



GUIDELINES TO DETERMINE APPLICATIONS WITH CONVICTIONS

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 by an Enhanced DBS check. This check will be repeated every six months.
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 safeguarding of the public is paramount. All decisions on the suitability of an applicant or licensee will be made on the balance of probability. This means that an applicant or licensee will not be 'given the benefit of doubt'. If the committee or delegated officer is only "50/50" as to whether the applicant or licensee is 'fit and proper', you should not hold a licence.
13. In the interests of public safety, a licence will not be issued to any individual that appears on the barred list for working with children or vulnerable adults.

If there are exceptional circumstances which means that, based on the balance of probabilities you are considered 'fit and proper' reasons for this decision will be recorded.

14. 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.
15. We will follow and apply these guidelines. We will only depart from them if we are satisfied there are compelling reasons to do so.
16. 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 or other appropriate course.

CONVICTIONS

Crimes resulting in death

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.

Exploitation

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.

Offences involving violence against the person

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.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Sexual 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.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

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.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until at least seven years have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

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

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