

Applicant suitability and criminal convictions

469. The licensing authority will utilise the following guidelines when determining applications for licences. However, each case will be considered on its individual merits and, where the circumstances demand, the committee or officer may depart from the guidelines.
470. A person with a conviction for a serious offence would normally be expected to remain free of conviction for an appropriate period and show adequate evidence that they are suitable to hold a licence (the onus is on the applicant to produce such evidence).
471. Simply remaining free of conviction may not generally be regarded as adequate evidence that a person is suitable to hold a licence.
472. Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction⁸⁵.
473. Hackney carriage and private hire drivers are exempt from the provisions of the Rehabilitation of Offenders Act 1974. This means that there are no “spent” convictions⁸⁶ and therefore all criminal convictions can be taken into account in assessing suitability. The licensing authority will therefore have regard to all relevant convictions, particularly where there is a history of offending or a pattern of repeat offending.
474. Case law has established that the impact of losing (or not being granted) a licence on the applicant and their family is not a relevant consideration for the licensing authority to take into account⁸⁷. The licensing authority must focus on the impact of the individual’s character on members of the public. Personal circumstances and any perceived financial hardship will not be considered relevant for these purposes.
475. One common misunderstanding is that, if the offence was not committed when the individual was driving a licensed vehicle, it is less serious. The same misunderstanding exists for offences committed in licensed vehicles but not when passengers were aboard. However, this is not relevant. The argument that it was a domestic dispute, or away from the taxi, is irrelevant. Any behaviour that puts any member of the general public at risk will be considered relevant.
476. If an applicant has any convictions, warnings, cautions or charges awaiting trial, the licensing authority may consider:
- How relevant the offences are to the licence being applied for;
 - How serious the offences were;
 - When the offences were committed;
 - The date of conviction;
 - The sentence imposed by the court;
 - The applicant’s age at the time of conviction;
 - Any patterns of offending;
 - Any other character check considered reasonable (e.g. personal references); and
 - Any other factors that might be relevant.

⁸⁵ *Nottingham City Council v. Mohammed Farooq* (1998)

⁸⁶ The Rehabilitation of Offenders Act 1974 (Exceptions)(Amendment) Order 2002

⁸⁷ *Leeds City Council v Hussain* [2002] EWHC 1145 (Admin) and *Cherwell District Council v Anwar* [2011] EWHC 2943 (Admin)

