



BOROUGH OF PENDLE

TAXI LICENSING COMMITTEE

**GUIDELINES TO DETERMINE
APPLICATIONS WITH
CONVICTIONS**

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GENERAL GUIDANCE

1. This guidance will be used by us when considering new applications, the renewal of existing licences and whether existing licences should be suspended or revoked.
2. The Council will carry out a criminal record check on anyone who applies for a licence. This check will be repeated every three years.
3. If you have a criminal record it does not necessarily mean that you will not get a licence. However if you have a conviction, warning, caution or a charge awaiting trial, we will make our decision in accordance with this guidance. Conviction includes a fixed penalty offence and points endorsed on your driving licence.
4. A person will need to have remained free of conviction, caution or warning for at least the period of time shown in the guidance against the offence concerned.
5. For the purposes of these Guidelines, formal cautions and endorsable fixed penalties shall be treated as though they were convictions.
6. By “remained free of conviction, caution or warning” we mean that we will start counting the time from the end of the caution, warning or from the end of the sentence or penalty as appropriate – not from the date you were convicted or when the offence occurred. One example would be, if you have been banned from driving we will count the time from when the ban ended.
7. We will take into account the nature and seriousness of the conviction, the number of convictions, when it was committed, the age of the applicant and all other relevant factors. Each case will be decided on its own merits.
8. We will not review the merits of a conviction.
9. If you have a conviction you may be asked to appear before us to explain why you should get a licence. It is essential that you do attend if you are asked to. We may consider your application in your absence if you fail to attend without having a good reason.
10. We will listen to everything you say and we will take it all into account. We will take most account of what you say about your criminal record and your character. We will take less account of your financial circumstances or your inability to get any other job. It will help you if you can tell us that, apart from being free of conviction, there are other grounds that make you fit and proper person to hold a licence.
11. We will take spent offences into account if they are relevant to whether you are a fit and proper person to hold a licence.
12. The offences listed in the guidelines are not a complete list and all convictions will be taken into account so far as they are relevant and relate to whether you are a fit and proper person to hold a license.
13. We will follow and apply these guidelines. We will only depart from them if we are satisfied there are compelling reasons to do so.
13. If we think there are compelling grounds to do so we may
 - (i) issue the licence but with a warning to improve;

- (ii) suspend a licence for up to six months;
- (iii) ask you to attend a driver improvement course.

1. **MOTORING CONVICTIONS**

(a) Minor Road Traffic Offences

You must have remained free of conviction for at least six month after being convicted of any of these offences. If you have been banned from driving, the period will run from when the ban ends.

CU10	Using a vehicle with defective brakes.
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition.
CU30	Using a vehicle with defective tyres.
CU40	Using a vehicle with defective steering.
CU50	Causing or likely to cause danger by reason of load or passengers.
CU60	Undefined failure to comply with Construction and Use Regulations.
CU80	Using a mobile phone while driving a motor vehicle
LC10	Driving without a licence.
LC20	Driving otherwise than in accordance with a licence
LC30	Driving after making a false declaration about fitness when applying for a licence
LC40	Driving a vehicle having failed to notify a disability
LC50	Driving after a licence has been revoked or refused on medical grounds
MS10	Leaving a vehicle in a dangerous position.
MS20	Unlawful pillion riding.
MS30	Playstreet Offences.
MS40	Driving with uncorrected defective eyesight or refusing to submit to a test.
MS50	Motor racing on the highway.
MS60	Offences not covered by other codes.
MS70	Driving with uncorrected defective eyesight.
MS80	Refusing to submit to an eyesight test.
MS90	Failure to give information as to identity of driver etc
MW10	Contravention of Special Road Regulations (excluding speed limits).
PC10	Undefined Contravention of Pedestrian Crossing Regulations.
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle.
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle.
PL10	Driving without 'L' plates.
PL20	Not accompanied by a qualified person.
PL30	Carrying a person not qualified.
PL40	Drawing an unauthorised trailer.
PL50	Undefined failure to comply with conditions of a Provisional Licence.

SP10 Exceeding goods vehicle speed limit.
 SP20 Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles).
 SP30 Exceeding statutory speed limit on a public road
 SP40 Exceeding passenger vehicle speed limit.
 SP50 Exceeding speed limit on a motorway.
 SP60 Undefined speed limit offence.

TS10 Failing to comply with traffic light signals.
 TS20 Failing to comply with double white lines.
 TS30 Failing to comply with a 'Stop' sign.
 TS40 Failing to comply with direction of a constable or traffic warden.
 TS50 Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines).
 TS60 Failing to comply with school crossing patrol sign.
 TS70 Undefined failure to comply with a traffic direction or sign.

UT50 Aggravated taking of a vehicle

(b) Serious Road Traffic Offences

You must have remained free of conviction for at least 3 years after any of the following convictions. If you have more than one conviction you must have remained free for at least 5 years

AC10 Failing to stop after an accident
 AC20 Failing to give particulars or report an accident within 24 hours.
 AC30 Undefined accident offence

CD10 Driving without due care and attention.
 CD20 Driving without reasonable consideration for other road users.
 CD30 Driving without due care and attention or without reasonable consideration for other road users.

IN10 Using a vehicle uninsured against third party risks.

BA10 Driving while disqualified by order of Court.
 BA20 Driving while disqualified as under age.
 BA30 Attempting to drive while disqualified by order of court

(ii) You will not get a licence if you have any of the following convictions

DD30 Reckless driving.
 DD40 Dangerous driving
 DD60 Manslaughter or culpable homicide while driving a vehicle
 DD70 Causing death by reckless driving
 DD80 Causing death by dangerous driving
 DD90 Furious driving

CD40 Causing death through careless driving when unfit through drink
 CD50 Causing death by careless driving when unfit through drugs
 CD60 Causing death by careless driving with alcohol level above the limit
 CD70 Causing death by careless driving then failing to supply a specimen for analysis

2. DRUNKENESS

You must have remained free of conviction for at least 5 years if you have any of the following convictions.

DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink or drugs
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink or drugs
DR60	In charge of a vehicle then refuses to supply a specimen for analysis
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of a vehicle when unfit through drugs

3. OFFENCES OF DISHONESTY

- (a) Taxi drivers must be persons that the public can trust. They must never take advantage of their passengers by demanding an excessive fare, by taking a longer route than necessary or do anything else dishonest towards their passengers.
- (b) You must have remained free of convictions for at least 3 years if you have any of the following convictions and 5 years if you have more than one conviction.
 - Theft
 - Burglary
 - Fraud
 - Benefit fraud
 - Handling or receiving stolen goods
 - Forgery
 - Conspiracy to defraud
 - Obtaining money property and/or services by deception

4. OFFENCES OF VIOLENCE

- (a) Drivers are in close contact with their passengers and must never pose a threat of violence to them.
- (b) You will not get a licence if you have a conviction for:
 - Murder
 - Attempted murder
 - Manslaughter
- (c) You must have remained free of convictions for at least 5 years if you have one of the following convictions and 7 years if you have more than one conviction.
 - Affray
 - Arson
 - Assault on the police
 - Assault with intent to resist arrest
 - Malicious wounding or grievous bodily harm
 - Obstruction
 - Possession of offensive weapon
 - Possession of firearm
 - Resisting arrest

- Riot
 - Violent disorder
 - Assault occasioning actual bodily harm
 - Common assault
 - Criminal damage where the damage is more than £500
- (d) You must have remained free of conviction for at least 10 years if you have one of the following convictions and you will not get a licence if you have more than one conviction
- Using threatening, abusive or insulting words or behaviour with intention to cause fear of violence (section 4 of the Public Order Act 1986)
 - Using threatening, abusive or insulting words or behaviour with intention to cause harassment, alarm or distress (section 4A of the Public Order Act 1986)
 - Robbery
 - Unlawful wounding or causing grievous bodily harm
 - Unlawful wounding or causing grievous bodily harm with intent

5. INDECENCY OFFENCES

- (a) You will not get a licence if you have a conviction for rape.
- (b) You must have remained free of convictions of between 5 and 10 years if you have one of the following convictions:
- Indecent assault
 - Indecent exposure
 - Causing or encouraging prostitution
 - Sexual intercourse with a girl under 13
 - Sexual intercourse with a girl under 16
 - Gross indecency
 - Indecency towards children
 - Indecent photographs of children

6. DRUG OFFENCES

You must have remained free of convictions for at least 3 to 10 years if you have any of the following convictions. In deciding how long you should be free of conviction we shall take into account the sentence you received.

- Possession of controlled drug
- Supplying or offering to supply controlled drug
- Possession of controlled drug with intent to supply
- Production of controlled drug
- Importing or exporting controlled drug
- Offences relating to opium

The sentence that a court may impose depends upon the type of drug:

Class A drug which includes heroin, morphine, cocaine, LSD, opium and Ecstasy has a maximum sentence of life imprisonment.

Class B drugs include amphetamine, cannabis and there is a maximum sentence of up to 14 years imprisonment.

For Class C drugs the maximum sentence is up to 5 years.