

TITLE: PRIVATE HIRE/HACKNEY CARRIAGE DRIVERS LICENCES – GUIDELINES RELATING TO THE RELEVANCE OF CRIMINAL CONVICTIONS

TO/ON: LICENSING COMMITTEE
THURSDAY, 6TH JULY 2006

BY: HEAD OF LEGAL & DEMOCRATIC SERVICES

LEAD MEMBER: LEADER OF THE COUNCIL

STATUS: FOR PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1 To advise members of the current guidelines relating to the relevance of convictions in respect of applications for Hackney Carriage and Private Hire Driver's Licences.
- 1.2 The Committee are requested to approve the current guidelines without any further amendment.

2. RECOMMENDATIONS

- 2.1 It is recommended that the current guidelines be approved.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 The Local Government (Miscellaneous Provisions) Act 1976 makes a requirement that no hackney carriage or private hire drivers licence shall be granted unless the applicant is "a fit and proper person" to hold such a licence.
- 3.2 An element of determining whether an applicant is "a fit and proper person" is the results of a Criminal Records Bureau (CRB) check.
- 3.3 On this basis, the Committee last approved the guidelines relating to the relevance of convictions on 11th November 2003 as appended at Appendix A.
- 3.4 It is therefore necessary for the committee to demonstrate that these guidelines have been looked at and reviewed where necessary since their adoption in 2003.

- 3.5 It is recommended that these guidelines are still current and do not require any amendments and the committee are therefore requested to resolve to retain the guidelines in their current form.
- 3.6 Members should consider that the Hackney Carriage and Private Hire system is an important part of the public transport infrastructure of the Country and the purpose of a licensing regime is to ensure that the service to the public is accessible and safe, and seen to be so. Hackney Carriage and Private Hire drivers are persons of trust and maintains contact with the public.
- 3.8 In any case, since March 2002 all convictions, irrespective of age, remain 'live' for the purposes of a Hackney Carriage or Private Hire Vehicle drivers licence, these occupations being added to the exemptions list from that time (Rehabilitation of Offenders Act 1974) (Exemptions) Order 1975.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1 FINANCE AND RISK MANAGEMENT

4.1 Not applicable

4.2 MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2 Not applicable

4.3 HUMAN RESOURCES

4.3 Not applicable

4.4 ANY OTHER RELEVANT CORPORATE PRIORITIES

4.4 Quality services for local people and confident communities. Hackney Carriage and Private Hire drivers are relied upon by the travelling public to be persons of honesty and reliability.

5. RISK

5.1 There is a risk of vicarious liability should the Council licence an unfit driver whilst working in that capacity.

6. LEGAL IMPLICATIONS ARISING FROM THE REPORT

6.1 There are no implications. The applicant's Human Rights are protected by a right of appeal to a Magistrates Court.

7. EQUALITIES ISSUES ARISING FROM THE REPORT

7.1 There are no equalities issues.

8. WARDS AFFECTED

8.1 All Wards could be affected

9. CONSULTATIONS

9.1 Nil

Background documents:

Appendix A: Guidelines relating to the relevance of convictions in respect of applications for Hackney Carriage and Private Hire Driver's licences

**For further information on the details of this report, please contact:
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