

# WIRRAL COUNCIL

## LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE

12 MARCH 2014

<b>SUBJECT:</b>	<b>HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER LICENCES</b>
<b>WARD/S AFFECTED:</b>	<b>ALL</b>
<b>REPORT OF:</b>	<b>STRATEGIC DIRECTOR OF REGENERATION &amp; ENVIRONMENT</b>
<b>KEY DECISION?</b>	<b>NO</b>

### 1.0 EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to consider the criteria for granting a Private Hire or Hackney Carriage Driver licence to an applicant who has failed to renew their licence on or before the renewal date.

### 2.0 BACKGROUND AND KEY ISSUES

- 2.1 Members will be aware that before granting a Private Hire or Hackney Carriage Driver Licence the Council must be satisfied that the applicant is a fit and proper person to hold a Driver's Licence and that the person has been authorised to drive a motor car for at least 12 months.
- 2.2 The methods available to assess the fitness and propriety of an applicant are at the discretion of the Council. There is no judicially approved test of fitness and propriety.
- 2.3 The Council have determined that the following requirements are necessary for individuals to show that they are fit and proper to hold a Private Hire or Hackney Carriage Driver Licence, namely:
- Vocationally Related Qualification (VRQ)
  - Knowledge test pass
  - Satisfactory driving licence
  - Satisfactory enhanced certificate from the Disclosure and Barring Service (DBS) (criminal record check)
  - Satisfactory medical
- 2.4 These tests have previously been considered necessary taking into account the safety of passengers and the nature of the work undertaken by Private Hire and Hackney Carriage Drivers.
- 2.5 Drivers are required to renew their licence on or before the expiry date. There are no days of grace and this is made clear on the licence renewal application forms. If a private hire or hackney carriage driver licence is not renewed an application must be submitted for a new licence and the requirements set out above would have to be met.
- 2.6 A licensed driver who fails to renew their licence before the expiry date will have obtained the VRQ or NVQ qualification, will have passed the knowledge test and will

have been subject to a DBS criminal record check within the past three years. In addition, should a licensed driver be cautioned or convicted of an offence and the police are informed that they are a licensed driver, we would, as the licensing authority, be notified of this. It is also a condition of licence that drivers must declare any convictions or cautions that they incur.

- 2.7 Licensed drivers who have failed to renew their licences for reasons that have been beyond their control, for example a sudden illness or bereavement in the family have expressed concerns regarding having to be subject to a DBS check before the licence is issued as this results in a delay in issuing the licence for a period of several weeks, and possibly months, during which time the individual is unable to work.
- 2.8 Members are asked to recognise that an individual who has been licensed but fails to renew within a defined period of time provides different circumstances to those presented by a new applicant who has no record with the authority.
- 2.9 In these circumstances and as an alternative to the requirements set out in paragraph 2.3, Members are asked to consider that the following requirements be met when a licensed driver fails to renew their licence and submits an application for a new licence within a 7 day period.
- Satisfactory driving licence
  - Vocationally Related Qualification or National Vocational Qualification
  - Knowledge Test pass
  - A valid DBS check issued within the previous three years, in accordance with the requirement for drivers who are currently licensed
  - A medical in accordance with the requirement for drivers who are currently licensed

### **3.0 RELEVANT RISKS**

- 3.1 There are none arising directly from this report.

### **4.0 OTHER OPTIONS CONSIDERED**

- 4.1 That Members retain the requirement set out in paragraph 2.3 for all new licence applications.

### **5.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS**

- 5.1 There are no specific implications arising from this report.

### **6.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS**

- 6.1 There no specific implications arising from this report..

### **7.0 LEGAL IMPLICATIONS**

- 7.1 A decision of the Committee may be subject to legal challenge.

## **8.0 EQUALITIES IMPLICATIONS**

- 8.1 Has the potential impact of the proposal been reviewed with regard to equality?
- 8.2 No because there is no relevance to equality.

## **9.0 CARBON REDUCTION IMPLICATIONS**

- 9.1 There are no specific carbon reduction implications arising from this report.

## **10.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS**

- 10.1 There are community safety implications as Private Hire Drivers and Hackney Carriage Drivers must be fit and proper persons when granting a licence and throughout its duration due to their involvement with the general public.

## **11.0 RECOMMENDATION**

- 11.1 That Members approve the requirements outlined in paragraph 2.9 in respect of new applications for Private Hire and Hackney Carriage driver licences submitted within 7 days of the expiry of the previous licence.

## **12.0 REASON FOR RECOMMENDATION/S**

- 12.1 An individual who has been licensed but fails to renew within 7 days of the expiry of their licence presents different considerations to those presented by a new applicant who has no record with this authority.

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