

**LICENSING HEALTH AND SAFETY AND GENERAL PURPOSES COMMITTEE****12 OCTOBER 2016**

<b>REPORT TITLE</b>	<b>HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER CONVICTIONS POLICY – NEW APPLICANTS</b>
<b>REPORT OF</b>	<b>ASSISTANT CHIEF EXECUTIVE</b>

**REPORT SUMMARY**

The purpose of this report is to seek Members approval of a revised policy in relation to the criteria applicable when considering the fitness and propriety of an individual in respect of their application for the grant of a Private Hire or Hackney Carriage Driver Licence when the applicant has committed an offence or offences.

**RECOMMENDATION/S**

That the revised policy detailed at Appendix 2, be adopted with immediate effect by the Committee as the policy to be used when determining applications for the grant of Hackney Carriage and Private Hire Driver Licences where the applicant has committed an offence or offences.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The Policy has been reviewed in consultation with other local authorities across Merseyside to seek consistency when considering applicants to be licensed as Hackney Carriage and Private Hire Drivers who have committed an offence or offences.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 There is no provision for other options to be considered.

### **3.0 BACKGROUND INFORMATION**

- 3.1 In accordance with sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 a district council shall not grant a licence to drive a hackney carriage or private hire vehicle unless they are satisfied that the applicant is a fit and proper person to hold a driver licence.
- 3.2 All applicants for Hackney Carriage and Private Hire Driver Licences are subject to a criminal record check to establish any conviction, which may be relevant to the application.
- 3.3 The check on criminal convictions assists the Council in determining whether at the time of application for a new licence the applicant is a fit and proper person to hold a licence. Equally a criminal record check also assists a council in determining an application for the renewal of a driver licence by establishing whether since the grant of a driver licence a driver has been convicted of any offence including dishonesty, indecency or violence.
- 3.4 The Rehabilitation of Offenders Act 1974 was designed to set graduating timescales when convictions would be determined as spent. Amendments to this Act have resulted in all convictions being considered relevant for consideration when determining applications for Hackney Carriage and Private Hire Driver Licences. This means that no convictions are considered to be spent.
- 3.5 In 1992, the Home Office published a General Policy Circular which gave guidance to Local Authorities when considering applications for Hackney Carriage and Private Hire Driver Licences. This guidance set general time scales after an applicant has been convicted of an offence, when licence applications should be considered. The timescales within these guidelines are set between three and ten years. These guidelines are set out at Appendix 1, attached to this report. There has been no further policy document produced by the Home Office since 1992. Following the publication of this circular in 1992 Members of this Committee approved a set of guidelines in respect of applicants for Hackney Carriage and Private Hire Driver Licences in Wirral these guidelines were subsequently reviewed in 2010 and the Council's current guidelines have not since been subject to review.

- 3.6 Officers have conducted a consultation exercise with other authorities across Merseyside with a view to developing a more consistent approach across Merseyside in relation to how local authorities deal with applicants who have committed an offence or offences.
- 3.7 A revised policy attached at Appendix 2, has been developed to incorporate the changes needed to bring about the consistency that is sought. Officers in each of the authorities across Merseyside will be seeking to amend their policies in line with the revised policy attached at Appendix 2.
- 3.8 A summary of the proposed key changes to the existing policy are contained in Appendix 3.
- 3.9 Members will note that in order to provide clarity to applicants the Policy Guideline Document has been amended to refer only to new applicants, not existing licensed drivers and no longer includes reference to the application procedure. Both of these matters are subject to separate documents. Details of a proposed Policy for dealing with existing drivers will be brought to a future meeting of this Committee.

#### **4.0 FINANCIAL IMPLICATIONS**

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

#### **5.0 LEGAL IMPLICATIONS**

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

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

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

#### **7.0 RISKS**

- 7.1 There are Community Safety implications as hackney carriage and private hire drivers should be fit and proper persons when granted a licence and throughout its duration due to their involvement with the general public.

#### **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 This is not a matter that requires consultation.

#### **9.0 EQUALITY IMPLICATIONS**

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

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**APPENDICES**

Appendix 1 – Guidelines relating to the relevance of convictions

Appendix 2 – Revised Hackney Carriage and Private Hire Driver Convictions Policy  
(to follow)

Appendix 3 – Summary of proposed key changes

**REFERENCE MATERIAL**

None

**SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>