

Annex 1

Statement of Policy Concerning the Relevance of Criminal Convictions / Cautions for New Applicants and Existing Drivers, Operators and Proprietors

Table 1      MOTORING OFFENCES

Motoring Convictions	Period of Disqualification from Driving based upon Home Office Circular 13/92 and Statement of Policy	Appropriate Action	Delegation
<b>(New Applicants)</b> Possessing Single Minor Motoring Offence* (normally incurring up to 5 points) within 2 years of conviction(s) prior to application date.	Not Disqualified	Licence Issued with additional condition on licence in regard to future convictions.	Action delegated to Head of Env Services or Referred to Licensing and Appeals Sub Committee
<b>(New Applicants)</b> Possessing 1 or more Motoring Offence (incurring 6 or more points within 2 years of conviction(s) prior to application date.	Not Disqualified	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee

<b>(New Applicants)</b> Any combination of Motoring Offences collecting 12 or more points leading to a ban. Where applicant has no further offences for 3 years	12 months from return of DVLA Licence	Licence and written warning issued,	Head of Environmental Services
<b>(New Applicant)</b> 1 Conviction relating to drink / intoxication in connection with vehicles where applicant has clean licence for 5 years since return from DVLA.	2 years from return of DVLA licence	Licence and Written warning issued.	Head of Environmental Services
<b>(New Applicant)</b> 2 or more convictions relating to drink /drugs intoxication in connection with a vehicle or alcoholism is involved	3 – 5 years from return of DVLA licence	Matter to be referred to Licensing and Appeals Sub Committee for consideration  Report of an independent medical examiner will be required before hearing. Cost to borne by applicant.	Licensing and Appeals Sub Committee
<b>(Existing Drivers)</b> 2 Minor Motoring Offences* incurring 6 or more points in a 2 year period, when notified or discovered by the Authority.	Not Disqualified	Driver required to sit DSA** test and Written warning issued as to future convictions. <b>Comment 1 below</b>	Head of Environmental Services

\* Minor motoring offence e.g. vehicular obstruction, waiting in restricted street, speeding etc

\*\* DSA Test - Dep't of Transport Driving Standards Agency driving test

**Comment 1** - Failure of driver to attend DSA test or failure to pass DSA on 2 occasions will result in referral to Licensing and Appeals Committee.

Table 2

**CRIMINAL OFFENCES**

Criminal Convictions	Period of Rehabilitation based upon Home Office Circular 13/92 and Statement of Policy before consideration given	Appropriate Action	Delegation
Formal Cautions if over 12 months old	No Conviction	Licence Issued if not related to private hire additional conditions on licence in regard to future actions.	Head of Environmental Services
Minor convictions not related to private hire over 3 years old *	None indicated in circular or specified in Policy.	Licence Issued if not related to private hire additional conditions on licence in regard to future actions.	Head of Environmental Services

Convictions involving prohibited drugs over 6 years old	3 years from conviction	Licence Issued additional conditions on licence in regard to future offences.	Head of Environmental Services
As above if detoxification treatment undertaken by applicant.	5 years from conviction	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee
Convictions involving prohibited drugs whilst engaged as a private hire driver	Unspecified from conviction 5 years or over	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee
Drugs offences relating to sale	5 years from conviction	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee
Single Conviction of a sexual nature over 10 years old ***	5 Years from Conviction	Licence Issued additional conditions on licence in regard to future actions.	Head of Environmental Services
More than 1 conviction of a sexual nature	5 years from most recent conviction	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee
Conviction of a sexual nature whilst engaged as a private hire driver	Unspecified from conviction 5 years or over	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee
Conviction for Violence over 5 years old	3 years from conviction	Licence Issued additional conditions on licence in regard to future actions.	Head of Environmental Services

Convictions of Violence whilst engaged as a private hire driver	Unspecified from conviction 5 years or over	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee
Conviction of dishonesty over 5 years old	3 years from conviction	Licence Issued additional conditions on licence in regard to future offences.	Head of Environmental Services
Convictions of dishonesty whilst engaged as a private hire driver	Unspecified from conviction 5 years or over	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee

\* Minor conviction relate to offences not including Dishonesty, Violence or of a sexual nature

\*\*\* Sexual nature means convictions for indecent exposure, indecent assault, importuning, or any other sexual offences

Offences committed in the course of Public / Private Hire employment are regarded as extremely serious matters. Any breach of the Local Government (Miscellaneous Provisions) Act 1976, and any other national legislation can result in the following.

Breach of Conditions	Appropriate Action	Delegated
*Proprietors 1 offence	Officer: Written warning if isolated technical offence	Head of Environmental Services
*Proprietors more than 1 offence in 2 year period or persistent offences over longer period	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee
Driver 1 Offence	Officer: Written warning if isolated technical offence	Head of Environmental Services
Drivers more than 1 offence in 2 year period or persistent offences over longer period	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee
Operator 1 Offence	Officer: Written warning if isolated technical offence	Head of Environmental Services
Operator more than 1 offence in 2 year period or persistent offences over longer period	Matter to be referred to Licensing and Appeals Sub Committee for consideration	Licensing and Appeals Sub Committee

\* Proprietor - means the person or persons or body named on a private hire vehicle licence as the proprietor of the vehicle and includes part proprietors and in relation to a vehicle subject to a hiring agreement or hire purchase agreement, the person in possession of the vehicle under the agreement.

Where decisions are delegated to Officers, each decision will be made following the merits of the case. Even where the time periods for offences are exceeded, if there is any element of doubt then the matter will be referred to the Licensing and Appeals Sub Committee. Any formal action in relation to written warnings, formal cautions, prosecutions etc will follow the General Enforcement Policy for Environmental Health.