**Convictions Policy**

**APPENDIX 1 Consideration of Previous Convictions or Cautions for Licensing Hackney Carriage or Private Hire Drivers**

A driver has direct responsibility for the safety of their passengers, for the safety of other road users and significant control over passengers who are in the vehicle. As those passengers may be alone and may also be vulnerable, any previous convictions, cautions or unacceptable behaviour will be taken into serious consideration before a licence is granted or retained.

Where an applicant has any conviction, or caution, reprimand, warning or other reprehensible behaviour which could indicate a pattern or tendency irrespective of time since the conviction (caution, reprimand, warning or other reprehensible behaviour), serious consideration will need to be given as to whether they are a safe and suitable person.

In relation to single convictions, the following time periods should elapse following completion of the sentence (or the date of conviction if a fine was imposed) before a licence will be granted.

| OFFENCE | REQUIRED STANDARDS |
| --- | --- |
| **Crimes resulting in death OR**  **Intention to cause death or serious injury of another person** | Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person  **they will not be licensed.** |
| **Exploitation** | Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, **they will not be licensed.**  **This includes: slavery, child sexual exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.** |
| **Offences involving violence** | Where an applicant has a conviction for an offence of violence, or connected with any offence of violence,  **a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.** |
| **Possession of a weapon** | Where an applicant has a conviction for possession of a weapon or any other weapon related offence, **a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.** |
| **Sex and indecency offences** | Where an applicant has a conviction for any offence involving or connected with illegal sexual activity or any form of indecency, **a licence will not be granted.**  **In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any ‘barred’ list.** |
| **Dishonesty** | Where an applicant has a conviction for any offence of dishonesty or any offence where dishonesty is an element of the offence, **a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.** |
| **Drugs** | Where an applicant has any conviction for or related to, the supply of drugs or possession with intent to supply or connected with possession with intent to supply, **a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.**  Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, **a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.**  **In these circumstances, any applicant will also have to undergo drugs testing, with a council approved provider, at their own expense, to demonstrate that they are not using controlled drugs.** |
| **Discrimination** | Where an applicant has a conviction involving or connected with discrimination in any form, **a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.** |
| **Motoring convictions** | Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. Any motoring conviction demonstrates a lack of professionalism and will be considered seriously.  A single occurrence of a minor traffic offence may not prohibit the grant of a licence or may not result in action against an existing licence.    **Subsequent convictions reinforce the fact that the licensee does not take their professional responsibilities seriously and is therefore not a safe and suitable person to be granted or retain a licence.** |
| **Drink driving/driving under the influence of drugs/using a hand‐held telephone or hand-held device whilst driving** | 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 7 years have elapsed since the completion of any sentence or driving ban imposed.**  **In these circumstances, any applicant will also have to undergo drugs testing, with a council approved provider, at their own expense, to demonstrate that they are not using controlled drugs.**  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 5 years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.** |
| **Other motoring offences** | A **minor traffic** **or vehicle related** offence is one which:   * does not involve loss of life or * does not involve driving under the influence of drink or drugs   and has not resulted in injury to any person or damage to any property (including vehicles).  Where an applicant has 7 or more points on their DVLA licence for minor traffic or similar offences, **a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed.**  **A major traffic or vehicle related offence is one which is not covered above and also any offence which resulted in injury to any person or damage to any property (including vehicles).**  **It also includes driving without insurance or any offence connected with motor insurance.**  **Where an applicant has a conviction for a major traffic offence or similar offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.** |
| **Hackney carriage and private hire offences** | Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), **a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.** |
| **Vehicle use offences** | Where an applicant has a conviction for any offence which involved the use of a vehicle (including hackney carriages and private hire vehicles), **a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.** |

**Data Protection Requirements and Consideration of Previous Convictions, Cautions etc for Private Hire Operators and Their Staff**

**Data Protection Act 2018 and the U.K. General Data Protection Regulation (GDPR)**

A private hire operator (an ‘operator’) does not have direct responsibility for the safety of passengers, other road users or direct contact with passengers who are in the private hire vehicle (except where they are also licensed and act as a private hire driver).

However, in performing their duties, operators obtain and hold considerable amounts of personal and private information about their passengers which must be treated in confidence and not revealed to others or used by the operator or their staff for criminal or other unacceptable purposes. Operators must only use any personal data held by them as necessary, in the course of their business.

Operators must ensure that all staff employed within the business (either as direct employees or as independent contractors) comply with the above requirements under data protection legislation.

**Basic Criminal Records Check**

All staff employed within the business (either as direct employees or independent contractors) who have access to personal information will be subject to a basic criminal records check conducted with the Disclosure and Barring Service (DBS).

Where an applicant or employee has any conviction, caution, reprimand, warning or has behaved reprehensibly, serious consideration will need to be given as to whether they are a safe and suitable person to hold a licence or carry out duties under the terms of a private hire operator licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the council’s convictions policy will be applied to operators in the same way as it is applied to drivers, as outlined above.

**Consideration of Previous Convictions or Cautions for Vehicle Proprietors**

Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities:

Firstly, they must ensure that the vehicle is maintained to an acceptable standard, at all times.

Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.

As stated above, where an applicant has more than one conviction, serious consideration will need to be given as to whether they are a safe and suitable person to be granted or retain a vehicle licence.

As public trust and confidence in the overall safety and integrity of the private hire system is vital, the same standards will be applied to proprietors as those applied to drivers, which are outlined above.