similar offences or offences which replace the above~~ or any similar/replacement offences

~~Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.~~

(d) Long-term exclusion

Where an applicant has any conviction for an offence of violence against persons, or connected with violence, the Council may determine that a licence will not be granted until at least 10 years have elapsed since completion of sentence, particularly in cases involving multiple offences or patterns of violent behaviour.

(e) Existing licence holders

Any existing licensed driver who receives a conviction for common assault, battery, or similar offences will be referred to the Regulatory Committee. Depending on the circumstances, this may result in suspension or revocation of their licence, in line with the Council's duty to protect the public and uphold confidence in the licensing regime.

7.2 Possession of a weapon

~~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.~~

~~Depending on the circumstances of the offence, an applicant should be free of conviction for 7 years (or at least 7 years must have passed since the completion of the sentence, whichever is longer), before an application is allowed.~~

The possession of a weapon, or any other weapon-related offence, raises serious concerns about whether an applicant is a fit and proper person to carry the public.

Given the potential risk to public safety, an application will normally be refused if the applicant has been convicted of such an offence within the last 7 years. In addition, at least 7 years must have elapsed since the completion of the sentence (whichever period is longer) before a licence application is considered.

7.3 Sex and Indecency Offences

~~Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.~~

~~In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.~~

~~In particular:~~

~~(a) Unless there are exceptional circumstances, an application will normally be refused where the applicant has a conviction for an offence such as:~~

Sexual and indecency offences are treated with the utmost seriousness. A licence will be refused for the most serious offences, as these present an unacceptable risk to public safety. For other offences, an application will not normally be granted until the relevant rehabilitation period has elapsed. In all cases, safeguarding and the protection of the travelling public are the overriding considerations.

(a) Absolute refusal

A licence will be refused or likely revoked where an applicant has a conviction for any of the following offences (or any similar or replacement offences):

- Rape

Commented [VM2]: What would similar offences even be? should we not be specific?

Commented [DW3R2]: Without this our policy would technically only apply to the *old* offence wording, creating gaps when new legislation comes into effect. It also would cover any new offences. It can also cover any foreign offences worded differently. I think its best to keep this in.

Commented [4R2]: Agreed.

- Assault by penetration
- Sexual offences involving children or vulnerable adults
- Sexual assault
- Indecent assault
- **Possession, distribution, or creation of indecent images of children.**
~~Possession of indecent photographs, child pornography etc.~~
- Exploitation of prostitution
- Trafficking for sexual exploitation
- Any ~~sex or indecency offences~~ **sexual offence** committed in the course of employment as a taxi or private hire driver.

~~(b) Before an application is allowed, an applicant should be free of conviction for at least 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 an offence such as:~~

- ~~• Indecent exposure~~
- ~~• Soliciting (kerb crawling)~~
- ~~• or any similar offences or offences which replace the above.~~

~~An application will normally be refused if an applicant has more than one conviction for an indecency offence.~~

~~Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.~~

(b) Discretionary refusal (rehabilitation period applies)

Unless there are exceptional circumstances, a licence will not be issued until at least 7 years have elapsed since conviction, or since completion of any sentence (whichever is longer) where an applicant has a conviction for:

- Indecent exposure (including flashing and public nudity offences under the Sexual Offences Act 2003 or subsequent legislation)
- Soliciting (e.g. kerb crawling)
- Any similar or replacement offences

(c) Repeat offending

An application will normally be refused or a licence revoked if an applicant has more than one conviction for an indecency offence.

(d) Broader safeguarding concerns

Where an applicant or licensee has been convicted of any offence involving, related to, or connected with the abuse, exploitation, or mistreatment of another individual, they will not be licensed/likely have their licence revoked. This includes, but is not limited to:

- Child sexual abuse
- Grooming
- Slavery or trafficking
- Exploitation (sexual, financial, emotional, or psychological)

(e) Existing licence holders

Any existing licence holder who is convicted of an offence involving any sex or indecency offences and will be referred to the Regulatory Committee. Given the serious safeguarding implications, such cases may result in the revocation of the licence.

Commented [VM5]: Is this just in relation to indecent exposure?

Commented [DW6R5]: Have updated this to include all

7.4 Dishonesty

~~A licensed PHV or taxi driver is expected to be a trustworthy person. They deal with cash transactions and valuable property may be left in their vehicles. Taxi drivers are required to deposit such property with police within 24 hours. Drivers must pass lost property to the operator. 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.~~

~~In general, a minimum period of 7 years free of conviction or at least 7 years from completion of sentence (whichever is longer) should be required before allowing an application to proceed. Offences involving dishonesty include:-~~

Taxi and private hire drivers are expected to be trustworthy. They regularly handle cash transactions and may be entrusted with passengers' belongings. Drivers are also required by law to hand in lost property to the police, and operators must ensure it is recorded. The nature of the role means that dishonesty offences raise serious concerns about whether an individual is fit and proper to hold a licence.

Dishonesty offences include, but are not limited to:

- Theft
- Burglary
- Fraud (including benefit 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
- Any similar or replacement offences

~~An application will normally be refused if an applicant has more than one conviction in the last 7 years for an offence involving dishonesty.~~

(a) Rehabilitation period

A licence will not normally be granted until at least 7 years have elapsed since the date of conviction, or since the completion of any sentence (whichever is longer).

(b) Repeat offending

~~A licence will normally be refused or revoked if an applicant has more than one conviction for a dishonesty offence within the last 7 years.~~

(c) Safeguarding and public protection

Where dishonesty offences form part of a wider pattern of offending behaviour, or where there is evidence of ongoing risk to the public, the Council may refuse or revoke a licence irrespective of the time elapsed since conviction.

Commented [VM7]: So just to be clear, if an applicant/licence holder has 2 convictions, but both over 7 years ago, they are generally clear?

Commented [DW8R7]: If both over 7 years then they are clear. If one offence is within 7 years and the other more than 7 years they are clear but if two are within then they aren't clear.

7.5 Drugs

~~Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed. Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.~~

~~If there is evidence of persistent drugs use, misuse or dependency (e.g. two or more convictions for possession) a specialist medical examination may be required to ensure that the applicant meets the DVLA Group 2 medical standards in relation to drug misuse and dependency.~~

The misuse of drugs presents a significant risk to public safety, particularly where the individual is responsible for transporting passengers. Convictions for drug-related offences raise serious concerns about an applicant's or licence holder's fitness to drive the public.

(a) Supply of Drugs

A licence will not normally be granted where an applicant has a conviction for, or related to, the supply of drugs, possession with intent to supply, or any comparable offence, until at least 10 years have elapsed since the date of conviction, or since completion of any sentence (whichever is longer).

(b) Possession of Drugs

A licence will not normally be granted where an applicant has a conviction for possession of drugs, or an offence connected with possession, until at least 5 years have elapsed since the date of conviction, or since completion of any sentence (whichever is longer).

(c) Evidence of dependency or misuse

Where there is evidence of persistent drug use, misuse, or dependency (for example, two or more convictions for possession), an applicant may be required to:

- undergo drug testing at their own expense, for a period determined by the Council; and/or
- provide a specialist medical report confirming that they meet the DVLA Group 2 medical standards in relation to drug misuse and dependency before a licence will be granted

(d) Existing Licence Holders

Where an existing licence holder is convicted of a drug-related offence, the matter will be referred to by the Regulatory Committee. Revocation or suspension of the licence may follow, depending on the seriousness of the offence and any ongoing risk to the public.

7.6 Driving offences involving the loss of life

~~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.~~

~~An application would normally be refused where an applicant has a conviction for:~~

- ~~• Causing death by dangerous driving~~
- ~~• any similar offence.~~

~~Before an application is allowed, an applicant should be 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 careless driving~~
- ~~• Causing death by driving: unlicensed, disqualified or uninsured drivers~~

~~Driving offences that result in the loss of life are treated with the utmost seriousness.~~

~~Individuals with convictions of this nature pose an unacceptable risk to public safety.~~

(a) Absolute refusal

A licence will be refused where an applicant has a conviction for:

- Causing death by dangerous driving
- Any comparable or replacement offence

(b) Discretionary refusal (rehabilitation period applies)

Unless there are exceptional circumstances, a licence will not normally be granted until at least 7 years have elapsed since the date of conviction, or since completion of any sentence (whichever is longer) where an applicant has a conviction for:

- Causing death by careless driving
- Causing death by driving while unlicensed, disqualified, or uninsured
- Any similar or replacement offence

(c) Existing licence holders

Where an existing licence holder is convicted of an offence resulting in the loss of life, the matter will be referred to the Regulatory Committee and will normally result in the revocation of the licence.

7.7 Drink Driving/Driving Under the Influence of Drugs

~~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. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public. At least 7 years, after the restoration of the driving licence, following any such 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.~~

Driving while under the influence of alcohol or drugs is regarded as a very serious offence. Licensed drivers are expected to maintain the highest standards of road safety, and such convictions raise significant concerns about an individual's suitability to hold a licence.

(a) Absolute refusal

A licence will be refused where an applicant has more than one conviction for:

- Driving or being in charge of a vehicle with excess alcohol
- Driving or being in charge of a vehicle while unfit through drink or drugs
- Failing to provide a specimen
- Any comparable or replacement offence

(b) Discretionary refusal (rehabilitation period applies)

Unless there are exceptional circumstances, a licence will not normally be granted until at least **7 years** have elapsed since the restoration of the applicant's driving licence, where an applicant has a conviction as outlined in 7.7(a)

If there is any evidence of alcohol or drug dependency, the applicant must also provide a satisfactory specialist medical report before an application will be considered.

(c) Existing licence holders

Where an existing licence holder is convicted of driving under the influence of alcohol or drugs, the matter will be referred to the Regulatory Committee and will normally result in the revocation of the licence.

7.8 Using a hand-held device whilst driving

~~Where a new grant applicant has a conviction for using a hand-held mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since conviction or completion of any sentence or driving ban imposed, whichever is the later.~~

The use of a hand-held mobile phone or similar device while driving is a serious offence, as it poses significant risks to road safety. Licensed drivers are expected to demonstrate the highest levels of attention and responsibility when driving.

(a) Discretionary refusal (rehabilitation period applies)

Unless there are exceptional circumstances, a licence will not normally be granted until at least 5 years have elapsed since the date of conviction, or since the completion of any sentence (whichever is longer), where an applicant has a conviction for:

- Using a hand-held mobile phone or similar device whilst driving
- Any comparable or replacement offence

(b) Existing licence holders

Where an existing licence holder is convicted of using a hand-held device whilst driving, the matter will be referred to the Regulatory Committee and may result in the suspension or revocation of the licence.

7.9 Motoring Convictions and Endorsable Traffic Offences

Licensed drivers are professional drivers and are expected to maintain a safe and lawful driving record. A poor driving history may raise serious concerns regarding an applicant's fitness to carry the public safely and may indicate a disregard for the law.

~~All current endorsable offences will be shown on an individual's driving licence and should be taken into account, since a poor driving record may raise doubts about the applicant's fitness to drive the public or indicate disrespect for the law.~~

An endorsable offence will usually attract penalty points and/or a period of disqualification. Some endorsable offences can only be dealt with by a court prosecution, others can be dealt with by either prosecution or fixed penalty notice (FPN(E)). ~~Applicants with more than 6 points endorsed on their ordinary driving licence will have their application determined by the Regulatory Committee.~~

(a) Discretionary refusal (rehabilitation period applies)

- Where an applicant has more than 6 current penalty points endorsed on their driving licence, the application will normally be referred to the Regulatory Committee for determination.
- More than one conviction for an endorsable offence within the last 2 years, resulting in more than 6 penalty points, will normally result in refusal. In such cases, no further application will be considered until the applicant has been free from conviction for a period of 1–3 years, depending on the nature and seriousness of the offence(s).
- Endorsable offences include, but are not limited to:
 - Road Traffic offences
 - Driving whilst disqualified
 - Careless driving
 - Construction and Use offences
 - Dangerous driving
 - Drink or drug driving

- Insurance offences
- Licence offences
- Speed limit offences
- Traffic direction and sign offences
- Theft or unauthorised taking of a vehicle
- **Any comparable or replacement offence**

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

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

~~A licence will not be granted until at least five years has lapsed following a conviction for driving whilst using a hand-held device~~

(b) Minor, non-endorsable traffic offences

Convictions for minor traffic offences (for example, obstruction or waiting in a restricted street) will not normally prevent a licence from being granted. These offences are not recorded on driving licences.

(c) Existing licence holders

Where an existing licence holder accumulates more than 6 penalty points or is convicted of multiple endorsable offences within a short period, the matter will be referred to the Regulatory Committee and may result in the suspension or revocation of the licence.

8. Other relevant factors

8.1 Outstanding charges or summonses

~~If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.~~

~~If the outstanding charge or summons is for an offence that would result in refusal if convicted, then the application must be put on hold until proceedings are concluded.~~

Applicants must demonstrate that they are fit and proper to hold a licence. Where there are outstanding criminal proceedings, this may raise concerns about their suitability.

(a) Applications

- Where an applicant is the subject of an outstanding charge or summons, their application may continue to be processed but will be reviewed once proceedings are concluded.
- If the outstanding charge or summons relates to an offence that would ordinarily result in refusal if convicted, the application will be placed on hold until the outcome of proceedings is known.

(b) Existing licence holders

- Where an existing licence holder is subject to an outstanding charge or summons, the matter will be referred to the Regulatory Committee.
- The Committee may decide to take no action pending the outcome or may consider suspension or revocation where the nature of the alleged offence raises immediate concerns for public safety.

8.2 non-conviction information

~~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 violent offences and serious sex offences.~~
~~In assessing the action to take, the safety of the travelling public must be the paramount concern.~~

The licensing authority has a duty to protect the travelling public. Information other than convictions, such as arrests, charges, complaints, or safeguarding intelligence, may indicate concerns about an individual's suitability to hold a licence, even in the absence of a conviction.

(a) Applications

- Where an applicant has, on more than one occasion, been arrested or charged (but not convicted) for a serious offence, this may suggest they pose a risk to public safety. In such cases, the licensing authority may consider refusing the application.
- Serious offences include, but are not limited to:
 - Violent offences
 - Sexual offences
 - Any other offence raising safeguarding concerns

(b) Existing licence holders

- Persistent complaints, safeguarding intelligence, or multiple arrests without conviction may, when considered cumulatively, raise doubts about an individual's continued suitability.
- Such matters will be considered on a case-by-case basis and may be referred to the Regulatory Committee, which may determine that suspension or revocation of the licence is appropriate.

(c) Paramount consideration

In all cases, the safety of the travelling public will be the overriding concern.

8.3 Civil orders (ASBOs, CPNs, etc.)

~~Anti-Social Behaviour Orders (ASBOs) are civil, not criminal, sanctions (although breaches are punishable by up to five years in prison) and are handled by police and local authorities working in partnership.~~

~~ASBOs are aimed at tackling serious, persistent but relatively low-level disorder that can blight communities. The orders often include restrictions on entering a geographical area or shop but can include bans on specific acts. A specific act specified in an ASBO issued in 2010 was 'not apply to become a licensed PHV driver'.~~

~~By their very nature, ASBOs are issued to individuals who have committed anti-social behaviour which may not be compatible with becoming a licensed driver. If an applicant is the subject of an ASBO, consideration must be given to the nature of the order and any conditions that the applicants must meet. If the behaviour that led to the ASBO appears incompatible with being a licensed driver, the application should be refused.~~

Civil Injunctions and Community Protection Notices (CPNs) are issued to individuals who have engaged in behaviour causing harassment, alarm, or distress. Although these are civil measures, breaches may amount to criminal offences.

(a) Applications

- Where an applicant is subject to a civil order, consideration will be given to both:
 - The nature of the restrictions imposed, and
 - The behaviour that led to the order.

- If the underlying behaviour conflicts with the standards expected of a licensed driver, the application will normally be refused.

(b) Existing licence holders

- Where an existing licence holder becomes subject to a civil order, the matter will be referred to the Regulatory Committee.
- The Committee may determine that the licence should be suspended or revoked, depending on the seriousness of the behaviour and the terms of the order.

(c) Paramount consideration

The safety and wellbeing of the public will remain the overriding consideration when assessing the impact of any civil order on an individual's suitability to be licensed.

8.4 Hate crimes

~~A licensed driver is expected to come into contact with people from all walks of life, and they must deal with all their passengers in a courteous manner. For this reason, applicant should not have been convicted of any offence which is classed as a hate crime or which is motivated by prejudice in the last 7 years.~~

~~More than one conviction of such a crime would normally lead to the application being refused.~~

Licensed drivers are expected to treat all members of the public with courtesy, fairness, and respect. Offences motivated by prejudice or hostility are unacceptable for a licence holder.

(a) Applications

- An application will not normally be granted where the applicant has been convicted of a hate crime or any offence motivated by prejudice within the last 7 years.
- More than one conviction of this nature will normally result in refusal of the application, regardless of the time elapsed.
- Relevant offences include, but are not limited to:
 - Racially or religiously aggravated offences
 - Homophobic, transphobic, or disability-related hate offences
 - Any comparable or replacement offence

(b) Existing licence holders

- Where an existing licence holder is convicted of a hate crime or a prejudice-motivated offence, the matter will be referred to the Regulatory Committee.
- Such offences will normally result in the revocation of the licence.

(c) Paramount consideration

The licensing authority's priority is to protect the travelling public and to ensure that all passengers can travel in an environment free from harassment, hostility, or discrimination.

9. Suspension / revocation of a current driver licence.

The licensing authority has a duty to ensure that all licence holders remain fit and proper throughout the duration of their licence. Information received during the licence period must therefore be assessed to determine whether suspension or revocation is appropriate.

(a) Immediate suspension

- Where information suggests that a driver may pose a threat or danger to the public if allowed to continue working, their licence will normally be suspended with immediate effect, pending the outcome of any investigation.

(b) Revocation

- A subsequent conviction for a serious offence will normally result in the revocation of the licence.
- Serious offences include (but are not limited to) violent, sexual, safeguarding-related, or motoring offences which present a risk to public safety.

(c) Referral to the Regulatory Committee

- The Council retains discretion to refer any licence holder to the Regulatory Committee where information arises indicating they may no longer be a fit and proper person.
- This may include:
 - Convictions
 - Cautions
 - Safeguarding intelligence
 - Information received via the DBS Update Service
 - Information from safeguarding partners or other agencies

(d) Paramount consideration

The overriding priority will be the protection of the travelling public and the maintenance of confidence in licensed drivers.

10. Appeals

Applicants and licence holders have the right to challenge decisions made by the licensing authority.

(a) Right of appeal

- Any individual who is refused a driver's licence, or who has a licence suspended or revoked on the grounds that they are not considered a fit and proper person, has the right of appeal to the Magistrates' Court.

(b) Timeframe

- An appeal must be lodged within 21 days of receiving the notice of refusal, suspension, or revocation.

(c) Paramount consideration

- While the right of appeal exists, the licensing authority's primary responsibility remains the protection of the public and the maintenance of high standards among licensed drivers.

11. Summary

~~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 7 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.~~

~~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.~~

~~40.~~

~~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.~~

A criminal history will not automatically result in refusal of a licence, nor does a current

conviction for a serious offence necessarily mean that an applicant is permanently barred. However, certain offences – including serious sexual offences, offences involving children or vulnerable adults, terrorism, murder, manslaughter, and causing death by dangerous driving – are regarded as incompatible with being a licensed driver. In such cases, a licence will be refused or likely revoked.

For other offences, the Council will normally expect an applicant to remain free from conviction for a defined minimum period – typically between 5 and 10 years, depending on the seriousness and nature of the offence – before an application can be considered. These rehabilitation periods are set out in Section 7 and the Convictions and Rehabilitation Periods Table.

When assessing suitability, the Council will take into account:

- the seriousness and circumstances of each offence.
- the time that has elapsed since conviction or completion of sentence.
- the individual's overall offending history; and
- any evidence of rehabilitation or good conduct.

A pattern of offending behaviour is more likely to give rise to concern than an isolated conviction. While discretion may be applied where there are isolated offences with clear mitigating circumstances, the overriding consideration will always be the protection of the travelling public and the maintenance of confidence in licensed drivers.

Guidance for the suspension / revocation of a current driver licence.

~~Information which comes to light during the period of a drivers' licence should be considered and a decision taken as to whether or not to suspend or revoke the licence. In considering the course of action to be taken, the nature of the offence (or alleged offence) should be taken into account. In general terms, any suggestion that the driver may pose a threat or danger to the public if they were allowed to continue to work as a licensed driver would lead to the immediate suspension of their licence, pending the outcome of any investigation. A subsequent conviction for a serious offence would lead to the licence being revoked.~~

Commented [VM9]: This would go to committee also?

Commented [DW10R9]: It provides an option to either address the licence or leave it in a suspended state until the end of the licence. My personal opinion is that it looks better if the council are seen to be revoking licence for offences rather than keep them suspended. It also covers all foreign offences where the justice system isn't perhaps as robust.

Commented [VM11]: this would be by the Licensing Committee?

Commented [DW12R11]: Yes if the council wanted to be seen to be proactive, the likelihood is still remote.

13. Convictions and Rehabilitation Periods Table

<u>Offence Category</u>	<u>New Applicants – Minimum Free Period (from conviction or sentence)</u>	<u>Existing Licence Holders – Likely Action</u>
Violence (e.g. GBH, ABH, threats)	5–10 years depending on severity	Referral to Committee
Murder, Manslaughter, Terrorism Dishonesty (e.g. theft, fraud)	Refusal – permanent 7 years	Revocation Referral
Drug Supply / Intent to Supply	10 years	Referral
Drug Possession	5 years + possible drug testing	Referral
Drink/Drug Driving	7 years after restoration of licence	Referral
Causing Death by Dangerous Driving	Refusal – permanent	Revocation
Causing Death by Careless Driving	7 years	Referral to Committee
Using Hand-Held Device While Driving	5 years	Referral to Committee
Sexual Offences (e.g. rape, abuse, exploitation)	Refusal – permanent	Revocation
Indecent Exposure / Soliciting (e.g. kerb crawling)	7 years	Referral
Possession of Indecent Images	Refusal – permanent	Revocation
Weapons Offences	7 years	Referral
Hate Crime / Discrimination Offences	7 years	Referral
Multiple Minor Motoring Offences (e.g. >6 points)	1–3 years free from offence	Referral to Committee
ASBO / Community Protection	Case-by-case	Referral to Committee

Order		
Non-conviction Intelligence (e.g. arrests, safeguarding concerns)	Case-by-case	May be referred to Committee