



# Convictions Criteria

## Taxi and Private Hire Licensing



**Leeds**  
CITY COUNCIL

## Background Information

Before granting a licence the Council has a statutory obligation to ensure the applicant is a 'fit and proper' person. That requirement remains with the Council throughout the lifetime of a licence and at the point of renewal.

Decision making needs to be justified and consistent; crime and safety are issues of national and local importance and despite falling levels of recorded crime in recent years, it remains a primary concern for the people of Leeds

A key part of the fit and proper test is the 'convictions criteria'; which describes and tries to assess the potential risk to the public and the Council by categorising types of crime and driving convictions

Leeds City council has adopted the essence of partnership working and expresses its values as follows:

*The Safer Leeds Partnership is our vision is for people to be able to live without fear for their own safety, or the safety of others. Our overall aim is to secure sustainable reductions in crime and disorder, and to address fear of crime in the Leeds district.*

**Please note:** Convictions that are not disclosed in line with the conditions upon a licence, or where a false declaration is made at the time of renewal, will be treated as a breach of the policy. The start date for any such convictions would become effective from the date that the Council first became aware of them.

### **I'm interested in becoming a Private Hire driver but I have a criminal conviction; can I still apply?**

A points criteria system is used to ensure that decisions are made on hard criteria and are both consistent and fair in arriving at the decision. The objective of the system is to define a 'fit and proper person' and to ensure that you, the applicant, fulfil the requirement of being a fit and proper person before a licence is issued.

All applicants will be considered on their individual merits however the system incorporates three criteria:

- (i) Date of conviction
- (ii) Type of offence
- (iii) Sentence imposed

If you do not have a conviction then the points system will not form part of your application process.

The criteria use 9 points as the maximum number of points you can hold in order to obtain a licence. If you demonstrate 10 or more points your application would be refused.

If you are the subject of current criminal investigations and/or currently being prosecuted for criminal offences, your application will be dealt with on the basis that you *could* be convicted of the offence.

In deciding whether you are fit and proper, the Council may consider any other relevant information provided to it by external agencies. If in those circumstances you would then have 10 or more points, the application would be refused.

A refusal of an application will be given in writing, detailing the reason for the refusal and informing you of your right to appeal against the decision to the Magistrate's Court in accordance with the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

### **I'm interested in becoming a Private Hire driver but I have a motoring conviction; can I still apply?**

Motoring convictions adopt different criteria dependant on the conviction(s) disclosed on the licence and are broken into two groups:

- (a) Minor road traffic offences
- (b) Major road traffic offences

#### **Minor Road Traffic Offences:**

Convictions for minor traffic offences should not prevent you from proceeding with an application or holding a licence. However, if the number of current points on your DVLA licence exceeds 12 points then your application will be refused or the current licence suspended or revoked. A further application will not be approved until the DVLA licence demonstrates that the number of current points on the licence is below 13 points.

#### **Major Road Traffic Offences:**

An isolated conviction for major traffic offences should not prevent a person from proceeding with an application or holding a licence. However, if more than one conviction for an offence under this heading is shown to be current on the DVLA licence, then an application will be refused or the current licence suspended or revoked.

Where the DVLA licence demonstrates more than one conviction of this type a period of 6 months must have elapsed from the date of the last conviction on the DVLA licence before an application is approved or a licence restored.

An application received which details one of the following offences on the DVLA licence; DD30, DD60, DD70, will automatically be refused or a current licence suspended or revoked. No further application will be approved until such time as that conviction is removed under the Rehabilitation of Offenders period. Other offences covered in this section will be treated under the dishonesty/violence category as detailed in the Criminal Convictions section.

## **Disqualification from Driving**

If a period of disqualification has been received on a licence, a period of 6 months must have elapsed from the restoration of the DVLA licence and be free from any other motoring conviction before an application will be approved or a licence restored.

Should the DVLA licence demonstrate a further conviction since the disqualification period then a 6 months period must elapse from the date of the last conviction on the DVLA licence before an application is approved or a licence restored.

If there is a second period of disqualification, the licence will be revoked and not considered for again for a minimum period of 12 months from the end of the disqualification period. There is a requirement for the driver to undertake a 'life skills driving development' course with a nationally recognised driving assessment programme.

Where there is a third period of disqualification, the licence will be revoked and not considered again for a minimum period of 3 years from the end of the disqualification period. There is a requirement to undertake a 'life skills driving development' course with a nationally recognised driving assessment programme.

## **Totting Up**

When disqualified from driving under the 'totting up' procedures, a compulsory or discretionary period of disqualification, the licence will remain suspended until the driver has achieved a pass in a 'life skills driving development' course with a nationally recognised driving assessment programme.

Where there is 12 or more points but no disqualification due to 'exceptional hardship' there is a requirement to undertake a 'life skills driving development' course and be successful in achieving that within 3 months of the Court decision or the licence will be suspended and not considered again until a pass has been achieved in the programme.

## **Failure to report a disqualification**

Failure to report a disqualification will result in the driver licence being suspended and will remain so for 6 months and not re-issued until completion of a 'life skills driving development' course. Where false declarations have been made, these may be considered under the 'fit and proper' test.

## **Driving a Motor Vehicle under the Influence of Drink or Drugs:**

A serious view is taken of convictions of driving or being in charge of a vehicle while under the influence of drink or drugs. An application with one conviction on the DVLA licence under this category will be accepted providing a 12 months period has elapsed since the restoration of his DVLA licence. More than one conviction of this type and the application will be refused until such time as one of the convictions has been removed under the Rehabilitation of Offenders period.

## **What powers does the Council have to renew, suspend and revoke a licence?**

Under the provisions of Section 61 of the Local Government (Miscellaneous Provisions) Act 1976, a district council may suspend, revoke or refuse to renew the licence of a Hackney Carriage or a Private Hire driver and/ or vehicle, on any of the following grounds:

That since the grant of the licence:

- (i) The driver has been convicted of an offence involving dishonesty, indecency or violence
- (ii) Been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 of this Part of this Act
- (ii) Any other reasonable cause.

Again, under the provisions of Section 62 of the Act, a district council may suspend, revoke or refuse to renew an Operators' licence on any of the following grounds:

Any offence under or non-compliance with, the provisions of this part of this Act

- (i) Any conduct on the part of the Operator which appears to the district council to render him unfit to hold an Operators licence
- (ii) Any material change since the licence was granted in any of the circumstances of the operator on the basis which the licence was granted
- (iii) Any other reasonable cause.

In addition, the points system will be used to define if someone is a fit and proper person to hold a licence. If a licence holder were to accrue sufficient points during the currency of his/her licence by being convicted of offences to warrant suspension, revocation, or non renewal, of his licence(s) then the points criteria can be construed to be 'any other reasonable cause'.

### **Plying for Hire**

In March 2007, the Taxi and Private Hire Licensing Section introduced a Plying for Hire policy. This aims to clearly set out the consequences to licensed drivers, in terms of suspension or revocation of their Private Hire drivers licence, where plying for hire offences are revealed.

Key Points of the Policy:

Where a licensed driver is found to be plying for hire, with evidence which supports a criminal prosecution, or Home Office Caution, that the driver will normally be suspended and immediate consideration given to the revocation of the licence

- Where a drivers licence has been successfully revoked or not renewed, that driver will, normally, not be granted a further licence by this Council for one year.
- Where there is an existing conviction or formal Home Office Caution for this type of offence, wherever it occurred, when an application for a new licence is received, the applicant will normally not be granted a licence for a year following the date of conviction or caution.
- In the event of a second such incident, the driver or applicant would not normally have a licence granted for three years following the date of conviction or caution.
- In every instance however, each case would be considered on its own merits

The affected driver, or applicant, has a right of appeal, within the Act, direct to the Magistrates Court. There is also the opportunity to judicially review such a policy.

## **Interpreting the conviction criteria**

### **What is a conviction for the purpose of these criteria?**

A conviction is commonly understood to mean the final disposal of a case after someone has either been found guilty or pleaded guilty to an offence. So, for example, if someone steals some goods on 3 March 2010, is charged by the police and pleads guilty at Court on 6 August 2010, he will have one conviction of theft recorded against him. The date of conviction would be 6 August 2010 and the offence date would be 3 March 2010.

### **What happens if I have been convicted of more than one similar matter on the same date (the offences occurring on the same or different dates)?**

Strictly speaking, each separate conviction could be looked at separately under the criteria. However, for the purposes of these criteria, the most serious conviction only will be taken into account.

For example:

Offence of theft of goods committed on 3 March 2010.

Offence of theft of goods committed on 6 March 2010.

Offence of theft of goods committed on 2 April 2010.

All dealt with by the Court on 6 August 2010. Although strictly speaking these are separate convictions, for the purpose of interpreting these criteria, they will be regarded as one conviction of theft.

### **What if I have been convicted of several similar offences on the same date - which one(s) will be taken into account?**

If someone is convicted of several matters on the same day, for example, three dishonest matters, two being shoplifting and one being burglary, then the most serious of the three - the burglary offence - will be taken into account.

### **What if I have been convicted of different types of offences on the same day?**

If the offences are distinct from each other and do not obviously arise out of the same set of circumstances, they will be treated as separate convictions for the purpose of the criteria.

For example, if someone is convicted on 6 August 2010 of;

Two offences of shoplifting on 3 March 2010.

One offence of robbery on 2 April 2010.

One offence of criminal damage on 4 March 2010.

One offence of supplying drugs on 5 March 2010.

Then the convictions to be taken into account will be the more serious offence of robbery (being more serious than the other dishonest offences of shoplifting). The drug conviction and the criminal damage conviction will also be taken into account.

**What if I had a series of convictions over many years but have not reached the 10 points threshold?**

The Council may take into account these convictions under any other reasonable cause and decide not to grant a licence after considering the nature of the offences.

**What if I have been charged with an offence but am not successfully prosecuted?**

The Council may take into account this charge under any other reasonable cause and decide not to grant a licence after considering the nature of the charge.











## Dishonesty table

	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago	10 years ago
Category 2 offences										
Robbery	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Aggravated Burglary	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Aggravated vehicle taking (causing death)	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8	6
Blackmail	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	6	4
Footnote: And any other offences of dishonesty capable of attracting a term of imprisonment exceeding 10 years										
Category 4 Offences										
Burglary & Theft – Dwelling	Refused	Refused	Refused	Refused	Refused	Refused	8	6	4	2
Perverting the Course of Justice	Refused	Refused	Refused	Refused	Refused	8	6	4	2	1
Money laundering Section 45	Refused	Refused	Refused	Refused	Refused	8	6	4	2	1
Theft – Employee	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Theft – Employee	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Burglary & Theft – Non Dwelling	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Fraudulent Use of Road Traffic documents	Refused	Refused	Refused	Refused	Refused	8	6	4	2	0
Category 5 Offences										
Theft	Refused	Refused	Refused	6	5	3	2	1	0	0
Theft – From vehicle	Refused	Refused	Refused	6	4	2	1	0	0	0
Obtain by deception	Refused	Refused	Refused	6	5	3	2	1	0	0
Evasion of Liability by deception	Refused	Refused	Refused	6	5	3	2	1	0	0
Obtain Services by deception	Refused	Refused	Refused	6	5	3	2	1	0	0



<b>Drugs Table</b>									
	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago
Category 2 offences									
Possessing a Controlled Drug with Intent to Supply	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Import Drugs	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Producing Controlled Drug	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Category 4									
Possessing Controlled Drug	Refused	Refused	Refused	Refused	Refused	8	6	4	2

- Where there are two convictions for the 'possession of a controlled drug', a medical drugs test is required prior to the approval of an application and at random times during the lifetime of a licence, at the licence holders expense and in a manner prescribed by the Council. This would be not more than three occasions in a rolling 12 month period and would cease after 5 years from the date of the last conviction.

<b>Racially motivated Offences</b>									
	1 year ago	2 years ago	3 years ago	4 years ago	5 years ago	6 years ago	7 years ago	8 years ago	9 years ago
Category 2 offences									
Possessing a Controlled Drug with Intent to Supply	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Import Drugs	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Producing Controlled Drug	Refused	Refused	Refused	Refused	Refused	Refused	Refused	Refused	8
Category 4									
Possessing Controlled Drug	Refused	Refused	Refused	Refused	Refused	8	6	4	2

<b>Offences for driving a motor vehicle under the influence of drink or drugs</b>	
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 to give permission for analysis of 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 a vehicle when unfit through drugs

<b>Offences where a licence will automatically be refused or a current licence suspended or revoked</b>	
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 drivers
DD10	Causing serious injury by dangerous driving
DD40	Dangerous driving.
DD60	Manslaughter or culpable homicide while driving a vehicle.
DD70	Causing death by dangerous driving.
DD90	Furious driving
When applicable to licensed vehicle	
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 revoked or effused on medical ground
MS70	Driving with uncorrected defective eyesight

# Taxi and Private Hire Licensing

225 York Road

Leeds

LS9 7RY

Tel: 0113 3781570

Email: [taxiprivatehire.licensing@leeds.gov.uk](mailto:taxiprivatehire.licensing@leeds.gov.uk)

[www.leeds.gov.uk/taxis](http://www.leeds.gov.uk/taxis)

## Section Opening Hours

Monday - Thursday	08.00 - 15.30
Friday	08.00 - 15.00
Staff Training	2nd Tuesday in every month 08.00 - 10.00