



Maldon District Council

**Hackney Carriage and Private Hire Drivers' Licences
Guidelines relating to the Relevance of Convictions**

1. The Council will decide each case on its own merits.
2. A person with a recent conviction of serious crimes cannot expect to obtain a licence unless they remain free of conviction for several years but the Council may make exceptions where the offence is isolated and there are strong mitigating circumstances. However, the overriding consideration will be the protection and safety of the public.
3. In general, a stronger line will be taken with a new applicant for a licence than with one who already relies upon a licence for his livelihood.
4. Where the Police suggest that there are relevant convictions but the applicant denies that those convictions relate to him, the applicant may be asked to substantiate his assertion. In many cases this will only be possible by providing fingerprints to the Police so that they may check them against their records but if fingerprints are taken for this purpose, they will not be retained.
5. The following examples afford a general guide on the action to be taken where the applicant has had convictions:

a) Violence and Indecency

As hackney carriage and PHV drivers often carry unaccompanied passengers and maintain close contact with the public, applicants with convictions for violent or sexual offences will not generally be considered for a licence. This applies both to new applicants and applications for renewal of licences.

b) Drunkenness and Drugs

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. If an applicant is disqualified from driving, it is unlikely that the Council will grant a new licence or renew an old licence for at least twelve months following the end of the period of disqualification. References may be called for as evidence that the applicant is not an alcoholic nor regularly drinks to excess.

If the applicant has convictions for drink or drugs unrelated to driving, this will not necessarily debar an applicant from holding a licence. However, investigations including references will be conducted in an endeavour to ensure that the applicant is a suitable candidate for a licence and has undergone adequate medical treatment/rehabilitation where necessary.

c) Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that people place in drivers. Moreover it is comparatively easy for a dishonest driver to defraud the public by demanding more than the agreed fare etc. For these reasons a serious view will be taken of any conviction involving dishonesty. An existing licence is likely to be withdrawn if the driver has a prison sentence on a conviction and new licences are unlikely to be granted for a period of three years following a conviction for dishonesty.

d) Traffic Offences

Offences such as dangerous driving and multiple minor offences will be regarded seriously and it is unlikely that the Council will grant a new licence within a period of two years from conviction or for at least twelve months following the end of any period of disqualification. Whilst existing licence holders will not necessarily lose their licence in the same situation, the Council's overriding consideration will remain the protection and safety of the public and every such case will be thoroughly investigated before the Council decides what action it will take.

6. Any application for a Taxi or Private Hire Licence from persons with previous unspent convictions, or endorsements exceeding 6 penalty points accrued on their driving licence, shall be decided by the Planning and Licensing Committee.

Rehabilitation of Offenders

| Sentence | Rehabilitation Period |
|---|--|
| A sentence of imprisonment for life. | None. |
| A sentence of imprisonment, youth custody, detention in a young offender institution or corrective training for a term exceeding 30 months. | None. |
| A sentence of preventative detention. | None. |
| A sentence of detention during Her Majesty's pleasure or for life or under Section 205(2) or (3) of the Criminal Procedure (Scotland) Act 1975 or for a fixed term exceeding 30 months passed under Section 53 of the Children and Young Persons Act 1933 (Young Offenders convicted of grave crimes) or under Section 206 of the said Act of 1975 (detention of children convicted on indictment) or a corresponding court-martial punishment. | None. |
| A sentence of custody for life. | None. |
| A sentence of imprisonment, youth custody detention in a young offender institution or corrective training for a term exceeding 6 months but not exceeding 30 months. | Ten years (from date of conviction). |
| A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty's Service. | Ten years (from date of conviction). |
| A sentence of imprisonment, detention in a young offender institution or youth custody for a term not exceeding 6 months. | Seven years (from date of conviction). |
| A sentence of dismissal from Her Majesty's Service. | Seven years (from date of conviction). |
| Any sentence of detention in respect of a conviction in service disciplinary proceedings. | Five years (from date of conviction). |
| A fine or any other sentence subject to rehabilitation under the Act (not being a | Five years (from date of conviction). |

sentence to which Table B or any of subsections (3) to (8) applies).

Any Other Sentence

e.g. Community Service.

Five years (from date of conviction).

Subsection (3)

Absolute discharge.

6 months (from the date of conviction).

Subsection (4)

Conditional discharge.

Bind Over.

Probation.

One year from date of conviction or a period beginning with that date and ending when the order for conditional discharge, or probation order or the recognizance a bond of caution to keep the peace or be of good behaviour ceases or ceased to have effect whichever is the longer.

Subsection (5)

relates to

Subsection (6)

children.

Subsection (7)

relates to hospital orders under Mental Health Act 1983.

Subsection (8)

Order imposing any disqualification disability, prohibition or other penalty.

The period beginning with the date of conviction and ending on the date on which the disqualification, etc., ceases to have effect.

The commission of further offences

If during a rehabilitation period for an offence the person is convicted of a further offence and a sentence is imposed which is subject to rehabilitation, the rehabilitation period which is due to end earlier shall be extended so as to end the same time as the other.

This does not apply where the future offence committed is a summary offence only.