

Private Hire and Hackney Carriage Licensing Policy

Suitability Criteria: Key Changes

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A comparison of the requirements of Wrexham CBC Suitability Criteria for Drivers and Operators compared to the requirements set out in the Department for Transport's Taxi and Private Hire Vehicle Standards

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7. VIOLENCE

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|---|--|--|---|
| 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. | 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 death or serious injury of another person they will not be licensed. | DfT standard and WCBC criteria have broadly similar requirements. The word "normally" does not appear in the DfT standard. |
| 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. | 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 | WCBC criteria goes onto to set higher limits for more serious offences but DfT has just one standard for all offences involving violence against the person |
| 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: <ul style="list-style-type: none"> ▪ Murder; ▪ Manslaughter; ▪ Manslaughter or culpable homicide while driving; ▪ Terrorism offences; ▪ Or any similar offences or offences which replace the above. | 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 death or serious injury of another person they will not be licensed. | The matters referred to in WCBC criteria are mostly caught by DfT under their simple standard of not licensing anyone who has caused the death of another. Terrorism is not directly addressed by DfT |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|--|---|--|
| 7.4 | <p>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):</p> <ul style="list-style-type: none"> ▪ 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. | 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. | Most of the specific offences listed on WCBC criteria are covered by the DfT standard and carry a similar restriction. Some of the offences listed in WCBC criteria are not violence against the person but will be covered by other sections of the DfT standard. |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|--|---|---|
| 7.5 | <p>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):</p> <ul style="list-style-type: none"> ▪ 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. | 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. | Most of the specific offences listed on WCBC criteria are covered by the DfT standard but DfT imposes a longer period post sentence completion. Some of the offences listed in WCBC criteria at 7.5 are not violence against the person are mostly covered by other sections of the DfT standard. |

8. SEX AND INDECENCY OFFENCES

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|-----------------|---|--|
| 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. | 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. | WCBC criteria and DfT standard broadly agree on this. The wording of the DfT standard gives less room for deviating from criteria. |
| 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: <ul style="list-style-type: none"> ▪ 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. | 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. | WCBC criteria and DfT standard broadly agree on this. The wording of the DfT standard gives less room for deviating from criteria. |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|-----------------|--|--|
| 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 | Sexual offences | <p>Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted.</p> <p>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.</p> | WCBC criteria and DfT standard broadly agree on this. The wording of the DfT standard gives less room for deviating from criteria. |

9. DISHONESTY

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.

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|---------------|--|---|
| 9.2 | <p>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) :</p> <ul style="list-style-type: none"> ▪ 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. | 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 | DfT standard is much simpler and imposes a higher standard. |

10. DRIVING UNDER THE INFLUENCE OF ALCOHOL OR DRUGS

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.

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|---|--|--|--|
| 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. | 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. | DfT standard imposes a longer period post completion of a driving ban. WCBC criteria imposes a more stringent restriction in the case of 2 or more convictions or other matters in that a licence will be unlikely to be granted. WCBC criteria at 10.4 is not required by DfT. DfT does provide for possibility of imposing drug testing |
| 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. | 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. | DfT standard imposes a longer period post completion of a driving ban. WCBC criteria imposes a more stringent restriction in the case of 2 or more convictions or other matters in that a licence will be unlikely to be granted. WCBC criteria at 10.4 is not required by DfT. DfT does provide for possibility of imposing drug testing |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|--|--|---|
| 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. | 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. | <p>DfT standard imposes a longer period post completion of a driving ban.</p> <p>WCBC criteria imposes a more stringent restriction in the case of 2 or more convictions or other matters in that a licence will be unlikely to be granted.</p> <p>WCBC criteria at 10.4 is not required by DfT.</p> <p>DfT does provide for possibility of imposing drug testing</p> |

11. DRUG RELATED OFFENCES

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|---|---------------|--|---|
| 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). | Drugs | <p>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.</p> <p>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.</p> | <p>WCBC criteria and DfT standard impose similar restrictions for supply type offences.</p> <p>DfT standards imposes a higher restriction in connection with possession offences.</p> <p>WCBC directly addresses the situation of two or more offences. DfT does not but the post sentence restriction for possession offences are the same.</p> |
| 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). | Drugs | <p>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.</p> <p>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.</p> | <p>DfT standard imposes a longer period post completion of a driving ban.</p> <p>WCBC criteria imposes a more stringent restriction in the case of 2 or more convictions or other matters in that a licence will be unlikely to be granted.</p> <p>WCBC criteria at 10.4 is not required by DfT.</p> <p>DfT does provide for possibility of imposing drug testing</p> |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|---------------|--|---|
| 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). | Drugs | <p>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.</p> <p>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.</p> | <p>DfT standard imposes a longer period post completion of a driving ban.</p> <p>WCBC criteria imposes a more stringent restriction in the case of 2 or more convictions or other matters in that a licence will be unlikely to be granted.</p> <p>WCBC criteria at 10.4 is not required by DfT.</p> <p>DfT does provide for possibility of imposing drug testing</p> |
| 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. | Drugs | <p>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.</p> <p>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.</p> | <p>DfT standard imposes a longer period post completion of a driving ban.</p> <p>WCBC criteria imposes a more stringent restriction in the case of 2 or more convictions or other matters in that a licence will be unlikely to be granted.</p> <p>WCBC criteria at 10.4 is not required by DfT.</p> <p>DfT does provide for possibility of imposing drug testing</p> |

12. DRUNKENNESS (NOT IN A MOTOR VEHICLE)

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|---------------|------------------------|---|
| 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. | N/A | | DfT guidance does not directly address offences for drunkenness (not in a motor vehicle). However it would be covered by the fundamental underlying "fit and proper" test which is detailed at 5.12 of the DfT standard |
| 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. | N/A | | DfT guidance does not directly address offences for drunkenness (not in a motor vehicle). However it would be covered by the fundamental underlying "fit and proper" test which is detailed at 5.12 of the DfT standard |

13. DRIVING OFFENCES INVOLVING LOSS OF LIFE

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

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|---------------------------|---|--|
| 13.2 | <p>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):</p> <ul style="list-style-type: none"> ▪ Causing death by dangerous driving ▪ Causing death by careless driving whilst under the influence of drink or drugs; ▪ Or any similar offences | 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 death or serious injury of another person they will not be licensed. | DfT does not distinguish between offences that result in death. All offences that arise from causing the death of another person, including motoring offences are treated in the same way. |
| 13.3 | <p>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)"</p> <ul style="list-style-type: none"> ▪ Causing death by careless driving; ▪ Causing death by driving: unlicensed, disqualified or uninsured drivers. ▪ or any similar offences | 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 death or serious injury of another person they will not be licensed. | DfT does not distinguish between offences that result in death. All offences that arise from causing the death of another person, including motoring offences are treated in the same way. |

14. MOTORING CONVICTIONS

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|----------------------|---|---|
| 14.1 | All the motoring offences and penalty points are listed at Appendix A. | Motoring Convictions | <p>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.</p> <p>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.</p> <p>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</p> | <p>DfT standard does not distinguish between major and minor offences whereas WCBC criteria do.</p> <p>DfT standard does not proscribe time limits for any motoring offences for all but one offence.</p> <p>Use of a hand held device whilst driving is addressed by DfT standard.</p> <p>WCBC criteria (See CU30 at 14.3. 14.4) imposes a minimum 12 month period post conviction. DfT imposes a minimum 5 years post sentence or disqualification.</p> |

| 14.2 | MAJOR TRAFFIC OFFENCES | DFT REFERENCE |
|------|--|---|
| 14.3 | For the purposes of this Policy the following motoring offences are classed as 'Major Traffic Offences': | Motoring Convictions |
| | AC10 Failing to stop after an accident | |
| | AC20 Failing to give particulars or to report an accident within 24 hours | |
| | AC30 Undefined accident offences | |
| | BA10 Driving while disqualified by order of Court | |
| | BA30 Attempting to drive while disqualified by order of Court | |
| | CU80 Using a mobile phone while driving a vehicle | Using a hand-held device whilst driving |
| | DD40 Dangerous driving | Motoring Convictions |
| | DD90 Furious driving | |
| | 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. | |
| | UT50 Aggravated taking of a vehicle | |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|---|-------------------|--|--|
| 14.4 | 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. | Five Years | 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. | DfT standard does not distinguish between major and minor offences whereas WCBC criteria do. DfT standard does not proscribe time limits for any motoring offences for all but one offence. |
| 14.5 | 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. | Five Years | 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. | Use of a hand held device whilst driving is addressed by DfT standard. WCBC criteria (See CU30 at 14.3, 14.4) imposes a minimum 12 month period post conviction. DfT imposes a minimum 5 years post sentence or disqualification. |
| 14.6 | 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". | Five Years | 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 | |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|-------------------|--|--|
| 14.7 | MINOR TRAFFIC OFFENCES | | | |
| 14.8 | 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. | Five Years | 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. | DfT standard does not distinguish between major and minor offences whereas WCBC criteria do. |
| 14.9 | 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. | Five Years | 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. | DfT standard does not proscribe time limits for any motoring offences for all but one offence. Use of a hand held device whilst driving is addressed by DfT standard. |
| 14.10 | 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. | Five Years | 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 | WCBC criteria (See CU30 at 14.3, 14.4) imposes a minimum 12 month period post conviction. DfT imposes a minimum 5 years post sentence or disqualification. |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|-------------------|--|---|
| 14.11 | INSURANCE OFFENCES | | | |
| 14.12 | 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. | Five Years | <p>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.</p> <p>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.</p> <p>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</p> | <p>DfT standard does not distinguish between major and minor offences whereas WCBC criteria do.</p> <p>DfT standard does not proscribe time limits for any motoring offences for all but one offence.</p> <p>Use of a hand held device whilst driving is addressed by DfT standard.</p> <p>WCBC criteria (See CU30 at 14.3. 14.4) imposes a minimum 12 month period post conviction. DfT imposes a minimum 5 years post sentence or disqualification.</p> |

15. DISQUALIFICATION FROM DRIVING

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DfT STATUTORY STANDARD | COMMENT |
|----------------|--|----------------------|--|--|
| 15.1 | 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. | Motoring Convictions | DfT does not specifically address disqualification | The only reference to disqualification on DfT standard is in relation to calculating time periods post conviction for driving offences that have resulted in disqualification. |
| 15.2 | 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. | Motoring Convictions | DfT does not specifically address disqualification | The only reference to disqualification on DfT standard is in relation to calculating time periods post conviction for driving offences that have resulted in disqualification. |
| 15.3 | 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. | Motoring Convictions | DfT does not specifically address disqualification | The only reference to disqualification on DfT standard is in relation to calculating time periods post conviction for driving offences that have resulted in disqualification. |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|----------------------|--|--|
| 15.4 | 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. | Motoring Convictions | DfT does not specifically address disqualification | The only reference to disqualification on DfT standard is in relation to calculating time periods post conviction for driving offences that have resulted in disqualification. |
| 15.5 | 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 | Motoring Convictions | DfT does not specifically address disqualification | The only reference to disqualification on DfT standard is in relation to calculating time periods post conviction for driving offences that have resulted in disqualification. |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|---|------------------------|--|--|
| 8.2 | No specific parallel section on WCBC criteria but see: 8.2 and the offence of sexual grooming | 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. | DfT guidance addresses a wide range of exploitation scenarios. WCBC criteria cover some exploitation issues where they would be covered by sexual offences or violence but do not cover neglect, psychological or emotional or financial abuse |
| 7.4 | No specific parallel section on WCBC criteria but see: 7.4 above which imposes a minimum period of 10 years post sentence completion for possession of a firearm | 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. | WCBC criteria refers to weapons (except firearms) at 7.5 and to firearms at 7.4 DfT standard refers to all weapons. |
| 7.5 | No specific parallel section on WCBC criteria but see: 7.5 above which imposes a minimum period of 3 years post sentence completion for possession of a weapon (not a firearm) | 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. | WCBC criteria refers to weapons (except firearms) at 7.5 and to firearms at 7.4 DfT standard refers to all weapons. |

| WCBC REFERENCE | WREXHAM SUITABILITY CRITERIA | DFT REFERENCE | DFT STATUTORY STANDARD | COMMENT |
|----------------|--|----------------|---|--|
| 7.4 | No specific parallel section on WCBC criteria but see 7.4 above. | 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 | Some of the offences at 7.4 of WCBC criteria refer to "racially aggravated" and would be caught by this DfT standard. This section of the DfT standard would also capture all other forms of discrimination including disability discrimination. |