# APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVER'S LICENCES

## GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

## GENERAL POLICY

1. Each case will be decided on its own merits.

2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for three to five years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances. However, the overriding consideration should be the protection of the public.

3. The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences e.g. obstruction, waiting in a restricted street, speeding etc., should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a disqualification of the applicant's driving then a hackney carriage or PHV licence may be granted after it's restoration but a warning should be issued as to future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc., should normally merit a warning as to future driving and advice given on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further applications should be considered until a period of one to three years free from convictions has elapsed.

(c) Drunkenness

(i) With motor vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least three years should elapse (after restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic, a special medical examination should be arranged before the application is entertained. If the applicant is found to be an alcoholic, a period of 5 years should elapse after treatment is complete before a further licence is considered.

(ii) Not in a motor vehicle

An isolated conviction for drunkenness need not deter an applicant from gaining a licence. However, a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least three years free of convictions before an application is entertained, or five years after detoxification treatment if he/she were an addict.

(e) Indecency offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least three to five years) free of such offences. More than one conviction of this kind should preclude consideration for at least five years. In either case if a licence is granted a strict warning as to future conduct should be issued.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become “fair game” for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of three to five years free of conviction should be required before entertaining an application.

(h) Racially Aggravated and racial Offences

An offence such as assault or criminal damage may be racially aggravated. An offence is racially aggravated if, at the time of committing the offence or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based upon the victim’s membership (or presumed membership) of a racial group of if the offence is motivated (wholly or partly) by hostility towards members of a racial group based on their membership of that group.

A serious view should be taken of racially aggravated offences. An applicant with a conviction for a racially aggravated offence should be required to show a period of at least three years free of conviction before an application is entertained. A similar view should be taken of racial offences such as possession of racially inflammatory material. Racial offences and racially aggravated offences should be taken seriously because of the significant social damage done by offences and remarks of a racist nature.