

OXFORD CITY COUNCIL

Licensing Committee

17th June 2005

Report of: Transport & Parking Business Manager

Title: Amendments to the Guidelines relating to the Relevance of Convictions.

Ward: All

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Key Decision: No

Lead Member:

Scrutiny responsibility: Not applicable

RECOMMENDATIONS

The Committee is recommended to agree to the amendment to the present guidelines to those shown at Appendix 2

In the case of offences that have led to a term of imprisonment, the periods given (in the Guidelines Relating to the Relevance of Convictions) will run from the date that the full sentence awarded by the court would have been completed.

SUMMARY

1. Persons sentenced to terms of imprisonment are now serving a smaller proportion of the sentence and under the guidelines issued by the Sentencing Guidelines Council, the situation is that an applicant for the grant of a Hackney Carriage or Private Hire driving licence would be able to apply for a licence and be within the Council's Guidelines Relating to the Relevance of Convictions to be granted a licence even before the full sentence awarded by the Court was completed.

This report seeks to address this situation.

Guidelinesamendment2005.doc

08/06/2005

BACKGROUND

2. An unacceptable number of applicants for driving licences with this Authority have convictions both for criminal and motoring offences.
3. More than 50% of recent cases appearing before the Hackney Carriage & Private Hire Licensing Sub Committee have been new applicants with criminal convictions, many having served terms of imprisonment.
4. Persons sentenced to terms of imprisonment serve only part of the sentence awarded by the courts and it is now proposed by the government that this period become even shorter. It is understood that non-violent criminals jailed for 12 months or more are automatically released at the halfway stage. Under new guidelines issued by the Government's Sentencing Guidelines Council a person formerly given a six-year sentence and who would have been released after four years would now have his sentence cut by 15% and thus be released after serving 2 years and seven months. Persons serving longer sentences would now become eligible for early release.
5. Under the Council's present guidelines, an applicant having been released after having served only a fraction of his sentence would be within the guidelines to be granted a licence before the full sentence awarded by the Court had been completed.

PROPOSED AMENDMENT

6. The current local guidelines relating to the relevance of convictions are shown at **Appendix 1**
7. The proposed amendment is shown at **Appendix 2**

HUMAN RIGHTS

8. Although a licence is deemed to be a possession covered by Article 1, of the first Protocol of the European Convention on Human Rights, no licence has yet been granted to a new applicant by this Authority, thus any decision made by the committee to change the criteria of new applicants will not be subject to Article 1.

THIS REPORT HAS BEEN SEEN AND APPROVED BY
Legal & Democratic Services (Jeremy Franklin)
The Transport & Parking Business Manager
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CURRENT LOCAL REGULATIONS

Guidelines Relating to the Relevance of Convictions

General Policy

1. Each case will be decided on its own merits.
2. A person with a current conviction for serious crime need not be permanently barred from obtaining a licence but should be expected to remain free of conviction for 3 to 5 years, according to the circumstances, before an application is entertained. Some discretion may be appropriate if the offence is isolated and there are mitigating circumstances.
However, the overriding consideration must be the protection of the public.
3. *In the case of offences, which have led to a term of imprisonment, the time periods given will run from the date that the applicant was released from prison and not from the date of conviction.*
4. Cautions will be taken into consideration for a period of five years.

PROPOSED AMENDMENT TO CONDITIONS

Guidelines Relating to the Relevance of Convictions

3. **In the case of offences that have led to a term of imprisonment, the periods given will run from the date that the full sentence awarded by the court would have been completed.**