

Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

Approved by Full Council on 25 September 2025



Contents

1.	Introduction	3
2.	General Policy	6
3.	Powers	6
4.	Consideration of disclosed criminal history	7
5.	Options when determining an application/licence	9
6.	Offences involving violence	9
7.	Offences involving a weapon (not a firearm)	11
8.	Sexual and indecency offences	12
9.	Dishonesty	13
10.	Alcohol and Drugs	14
11.	Driving offences involving the loss of life	15
12.	Other traffic offences	15
13.	Outstanding Charges or Summonses	16
14.	Non-conviction Information	16
15.	People banned from working with children and vulnerable adults	17
16.	Licensing and Regulatory Offences	17
17.	Insurance Offences	18
18.	Applicants with periods of residency outside the UK	18
19.	Behaviours	19
20.	Summary	19

1. Introduction

- 1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source
- 1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.
- 1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.
- 1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:
 - Applicants for a driver's, vehicle or private hire operator licence
 - Existing licensees whose licences are being reviewed or renewed
 - Licensing officers
 - Members of the licensing committee/sub-committee
 - Magistrates and Judges hearing appeals against local authority decisions
- 1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However, the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.
- 1.6 It is the responsibility of Reigate & Banstead Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the

Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.

- 1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:
 - That a person/applicant is fit and proper in accordance with Sections 51, 55
 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
 - That the person does not pose a threat to the public
 - That the public are safeguarded from dishonest persons
 - The safety of children, young persons and vulnerable adults
- 1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:
 - 'Would you (as a member of the licensing committee or other person charged with the ability to a grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?'
 - If the answer to this question (or a similar test) is an unqualified 'Yes' then the
 test is probably satisfied. If there are any doubts in the minds of those who
 make the decision, then further consideration should be given as to whether
 this person is a fit and proper person to hold a hackney carriage driver's
 licence.
- 1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process)
- The previous licensing history of existing / former licence holders
- 1.10 In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.
- 1.11 In this policy, the word "applicant" refers to either new applicants and existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.
- 1.12 In this policy, the word "conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.
- 1.13 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.
- 1.14 As licensed drivers often carry unaccompanied and vulnerable passengers, the Council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern, The nature and quantity of the drugs, whether for personal use or supply are issues which will be

considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

2. General Policy

- 2.1 Whilst the Council may consider that a person with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:
 - Remain free of conviction for an appropriate period as detailed below; and
 - Show adequate evidence that they are a fit and proper person to hold a
 licence (the onus will be on the applicant to produce such evidence). Simply
 remaining free of conviction may not generally be regarded as adequate
 evidence that a person is a fit and proper person to hold a licence.
- 2.2 The standards and criteria set out in paragraphs 4 to 21 below are those that would be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3. Powers

3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the Council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975 allows the Council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore, the Council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

4. Consideration of disclosed criminal history

- 4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the Council will look at:
 - How relevant the offence(s) are to the licence being applied for
 - How serious the offence(s) were
 - When the offence(s) were committed
 - The date of the conviction, warning, caution etc.
 - Circumstances of the individual concerned
 - Any sentence imposed by the court
 - The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
 - Whether they form part of a pattern of offending
 - The applicant's attitude
 - Any other character check considered reasonable (e.g. personal references if requested by the Council)
 - Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder
 - Whether the applicant has intentionally misled the council or lied as part of the application process
 - Information provided by other agencies/council departments

- 4.2 Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].
- 4.3 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that the sentence ends will be five years from the date of sentencing regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term 'since completion of sentence' is to be construed in a similar way.
- 4.4 Existing holders of driver's licences are required to notify the Council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the Council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.
- 4.5 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will be refused.
- 4.6 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

5. Options when determining an application/licence

- 5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:
 - grant the licence or take no further action
 - grant the licence with additional conditions
 - refuse, revoke, or suspend the licence
 - issue a warning which may include the use of enforcement penalty points
- 5.2 If a licence holder's conduct is such that, were they to be applying for a new licence their application would be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6. Offences involving violence

- 6.1 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, for example:
 - Murder
 - Manslaughter
 - Manslaughter or culpable homicide while driving
 - Terrorism offences
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above
- 6.2 Where an applicant or licensee has been convicted of a crime involving, 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.

- 6.3 A licence will not be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:
 - Arson
 - Malicious wounding or grievous bodily harm which is racially aggravated
 - Actual bodily harm
 - Assault occasioning actual bodily harm
 - Grievous bodily harm
 - Robbery
 - Possession of firearm
 - Riot
 - Assault Police
 - Violent disorder
 - Resisting arrest
 - Any racially aggravated offence against a person or property
 - Common assault
 - Affray
 - Any offence that may be categorised as domestic violence
 - Harassment, alarm or distress, intentional harassment or fear of provocation of violence
 - Any offence (including attempted or conspiracy to commit offences) similar to those above

- 6.4 A licence will not be granted until at least 7 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:
 - Obstruction (of public officials)
 - Criminal damage
 - Any offences (including attempted or conspiracy to commit offences) that are similar to those above
- 6.5 A licence will not be granted if an applicant has more than one conviction for an offence of a violent nature.

7. Offences involving a weapon (not a firearm)

- 7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.3.
- 7.2 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 7 years have elapsed since the completion of any sentence imposed.
- 7.3 If an applicant has two or more convictions for an offence in this category they will not be licensed.

8. Sexual and indecency offences

- 8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will be refused. Such offences include:
 - Rape
 - Assault by penetration
 - Offences involving children or vulnerable adults
 - Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
 - Making or distributing obscene material
 - Possession of indecent photographs depicting child pornography.
 - Sexual assault
 - Indecent assault
 - Exploitation of prostitution
 - Soliciting (kerb crawling)
 - Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
 - Making obscene / indecent telephone calls
 - Indecent exposure
 - Any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 8.2 Where an applicant or licensee has been convicted of a crime involving, 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.
- 8.3 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

8.4 In addition to the above the Council will not grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

9. Dishonesty

- 9.1 A serious view is taken of any conviction involving dishonesty.
- 9.2 Where an applicant has a conviction for any offence of dishonesty, or any offence where dishonesty is an element of the offence, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed. Offences involving dishonesty include:
 - theft
 - burglary
 - fraud
 - benefit fraud
 - handling or receiving stolen goods
 - forgery
 - conspiracy to defraud
 - false representation
 - obtaining money or property by deception
 - other deception
 - taking a vehicle without consent
 - fare overcharging
 - or any similar offences (including attempted or conspiracy to commit) or offences which replace the above
- 9.3 Those periods are for single convictions. Where a person has more than one conviction, and can be seen as a persistent offender, this will raise serious questions about their safety and suitability. A licence will not be granted if an applicant has more than one conviction for a dishonesty offence.
- 9.4 Any dishonesty by any applicant or other person on the applicant's behalf which is discovered to have occurred in any part of any application process

(e.g. failure to declare convictions, false names or addresses, falsified references) will result in a licence being refused, or if already granted, revoked and may result in prosecution.

10. Alcohol and Drugs

- 10.1 A serious view is taken of convictions for driving or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.
- 10.2 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. With drug offences, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.
- 10.3 A licence will not be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.
- 10.4 A licence will not be granted where the applicant has a conviction for an offence related to the supply of drugs.
- 10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6 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 the sentence imposed.

11. Driving offences involving the loss of life

- 11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.
- 11.2 Offences resulting in or intending to cause death or serious injury will not be licensed for example:
 - Causing death by dangerous driving
 - Causing death by careless driving whilst under the influence of drink or drugs
 - Causing death by careless driving
 - Causing death by driving: unlicensed, disqualified or uninsured drivers
 - Or any similar offences (including attempted or conspiracy to commit)
 offences which replace the above

12. Other traffic offences

- 12.1 Any motoring conviction can demonstrate a lack of professionalism and will be considered seriously. A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence. Subsequent convictions suggest the fact that the licensee may not take their professional responsibilities seriously and may therefore not be a safe and suitable person to be granted or retain a licence.
- 12.2 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 5 years have elapsed since the conviction or completion of any disqualification imposed, whichever is the later
- 12.3 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.
- 12.4 A single occurrence of a minor traffic offence may not prohibit the grant of a licence or result in action against an existing licence.
- 12.5 Drivers reported for committing parking, obstruction and other such motoring offences that do not attract penalty points are not displaying a professional approach to their work. The Council will record these incidents and will consider action against the driver depending on the severity and frequency of the incidents reported.
- 12.6 Expired penalty points do not negate offences that led to them being imposed.

 Penalty points (and the underlying offence) will be relevant and taken into consideration for 11 years from the date of the offence.
- 12.7 Any driver who has accumulated 12 or more 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.

13. Outstanding Charges or Summonses

- 13.1 In the case of any new applicant who is under investigation or has been charged with any offence and is awaiting trial, the determination may be deferred until the trial has been completed or the charges withdrawn.
- 13.2 Where an existing licensee is charged, it will be for the licensing authority to decide what action to take in the light of these guidelines.

14. Non-conviction Information

14.1 The Council can and will take into account matters which have not resulted in a criminal conviction. This may include but not be limited to information regarding

acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.

- 14.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests they could be a danger to the public, consideration will be given to refusing the application or revoking an existing licence with immediate effect.
- 14.3 Criminal Behaviour Orders. One year to elapse before a licence will be granted.

15. People banned from working with children and vulnerable adults

15.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not be granted to a person who is on any barred list or has been found unfit to work with children or vulnerable adults.

16. Licensing and Regulatory Offences

- 16.1 Where an applicant or licence holder has a conviction for an offence contrary to any legislation relating to taxi or private hire activity not covered elsewhere, a licence will not be granted until at least 7 years have elapsed since the completion of any sentence imposed.
- 16.2 Where an applicant or licence holder has a conviction for regulatory crimes which include local authority offences, 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 have been ignored or broken. These offences demonstrate a lack of compliance with legal requirements which would clearly be a worry in relation to taxi and private hire licensees. Serious

consideration would need to be given as to whether they are a safe and suitable person to hold a licence. In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

16.3 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.

17. Insurance Offences

- 17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided 7 years has elapsed since completion of any sentence. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.
- 17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.
- 17.3 Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

18. Applicants with periods of residency outside the UK

18.1 If any new applicant has spent 6 months or more (whether continuously or in total), while aged 18 or over residing outside the United Kingdom, evidence of a criminal record check from the country/countries covering the relevant period should be required. Where an applicant is unable to provide a satisfactory

criminal record check, a licence will not be granted because the licensing authority cannot be satisfied as to their fitness and propriety.

19. Behaviours

- 19.1 Driver behaviours that fall short of criminal behaviour but are indicators of more sinister behaviour need to be addressed to maintain confidence in the taxi trades and to stop unwanted behaviours before they evolve into criminal acts.
- 19.2 Behaviours such as asking a passenger for their contact or social media details, asking personal or intimate questions, inappropriate physical contact with passengers or invade their personal space, inappropriate conversations, questions or behaviour
- 19.3 This is more important if the passenger is a lone vulnerable individual.
- 19.4 Except in the most serious of cases, drivers should be given a warning in the first instance, if appropriate sent on refresher safeguarding training and explained how the behaviour maybe perceived by a vulnerable passenger.
- 19.5 If the behaviour, on the balance of probability, is repeated and considered to be predatory in nature then any licensee will be revoked or if an applicant, will not be licensed.

20. Summary

20.1 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public.