

**BROMSGROVE DISTRICT COUNCIL**

**LICENSING COMMITTEE**

**23RD FEBRUARY 2009**

**GUIDANCE RELATING TO THE 'RELEVANCE OF CONVICTIONS AND CAUTIONS'**

Responsible Portfolio Holder	Cllr. Peter Whittaker
Responsible Head of Service	David Hammond

**1. SUMMARY**

- 1.1 This report concerns the proposal to adopt a revision of existing guidance to Licensing Committee Members and applicants on the relevance of convictions when granting either a Dual hackney Carriage and Private Hire Driver Licence or Private Hire Operator's Licence.

**2. RECOMMENDATION**

- 2.1 That Members adopt the revised guidance on the relevance of convictions and cautions.

**3. BACKGROUND**

- 3.1 Members will be aware of current guidance on the relevance of convictions when applications for driver or operator licences are determined by the Council's Taxi Licensing Sub-Committee.
- 3.2 These guidelines have been produced to assist the new formed Taxi Licensing Sub-Committee in their decision-making and to maintain the consistency of any decisions made. They have also been formulated as a County-wide document to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both the Council and the applicant.
- 3.3 The aim of these guidelines is not to punish the applicant twice for a conviction or caution, but to ensure that public safety is not compromised.
- 3.4 As Members are aware the objective of the licensing regime is to ensure that, so far as possible, those licensed to drive taxis are suitable persons to do so, namely that they are safe drivers with good driving records and adequate experience, mentally and physically fit, honest and not person who would take advantage of their passengers.

3.5 Consultation has taken place with all licence holders and relevant public bodies and no adverse comments have been received.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications.

#### **5. LEGAL IMPLICATIONS**

5.1 This guide has been based on the Department of Transport Circular 2/92 and the Home Office Circular 13/92. The circulars advise local authorities on the procedures to adopt for checking with the police the criminal convictions of applicants for Hackney Carriage and Private Hire vehicle drivers' licences.

5.2 Sections 51 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 states " ....Council shall not grant a licence to drive a Private Hire/Hackney Carriage Vehicle unless they are satisfied that the person is a fit and proper person to hold a driver's licence".

5.3 Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 states that ".... The district council may suspend or revoke or refuse to renew the licence of a driver of a hackney carriage or private hire vehicle on any of the following grounds:

(a) that he has since the grant of the licence:

- (i) been convicted of an offence involving dishonesty, indecency or violence; or
- (ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of his Act; or

(b) any other reasonable cause."

5.4 The Rehabilitation of Offenders Act (Exceptions) (Amendment) Order 2002 specifically excludes taxi drivers (but not private hire operators) from the provisions of the Rehabilitation of Offenders Act 1974.

#### **6. COUNCIL OBJECTIVES**

6.1 These guidelines contribute to the Council's objective "Sense of community and well being".

#### **7. RISK MANAGEMENT**

7.1 The main risk associated with the detail included in this report is:

- To ensure that the Council has effective policies in place to assist in decision-making and to maintain the consistency of any decisions made.

7.2 This risk is being managed as follows:

Risk Register: Planning and Environment Services

Key Objective Ref No. 7

Key Objective: Effective, efficient and legally compliant Licensing Service

## **8. CUSTOMER IMPLICATIONS**

8.1 Should members adopt the guidelines, all licensed Hackney Carriage and Private Hire Drivers and Private Hire Operators will be informed in writing and a copy of the guidelines will be issued to them for future reference.

8.2 Details will also be added to the Council's website.

## **9. EQUALITIES AND DIVERSITY IMPLICATIONS**

9.1 A full Equalities and Diversity Impact Assessment will be prepared following approval of the guidelines.

## **10. VALUE FOR MONEY IMPLICATIONS**

10.1 The guidelines have been developed as a County-wide document to provide clearer information to current and potential applicants, with a view to minimising cost and time spent by both the Council and the applicant.

## **11. OTHER IMPLICATIONS**

Procurement Issues None
Personnel Implications None
Governance/Performance Management None
Community Safety including Section 17 of Crime and Disorder Act 1998 The Council ensures that licences are only granted to drivers of licensed vehicles if they can demonstrate that they are 'fit and proper'.
Policy None
Environmental None

## **12. OTHERS CONSULTED ON THE REPORT**

Portfolio Holder	<b>Yes</b>
Chief Executive	<b>No</b>

Executive Director (Partnerships and Projects)	<b>No</b>
Executive Director (Services)	<b>No</b>
Assistant Chief Executive	<b>No</b>
Head of Service	<b>Yes</b>
Head of Financial Services	<b>No</b>
Head of Legal, Equalities & Democratic Services	<b>Yes</b>
Head of Organisational Development & HR	<b>No</b>
Corporate Procurement Team	<b>No</b>

**13. WARDS AFFECTED**

All wards are affected.

**14. APPENDICES**

Appendix 1 Guidelines relating to the 'Relevance of Convictions and Cautions'.

**15. BACKGROUND PAPERS**

Department of Transport Circular 2/92 and Home Office Circular 13/92.

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