



STATUTORY DECLARATION

(See Explanatory Notes)

I (full name), _____

Of (address), _____

Date of Birth _____

State:

1, I have never been convicted of any offence.

OR

2, I have been convicted for an offence or offences and I list below every offence for which I have been convicted, whether or not it is spent within the terms of the Rehabilitation of Offenders Act 1974, together with the date and place where the offence was committed, the court which dealt with the matter, the date the sentence was imposed and the sentence imposed by the Court. I am aware that an offence also includes any Police Cautions and these must also be stated.' I have not been convicted for any other offences.

STATUTORY DECLARATION 1 AND 2 ABOVE RELATES TO ALL OFFENCES INCLUDING CAUTIONS, ANTISOCIAL BEHAVIOUR ORDERS AND ANY MOTORING OFFENCES

Date and place of offence committed	Date of Conviction / Caution	Offence Committed (in full)	Court which dealt with the matter (type of Court & Town)	Sentence imposed / Decision of court

And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835, and section 5 of the Perjury Act 1911.

I understand that if I knowingly or recklessly make a false statement or omit any material particulars in giving the above information, I may be liable to prosecution under section 5 the Perjury Act 1911 and or section 57(3) of the Local Government (Miscellaneous Provisions) Act 1976. This Statutory Declaration may in certain circumstances be forwarded to the Police for examination.

Declared at _____ This _____ day of _____

In the County of _____

Signature of Applicant _____

Before me _____ Solicitor/Commissioner for Oaths

Office Address/Stamp _____

BOROUGH OF POOLE TAXI AND PRIVATE HIRE LICENSING

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS



The Borough of Poole has a statutory duty under the Town Police Clauses Act 1847, the Transport Act 1985 and the Local Government (Miscellaneous Provisions) Act 1976 to license hackney carriage and private hire vehicles, their drivers and operators. Under this legislation a local council shall not grant a hackney carriage or private hire driver's licence unless it is satisfied that the applicant is a **'fit and proper person'**.

Applicants for these licenses are required to provide a statutory declaration of any convictions they may have. Applicants for a hackney carriage or private hire driver's licence are included in the Rehabilitation of Offenders Act (Exceptions) Order and all previous convictions and cautions, if considered relevant to the application, can be considered.

Applicants are also required to provide an Enhanced Disclosure from the Criminal Records Bureau. Disclosures bring together information held on the Police National Computer, local police records and where appropriate information held on lists held by the Department of Health and the Department of Education and Employment.

The disclosure of a criminal record or other information will not debar an applicant from obtaining a licence unless this authority considers that the conviction(s) renders them unsuitable. In making this decision this authority will consider the nature of the offence, how long ago it was and what age the applicant was when it was committed and any other factors which may be relevant. However, the overriding consideration will be the safety and protection of the public.

Any applicant refused a driver's licence or a private hire operator's licence on the grounds that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates Court under the Local Government (Miscellaneous Provisions) Act 1976. Any person aggrieved by the decision of a Local Authority has a period of 21 days, from the date on which the notice of the Council's decision is served on the applicant, in which to lodge an appeal.

EXPLANATORY NOTES ON THE REHABILITATION OF OFFENDERS ACT 1974

This Act provides that after a certain time, convictions for criminal offences are to be regarded as “Spent” for certain purposes. However, all criminal convictions are relevant for hackney carriage and private hire licensing purposes and must be declared. The Council will consider the offence committed and the time elapsed since conviction for that offence.

The following is a guide to the periods of time that have to elapse before the offence is spent for other purposes.

Sentences of imprisonment exceeding 30 months duration can never be spent.

Sentence	Rehabilitation period Adult	Rehabilitation period Under 18
A sentence of imprisonment, detention in a young offender institution or youth custody or corrective training for a term exceeding 6 months but not exceeding 30 months.	10 years	5 years
A Sentence of imprisonment, detention in a young offender institution or youth custody for a term not exceeding 6 months.	7 years	3 ½ years
A fine, probation order, or community service order.	7 years	2 ½ years
A sentence of cashiering, discharge with ignominy or dismissal with disgrace from Her Majesty’s service	10 years	As for Adult
A sentence of dismissal from Her Majesty’s service	7 years	As for Adult
Conditional discharge or binding over	1 year from conviction or when period expires (whichever is longer)	
Disqualification/Prohibition	To the end of the disqualification or prohibition	
Absolute Discharge	6 months	6 months
Mental Health Act order	5 years or 2 years after hospital order ends (whichever is longer)	

The periods of time which must elapse in other cases before the conviction becomes spent vary considerably according to the nature of the offence and other circumstances. The rehabilitation period may be extended by the commission of a further offence during the rehabilitation period.

As a result of this, the summarised provisions above are intended only as a general guide.

Further guidance on this may be obtained from the Home Office publication “ A Guide to the Rehabilitation of Offenders Act 1974” or from a Solicitor or the Citizens Advice Bureau.

APPLICANTS SHOULD NOTE THAT TO MAKE A FALSE STATUTORY DECLARATION IS A SERIOUS CRIMINAL OFFENCE, PUNISHABLE UPON CONVICTION BY IMPRISONMENT FOR A TERM NOT EXCEEDING TWO YEARS OR A FINE TO BE DECIDED BY THE COURT OR BOTH. THIS STATUTORY DECLARATION MAY IN CERTAIN CIRCUMSTANCES BE FORWARDED TO THE POLICE FOR EXAMINATION.

BOROUGH OF POOLE

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

GENERAL POLICY

1. Each case will be decided on its own merits.
2. A person with a previous conviction(s) for a 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 should be the protection of the public.
3. Any applicant refused a driver's licence or a private hire operator's licence on the grounds that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates Court under the Local Government (Miscellaneous Provisions) Act 1976. Any person aggrieved by the decision has a period of 21 days, from the date on which the notice of the Council's decision is served on the applicant, in which to lodge an appeal.
4. The following examples afford a general guide on the action to be taken where convictions are admitted.

(a) Minor Traffic Offences

Convictions for minor traffic offences, eg obstruction, waiting in a restricted street, speeding etc, should not prevent a person from proceeding with an application. If sufficient points have been accrued to require a period of disqualification of the applicants' driving licence then a hackney carriage or PHV licence may be granted after its restoration but a warning should be issued as to future conduct.

(b) Major Traffic Offences

An isolated conviction for reckless driving or driving without due care and attention etc, should normally merit a warning as to future driving and advice on the standard expected of hackney carriage and PHV drivers. More than one conviction for this type of offence within the last two years should merit refusal and no further application should be considered until a period of 1 to 3 years free from convictions has elapsed.

(c) Drunkenness

(i) With Motor Vehicle

A serious view should be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. An isolated incident should not necessarily debar an applicant but strict warnings should be given as to future behaviour. More than one conviction for these offences should raise grave doubts as to the applicant's fitness to hold a licence. At least 3 years should elapse (after the restoration of the driving licence) before an applicant is considered for a licence. If there is any suggestion that the applicant is an alcoholic a period of 5 years should elapse after treatment is complete before a further licence application is considered.

(ii) Not in Motor Vehicle

An isolated conviction for drunkenness need not debar an applicant from gaining a licence. However a number of convictions for drunkenness could indicate a medical problem necessitating critical examination (see (i) above). In some cases, a warning may be sufficient.

(d) Drugs

An applicant with a conviction for a drug related offence should be required to show a period of at least 3 years free of convictions before an application is entertained, or 5 years after detoxification treatment if he/she was an addict.

(e) Indecency Offences

As hackney carriage and PHV drivers often carry unaccompanied passengers, applicants with convictions for indecent exposure, indecent assault, importuning, or any of the more serious sexual offences, should be refused until they can show a substantial period (at least 3 to 5 years) free of such offences. More than one conviction of this kind should preclude consideration for at least 5 years. In either case if a licence is granted a strict warning, as future conduct should be issued.

(f) Violence

As hackney carriage and PHV drivers maintain close contact with the public, a firm line should be taken with applicants who have convictions for grievous bodily harm, wounding or assault. At least 3 years free of such convictions should be shown before an application is entertained and even then a strict warning should be administered.

(g) Dishonesty

Hackney carriage and PHV drivers are expected to be persons of trust. The widespread practice of delivering unaccompanied property is indicative of the trust that business people place in drivers. Moreover, it is comparatively easy for a dishonest driver to defraud the public by demanding more than the legal fare etc. Overseas visitors can be confused by the change in currency and become "fair game" for an unscrupulous driver. For these reasons a serious view should be taken of any conviction involving dishonesty. In general, a period of 3 to 5 years free of conviction should be required before entertaining an application.

(h) Police Cautions

A formal Police Caution will be viewed as a conviction. It is only offered where there is sufficient evidence to lead to a prosecution and the offender admits his/her guilt. The period free of conviction will be the same as for a conviction and will run from the date the caution was administered.