
**STATEMENT OF POLICY AND GUIDELINES
RELATING TO THE RELEVANCE OF
CONVICTIONS AND OTHER INFORMATION
WHICH MAY IMPACT ON
THE GRANTING OF A LICENCE**



Revised Sept 2012

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STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

NOTE: 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 document aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:

- Applicants for drivers' licences
- Existing licensed drivers whose licences are being reviewed
- Applicants for operators licences
- Existing licensed operators whose licences are being reviewed
- Licensing Officers
- Members of the Licensing Committee/ Panel (or other relevant decision making body)
- Magistrates hearing appeals against local authority decisions

Thereby providing transparency and consistency across the AGMA region, in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes.

Where Licensing Officers have delegated powers to grant licences, they will utilise these guidelines when making a decision to grant a licence. In all other cases applications for licences will be referred to the Licensing Committee/ Panel (or other relevant decision-making body). Whilst Officers and the Committee/ Panel will have regard to the guidelines contained in the policy, each case will be considered on its individual merits and, where the circumstances demand, the Committee/Officer may depart from the guidelines.

Background

1. Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
2. Licences for operators of private hire vehicles may only be granted where the Council is satisfied that the applicant is a fit and proper person to hold such a licence.
3. The document is intended to give guidance on one aspect of whether a person is or is not a fit and proper person namely the situation where a person has previous convictions and cautions.
4. The Council is concerned to ensure:
 - a. That a person is a fit and proper person.
 - b. That a person does not pose a threat to the public.
 - c. That the public are safeguarded from dishonest persons.
 - d. The safeguarding of children and young persons
5. The public do not normally attend Licensing hearings for hackney carriage or private hire applications. The Licensing Committee/ Panel however are required to take account of the public's human rights in reaching their decisions.
6. When submitting an application for a licence to drive a hackney carriage or private hire vehicle, or for an operators licence, applicants are required to declare all previous convictions they may have. Applicants are also required to declare all formal cautions 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.
7. The information given will be treated in confidence and will only be taken into account in relation to the relevant application to assist the Council in determining whether the applicant is a fit and proper person to hold a licence for the purposes of sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976, or whether the Council should exercise any of its powers under section 61 and 62 of the Act (i.e. suspension, revocation or refusal to renew a licence).

8. Applicants for a licence to drive a hackney carriage or private hire vehicle should be aware that the Council is empowered by law to check with the Criminal Records Bureau for the existence and content of any criminal record and other intelligence held in their name. **Officers from the licensing section will where appropriate contact other agencies for any other information which they may hold for instance, Housing Service, Children’s Services/Sunrise team, other sections of Greater Manchester Police.** Information received from the Criminal Records Bureau **or other agency** 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 is determined or any appeal against such determination is decided.
9. The disclosure of a criminal record or other information relating to criminal 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.
10. The Council may fail to be satisfied that an applicant is a fit and proper person to hold a driver’s licence or an operator’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 could amount to good reason to refuse a licence.
11. In considering evidence of an applicant’s good character and fitness to hold a driver’s licence or operators licence, where previous convictions/**cautions** or other information relating to criminal matters/**character** is disclosed, the Council will consider the nature of the offence/**issue**, when it was committed/**took place**, the date of conviction/**issue**, the applicant’s age when the offence was committed/**issue took place** and any other factors which might be relevant. Where an applicant has been convicted of a criminal offence, the Council cannot review the merits of the 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 applications for drivers’ licences and operators licences.
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 other conduct, which may be relevant to an individual’s application. If an applicant has a conviction for an offence not covered by the guidelines regard will be had to the factors at paragraph 10 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
14. The guidelines are not an attempt to define what is a “fit and proper person”.

15. Any applicant refused a driver's licence on the ground that the Council is not satisfied he/she is a fit and proper person to hold such a licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
16. Any applicant refused an operators licence has a right of appeal to the Magistrates' Court within 21 days of the notice of refusal.
17. The guidance will be used for the determination of new applications, the renewal of existing licences and the review of existing licences in relation to hackney carriage drivers, private hire drivers and operator licences.
18. It is common practice for Applicants to submit simultaneous applications for Hackney Carriage and Private Hire Driving Licence(s). Licensing Authorities may use the same application form that allows the applicant to specify if they are applying both types of driver's licences or only one type. This provides an efficient service for the customer and saves needless duplication. For dual applications the Licensing Committee/Panel are asked to apply the fit and proper test to each individual application. Similarly where an existing driver who holds both Private Hire and Hackney Carriage Licences is referred to Committee/Panel the fit and proper test will be applied individually to each Licence.

GUIDELINES ON THE RELEVANCE OF PREVIOUS CONVICTIONS and OTHER INFORMATION

General Policy

1. Each case will be decided on its own merits.
2. The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
3. A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but would normally be expected to:
 - a. Remain free of conviction for an appropriate period; and
 - b. Show adequate evidence that he or she is a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

Simply remaining free of conviction will not generally be regarded as adequate evidence that a person is a fit and proper person to hold a licence.

4. Amongst situations where it may be appropriate to depart from the general policy, for example, may be situations where the offence is an isolated one with mitigating circumstances or where a conviction defaults outside of the policy between the

application and determination date. Similarly, multiple offences or a series of offences over a period of time are likely to give greater cause for concern and may demonstrate a pattern of inappropriate behaviour, which will be taken into account. In any case which involves certain specified sexual offences, murder or manslaughter a licence will normally be refused.

5. **As well as convictions this policy is intended to take into account other issues or intelligence received from other agencies which relate to character of the individual.**
6. The Council through the Licensing Committee/ Panel will convene to consider any information/ representations received that a person is not/ no longer a “fit and proper” person or a breach of a condition of a licence has been proved they may refuse, revoke or suspend a licence for any specified period
 - a. **Hearing with notice – Where a committee/panel is to be convened to consider whether or not a person is a “fit and proper” person, notice of the time and date when a committee/ panel will be convened will then be given ahead of the date listed in order to allow the person to seek independent legal advice and to attend and be represented at the hearing. The procedure to be followed is at Appendix 2.**
 - b. **Ex-parte hearing – Where a committee/ panel is convened as a result of sensitive information being received by the Council an assessment will be undertaken in balancing a persons right to a fair trial against whether or not it is in the public interest to hold the hearing ex-parte. Where such a determination is made the procedure to be followed is at Appendix 3.**
 - c. **Process maps are attached as Appendix 4 a-f detailing the processes which are followed when individuals are convicted or acquitted at court.**

7. The following examples afford a general guide on the action, which might be taken where convictions are disclosed:

a. Offence of Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare and in other ways.

Passengers may include especially vulnerable people.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. In certain situations drivers will know that a property is empty whilst the occupants are away on holiday for a set period of time after taking them to the airport or railway station.

The widespread practice of delivering unaccompanied property is indicative of the trust that businesses put into drivers.

For these reasons a serious view is taken of any convictions involving

dishonesty. In general an applicant with convictions for dishonesty, which are less than 3-5 years old, is unlikely to be considered favourably.

In particular, an application will normally be refused where the applicant has a conviction for an offence or similar offences or offences which replace the below offences and the conviction is less than 3 years prior to the date of application

- i. Theft
- ii. Burglary
- iii. Fraud
- iv. Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992)
- v. Handling or receiving stolen goods
- vi. Forgery (e.g. producing false insurance policy)
- vii. Conspiracy to defraud
- viii. Obtaining money or property by deception
- ix. Other deception

b. Violence

1. Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons.

It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

The Council seeks to minimise risks associated with children and young persons and for that reason a more serious view will be taken where offences of violence involve children or young persons.

Where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of 5 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

2. Offences against Other Persons

As hackney carriage and private hire vehicle drivers maintain close contact with the public, where the commission of an offence involved loss of life a licence will normally be refused. In other cases a period of 3 to 10 years free of conviction for offences involving violence (depending on the nature and seriousness of the offence) will generally be required before an application is likely to be considered favourably.

In particular:

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- i. An application will normally be refused where the applicant has a conviction for an offence or similar offence(s), or similar offence(s) which replace the below offences:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving

- ii. An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 10 years prior to the date of application:
 - Arson
 - Malicious wounding or grievous bodily harm (s.20 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(a) Crime and Disorder Act 1998)
 - Actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act 1998)
 - Grievous bodily harm with intent (s.18 Offences Against the Person Act)
 - Grievous bodily harm with intent (s.20 Offences Against the Person Act)
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Common assault with racially aggravated (s.29(1)(c) Crime and Disorder Act 1998)
 - Violent disorder
 - Resisting arrest

- iii. An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 5 years prior to the date of application:
 - Racially-aggravated criminal damage (s.30 Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Public Order Act 1986 offence (fear of provocation of violence) (s.31(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress (s.31(1)(b) Crime and Disorder Act 1998)
 - Racially-aggravated s.2 Protection from Harassment Act 1997 offence (harassment) (s.32(1)(a) Crime and Disorder Act 1998)
 - Racially-aggravated s.4 Protection from Harassment Act 1997 offence (putting people in fear of violence) (s.32(1)(b) Crime and Disorder Act 1998)
 - Racially-aggravated s.5 Public Order Act 1986 offence (harassment, alarm or distress) (s.31(1)(c) Crime and Disorder Act 1998)

iv. An application will also normally be refused where the applicant has a conviction for an offence or similar offence(s) or similar offence(s) which replace the below offences and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm (s.47 Offences Against the Person Act)
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Possession of offensive weapon
- Criminal damage

c. **Drugs**

An application will normally be refused where the applicant has a conviction for an offence related to the supply of drugs and the conviction is less than 5-10 years prior to the date of application.

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

An application will normally be refused where the applicant has more than one conviction for offences related to the possession of drugs and the convictions are less than 5 years prior to the date of the application.

An application from an applicant who has an isolated conviction for an offence related to the possession of drugs within the last 3 to 5 years will require careful consideration of the facts.

If any applicant was an addict then they will normally be required to show evidence of 5 years free from drug taking after detoxification treatment.

d. **Sexual and Indecency Offences**

Any applicant currently on the sex offenders' register would not normally be granted a licence.

(i). Offences against Children (under 14 years) and Young Persons (aged 14 to 17 years)

Drivers of hackney carriage and private hire vehicle are often entrusted with the care of children and young persons. It is comparatively easy for an unscrupulous driver to take advantage of such vulnerable persons.

Where the commission of a sexual offence involves a child or young person an application for a licence will normally be refused.

(ii). Intelligence and other information which has not resulted in a criminal conviction

Officers will sometimes be made aware of other intelligence or low level information about an applicant or driver which has not resulted in the conviction of that person but is relevant in relation to their character. Officers will give appropriate consideration to this information and will seek to consult with other appropriate agencies in order to ensure that they have a comprehensive understanding. Where appropriate, officers will refer such information/intelligence to the Allegations management process. Any additional information gathered through this process may then be taken into account at any subsequent licensing panel.

(iii) Offences against persons other than children / young persons

As hackney carriage and private hire vehicle drivers often carry unaccompanied passengers, applicants with a conviction for rape, indecent assault, or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence.

Applicants with a conviction relating to sexual offences such as soliciting, importuning, indecent exposure or other similar offences or similar offences under the Sexual Offences Act 2003, will normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

After 5 years, consideration will be given to the circumstances of the offence and any evidence demonstrating that the person is now a fit and proper person to hold a licence.

Amongst circumstances, which the Council may wish to consider, are circumstances, which if they occurred at the time of the consideration of the application would not be a criminal offence. **Where appropriate, officers will consult with other agencies in order to ensure that they have a fuller understanding of any intelligence held, and may formally involve other agencies (such as, the Adult Safeguarding Board) in order to achieve this.**

e. Drunkenness

i. With a motor vehicle (No Disqualification)

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink.

An application will normally be refused where the applicant has a conviction, which does not result in disqualification, for an offence within 2 years of the date of the application.

More than one conviction for this type of offence, within the last 5 years of the date of conviction is likely to merit refusal.

ii. **With a motor vehicle (Disqualification)**

Where a disqualification has occurred as a result of a drink-driving offence, at least 5 years free from conviction should normally elapse from the date of the restoration of the DVLA licence before an applicant is considered for a licence.

In addition, applicants will normally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

iii. **Not in a motor vehicle**

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. In some cases, a warning may be appropriate.

More than one conviction for drunkenness could indicate a medical problem necessitating critical examination and refusal of a licence.

In addition, applicants will generally be required to show a period of at least 5 years has elapsed after completion of detoxification treatment if they were an alcoholic.

MOTORING CONVICTIONS

MAJOR TRAFFIC OFFENCES

An application will normally be refused where an applicant has a conviction for a major traffic offence where the conviction is less than 2 years prior to the date of the application.

An application from an applicant with more than one Major Traffic Offence, within the last 5 years will normally be refused.

If any conviction for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled “disqualification”.

For the purposes of these guidelines the following motoring offences are classed as ‘Major Traffic Offences’:

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

| | |
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| BA10 | Driving while disqualified by order of Court |
| BA30 | Attempting to drive while disqualified by order of Court |
| CD40 | Causing death through careless driving when unfit through drink |
| CD50 | Causing death through careless driving when unfit through drugs |
| CD60 | Causing death through careless driving with alcohol level above the limit |
| CD70 | Causing death through careless driving then failing to supply a specimen for alcohol analysis |
| CD71 | Causing death through careless driving the failing to supply a specimen for drug analysis |
| DD40 | Dangerous driving |
| DD60 | Manslaughter or culpable homicide while driving a vehicle |
| DD80 | Causing death by dangerous driving |
| DR10 | Driving or attempting to drive with alcohol level above limit |
| DR20 | Driving or attempting to drive while unfit through drink |
| DR30 | Driving or attempting to drive then failing to supply a specimen for analysis |
| DR31 | Driving or attempting to drive when unfit through drugs |
| DR40 | In charge of a vehicle while alcohol level above limit |
| DR50 | In charge of a vehicle while unfit through drink |
| DR60 | Failure to provide specimen for analysis in circumstances other than driving / attempting to drive |
| DR61 | Failure to provide specimen for drug analysis in circumstances other than driving / attempting to drive |
| DR70 | Failing to provide specimen for breath test |
| DR80 | Driving or attempting to drive when unfit through drugs |
| DR90 | In charge of a vehicle when unfit through drugs |
| IN10 | Using a vehicle uninsured against third party risks |
| 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 |
| MS50 | Motor racing on the highway |
| MS60 | Offences not covered by other codes |
| MS90 | Failure to give information as to identity of driver, etc. |

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. IN10 becomes IN12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. IN10 becomes IN14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. IN10 becomes IN16).

Or similar offences or offences which replace the above offences.

INTERMEDIATE TRAFFIC OFFENCES

Any Intermediate Traffic Offence, which has attracted 4 or more penalty points will be treated as though it were a Major Traffic Offence.

One Conviction

Where an applicant has a single Intermediate Traffic Offence within the 12 months immediately preceding the date of application, they will normally be expected to show a period of at least 6 months free from conviction before an application is considered.

Two or more Convictions

Where an applicant has 2 or more Intermediate Traffic Offences in the 12 months immediately preceding the date of application, the applicant will normally be expected to show a period of at least 12 months free from conviction before an application is considered.

If any conviction for an Intermediate Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

For the purposes of these guidelines the following motoring offences are classed as 'Intermediate Traffic Offences':

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|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CU10 | Using 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 |

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| CU50 | Causing or likely to cause danger by reason of load or passengers |
| CU80 | Breach of requirements as to control of the vehicle mobile phones etc |
| 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 of other road users |
| 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 | Exceeding speed limit offence |

Aiding, Abetting, Counselling or Procuring

Offences as coded above, but with 0 changed to 2 (e.g. CU10 becomes CU12).

Causing or Permitting

Offences as coded above, but with 0 changed to 4 (e.g. CU10 becomes CU14).

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. CU10 becomes CU16).

Or similar offences or offences which replace the above offences.

MINOR TRAFFIC OFFENCES

Any Minor Traffic Offence which has attracted 4 or more penalty points will be treated as though it were an Intermediate Traffic Offence

Single conviction

Where an applicant has a single Minor Traffic Offence in the 12 months immediately preceding the date of application, the application will normally be granted with a letter of warning being placed on the file.

Two or more Convictions

Where an applicant has two or more Minor Traffic Offences in the 12 months immediately preceding the date of application an applicant will normally be expected to show a period of at least six months free from conviction before an application is considered.

For the purposes of these guidelines the following motoring offences are classed as 'Minor Traffic Offences':

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|------|---------------------------------------------------------------------------------------------------|
| MS10 | Leaving a vehicle in a dangerous position |
| MS20 | Unlawful pillion riding |
| MS30 | Play street offences |
| MS70 | Driving with uncorrected defective eyesight |
| MS80 | Refusing to submit to an eyesight test |
| 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 |
| 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 sign |

Aiding, abetting, counselling or procuring

Offences as coded above, but with 0 changed to 2 (e.g. PC10 becomes PC12)

Causing or permitting

Offences as coded above, but with 0 changed to 4 (e.g. PC10 becomes PC14)

Inciting

Offences as coded above, but with 0 changed to 6 (e.g. PC10 becomes PC16)

Or similar offences or offences which replace the above offences.

Plying for Hire

In the case of a private hire driver found guilty of an offence of plying for hire, the Committee/ Panel would normally order the licence to be revoked or suspended.

Breach of Conditions, Bye-laws and complaints

Any serious or repeated breach of conditions by a private hire driver or similar breach of bye-laws by a hackney carriage driver will be referred to the Committee/ Panel. A driver brought before the Committee/ Panel without an associated conviction would be dealt with by formal written warning or period of suspension of up 3 months.

Reapplication

Applicants are advised that Council guidelines are that where an applicant has had an application refused or a licence revoked, the Committee/ Panel would normally refuse any subsequent application made within 12 months of the date of the previous refusal or revocation unless there are substantial material changes in the applicant's circumstances.

DISQUALIFICATION

Disqualification – Major Traffic Offence

An application will generally be refused unless a period of 3 years free from conviction has elapsed from the restoration of the DVLA licence, and 5 years where the disqualification relates to driving whilst unfit through drink or drugs.

Disqualification – Intermediate Traffic Offence

An application will generally be refused unless the applicant can show a period free from conviction has elapsed from the restoration of the DVLA licence which is twice the period of disqualification imposed by the court. .e. 3 month disqualification = 6 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for an intermediate traffic offence(s).

Disqualification – Minor Traffic Offence

An application will generally be refused unless the applicant can show a period free from conviction has elapsed from the restoration of the DVLA licence which is equal to the period of disqualification imposed by the court i.e. 3 month disqualification = 3 month period free from conviction. Where no disqualification has been given the period free from conviction will be determined by reference to the period(s) free from conviction for a minor traffic offence(s).

TOTTING UP

TT99 Totting up – if the total of penalty points reaches 12 or more within 3 years the driver is liable to disqualification by the Court.

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Totting up With Disqualification

An application will generally be refused unless the applicant can show a period free from conviction has elapsed from the restoration of the DVLA licence, which is equal to the period of disqualification imposed by the court.

Where any of the offences which contribute to a totting up disqualification are a Major Traffic Offence the Council will consider the application under “Disqualification - major traffic offence”

Totting up without Disqualification

An applicant who has accrued sufficient points for disqualification, under totting up, to be considered by the Court, may argue exceptional hardship and not receive a disqualification from them.

In these circumstances the Council will consider the application as a disqualification for the most serious of the offences, which contributed to the totting up (e.g. where the offences contributing to the totting up are SP30, SP80 and IN10 the Council would consider IN10 under ‘Disqualification – Major Traffic Offence’).

SPENT CONVICTIONS

By virtue of the Rehabilitation of Offenders Act 1974 (Exemptions) (Amendment) Order 2002 taxi drivers are an exempted occupation for the purposes of the 1974 Act.

The Council will only consider spent convictions if it appears to be relevant for deciding whether the applicant is a fit and proper person to hold a licence and that justice cannot be done in the case, except by admitting or requiring evidence relating to that spent conviction.

CAUTIONS AND ENDORSABLE FIXED PENALTIES

For the purpose of these guidelines formal cautions and endorsable fixed penalties shall be treated as though they were convictions.

MULTIPLE CONVICTIONS FROM SINGLE INCIDENT

Where an applicant has multiple convictions arising from a single incident, the convictions will generally be treated as one conviction for the purposes of these guidelines.

In these circumstances the period for which the applicant would normally be expected to show free from conviction will be the longest applicable period calculated by reference to each offence.

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OTHER OFFENCES

Offences under the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 and Hackney Carriage Byelaws and Section 167 Criminal Justice and Public Order Act 1994.

One of the main purposes of the licensing regime set out in the Town Police Clauses Acts and Part II of the Local Government (Miscellaneous Provisions) Act 1976 (“the Acts”) and Hackney Carriage Byelaws, is to ensure the protection of the public.

For this reason a serious view is taken of convictions for offences under the Acts (including illegally plying for hire and/or touting) when deciding whether an applicant is to be treated as a fit and proper person to hold a licence.

In particular, an applicant will normally be refused a licence if (s)he has been convicted of an offence under the Acts at any time during the 2 years preceding the application or has more than one conviction within the last 5 years preceding the date of the application.

LA contact details: Rochdale Metropolitan Borough Council

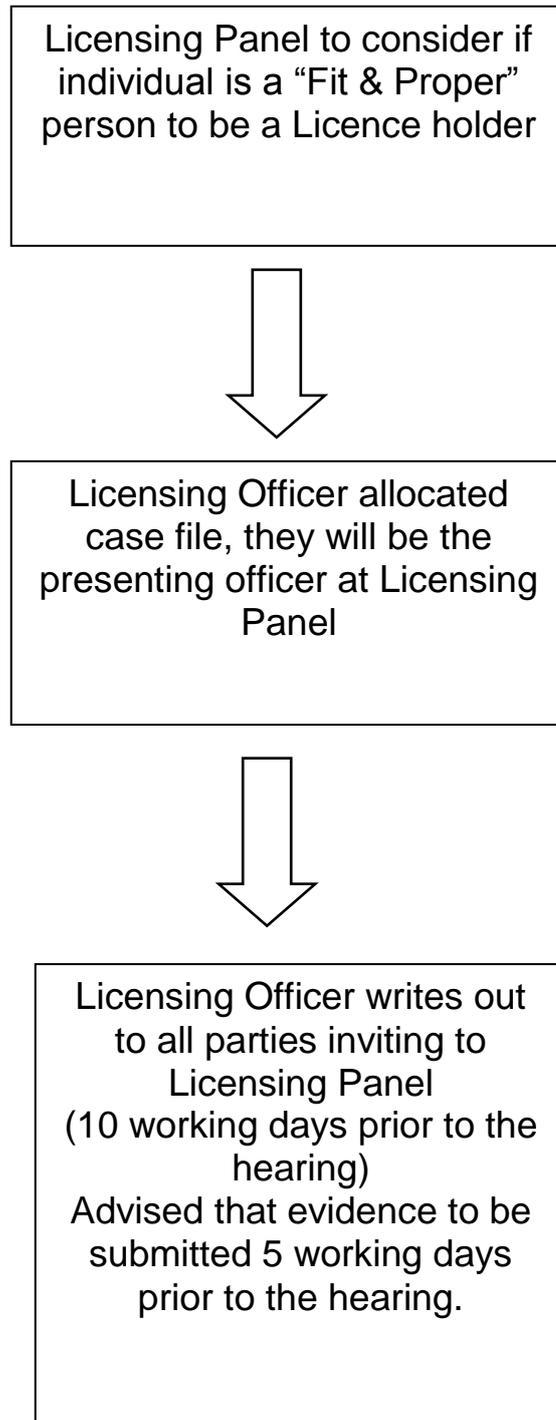
These guidelines to convictions supersede all others and take effect from: September 2012

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APPENDIX 2

Licensing Panel

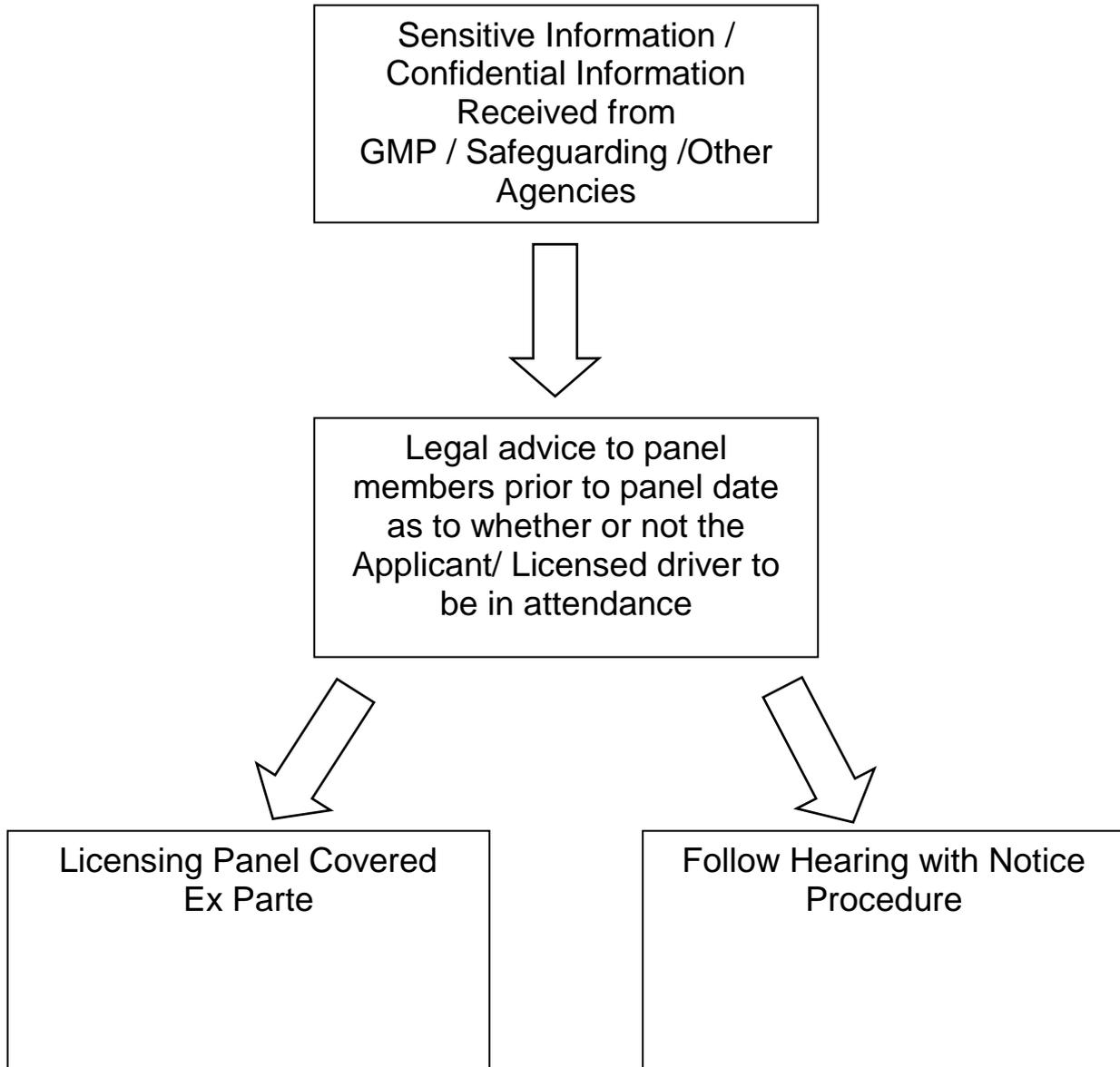
Licensing Panel Hearing – With Notice



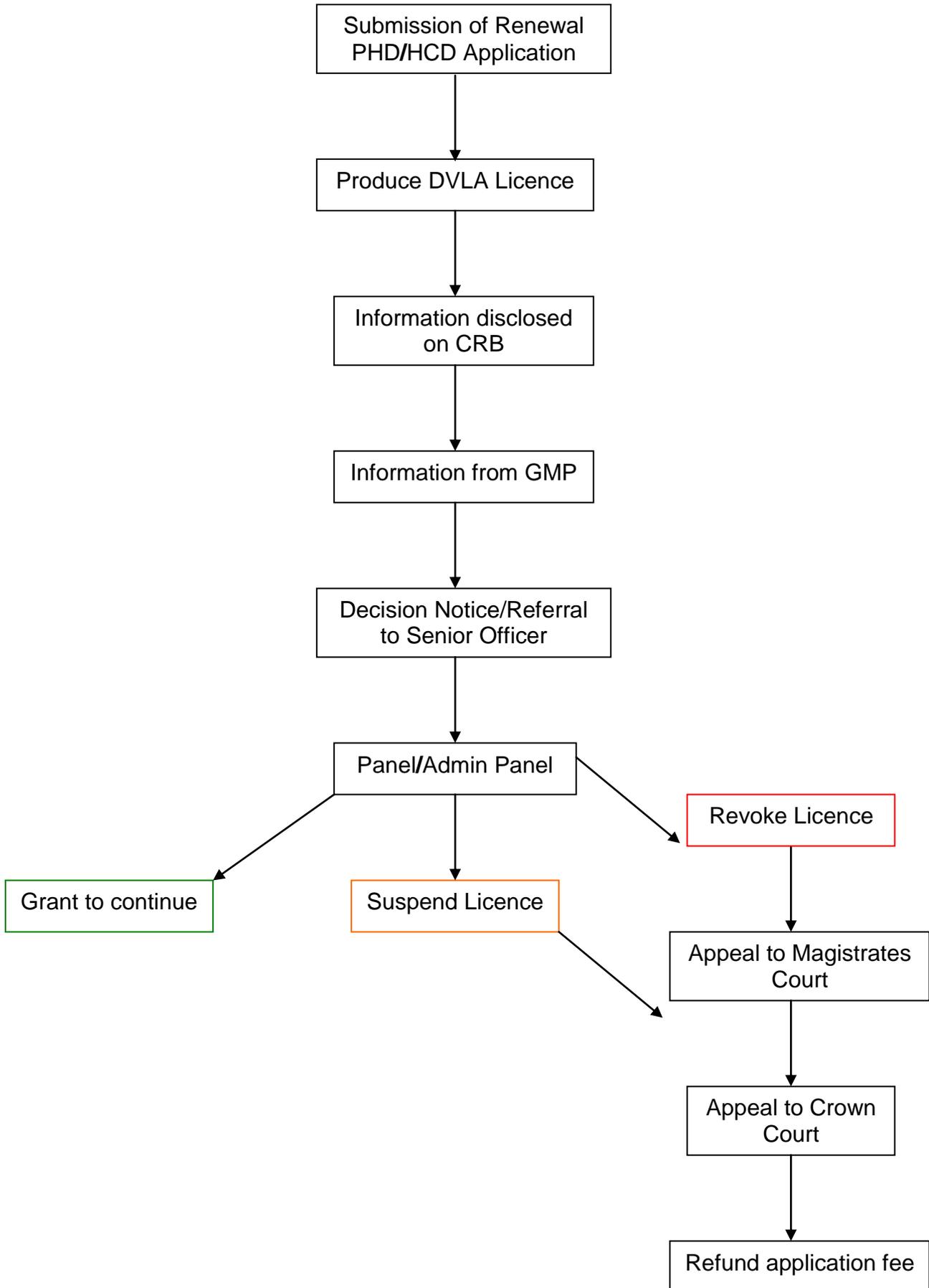
APPENDIX 3

Licensing Panel

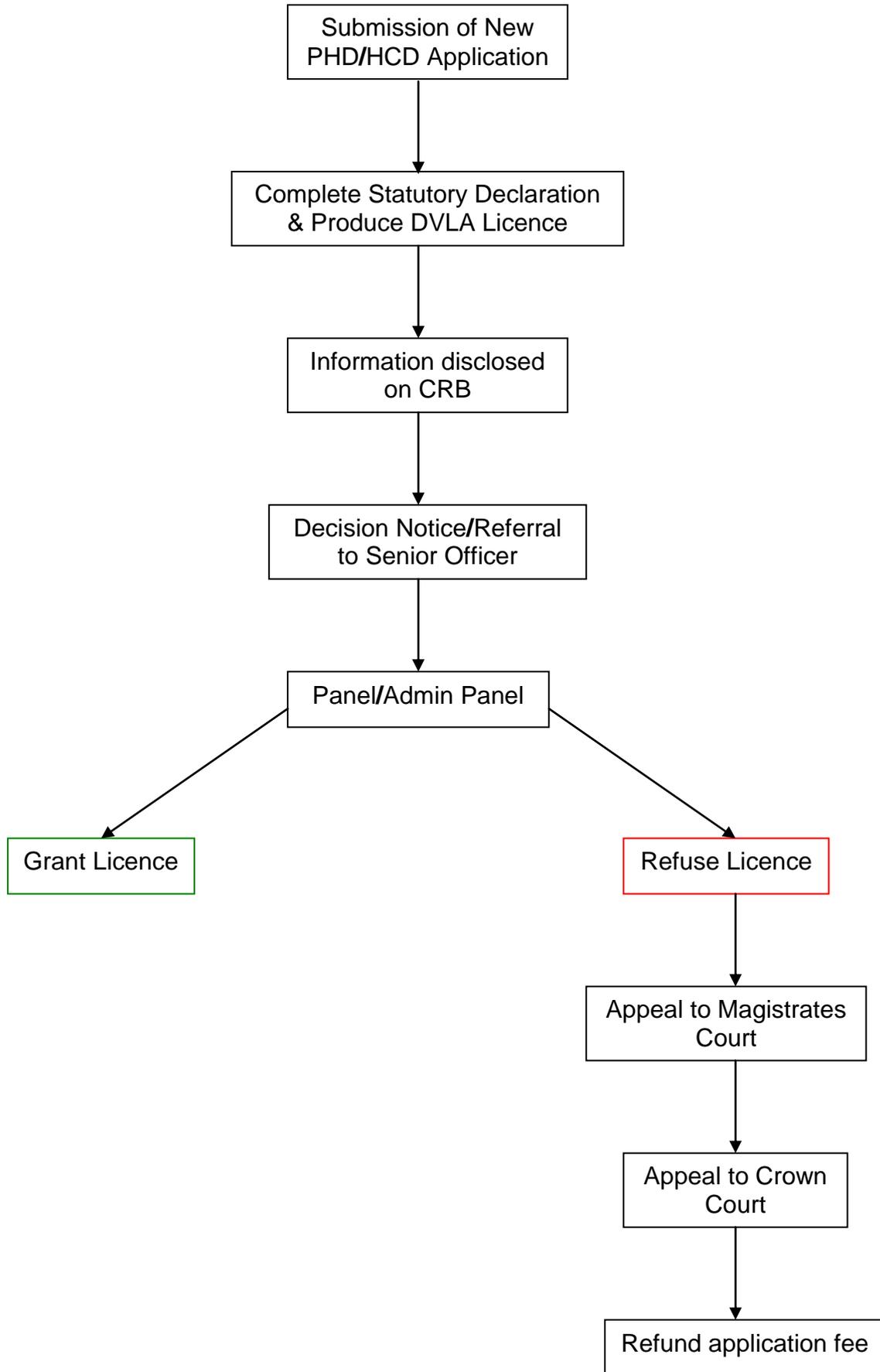
Licensing Panel Hearing – Ex Parte



HC/ PH Driver Renewal
APPENDIX 4A

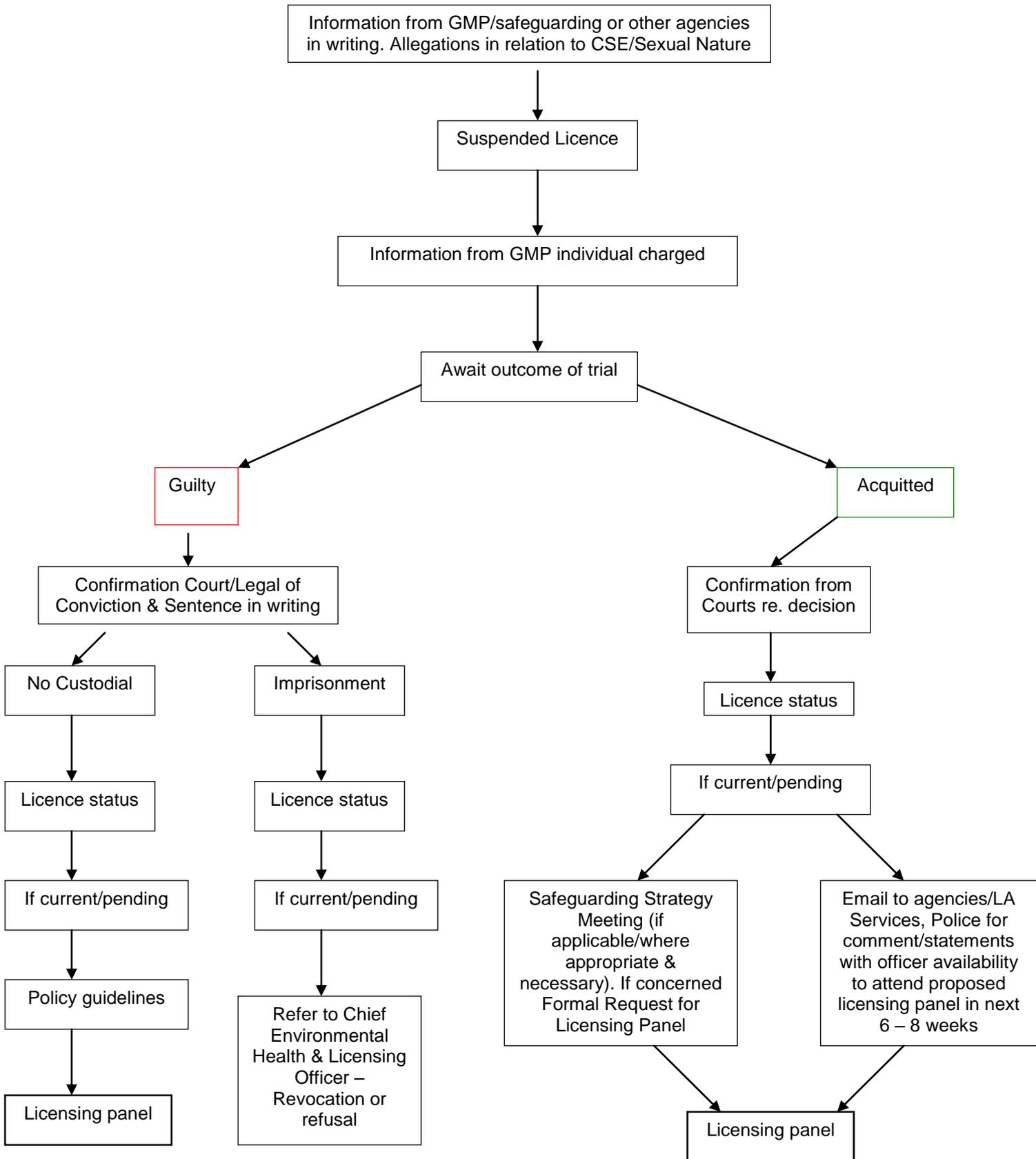


APPENDIX 4B



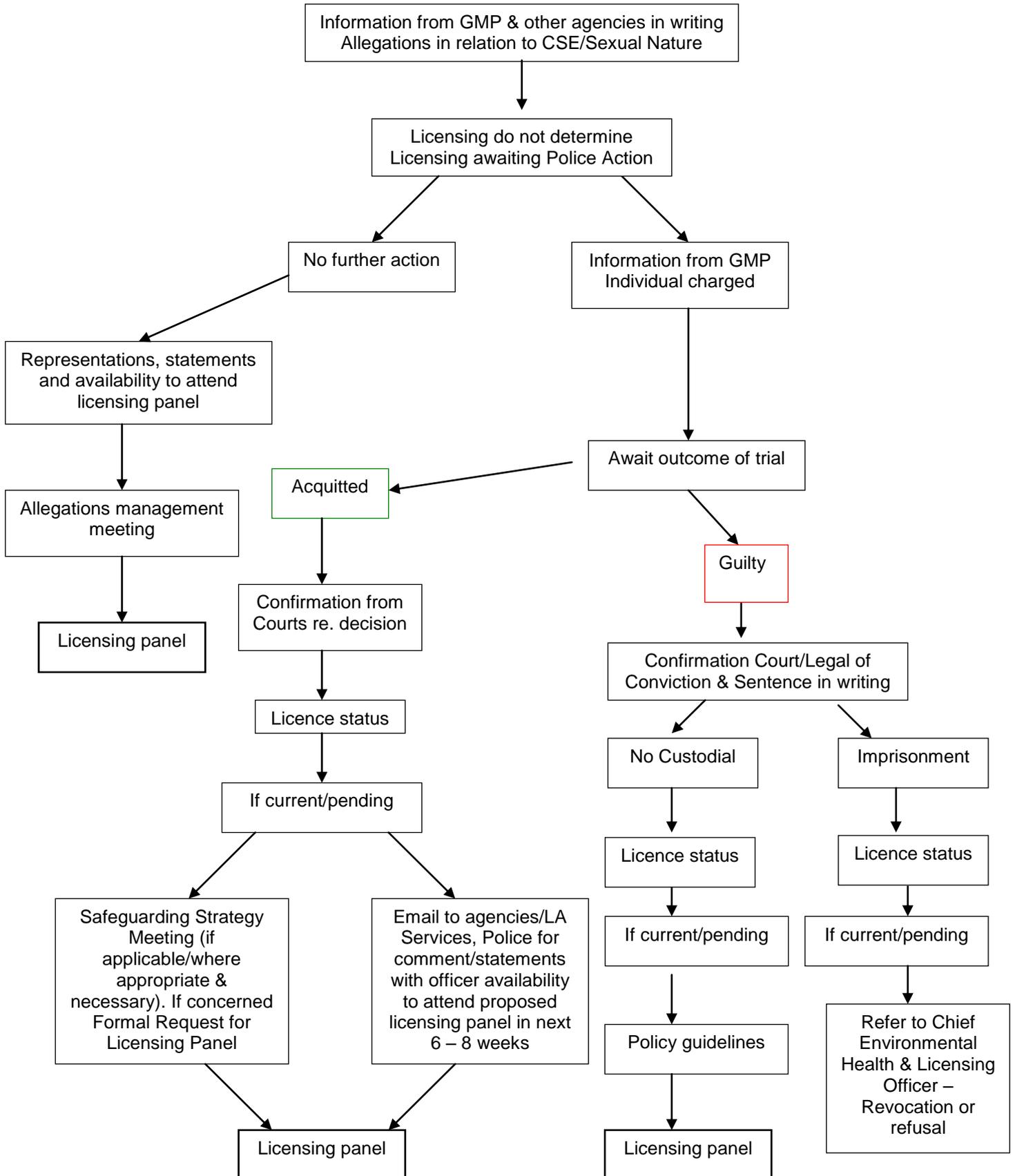
APPENDIX 4C

Hackney Carriage/Private Hire Current Drivers *Presently Licensed*



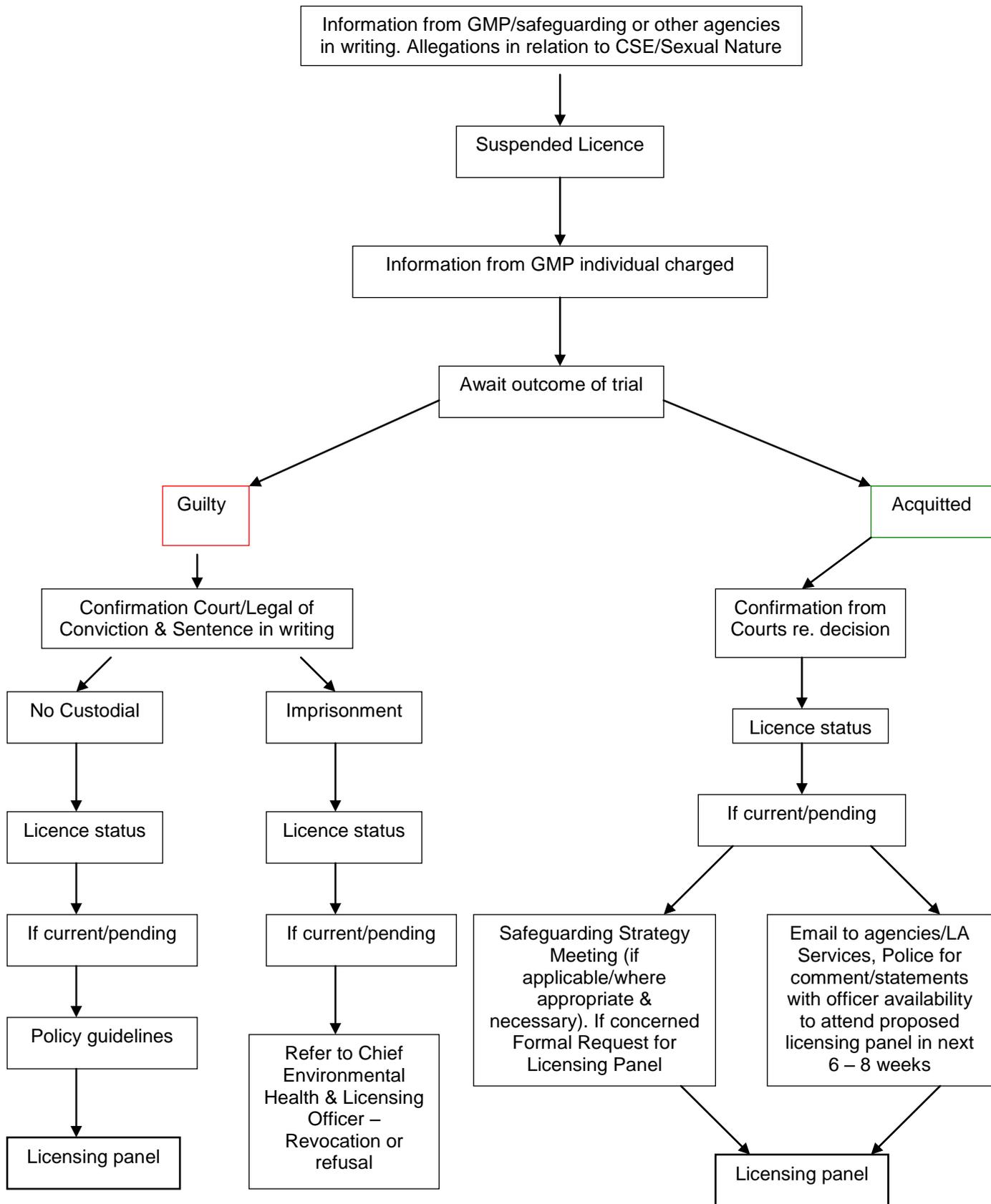
APPENDIX 4D

Hackney Carriage/Private Hire Pending Drivers Awaiting application determination



APPENDIX 4E

Private Hire Current operators
Presently Licensed



APPENDIX 4F

Private Hire Pending Operators Awaiting application determination

