

Appendix 9 – Comparison of Assessment of Previous Convictions in National Standards with Policy Proposals

Table 2 Comparison of Assessment of Previous Convictions in National Standards with Policy Proposals

National Standards	IOL standards	Proposed Policy
<p>Crimes resulting in death</p> <p>Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.</p>	<p>As national standards propose</p>	<p>As national standards propose</p>
<p>Exploitation</p> <p>Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, they will not be licensed. This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.</p>	<p>As national standards propose</p>	<p>As national standards propose</p>
<p>Offences involving violence against the person</p> <p>Where an applicant has a conviction for an offence of violence against the person, 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.</p>	<p>As national standards propose</p>
<p>Possession of a weapon</p> <p>Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at least seven years</p>	<p>As national standards propose</p>	<p>As national standards propose</p>

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have elapsed since the completion of any sentence imposed.		
Sexual Offences Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, a licence will not be granted. In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.	Sexual Offences As national standards propose	As national standards propose
Dishonesty Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.	As national standards propose	Where an applicant has a conviction for any offence where dishonesty is an element of the offence including: a) Theft b) Burglary c) Fraud d) Benefit fraud (including offences under ss.111A and 112 of the Social Security Administration Act 1992) e) Handling or receiving stolen goods f) Forgery g) Conspiracy to defraud h) Obtaining money or property by deception i) Other deception j) Failing to declare convictions etc. on application k) Failure to notify the Licensing Authority of a revocation or refusal by another Licensing Authority l) Or similar offences or offences which replace the above offences. A failure by a licence holder to disclose an arrest that the Licensing Authority is subsequently advised of might be behaviour that questions honesty and therefore the suitability of the licence holder regardless of the outcome of the initial allegation. A licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.
Drugs Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at	As national standards propose	As national standards propose

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<p>least 10 years have elapsed since the completion of any sentence imposed.</p> <p>Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.</p>		
<p>Discrimination</p> <p>Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p>	<p>As national standards propose</p>	<p>As national standards propose</p>
<p>Motoring Convictions</p> <p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing</p>	<p>Minor traffic offences or vehicle related offence</p> <p>This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has not resulted in injury to any person or damage to any property including vehicles. Where an applicant has 7 or more points on their DVLA driving licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.</p> <p>Major traffic offence or vehicle related offence</p>	<p>Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.</p> <p>Minor traffic offences or vehicle related offence.</p> <p>This is an offence which does not involve loss of life, driving under the influence of drink or drugs, driving whilst using a mobile phone and has not resulted in injury to any person or damage to any property including vehicles. Where an applicant has 7 or more</p>

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the authority considers that the licensee remains a fit and proper person to retain a licence.	<p>This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence connected with motor insurance. All major traffic offences (unless specified below) - a licence will not be granted until at least seven years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p> <p>(Taken from Institute of Licensing suggested guidance on suitability)</p>	<p>points on their DVLA driving licence for minor traffic or similar offences, a licence will not be granted until at least five years have elapsed since the completion of any sentence imposed.</p> <p>(Taken from Institute of Licensing suggested guidance on suitability)</p> <p>Where an applicant has 6 points on their DVLA driving licence for minor traffic or similar offences, they will be required to undertake a driver improvement scheme at their own expense. The Licensing Authority hold a list of current providers of the driving improvement scheme.</p>
		<p>Major traffic offence or vehicle related offence</p> <p>This is one which is not covered above and any offence which resulted in injury to any person or damage to any property including vehicles. It also involves driving without insurance or any offence connected with motor insurance. All major traffic offences (unless specified below) - a licence will not be granted until at least seven years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.</p> <p>(Taken from Institute of Licensing suggested guidance on suitability)</p>
<p>Drink driving / driving under the influence of drugs</p> <p>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 seven years have</p>	<p>As national standards propose</p>	<p>As national standards propose</p>

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elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.		
Using a hand-held device whilst driving Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until at least five years have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.	As national standards propose	As national standards propose
National standards don't specifically mention	IOL standards don't specifically mention	Other violence offences An application will normally be refused / revoked where there is an offence for arson unless ten years have elapsed since the completion of any sentence imposed.
		An application will normally be refused / revoked unless five years have elapsed since the completion of any sentence imposed for any of the following offences: a) Riot b) Obstruction c) Criminal damage d) Resisting arrest e) Or similar offences or offences which replace the above offences
National standards don't specifically mention		Hackney carriage and private hire offences Where an applicant has a conviction for an offence concerned with or connected to hackney carriage or private hire activity (excluding vehicle use), a licence

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		<p>will not be granted until at least seven years have elapsed since the completion of any sentence imposed.</p> <p>(Taken from the Institute of Licensing suggested guidance on suitability)</p>
National standards don't specifically mention	IOL standards don't specifically mention	<p>Other Relevant Factors</p> <p>The Council may consider any other matter or matters that may affect whether an applicant or licence holder is a fit and proper person, such factors include but are not limited to: a) Convictions/Cautions for any other offence not listed above b) Any diversion scheme offered as an alternative to conviction (i.e. "checkpoint" or restorative approach) c) Mental Health Act Orders d) Police intelligence/information e) Drug/Alcohol use and Detoxification f) Terrorist offences and terrorism g) Hate crimes h) Any offence involving the mistreatment of animals i) Other relevant information disclosed j) Any complaints or the accumulation of complaints regarding a licence holder's conduct k) Matters contrary to the requirements of this policy.</p> <p>Failure to disclose all arrest/bail/convictions, fixed penalty notices, cautions, (subject to the Exceptions Order) and/or ongoing investigations, being reported for an offence and/or pending prosecutions may affect the grant of a licence or may lead to the revocation of a licence.</p>