

Table of Amendments – Safe and Suitable Policy – Section 4 - Convictions

Current policy	Proposed amendment
N/A	<p>Added</p> <p>Offences involving exploitation and criminal harassment</p> <p>Where and applicant has been convicted of a crime, related to, or has any connection with abuse, exploitation, use or treatment or criminal harassment 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, stalking without violence, but this is not an exhaustive list.</p>
<p>Offences involving violence</p> <p>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.</p>	<p>Offences involving violence</p> <p>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. Where the offence of violence was committed against a child or vulnerable adult a licence will never be granted.</p>
N/A	<p>Added</p> <p>Offences involving Public Order</p> <p>Where an applicant has a conviction for a public order offence or similar that is in itself an act of violence, a licence will not be granted for a period of 5 years.</p>
<p>Sex and indecency offences</p> <p>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.</p>	<p>Offences involving Sex, indecency or obscene materials</p> <p>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. This includes any sexual harassment.</p>
N/A	<p>Added</p> <p>Offences involving Alcohol abuse, Misuse or Dependency</p> <p>Where an applicant has any conviction for, or related to drunkenness not in a motor vehicle, a licence will not be granted until at least 5 years have elapsed since the completion of any sentence imposed. If the applicant has a number of convictions for drunkenness and or there are indications of a medical problem associated with possible abuse, misuse of, or dependency</p>

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	<p>on alcohol, the applicant will also be subject to additional medical testing/assessment before the application is considered. If the applicant was found to be dependent on alcohol, a licence will not be granted unless at 5 years have elapsed since the dependency ceased.</p>
<p>Discrimination 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.</p>	<p>Offences involving Discrimination Where an applicant has a conviction involving or connected with discrimination in any form, including non-compliance with the Equality Act 2010, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. This includes e.g. refusals to carry assistance dogs or to provide mobility assistance.</p>
N/A	<p>Paragraph added</p> <p>Offences involving Regulatory non- compliance Regulatory crimes include local authority matters, licensing matters, and other offences prosecuted by other authorities. It also includes matters relating to the administration of justice such as failing to surrender to bail, and any other matter where regulations or requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious consideration will need to be given as to whether they are a safe and suitable person to hold a licence.</p>
<p>Drink driving/driving under the influence of drug 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.</p>	<p>Drink driving/driving under the influence of drugs Where an applicant has a conviction for drink driving or driving under the influence of drugs or failing to provide a specimen in relation to a driving matter, 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.</p>

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N/A	<p>Added</p> <p>Penalty points applied to a DVLA driving licence remain active for either 3 or 10 years, which may be from the date of the offence or the date of the conviction dependent upon the offence. They may be removed from the licence after 4 or 11 years. That action does not negate the offence that led to the points being imposed. Penalty points (and the underlying offence) will be relevant and taken into consideration for 4 to 11 years from the date of conviction or the date of the offence depending on the type of offence.</p>
<p>Motoring offences</p> <p>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.</p>	<p>Motoring offences</p> <p>By attaining 7 or more penalty points on their DVLA licence a driver is demonstrating they may not be a fit and proper person and the authority will assess their suitability. The driver will be required to attend a driver awareness course and/ or pass a driver assessment, with no more than 8 minor infringements, within 2 months of notice from the authority that they are considering the suitability of the licence holder. Failure to do so strongly suggests that the driver is not fit and proper and will not be licensed until a period of 12 months has passed with no further convictions and has passed a driver assessment since the last conviction.</p>
N/A	<p>added</p> <p>Any drivers who has accumulated 12 or more penalty points on their DVLA licence and has not been disqualified under the totting up procedure by a court as a result of making exceptional hardship arguments shall not be able to advance such arguments before the licensing authority as they are not a relevant consideration in determining what action the authority should take. Any such driver will not be licensed for a period of 5 years from the date of the accumulation of 12 or more points.</p>

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	<p>Any driver who has been disqualified as a result of 'totting up' which erases the points when the licence is restored, will not be licensed for a period of 5 years from the date of the disqualification. Other disqualifications will need to be investigated, the reasons ascertained, and a decision will be based on the results of that investigation</p>
N/A	<p>added</p> <p>Drivers who commit parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. Persistent offenders when reported should be reported to the licensing authority and we may consider a period of suspension depending on the severity and frequency of the incidents reported.</p>
N/A	<p>added</p> <p>Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour such as behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.</p> <p>Behaviours such as</p> <ul style="list-style-type: none"> • Asking passengers for their contact or social media details • Asking personal or intimate questions • Inappropriate physical contact with passengers or invasion of personal space • Inappropriate conversations, questions or behaviour <p>This is more important if a passenger is alone or vulnerable</p> <p>Except in the most serious cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding</p>

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	<p>training and explained to how the behaviour may be perceived by a vulnerable passenger.</p> <p>If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then an applicant should not be licensed.</p>
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