



HACKNEY CARRIAGE/PRIVATE HIRE VEHICLE DRIVERS POLICY IN RESPECT OF RELEVANT CONVICTIONS.

When submitting an application for a licence to drive a hackney carriage or private hire vehicle you are required to declare any convictions or cautions you may have as these occupations are exempt from the provision of the Rehabilitation of Offenders Act 1974. Please note that any caution received is an admittance of guilt and will be considered as if it were a conviction. The information you give will be treated in confidence and will only be taken into account in relation to your application.

You should be aware that this Authority is empowered in law to check with the Criminal Records Bureau for the existence and content of any criminal record held in the name of an applicant. Information received from the Bureau will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

The disclosure of a criminal record or other information will not debar you from gaining a licence unless it is considered that the conviction renders you unsuitable. In making this decision the Authority will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors that may be relevant. *General guidance on this matter is attached.*

Any applicant refused a driver's licence on the ground that she/he is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates' Court.

If you would like to discuss what effect a conviction might have on your application you may telephone the Council's nominated officer in confidence for advice.

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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 will be expected to remain free of conviction for three (3) to five (5) 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 will be the protection of the public.
3. The following examples afford a general guide on the action to be taken where convictions are established:

(a) Minor Traffic Offences

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

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc, will normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one (1) conviction for this type of offence within the last two (2) years will merit refusal and no further application will be considered until a period of one (1) to three (3) years free from convictions has elapsed.

(c) Drunkenness

i) With Motor Vehicle

A serious view will be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident will not necessarily debar an application but strict warnings will be given as to future behaviour. More than one (1) conviction for these offences will raise grave doubts as to the applicant's fitness to hold a licence. At least three (3) years must elapse (after the 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 will be arranged before the application is entertained. If the applicant is found to be an alcoholic a period of five (5) years must elapse after treatment is completed before a further licence application is considered.

ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar 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 would be required to show a period of at least three (3) years free of convictions before an application is entertained, or five (5) years after detoxification treatment if he/she was an addict.

(e) Indecency Offence

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, will be refused until they can show a substantial period (at least three (3) to five (5) years) free of such offences. More than one (1) conviction of this kind will preclude consideration for at least five (5) years. In either case if a licence is granted a strict warning as to future conduct will be issued.

(f) Violence

As Hackney Carriage and PHV drivers maintain close contact with the public, a firm line will be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least three (3) years of such convictions is to be shown before an application is entertained and even then a strict warning will 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 is taken of any conviction involving dishonesty. In general, a period of three (3) to five (5) years free of conviction is required before the Authority will entertain an application.