

**GUIDELINES FOR ASSESSING APPLICANTS FOR  
HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES**

Under the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, Schedule 2 as amended by the Rehabilitation of Offenders Act 1974 (Exceptions) (Amendments) Order 2003, \*taxi driver licences are listed under Excepted Licences and under Schedule 3, proceedings relating to a taxi driver licence are listed as Excepted Proceedings. This means that the Rehabilitation of Offenders Act 1974 does not apply to any person applying for a private hire or hackney carriage driver's licence on initial grant or on renewal. You are therefore required to declare every offence for which you have been convicted or received a formal caution from the Police, whether or not it is spent within the terms of the Rehabilitation of Offenders Act 1974.

\* "taxi" driver is defined as both hackney carriage and private hire

When considering the effect a conviction or convictions may have on an application for a private hire or hackney carriage licence, each individual case will be decided on its own merits.

The offences listed below are examples of those considered particularly relevant but are not exhaustive and all convictions will be considered including those which are spent. Regard will be had both to the serious of an offence and to repeated offending.

The overriding consideration will be the protection of the public. In addition to their right of appeal to the Magistrates' Court under the Local Government (Miscellaneous Provisions) Act 1976, applicants will be offered an opportunity to appeal against the refusal of an application to the Council's Environment Appeals Committee.

**Offences of a sexual nature or involving indecency or involving obscene materials**

These will include consensual sex with others under the age of consent. It is recognised that drivers carry great numbers of underage persons who could be vulnerable to improper advances. Applicants with unspent convictions for these offences will not normally be considered fit and proper.

**Offences of Violence**

A driver with violent tendencies, whether it is violence towards men or women or sexual aggression, may not be a suitable person to drive the public. The public may on occasions be difficult and unco-operative and on other occasions may be travelling on their own and be very vulnerable.

Applicants with unspent convictions for offences involving violence will not normally be considered fit and proper.

**Offences of Dishonesty**

Drivers are in a position to illegally obtain money or property whilst carrying out their work. This could range from over charging to burglary. For example, drivers often become aware of when properties are empty and when the occupants are expected to return.

Applicants with unspent convictions for offences involving dishonesty will not normally be considered fit and proper.

### **Offences involving Drugs**

Drivers are in a position to be involved in the dealing and transportation of controlled drugs.

Applicants with unspent convictions for offences involving drugs will not normally be considered fit and proper.

### **Offences of Driving Under the Influence of Alcohol or Drugs**

Offences involving substance abuse may indicate an inability to control the use of such substances with a potential to affect the driver's safety on the roads.

Where a fine has been imposed, the rehabilitation period is five years. Where an applicant is convicted of this offence they will normally not be considered fit and proper until the expiry of five years.

### **Traffic Offences**

Motoring offences are important in relation to someone who intends to earn their living driving the public.

An applicant with an unspent conviction for a serious road traffic offence or repeated minor offences will not normally be considered a fit and proper person.

### **Offences involving Discrimination**

Offences concerning discrimination are a concern to all in society and drivers are in a position to discriminate against selected groups or individual passengers.

An applicant with an unspent conviction for discrimination against any sector of the community will not normally be considered a fit and proper person.

### **Convictions During the Currency of a Licence**

A current licence holder who is convicted of any offence contained within these guidelines during the course of the currency of a licence will normally have his/her licence suspended pending consideration of its revocation.