

## Guidelines on the relevance of convictions and behaviour

Type of Conviction <sup>41</sup>	Guideline	Comments
Any <b>violence</b> offence(s) to include threatening behaviour, domestic abuse, harassment and stalking matters, possession of offensive weapons, more serious public order matters, resisting arrest, criminal damage, arson etc	Normally a minimum <b>5 (and up to 10) year ban</b> from obtaining or holding a licence.  For convictions of GBH (or with intent), wounding, manslaughter, murder or any terrorism linked offences the committee are <b>unlikely to support an application</b>	A particularly serious view will be taken in relation to offences against Police or other public servants or against children
Any <b>sexual</b> offence(s) to include sexual assault, indecency, indecent assault, gross indecency grooming, sexual trafficking offences, having or downloading obscene material, possession of indecent images, rape	Normally a minimum <b>10 year ban</b> from obtaining or holding a licence.  For convictions of grooming, sexual assault, rape and/or offences against children or vulnerable adults or for persons on the sex offenders register the committee are <b>unlikely to support an application</b>	Drivers may, by nature of their duties, convey vulnerable single females late at night.  Drivers convey vulnerable adults and children on school and other special needs contracts on a daily basis – sometimes supervised and sometimes alone.
Any <b>dishonesty</b> offence(s) to include theft, shop lifting, handling, fraud, burglary, making false statements, perjury etc	Normally a minimum <b>5 (and up to 10) year ban</b> from obtaining or holding a licence.	Drivers are in an absolute position of trust with access to lost property left in vehicles, knowledge of empty properties when persons are away on holiday and dealing with customers/tourists that might not be familiar with the locally prescribed fares
Any offence(s) against the <b>1847 or 1976 acts</b> to include the byelaws and a breach of conditions constituting an offence at law	Normally a <b>1 year ban</b> from obtaining or holding a licence after date of conviction	A person who offends against the licensing code shows a propensity towards non-compliance with the law
Any <b>substance abuse</b> offence(s) and to include evidence of illicit drug use either by way of medical examination or drug test failure.	Normally a <b>3 year ban</b> <sup>42</sup> from obtaining or holding a licence and any future application to include appropriate and supporting medical reports if necessary	To include, drink, drugs or use of legal highs

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<p><b>Motoring</b> offence(s) to include endorsements, short disqualifications, totting up disqualifications, drink drive, no insurance, driving without due care, reckless or dangerous driving, failure to control a motor vehicle by using a mobile phone or other device, failure to comply with prescribed road traffic signs, failure to stop or to report an accident, defective vehicle and illegal parking etc</p>	<p>Normally a <b>verbal warning for endorsements and less than 8 penalty points</b>.</p> <p>If more than <b>8 current penalty points endorsed on a driving licence</b> then refer to Licensing Sub Committee for determination on merit.</p> <p>For “one off” <b>short disqualifications</b> licence may be restored at end of disqualification by officers subject to a <b>written warning</b> and compliance with any directives to attend and pass approved <b>driving competency tests</b>.</p> <p>For <b>no insurance, drink driving, careless driving, failing to stop or report an accident</b> etc normally a <b>3 year ban</b> from obtaining or holding a licence.</p> <p>For offences of causing death by reckless or dangerous driving, repeated drink drive convictions the committee are <b>unlikely to support an application</b></p>	<p>A driver is considered to be a “professional” driver and offences contrary to the road traffic acts and regulations will be treated seriously</p> <p>The committee have previously received evidence of road traffic incidents involving licensed drivers in Portsmouth – particularly towards cyclists and other road users and a serious view will be taken accordingly<sup>43</sup>.</p>
<p>General <b>Inappropriate Conduct</b> to include that of a <b>sexual nature, persistent and justified complaints (service requests) against an individual driver</b> OR due to any other matters not specifically mentioned above and/or where the reporting officer is not prepared to support an application or continued licensing</p>	<p><b>Normally a 5 year ban</b> from obtaining or holding a licence<sup>44</sup></p>	<p>The committee has previously considered and adjudicated on complaints about drivers “chatting up” or having consensual sex with passengers after “stopping work”.<sup>45</sup></p> <p>In such cases, and despite no evidenced criminality or Police investigation leading to charges, the committee’s view is that such behaviour is not becoming of a professional driver and, upon complaint or referral from another agency, is likely to result in the revocation of a driver licence.</p> <p>This includes drivers asking for personal details from passenger(s), inappropriate sexual banter (to include the sending and receiving of texts or other social media) and/or comments made of an offensive or discriminatory nature whether verbally, by text or by way of social media to which there is public access.</p> <p>For drivers receiving multiple complaints from the public, other road users or the trade (and in any one licensing period) the committee will take a serious view accordingly.</p>