

**POLICY AND GUIDANCE ON CONVICTIONS AND  
CAUTIONS FOR HACKNEY CARRIAGE DRIVERS,  
PRIVATE HIRE DRIVERS AND PRIVATE HIRE  
OPERATORS AND VEHICLE PROPRIETORS**

*(Revised OCTOBER 2019)*

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1. **BACKGROUND DOCUMENTS**

1.1 This Policy and Guidance originally approved by the Licensing Committee on 2<sup>nd</sup> June 2011 and as amended, is based on the guidelines relating to the relevance of convictions and cautions contained in the following publications:

- Home Office Circular 30/2005 – Cautioning of Adult Offenders
- The Crown Prosecution Service – National Standards for Cautioning
- Road Safety Act 2006
- Home Office Circular 6/2006 The Notifiable Occupations Scheme: Revised Guidance for Police Forces
- ‘Local Government Association’ Taxi and PHV Licensing Councillor Handbook (2017)
- Enforcement and Regulatory Services Enforcement Policy (Revised 2018)

1.2 On 12<sup>th</sup> June 2018 the Licensing Committee resolved to formally adopt the Institute of Licensing – ‘Guidance on determining the suitability of applicants and licenses in the hackney and private hire trades’,

1.3 The Licensing Committee also resolved that the ‘Guidance’ will be used in conjunction with this policy document and that this policy document be amended to incorporate the recommendations and the time periods on convictions as contained within the Institute of Licensing ‘Guidance’. Section 8 of this policy document has been amended to reflect the Licensing Committee resolution.

1.4 The Council will also give due regard to Section 17 of the Crime and Disorder Act 1998, which states:-

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area”.

**1.5 Simply, the Section requires that all local authorities consider crime and disorder reduction while exercising their duties.**

## **2. SPENT CONVICTIONS**

2.1 With effect from 28<sup>th</sup> February 2002, The Rehabilitation of Offenders Act 1974 (Exceptions) (Amendment) Order 2002, added Hackney Carriage and Private Hire Drivers to the list of “Exempted Occupations” contained in the Act. Applicants must disclose **ALL** convictions.

2.2 Nothing is now “SPENT” for such applications including cautions. However the Council is required to have a policy in place as to what it does in respect of convictions /

cautions disclosed by the Disclosure and Barring Service (DBS) Certificate or by an applicant or licence holder by way of a statutory declaration. Legal advice has been taken, which shows that this “Guidance” meets that policy requirement.

- 2.3 The Council must also take into account those people banned or prohibited from working with children within the terms of the Protection of Children Act 1999 and the Criminal Justice and Court Services Act 2000, and those persons barred by the Disclosure and Barring Service.
- 2.4 An Enhanced (DBS) disclosure is required for Hackney Carriage and Private Hire Drivers and a Basic (DBS) disclosure is required for Private Hire Operators and Vehicle Proprietors.

### **3. CAUTIONS**

- 3.1 The following conditions / criteria that **MUST** be met before a caution can be administered by the Police or any other prosecuting agency in accordance with the “National Standards for Cautioning”:

- **There is a realistic prospect of conviction**
- **The offender admits the offence**
- **The offender understands the significance of a caution and gives informed consent to being cautioned**

### **4. REQUIREMENT TO DISCLOSE CONVICTIONS, CAUTIONS, MOTORING OFFENCES INCLUDING FIXED PENALTY NOTICES**

- 4.1 **All new applicants and current licence holders including new or current Vehicle Proprietors must complete a statutory ‘Declaration of Offences’ form at the time of making an application or at the time of renewal. This will be included in the application form.**
- 4.2 **ALL Hackney Carriage Drivers, Private Hire Drivers or Private Hire Operators and Vehicle Proprietors MUST notify the Licensing Authority (Licensing Team) in writing within seven days of any conviction, caution or motoring offence including fixed penalty notices and of any other formal legal action or disposal.**

### **5. GENERAL POLICY**

- 5.1 Slough Borough Council licenses Hackney Carriage / Private Hire Drivers and Operators and Vehicle Proprietors under the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976.
- 5.2 The Council may refuse to grant, renew, suspend or revoke a Driver or Operator or Vehicle proprietor Licence on any of the following grounds:
- (a) there has been a conviction for an offence involving dishonesty, indecency or violence

- (b) there has been a conviction for an offence under or a failure to comply with statutory legislation or by-laws, or
- (c) any other reasonable cause (for example but not limited to formal Police caution or serious road traffic offence)

## **6. FIT AND PROPER**

- 6.1 It should be considered whether the applicant is a 'fit and proper person' to hold a driver or Operator licence. In considering evidence of an applicant's good character and fitness to hold a licence, where previous convictions or other information relating to criminal matters is disclosed the Council will consider the nature of the offence, when it was committed, the date of conviction, the applicant's age when the offence was committed and any other factors which might be relevant.
- 6.2 Where an applicant has been convicted of a criminal offence the Council cannot review the merits of the conviction (***Nottingham City Council v. Mohammed Farooq (1998)***).
- 6.2 A new applicant or current licence holder need not necessarily have been convicted or cautioned in respect of a criminal offence for his behaviour to be taken into account in deciding whether the test of 'fit and proper' has been satisfied. Furthermore, the fact that an applicant or licence holder does have a criminal conviction does not necessarily mean that he is not a 'fit and proper person' to hold a Licence.
- 6.4 **The Council is not considering whether the person is guilty of an offence but whether he or she is a 'fit and proper person'.**
- 6.5 **In all cases the overriding consideration will be the protection and wellbeing of the public.**
- 6.6 ALL new applicants who have not resided in the UK for a full five (5) years immediately before submitting the application must also satisfy the Licensing Team / Committee that they are a 'fit and proper person'. This will require:
- Obtaining a Certificate of good Conduct via the respective embassy from the country(s) where the applicant has resided for the previous 5 years
  - Obtaining a written English translation certificate at the applicants own expense for the above certificate, where applicable
  - Production of National Insurance details and / or documentary evidence that allows an applicant to reside and work in the UK in line with Immigration requirements under The Immigration Act 2016.

Each Case will be decided on its own merits.

- 6.7 On 22<sup>nd</sup> January 2001 the Licensing Committee resolved to authorise Licensing Officers with powers for the following matters:
- (a) To review and monitor applicants for and holders of Hackney Carriage and Private Hire Vehicle Drivers Licenses who have more than 6 penalty points endorsed on their driving licences and bring before the Committee those cases where the

endorsement is for offences of dangerous or careless driving or driving without insurance,

- (b) To automatically revoke the licence of a driver who has been disqualified from driving and not bring any further application before the committee until at least 12 months has elapsed from the end of disqualification subject to the right of appeal to the Magistrates Court.

6.8 A new applicant who has more than 6 current points on the D.V.L.A. driving licence will not be considered.

## **7. RELEVANT LEGISLATION**

7.1 The main requirement for any person to be granted either a Private Hire Drivers Licence or Hackney Carriage Drivers licence is that the applicant must be a "Fit and Proper" Person.

7.2 For Private Hire Drivers the relevant legislation, Section 51 (1) LG (MP) Act 1976 states;

Provided that a District Council shall not grant a licence –

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a drivers licence: or
- (b) to any person who has not for at least twelve months been, and is not at the date of the application for a drivers licence, the holder of a licence granted under Part 111 of the Act 1972 (not being a provisional licence) authorising him to drive a motor car.

7.3 For Hackney Carriage Drivers the relevant legislation, Section 59 (1) LG (MP) Act 1976 states;

Notwithstanding anything in the Act of 1847, a District Council shall not grant a licence to drive a Hackney Carriage –

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence ; or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the time of the application for driver's licence so authorised.

7.4 Section 61 of the relevant legislation (*as amended by Section 52 Road Safety Act 2006*) gives the District Council power to suspend, revoke or refuse to renew a Hackney Carriage or Private Hire Drivers licence and states;

- (1) Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or Section 51 of this Act, as the case may be) refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds;-

- (a) that he has since the grant of the licence –
  - (i) been convicted of an offence involving dishonesty, indecency or violence; or
  - (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
- (b) any other reasonable cause.

(2) (a) Where a district council suspend, revoke or refuse to renew any licence under this section they shall give to the driver notice of the grounds on which the licence has been suspended or revoked or on which they have refused to renew such licence within 14 days of such demand return to the district council the drivers badge issued to him in accordance with Section 54 of this Act.

(b) If any person without reasonable excuse contravenes the provisions of this section he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [level1 on the standard scale].

[(2A) Subject to section (2B) of this section, a suspension or revocation of the licence of a driver under this section takes effect at the end of the period of 21 days beginning with the day on which notice is given to the driver under subsection (2)(a) of this section.

(2B) If it appears that the interests of public safety require the suspension or revocation of the licence to have immediate effect, and the notice given to the driver under subsection (2) (a) of this section includes a statement that that is so and an explanation why, the suspension or revocation takes effect when the notice is given to the driver.]

(3) Any driver aggrieved by a decision of a district council under [subsection (1) of] this section may appeal to a magistrates court.

## **8. OFFENCES AND SENTENCING GENERAL GUIDE (revised June 2018)**

### **Drivers**

- 8.1. As the criteria for determining whether an individual should be granted or retain a hackney carriage driver's licence are identical to the criteria for a private hire driver's licence, the two are considered together.
- 8.2. A driver has direct responsibility for the safety of their passengers, direct responsibility 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 or unacceptable behaviour will weigh heavily against a licence being granted or retained.
- 8.3. As stated above, where an applicant has more than one conviction showing a pattern or tendency irrespective of time since the convictions, serious consideration will need to be given as to whether they are a safe and suitable person.

8.4 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.

### Crimes resulting in death

8.5 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**.

Offences covered under this section include but is not limited to;

1	Murder
2	Manslaughter
3	Any similar offence (including attempted or conspiracy to commit) offence which replace the above.
CD40	Causing death through careless driving when unfit through drink
CD50	Causing death by careless driving when unfit through drugs
CD60	Causing death by careless driving with alcohol level above the limit
CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis
CD80	Causing death by careless, or inconsiderate driving
CD90	Causing death by driving: unlicensed, disqualified or uninsured
BA40	Causing death by driving while disqualified
DD60	Manslaughter or culpable homicide while driving a vehicle
DD80	Causing death by dangerous driving
DG60	Causing death by careless driving with drug level above the limit

### Exploitation

8.6 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

8.7 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**.

Offences in this category will include but is not limited to;

1	Affray
2	Obstruction
3	Criminal damage
4	Racially-aggravated criminal damage
5	Racially-aggravated offence
6	Common assault
7	Assault occasioning actual bodily harm
8	S5 Public Order Act 1986 offence (harassment,



	alarm or distress)
9	S4 Public Order Act 1986 offence (fear of provocation of violence)
10	S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)

11	Common Assault with Racially Aggravated
12	Actual Bodily Harm which is Racially Aggravated
13	Grievous Bodily Harm
14	Grievous Bodily Harm with intent
15	Malicious Wounding or Grievous Bodily Harm which is Racially Aggravated
16	Assault Police
17	Riot
18	Using Threatening, Abusive Words or Behaviour
19	Breach of the Peace
20	Drunk and Disorderly
21	Common Assault – Aggravated
22	Robbery
23	Violent Disorder
24	Resist Arrest
25	Arson
26	Terrorism Offences
27	<b>Any</b> similar offences (including attempted or conspiracy to commit) offences which replace the above.

### Possession of a weapon

8.8 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.**

Offences in this category will include but is not limited to;

1	Possess Offensive Weapon
2	Possess Firearm
3	Possess Firearm with Intent
3	Terrorism offence involving a weapon
4	<b>Any</b> similar offences (including attempted or conspiracy to commit) offences which replace the above.

### Sex and indecency offences

8.9 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.**

8.10 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.

Offences within this category will include but is not limited to;

1	Assault by penetration
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2	Offences involving children or vulnerable adults
3	Sexual assault
4	Indecent Assault on Female
5	Indecent Assault on a Child Under 16 years
6	Indecent Exposure
7	Indecent Exposure to the Annoyance of Residents
8	Indecent Exposure with intent to insult a Female
9	Unlawful Sexual Intercourse
10	Soliciting or persistently soliciting a woman for prostitution
11	Exploitation of prostitution
12	Trafficking for prostitution
13	Importuning / soliciting (kerb crawling)
14	Gross indecency with Female
15	Gross Indecency with Male
16	Living Off Immoral Earnings
17	Prostitution
18	Possessing or Distributing Obscene Material
19	Possession of indecent photographs, child pornography etc
20	Buggery
21	Rape
22	Indecent or Nuisance Telephone Calls
23	<b>Any</b> sex or indecency offence that was committed in the course of employment as a taxi or private hire driver
24	<b>Any</b> similar offence (including attempted or conspiracy to commit) offence which replace the above

## Dishonesty

8.11 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.**

Offences in this category will include but is not limited to;

1	Theft
2	Theft – Shoplifting
3	Theft – Employee
4	Theft – From Vehicle
5	Burglary & Theft – Dwelling
6	Burglary & Theft – Non Dwelling
7	Burglary – Aggravated
8	Fraudulent Use
9	Handling
10	Receiving
11	Forgery
12	Conspiracy to Defraud
13	Obtain Money by Deception
14	Other deception
15	Obtain Money by Forged Instrument
16	Deception
17	False Accounting

18	False Statement to Obtain Benefit
19	Going Equipped
20	Taking/Driving or Attempt to take a vehicle without consent
22	Allow to be Carried in Stolen Vehicle
23	Perverting the Course of Justice
24	<b>Any</b> similar offences (including attempted or conspiracy to commit) offences which replace the above.

## Drugs

8.12 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.**

Offences within this category will include but is not limited to:

1	Possessing Controlled Drug with Intent to Supply
2	Producing Controlled Drug
3	Import Drugs
4	<b>Any</b> similar offences (including attempted or conspiracy to commit) offences which replace the above.

8.13 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 at their own expense to demonstrate that they are not using controlled drugs.

Offences within this category will include but is not limited to:

1	Possessing Controlled Drug
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## Discrimination

8.14 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

8.15 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. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would 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**

8.16 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 at their own expense to demonstrate that they are not using controlled drugs.

Offences under this section include but is not limited to;

DR10	Driving or attempting to drive with alcohol level above limit
DR20	Driving or attempting to drive while unfit through drink or drugs
DR30	Driving or attempting to drive then refusing to supply a specimen for analysis
DR31	Driving or attempting to drive then refusing a blood sample that was taken without consent due to incapacity
DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive
DR40	In charge of a vehicle while alcohol level above limit
DR50	In charge of a vehicle while unfit through drink or drugs
DR60	In charge of a vehicle then refusing to supply a specimen for analysis
DR70	Failing to provide a specimen for breath test
DR80	Driving or attempting to drive when unfit through drugs
DR90	In charge of vehicle when unfit through drugs
DG10	Driving or attempting to drive with drug level above the specified limit
DG40	In charge of a vehicle while drug level above specified limit

8.17 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**

8.18 A minor traffic or vehicle related offence is one which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone, 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**.

Offences covered under this section include but is not limited to;

AC10	Failing to stop after an accident
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AC20	Failing to give particulars or report an accident within 24 hours
AC30	Undefined accident offence
CU10	Using vehicle with defective brakes
CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition
CU30	Using a vehicle with defective tyres
CU40	Using a vehicle with defective steering
CU50	Causing or likely to cause danger by reason of load or passengers
CU80	Breach of requirements as to control of a vehicle, such as using a mobile phone
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 cancelled (revoked) or refused on medical grounds
MS10	Leaving a vehicle in a dangerous position
MS20	Unlawful pillion riding
MS30	Play street offences
MS40	Motor racing on the highway
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)
MS70	Driving with uncorrected defective eyesight
MS80	Refusing to submit to an eyesight test
MS90	Failure to information as to identity of driver etc
MW10	Contravention of Special Road Regulations (excluding speed limits)
PC10	Undefined Contravention of Pedestrian Crossing Regulations
PC20	Contravention of Pedestrian Crossing Regulations with moving vehicle
PC30	Contravention of Pedestrian Crossing Regulations with stationary vehicle
SP10	Exceeding goods vehicle speed limit
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)
SP30	Exceeding statutory speed limit on a public road
SP40	Exceeding passenger vehicle speed limit
SP50	Exceeding speed limit on a motor way
TS10	Failing to comply with traffic light signals
TS20	Failing to comply with double white lines
TS30	Failing to comply with a 'Stop' sign
TS40	Failing to comply with direction of a constable or traffic warden
TS50	Failing to comply with traffic sign (excluding 'Stop' sign, traffic lights or double white lines)
TS60	Failing to comply with school crossing patrol sign
TS70	Undefined failure to comply with a traffic direction or sign

8.19 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.**

CD10	Driving without due care and attention
CD20	Driving without reasonable consideration for other road users
CD30	Driving without due care and attention or without reasonable consideration for other road users
IN10	Using a vehicle uninsured against third party risks
BA10	Driving while disqualified by order of Court
BA30	Attempting to drive while disqualified by order of court
BA60	Causing serious injury by driving while disqualified

DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving
DD90	Furious driving
MS50	Motor racing on the highway
UT50	Aggravated vehicle taking

### Hackney carriage and private hire offences

8.20 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.**

Offences under this section include but is not limited to:

1	Breach of licence conditions
2	Illegally plying for hire
3	Overcharging
4	Refusing to carry disabled persons without an exemption
5	Refusing to carry assistance dogs without an exemption

### Vehicle use offences

8.21 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.** (See 8.19 above)

### Private Hire Operators

8.22 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 as a private hire driver). However, in performing their duties they 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.

8.23 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.

- 8.24 Operators must ensure that any staff that are used within the business (whether employees or independent contractors) and are able to access any information as described above are subject to the same standards as the operator themselves. This can be effected by means of the individual staff member being required by the operator to obtain a basic DBS certificate. If an operator is found not to be applying the required standards and using staff that do not meet the licensing authority's overall criteria, that will lead to the operator's licence being revoked.
- 8.25 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 operators as those applied to drivers, which are outlined above.

### **Vehicle proprietors**

- 8.26 Vehicle proprietors (both hackney carriage and private hire) have two principal responsibilities.
- 8.27 Firstly, they must ensure that the vehicle is maintained to an acceptable standard at all times.
- 8.28 Secondly, they must ensure that the vehicle is not used for illegal or illicit purposes.
- 8.29 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.
- 8.30 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

The list of offences in this guidance / policy is not exhaustive.

## **9. GENERAL ADDITIONAL GUIDANCE**

- 9.1 **A person with a current conviction for serious crime need not be permanently barred from obtaining a licence. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.**
- 9.2 **Where there are breaches of conditions, a warning should, in general, be sufficient. However, where there are substantial and repeated breaches of the licence over a short period of time a period of suspension together with a strict warning will, generally, be required.**
- 9.3 **Notwithstanding the guidance given in the policy, any application may be put before the Council's Licensing Committee, where it is considered to be the appropriate course of action.**
- 9.4 **Nothing in this guidance / policy will remove an applicants right to appeal to a**

**Magistrates Court against the Council's refusal to grant or renew a licence, or decision to suspend or revoke a licence, or against any conditions which may have been imposed on any such licence by the local authority. Such appeal is to be made within 21 days of the refusal or decision.**

## **10. DISCLOSURE GUIDANCE / REQUIREMENTS**

- 10.1 APPLICANTS SHOULD NOTE THAT TO MAKE A FALSE STATUTORY DECLARATION IS A SERIOUS CRIMINAL OFFENCE, PUNISHABLE UPON CONVICTION BY IMPRISONMENT FOR A TERM NOT EXCEEDING TWO YEARS OR TO A FINE TO BE DECIDED BY THE COURT OR BOTH. THIS STATUTORY DECLARATION MAY IN CERTAIN CIRCUMSTANCES, BE FORWARDED TO THE POLICE FOR EXAMINATION.**
- 10.2 New applicants for and current licence holders of driver licenses are required to declare **ANY** convictions or cautions including those regarded as **“Spent”** under the Rehabilitation of Offenders Act 1974 (as amended).
- 10.3 A **‘Declaration of Offences’** form must be completed at the time of initial application and for any renewal application to declare not only convictions or caution, but any other legal sanction or penalty that has been imposed.
- 10.4 The information given will be treated in confidence and will only be taken into account in relation to the application.
- 10.5 The Licensing Authority is empowered in law to check with the Disclosure and Barring Service for the existence and content of ANY criminal record held in the name of the applicant. Information received from the Disclosure and Barring Service will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary. The information will be held in accordance with the General Data Protection Regulations and the Licensing Service Privacy Notice which are available to view and download from the council website.
- 10.6 The disclosure of a criminal record or other information does not debar applicants from obtaining a licence unless the Council considers that the applicant is not a ‘fit and proper person’ to hold that licence.
- 10.7 In making this decision the Council will consider the nature of the offence(s), the period since convictions(s), at what age the offences were committed and any other relevant factors.

***This document can be revised at any time to reflect Acts of Parliament, new legislation, associated revisions to existing legislation and / or policy changes as approved by the Licensing Committee***



## 11. REHABILITATION OF OFFENDERS ACT 1974

(as amended by the Legal Aid, Sentencing and Punishment of Offenders Act 2014)

Sentence	End of rehabilitation period for adult offenders	End of rehabilitation period for offenders under 18 at date of conviction
A custodial sentence of more than 30 months and up to, or consisting of, 48 months	The end of the period of 7 years beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 42 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of more than 6 months and up to, or consisting of, 30 months	The end of the period of 48 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed
A custodial sentence of 6 months or less	The end of the period of 24 months beginning with the day on which the sentence (including any licence period) is completed	The end of the period of 18 months beginning with the day on which the sentence (including any licence period) is completed
Removal from Her Majesty's service	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
A sentence of service detention	The end of the period of 12 months beginning with the day on which the sentence is completed	The end of the period of 6 months beginning with the day on which the sentence is completed
A fine	The end of the period of 12 months beginning with the date of the conviction in respect of which the sentence is imposed	The end of the period of 6 months beginning with the date of the conviction in respect of which the sentence is imposed
A compensation order	The date on which the payment is made	The date on which the payment is made

Sentence	End of rehabilitation period for adult offenders	End of rehabilitation period for offenders under 18 at date of conviction
	in full	in full
A community or youth rehabilitation order	The end of the period of 12 months beginning with the day provided for by or under the order as the last day on which the order is to have effect	The end of the period of 6 months beginning with the day provided for by or under the order as the last day on which the order is to have effect
A relevant order	The day provided for by or under the order as the last day on which the order is to have effect	The day provided for by or under the order as the last day on which the order is to have effect

**NOTES**

- (i) There is no rehabilitation period for-
  - (a) An order discharging a person absolutely for an offence, or
  - (b) Any other sentence in respect of a conviction where the sentence is not dealt with in the above table
- (ii) Consecutive terms of imprisonment or other custodial sentences are to be treated as a single item
- (iii) Terms of imprisonment or other custodial sentences which are wholly or partly concurrent (as defined under section 7 (b) of the Act) are to be treated as a single item.