

# Private Hire and Hackney Carriage Licensing Policy

Suitability Criteria for  
Drivers and Operators

Conviction Policy

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## 1. INTRODUCTION

1.1 1.1 The purpose of this policy is to provide guidance on the criteria taken into account by Wrexham County Borough Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to hold a hackney carriage and/or private hire driver / vehicle/operator licence.

1.2 The aim of this policy is to protect the safety of the public. The Licensing Authority is concerned to ensure:

- That a person is a fit and proper person;
- That the person does not pose a threat to the public;
- That the public are safeguarded from dishonest persons;
- The safeguarding of children and young persons;
- The safeguarding of vulnerable persons;
- That the public have confidence in their use of licensed vehicles.

1.3 The term "Fit and Proper Person" for the purposes of taxi and private hire licensing is not legally defined. However, in determining whether a person is fit and proper to hold a licence, those tasked with determining licences/applications are effectively asking themselves:

"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 to this question is an unqualified "yes", then the person can be considered to be fit and proper. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether a licence should be granted to that person.

In order to assess the suitability of an applicant (and to inform decision makers when answering the question above), the Council will undertake the relevant and necessary checks it considers appropriate to ensure that licences are not issued to, or used by, unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Period of holding a driver's licence
- Number of endorsed driving licence penalty points
- Eligibility to work in the UK.

- Medical fitness
- Standard of driving/driving ability
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing/ former licence holders.

In addition the Council will also consider further information sources such as the Police (including abduction notices), Children and Adult Safeguarding Boards, other licensing authorities and statutory agencies.

- 1.4 This policy aims to provide guidance to any person with an interest in public and private hire licensing. In particular, but not exclusively:
- Applicants for driver / operator licences
  - Existing licensed drivers / operators whose licences are being reviewed
  - Licensing Officers and Police
  - Members of the Environmental Licensing Committee/ Panel (or other relevant decision making body)
  - Magistrates and Judges hearing appeals against Local Authority decisions
- 1.5 Where licensing officers have delegated powers in relation to private hire/hackney carriage 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 Environmental 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.
- 1.6 Where applicants fail to disclose any previous convictions; cautions; warnings; penalty notices, orders or reprimands on their application form including any pending court proceedings or other matters they may be referred to the Licensing Committee for determination.

## 2. GENERAL POLICY

2.1 In considering this guidance the Council will be mindful that each case must be considered on its individual merits, and where circumstances demand, the committee may depart from these guidelines.

2.2 A person with a conviction for a serious offence need not be automatically barred from obtaining a licence, but it would normally be expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period (as set out below); and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus is on the applicant to produce such evidence).

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

2.3 For the purposes of this Policy, "other matters to be considered" may include but are not limited to the following:

- Criminal / motoring convictions;
- Court Martial;
- Cautions;
- Fixed penalty notices or other penalty notices;
- Anti-social behaviour orders or other similar orders;
- Breach of licensing conditions;
- Formal Warnings or Reprimands;
- Charges or matters awaiting trial;
- Fitness and propriety.

2.4 Where an applicant has a conviction(s) or other matter(s) to be considered for a criminal offence, the council cannot review the merits of the conviction or other matter.

2.5 Where an applicant / licence holder has a conviction or other matter to be considered for an offence of aiding, abetting, attempting, conspiring, counselling, procuring, causing, permitting or inciting any of the criminal or motoring convictions / matters specified in this guidance, they will be considered relevant for the substantive matter.

2.6 The standards and criteria set out in the paragraphs below are those that would normally be applied to applications and licences. The Council may depart from these criteria; however it must only do so in exceptional circumstances.

### **3. APPEALS**

- 3.1 Any applicant who has been refused a driver / operator licence, or a licensed driver / operator whose licence has been suspended or revoked has a right to appeal to the Magistrates' Court within 21 days of receipt of the notice.

### **4. POWERS**

- 4.1 Powers to grant driver / operator licences are contained within Section 51, Section 55 and Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act).
- 4.2 Powers to suspend, revoke or refuse to renew a driver's licence are contained within Section 61 of the Act, where the applicant/licence holder has been convicted of an offence involving dishonesty, indecency, violence; failure to comply with the provisions of the Town Police Clauses Act 1847; failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976; or any other reasonable cause.
- 4.3 Section 61 (2B) allows the Licensing Authority, if it appears that in the interests of public safety, to suspend or revoke a driver's licence with immediate effect. A Decision Notice explaining why this decision has been taken will be issued to the driver and will have effect when the notice is given to the driver. The driver may appeal this decision but may not drive during the appeal period.
- 4.4 Section 62 of the Act allows the Licensing Authority to suspend, revoke or refuse to renew an operator's licence if the applicant/licence holder has been convicted of an offence under or non-compliance with the provisions of Part II of the Act; or grounds of any conduct on the part of the operator which appears to the Council to render him unfit, or due to any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted or any other reasonable cause.
- 4.5 The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002, allows the Licensing Authority to take into account all convictions recorded against an applicant or the holder of a private hire vehicle or hackney carriage driver's licence, whether spent or not. Therefore the Licensing Authority will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending.

## 4.6 Protected Cautions and Protected Convictions

- 4.6.1 The Rehabilitation of Offenders Act (1974) Exceptions Order 2013 now removes “protected convictions” and “protected cautions” from the exemptions.
- 4.6.2 “Listed Offences” are always disclosed and include more serious offences, sexual offences and those with safeguarding implications etc. Listed offences are detailed in section 5 of The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 (Amendment) (England and Wales) Order 2013.
- 4.6.3 A conviction is a **“protected conviction”** if:
- It does not relate to a listed offence.
  - No custodial or suspended sentence was imposed.
  - It was received by a person aged under 18 at the time of the conviction and **five and a half years or more** have elapsed.
  - It was received by a person aged 18 or over at the time of the conviction and **11 years or more** have elapsed.
- 4.6.4 A caution is a **“protected caution”** if:
- It does not relate to a listed offence.
  - It was given to a person aged under 18 at the time of the caution and **two years or more** have elapsed.
  - It was given to a person aged 18 or over at the time of the caution and **six years or more** have elapsed.

## 5. OPTIONS WHEN DETERMINING AN APPLICATION/LICENCE

- 5.1 When determining an application or reviewing an existing licence the Council have the following options:
- Approve the application or take no further action
  - Refuse the application/revoke the licence/suspend the licence
  - Issue a warning



## 6. CONSIDERATION OF DISCLOSED CRIMINAL HISTORY

6.1 Under the provisions of Sections 51, 55, and 59, of the Act, the Licensing Authority is required to ensure that an applicant for the grant or renewal of a driver / operator licence is a 'fit and proper' person to hold such a licence. However, if an applicant / licence holder has any matters to be considered, the Licensing Authority may take into account:

- How relevant the offence(s) are to the licence being applied for;
- How serious the offence(s) were;
- When the offence(s) were committed;
- The date of conviction and age of applicant at time of conviction;
- Sentence imposed by the court;
- Whether they form part of a pattern of offending;
- Any other factors that might be relevant, for example:
  - The previous conduct of an existing or former licence holder,
  - Whether the applicant has intentionally misled the Council or lied as part of the application process,
  - Information provided by other agencies/Council departments

6.2 Where applicants fail to disclose any previous convictions; cautions; warnings; penalty notices, orders or reprimands on their application form including any pending court proceedings or other matters they may be referred to the Environmental Licensing Committee for determination.

6.3 Existing holders of driver's licences are required to notify the council in writing within seven working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any renewal application.

6.4 The Council conducts enhanced disclosures from the Disclosure and Barring Service (DBS) of any applicant for a driver's licence. Applicants applying for the grant or a renewal of a driver's licence will be required to obtain an enhanced disclosure at their expense.

6.5 The Council is also entitled to use other records and information that may be available to it in determining applications or an entitlement to continue holding a licence. This may include information held by the Council or other licensing authorities, and information disclosed by the police under the Common Law Police Disclosure Scheme or other similar arrangements.

Examples of such information sources that may be used include social care information, benefits payments etc.

- 6.6 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

## **7. VIOLENCE**

- 7.1 Licensed drivers have close regular contact with the public. A serious view will be taken with those who have a conviction(s) or other matter(s) to be considered involving violence. An application will normally be refused or existing licence revoked if the applicant / licence holder has a conviction for an offence that involved the loss of life.

- 7.2 In other cases anyone convicted of a violence related offence is unlikely to be licensed until at least 3 years free of such conviction(s). However, given the range of the offences that involve violence, consideration must be given to the nature of the offence.

- 7.3 Unless there are exceptional circumstances, an application will normally be refused or existing licence revoked where the applicant / licence holder has a conviction for an offence such as:

- Murder;
- Manslaughter;
- Manslaughter or culpable homicide while driving;
- Terrorism offences;
- Or any similar offences or offences which replace the above.

- 7.4 An application will normally be refused where the applicant has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is less than 10 years prior to the date of application or at least 10 years from the completion of sentence (whichever is longer) :

- Actual bodily harm which is racially / religiously aggravated;
- Arson;
- Assault Police;
- Common assault which is racially / religiously aggravated;

- Criminal damage which is racially / religiously aggravated;
- Grievous bodily harm with intent;
- Malicious wounding or grievous bodily harm which is racially aggravated;
- Possession of firearm;
- Resisting arrest;
- Riot;
- Robbery;
- Violent disorder;
- Similar offences or offences which replace the above.

7.5 An application will normally be refused where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction(s) or other matter(s) to be considered is less than 3 years prior to the date of application or at least 3 years from the completion of sentence (whichever is longer) :

- Affray;
- Assault occasioning actual bodily harm;
- Common assault;
- Criminal damage;
- Obstruction;
- Possession of a weapon (or imitation weapon) or any other weapon related offence other than a firearm;
- 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);
- Similar offences or offences which replace the above.

7.6 An application will normally be refused if an applicant has more than one conviction or other matter to be considered in the last 10 years for an offence of a violent nature.

## 8. SEX AND INDECENCY OFFENCES

- 8.1 As licensed drivers often carry unaccompanied and vulnerable passengers, a strong line is to be taken with those who have convictions or other matters to be considered for sexual offences. An application will normally be refused or existing licence suspended or revoked for convictions or other matters to be considered for any offence involving sexual misconduct. In all cases they will be referred to the Licensing Committee for determination.
- 8.2 Unless there are exceptional circumstances, an application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence such as:
- Assault by penetration;
  - Exploitation of prostitution;
  - Indecent assault;
  - Offences involving children or vulnerable adults;
  - Possession of indecent photographs, child pornography etc.;
  - Rape;
  - Sexual assault;
  - Trafficking for sexual or other exploitation;
  - Making obscene/indecent telephone calls
  - Sexual Grooming or befriending a child on the internet or by other means with the intention of abusing them.
  - Indecent exposure;
  - Soliciting (kerb crawling);
  - Similar offences or offences that replace the above.
- 8.3 In addition to the above the Licensing Authority will not normally grant a licence to any applicant who is currently on the Sex Offenders Register or any other similar register.
- 8.4 An application will normally be refused if an applicant has more than one conviction or other matter to be considered for a sexual offence.
- 8.5 The Council may wish to consider circumstance, which if they occurred at the time of the consideration of the application would not be a criminal offence.

## 9. DISHONESTY

- 9.1 An applicant or existing licence holder is expected to be a trustworthy person. In the course of their working duties drivers will deal with cash transactions and valuable property which may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. 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.
- 9.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence listed below and the conviction or other matter to be considered is less than 3 years prior to the date of application or at least 3 years from the completion of sentence (whichever is longer) :
- Benefit fraud;
  - Burglary;
  - Conspiracy to defraud;
  - Forgery;
  - Fraud;
  - Handling or receiving stolen goods;
  - Obtaining money or property by deception;
  - Other deception;
  - Taking a vehicle without consent;
  - Theft;
  - Fare overcharging
  - Similar offences or offences which replace the above.
  - Similar offences or offences which replace the above.
- 9.3 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application/renewal process will be referred to the Environmental Licensing Committee.

## 10. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

- 10.1 Drinking alcohol or taking drugs and driving poses an obvious risk to public safety. Licensed drivers are professional vocational drivers and a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs.
- 10.2 At least 5 years, after the restoration of the driving licence following an alcohol/drug driving conviction should elapse before an application will be considered. A conviction for "refusing or failing to provide a specimen when asked" may be treated in the same way.
- 10.3 More than one conviction or other matter to be considered for **driving** under the influence of alcohol or drugs or failing to provide a specimen raises significant doubts as to the applicant's fitness to drive the public. It is unlikely that a licence will be granted.
- 10.4 If there is evidence of persistent alcohol/drugs misuse a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before an application is considered. If an applicant has received treatment for addiction then they would be required to show evidence of 5 years free from alcohol/drug taking after successful detoxification treatment.

## 11. DRUG RELATED OFFENCES

- 11.1 Due to the nature of a driver's involvement with the public, an application will normally be refused or an existing licence revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for an offence related to the **supply, cultivation, importation or production of drugs** and has not been free of conviction for 10 years, or at least 10 years from the completion of sentence. (whichever is the longer).
- 11.2 An application will normally be refused or an existing licence revoked where the applicant/ licence holder has an isolated conviction or other matter to be considered for an offence related to the **possession of drugs** which is less than 3 years prior to the date of application, or at least 3 years from the completion of sentence (whichever is longer).
- 11.3 An application will normally be refused or an existing licence revoked where the applicant has **more** than one conviction or other matter to be considered for offences related to the possession **of drugs** and has not been free of conviction or other matter to be considered for at least 5 years or at least 5 years from the completion of the sentence (whichever is longer)..
- 11.4 If there is evidence of persistent drugs use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from alcohol/drug dependency.

## 12. DRUNKENNESS (NOT IN A MOTOR VEHICLE)

- 12.1 An isolated conviction for drunkenness is unlikely to result in an application being refused or a licence being revoked, provided it is not associated with other criminal conduct.
- 12.2 More than one conviction for drunkenness may indicate a medical problem. If there is evidence of persistent alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) may be required. If the applicant was an addict then they would normally be required to show evidence of **5 years** free from alcohol dependency. A current licence holder may have his licence revoked pending the outcome of the medical examination. A medical examination confirming alcohol dependency will result in the licence holder being unable to apply for a new licence until they can evidence at least 5 years free from alcohol dependency.

## 13. DRIVING OFFENCES INVOLVING THE LOSS OF LIFE

- 13.1 A very serious view is to be taken of any applicant or existing licence holder has a conviction or other matter to be considered for a driving offence that resulted in the loss of life.
- 13.2 An application will normally be refused or an existing licence revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for any of the offences listed below and has not been free of conviction for 10 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer) :
- Causing death by dangerous driving
  - Causing death by careless driving whilst under the influence of drink or drugs;
  - Or any similar offences
- 13.3 An application will normally be refused or an existing licence revoked where the applicant / licence holder has a conviction(s) or other matter(s) to be considered for any of the offences listed below and has not been free of conviction for 5 years (or at least 3 years must have passed since the completion of the sentence, whichever is longer) :
- Causing death by careless driving;
  - Causing death by driving: unlicensed, disqualified or uninsured drivers.
  - or any similar offences

## 14. MOTORING CONVICTIONS

14.1 All the motoring offences and penalty points are listed at Appendix A.

## 15. MAJOR TRAFFIC OFFENCES

15.1 For the purposes of this Policy the following motoring offences are classed as 'Major Traffic Offences':

<b>AC10</b>	Failing to stop after an accident
<b>AC20</b>	Failing to give particulars or to report an accident within 24 hours
<b>AC30</b>	Undefined accident offences
<b>BA10</b>	Driving while disqualified by order of Court
<b>BA30</b>	Attempting to drive while disqualified by order of Court
<b>CU80</b>	Using a mobile phone while driving a vehicle
<b>DD40</b>	Dangerous driving
<b>DD90</b>	Furious driving
<b>IN10</b>	Using a vehicle uninsured against third party risks
<b>LC20</b>	Driving otherwise than in accordance with a licence
<b>LC30</b>	Driving after making a false declaration about fitness when applying for a licence
<b>LC40</b>	Driving a vehicle having failed to notify a disability
<b>LC50</b>	Driving after a licence has been revoked or refused on medical grounds
<b>MS50</b>	Motor racing on the highway
<b>MS60</b>	Offences not covered by other codes
<b>MS90</b>	Failure to give information as to identity of driver, etc.
<b>UT50</b>	Aggravated taking of a vehicle

15.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a conviction or other matter to be considered for a major traffic offence and has not been free of the conviction or other matter to be considered for at **least 12 months**. Where a sentence includes a disqualification then section 15 will also apply.

15.3 An applicant with more than one Major Traffic Offence, will normally be refused and no further application should be considered until a period of **at least 3 years** free from such convictions or other matters to be considered have elapsed. Where a sentence includes a disqualification then section 15 will also apply.



- 15.4 If any conviction or other matter to be considered for a Major Traffic Offence results in a disqualification, applicants should refer to the section of these guidelines entitled "disqualification".

## 16. MINOR TRAFFIC OFFENCES

- 16.1 Other Traffic Offences not listed within this policy will be treated as 'Minor Traffic Offences' for the purposes of this Policy. A minor driving offence is one that incurs between 1 and 3 penalty points.
- 16.2 Where an applicant / licence holder has one conviction or other matter to be considered for a minor driving offence, this will not usually result in refusal or suspension / revocation and will not usually be referred to the Committee.
- 16.3 More than one minor traffic conviction or other matter to be considered may result in a refusal, particularly where there are several convictions for the same offence, for example speeding, or other matters to be considered. A licensed driver may be referred to the Licensing Committee where there is a pattern of repeat offending over a longer period of time.

## 17. INSURANCE OFFENCES

- 17.1 An operator found proven of aiding and abetting the driving of passengers for hire and reward whilst without insurance may be referred to the Environmental Licensing Committee. This may lead to the Operator's Licence being suspended or revoked.

## 18. DISQUALIFICATION FROM DRIVING

- 18.1 The Licensing Authority will treat a period of disqualification as being that which a driver would have been eligible to serve, and may disregard the decision of a court to waive or reduce a disqualification period on the grounds of exceptional hardship under S.35 of the Road Traffic Offenders Act 1988 or for "special reasons" under S.34 of the Road Traffic Offenders Act 1988 or such reduced *disqualification following completion of a driving rehabilitation course*.
- 18.2 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of less than 56 days unless a period of **at least 12 months** has elapsed from the end of the disqualification period.

- 18.3 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matter to be considered resulting in a period of disqualification of up to 12 months unless a period of **at least 18 months** has elapsed from the end of the disqualification period.
- 18.4 An application will normally be refused or an existing licence suspended or revoked where the applicant / licence holder has a recent conviction or other matters to be considered resulting in a period of disqualification of 12 months or more, unless a period of **at least 3 years** has elapsed from the end of the disqualification period.
- 18.5 The Licensing Authority will not normally grant an application for a private hire or hackney carriage driver's licence to a person who has been disqualified from driving for a period of 5 years or more.

## **19. NON - CONVICTION INFORMATION**

### **New Applicants**

- 19.1 If the individual is the subject of an arrest, outstanding charge or summons their application can be continued to be processed, but the application will need to be reviewed at the conclusion of proceedings.
- 19.2 If the outstanding charge or summons involves a serious offence and or the individuals conviction history indicates a possible pattern of unlawful behaviour, then in the interests of public safety the application may be deferred until proceedings are concluded or the application may be refused.

### **Licence Holders**

- 19.3 For an existing licence holder who is the subject of an arrest, outstanding charge or summons the Authority will consider all the evidence it has and this may result in revocation.
- 19.4 In assessing the action to take for new applicants and existing licence holders, the safety of the travelling public must be of paramount concern.
- 19.5 The Licensing Authority is aware that the standard of proof applicable in criminal and civil proceedings is different. The standard of proof when making decisions is the civil approach, that is, on the balance of probabilities.

## 20. REPEAT OFFENDING

20.1 While it is possible that an applicant may have a number of convictions or other matters to be considered that individually meet the above guidelines, an application will normally be refused where an applicant has a record of repeat offending which shows a lack of regard for the well-being of others or for property, unless a period of **at least 10 years** has elapsed since the most recent conviction or other matters to be considered.

## 21. BREACH OF LEGISLATION, BYELAW OR LICENCE CONDITION

21.1 An applicant who has a conviction or other matters to be considered for a breach of legislation, byelaw or licence condition is unlikely to be granted a licence unless a period of **at least 12 months** has elapsed since the most recent breach.

21.2 An existing licence holder found to be in breach of legislation, byelaw or licence condition is on the first occasion, likely to be warned in writing as to future conduct, provided that the breach did not compromise the safety of passengers or that the public were not put at risk.

21.3 Where an existing holder is found to have more than one breach of licensing legislation, byelaw or licence condition, or a single serious breach, the Environmental Licensing Committee may suspend or revoke the licence.

21.4 The above is irrespective of any legal proceedings which may be pending or have been taken.

## 22. APPLICANTS WITH PERIODS OF RESIDENCY OUTSIDE THE UK

22.1 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the county/countries visited covering the period. For EU nationals a disclosure similar to the UK DBS will be required, for those countries for which checks are not available, the Council will require a certificate of good conduct authenticated by the relevant embassy.

22.2 This does not affect the requirement to provide an enhanced disclosure from the Disclosure and Barring Service. Further information on the means of obtaining the proof can be found on the DBS website [www.gov.uk/disclosure-barring-service](http://www.gov.uk/disclosure-barring-service); [www.crb.gov.uk/overseas](http://www.crb.gov.uk/overseas)

## **23. LICENCES ISSUED BY OTHER AUTHORITIES**

23.1 Where an application for a private hire/hackney carriage driver or private hire operator has been referred to the Environmental Licensing Committee for determination with regard to this policy, and the applicant already holds such a licence granted by another licensing authority, the guidance in this policy should take precedence over any decision of another licensing authority.

## **24. SUMMARY**

24.1 Whilst 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, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (the period of time depending on the crime committed, as detailed above), before an application is likely to be successful.

24.2 While it is possible that an applicant may have a number of convictions that, individually, meet the above guidelines, 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.

**25. APPENDIX A - MOTORING OFFENCES AND PENALTY POINTS**

25.1 The following is a guide to the number of penalty points a court may impose, it does not reflect the fact that some offences may incur a disqualification. These codes are recorded from information supplied by the courts (accurate at the time of this document).

**ACCIDENT OFFENCES**

Code	Offence	Penalty Points
<b>AC10</b>	Failing to stop after an accident	5-10
<b>AC20</b>	Failing to give particulars or to report an accident within 24 hours	5-10
<b>AC30</b>	Undefined accident offences	4-9

**DISQUALIFIED DRIVER**

Code	Offence	Penalty Points
<b>BA10</b>	Driving whilst disqualified by order of court	6
<b>BA30</b>	Attempting to driver while disqualified by order of court	6

**CARELESS DRIVING**

Code	Offence	Penalty Points
<b>CD10</b>	Driving without due care and attention	3-9
<b>CD20</b>	Driving without reasonable consideration for other road users	3-9
<b>CD30</b>	Driving without due care and attention or without reasonable consideration for other road users	3-9
<b>CD40</b>	Causing death through careless driving when unfit through drink	3-11
<b>CD50</b>	Causing death by careless driving when unfit through drugs	3-11
<b>CD60</b>	Causing death by careless driving with alcohol level above the limit	3-11
<b>CD70</b>	Causing death by careless driving then failing to supply a specimen for drug analysis	3-11
<b>CD71</b>	Causing death by careless driving then failing to supply a specimen for drug analysis	3-11
<b>CD80</b>	Causing death by careless, or inconsiderate, driving	3-11
<b>CD90</b>	Causing death by driving: unlicensed, disqualified or Uninsured drivers	3-11

**CONSTRUCTION & USE OF OFFENCES**

Code	Offence	Penalty Points
<b>CU10</b>	Using a vehicle with defective brakes	3
<b>CU20</b>	Causing or likely to cause danger by reason of use of unsuitable vehicles or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
<b>CU30</b>	Using a vehicle with defective tyre(s)	3
<b>CU40</b>	Using a vehicle with defective steering	3
<b>CU50</b>	Causing or likely to cause danger by reason of load or passengers	3
<b>CU80</b>	Using a mobile phone while driving a vehicle	6

**DANGEROUS DRIVING**

Code	Offence	Penalty Points
<b>DD40</b>	Dangerous Driving	3-11
<b>DD60</b>	Manslaughter or culpable homicide while driving a vehicle	3-11
<b>DD90</b>	Furious Driving	3-9

**DRINK OR DRUGS**

Code	Offence	Penalty Points
<b>DR10</b>	Driving or attempting to drive with alcohol level above limit	3-11
<b>DR20</b>	Driving or attempting to drive while unfit through drink	3-11
<b>DR30</b>	Driving or attempting to drive then failing to supply a specimen for analysis	3-11
<b>DR40</b>	In charge of a vehicle while alcohol level above limit	10
<b>DR50</b>	In charge of vehicle while unfit through drink	10
<b>DR60</b>	Failure to provide a specimen for analysis in in circumstances other than driving or attempting to drive	10
<b>DR61</b>	Failure to supply a specimen for drug analysis in circumstances other than driving or attempting to drive	10
<b>DR70</b>	Failing to provide specimen for breath test	4
<b>DR80</b>	Driving or attempting to drive when unfit through drugs	3-11
<b>DR90</b>	In charge of a vehicle when unfit though drugs	3-11

**INSURANCE OFFENCES**

Code	Offence	Penalty Points
<b>IN10</b>	Using a vehicle uninsured against third party risks	6-8

**LICENCE OFFENCES**

Code	Offence	Penalty Points
<b>LC20</b>	Driving otherwise than in accordance with the licence	3-6
<b>LC30</b>	Driving after making a false declaration about fitness applying for a licence	3-6
<b>LC40</b>	Driving a vehicle having failed to notify a disability	3-6
<b>LC50</b>	Driving after a licence has been revoked or refused on medical ground	3-6

**MISCELLANEOUS OFFENCES**

Code	Offence	Penalty Points
<b>MS10</b>	Leaving a vehicle in a dangerous position	3
<b>MS20</b>	Unlawful pillion riding	3
<b>MS30</b>	Play street offences	2
<b>MS50</b>	Motor racing on the highway	3-11
<b>MS60</b>	Offences not covered by other codes	As Appropriate
<b>MS70</b>	Driving with uncorrected defective eyesight	3
<b>MS80</b>	Refusing to submit to an eyesight test	3
<b>MS90</b>	Failure to give information as to identity of driver etc.	3

**MOTORWAY OFFENCES**

Code	Offence	Penalty Points
<b>MW10</b>	Contravention of Special Roads Regulations (excluding speed limits)	3

**PEDESTRIAN CROSSINGS**

Code	Offence	Penalty Points
<b>PC10</b>	Undefined Contravention of Pedestrian Crossing Regulation	3
<b>PC20</b>	Contravention of Pedestrian Crossing Regulations with moving vehicle	3
<b>PC30</b>	Contravention of Pedestrian Crossing Regulations with stationary vehicle	3

**SPEED LIMITS**

Code	Offence	Penalty Points
<b>SP10</b>	Exceeding goods vehicle speed limits	3-6
<b>SP20</b>	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3
<b>SP30</b>	Exceeding statutory speed limit on a public road	3-6
<b>SP40</b>	Exceeding passenger vehicle speed limit	3-6
<b>SP50</b>	Exceeding speed limit on a motorway	3-6

**TRAFFIC DIRECTIONS AND SIGNS**

Code	Offence	Penalty Points
<b>TS10</b>	Failing to comply with traffic light signals	3
<b>TS20</b>	Failing to comply with double white lines	3
<b>TS30</b>	Failing to comply with 'Stop' sign	3
<b>TS40</b>	Failing to comply with direction of a constable/warden	3
<b>TS50</b>	Failing to comply with a traffic sign (excluding stop signs, traffic signs or double white lines)	3-6
<b>TS60</b>	Failing to comply with a school crossing patrol sign	3
<b>TS70</b>	Undefined failure to comply with a traffic direction sign	3

**SPECIAL CODE**

Code	Offence	Penalty Points
<b>TT99</b>	To signify a disqualification under totting-up procedure. If the total of penalty points reaches 12 or more within 3	3-6

**THEFT OR UNAUTHORISED TAKING**

Code	Offence	Penalty Points
<b>UT50</b>	Aggravated taking of a vehicle	3-11