

## GUIDANCE ON LICENSING PROCEDURES

### RELEVANCE OF CONVICTIONS:

Each case will be dealt with on its own merits.

A person with a conviction or convictions need not be permanently barred from obtaining a licence, but should be expected to be free from conviction for 3 to 5 years, according to the circumstances, before a licence is considered. Whilst the Council may exercise its discretion, the overriding consideration should be the protection of the public and someone who has committed an offence and has to wait a year or two before being accepted as a driver is more likely to value the licence and act accordingly.

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The following examples afford a **general guide** to action to be taken where convictions or police cautions are revealed.

Where, in these Guidelines, an 'application' is mentioned, this also refers to 're-application' upon revocation of a current licence or renewal of licence.

### Traffic Offences

- Convictions for minor traffic offences, such as obstruction, contravention of waiting regulations etc should not prevent a person from making application.
- If an applicant has previously accrued sufficient penalty points to require a period of disqualification, and has not been required to undergo a further driving test, then a licence may be granted after its restoration, with a strict warning as to the high standards that are required of licensed drivers.
- If an applicant has a driving licence revoked following six or more penalty points accrued during the first two years since passing their driving test, then a period of 12 months free from further conviction **after** passing a further driving test should have elapsed before an application is considered.

- If an applicant has been ordered to retake a driving test after a period of disqualification for another offence which attract penalty points, then 6 months free from conviction, **after** passing the driving test, should have elapsed before an application is considered.

### **TRAFFIC OFFENCES INVOLVING DISQUALIFICATION**

- An isolated conviction for driving without due care and attention should not prevent a person from making an application.
- If an applicant has been convicted of an offence of dangerous driving, or other offence involving obligatory disqualification, and ordered to take an extended driving test at the end of that period of disqualification, a period of at least 12 months free from conviction, **after** passing the driving test, should have elapsed before an application is considered.

### **DRIVING WITHOUT INSURANCE OR DRIVING WHILST DISQUALIFIED**

- As licensed drivers are responsible for the safety of members of the public who are travelling in their vehicles, a serious view will always be taken of convictions for driving without insurance or driving whilst disqualified.
- An applicant will have to show a period of at least 6 months free from conviction of these types of offence before an applicant is considered.
- If an applicant has been disqualified from driving as a result of convictions of this type, then the 6 month period shall run from the date of restoration of the licence.
- If an applicant has more than 1 conviction of this type within the last 3 years, then a period of 12 months, from the restoration of the licence, must have elapsed before an application is considered.

### **PLYING FOR HIRE**

- This is regarded as a serious offence as the vehicle insurance may be invalidated if the driver is found guilty In a Magistrate Court of plying for hire in a vehicle other than a hackney carriage in a controlled district.
- A period of at least 6 months free from conviction should elapse before an application is considered.
- If a licence is granted, a strict warning will be given as to the conduct expected of licensed drivers.

## **FAILURE TO WEAR IDENTIFICATION BADGE**

- A serious view will be taken of persons convicted by a Magistrate Court of failing to wear the identification badge whilst acting as a licensed driver.
- An isolated conviction will not prevent an application being considered. However, if granted a strict warning will be given as to the conduct expected of a licensed driver.
- If an applicant has been convicted of this offence more than once, by a Magistrate Court, then a period of three months free of conviction shall have elapsed before an application is considered.

## **DRUNKENNESS AND OTHER RELATED OFFENCES**

### **i) WITH A MOTOR VEHICLE**

- A serious view will always be taken of convictions of driving or being in charge of any vehicle whilst under the influence of drink or drugs or failing to give a specimen for analysis.
- If an applicant has been disqualified and ordered to take either an extended driving test or driving test, then a period of at least 12 months free of convictions, **after** passing the necessary test, should have elapsed before an application is considered.
- If the offence arose as a result of the person being in charge of, or driving a licensed vehicle and ordered to take a further test, then a period of 2 years free from conviction after passing the necessary test should have elapsed before an application is considered.
- If no driving test has been ordered, then a period of 12 months free of conviction after the restoration of the licence should have elapsed before an application is considered.
- If an applicant has more than one conviction of this type then grave doubt should arise as to the applicant's suitability to hold a licence.
- At least 3 years must elapse after restoration of the driving licence and passing any further test before an application is considered.
- If there is **any** suggestion that the applicant is an alcoholic or illegal drug user, a special medical examination should be arranged by a medical practitioner nominated by the Council.
- This examination must be certified as satisfactory before an application is considered.
- If it is ascertained that the applicant is an alcoholic or illegal drug user then no application will be considered until at least 5 years have

elapsed after any treatment has been completed.

**ii) NOT IN A MOTOR VEHICLE**

- An isolated conviction for a drink related offence should not debar an applicant from obtaining a licence.
- A number of convictions for this type of offence may indicate a medical problem necessitating further examination as mentioned above.
- In some cases a warning will be given as to the standards expected of licensed drivers.

**iii) DRUGS**

- An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free from conviction before an application is considered, or at least 5 years after detoxification treatment if the applicant was an addict.

**INDECENCY OFFENCES**

- Applicants with conviction for indecent exposure, indecent assault, importuning, or of any offence of a sexual nature should be refused a licence until a period of 3-5 years free from conviction has elapsed.
- If the applicant was required to register on the National Sex Offenders Register as a result of an offence. Then no application should be considered whilst the applicant remains on the Register.
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- An applicant with more than one conviction for this type of offence should not be considered suitable to license until at least 5 years has elapsed following the most recent conviction.
- If a conviction of this type arose as a result of the person acting as a licensed driver then no application should be considered for at least 5 years after conviction or, if longer, the conclusion of the sentence imposed.
- In all cases, if a licence is granted, then it will be for a period of 6 months only, after which the person must undergo another criminal record check.
- If no further conviction has been obtained within the 6 month period of licence, no further application will be considered until a period of at least 5 years free of conviction has elapsed.

**VIOLENCE**

- A firm line will be taken with applicants with convictions for grievous bodily harm, wounding, assault or any other type of offence of a violent nature.
- An applicant must be free of conviction for at least 3 years before an application is considered.
- In all cases, if a licence is granted, a strict warning will be given as to the standards expected of licensed drivers.

### **DISHONESTY**

- A serious view will be taken of any convictions involving dishonesty.
- In general a period of 3-5 years free from conviction should be required before an application is considered.

### **POLICE CAUTIONS**

- A Police caution is considered and administered where a person comes to the notice of the Police for the first time, and admits the offence.
- A Police caution is considered similar to a conviction, as, if the person is convicted at court of a similar offence within 5 years of the caution being administered. Then the caution can be brought to the attention of the court and any sentence passed would be regarded as being a second conviction and therefore sentence may be imposed.
- In general, an application showing a caution may be considered and approved but the overriding consideration should be the protection of the public

### **OTHER OFFENCES**

- Where a Binding Order or Restraint Order has been imposed by a court, no application will be considered whilst that order is still current.
- A period of at least 6 months free of conviction must have elapsed, after expiry of the order, before an application is considered.
- The overriding consideration should be the protection of the public.