

Licensing Committee

26 April 2017

Report title **Guidelines Relating to Relevance of Convictions and Breaches of Licence Conditions relating to Hackney Carriage and Private Hire Vehicle Proprietors and Drivers and Private Hire Vehicle Operators**

Wards affected All

Accountable director Kevin O’Keefe, Governance

Originating service Licensing Services

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Report to be/has been considered by

Internal consultation with:

- Responsible Authorities
- Private Hire Trade Working Group.
- Hackney Carriage Trade Working Group

Recommendation(s) for action or decision:

Councillors are recommended to:

- i) To approve the revised Guidelines relating to the Relevance of Convictions and Breaches of Licence Conditions for hackney carriage and private hire vehicle proprietors, drivers and private hire operators attached at Appendix A.

Recommendations for

Councillors are asked to note:

- i) That the proposed amendments have been subject to a consultation exercise.
- ii) That no responses were received.

1.0 Purpose

1.1 The purpose of this report is to:

- a) advise Councillors of the outcome of the consultation with the Hackney Carriage/Private Hire trade Working Groups and Responsible Authorities on proposals to amend the Council's existing guidelines relating to hackney carriage and private hire vehicle proprietors, drivers and private hire vehicle operators;
- b) seek approval for the amendments to Guidelines Relating to the Relevance of Convictions and Breaches of Licence Conditions for hackney carriage and private hire vehicle proprietors, drivers and private hire vehicle operators.

2.0 Background

- 2.1 The council has a duty to protect the general public from harm when using hackney carriage or private hire vehicles. In order to do this the Council must satisfy itself that all drivers and operators are 'fit and proper' persons.
- 2.2 Guidelines for Hackney Carriage and Private Hire Vehicle proprietors, Drivers and Private Hire Vehicle operators (the guidelines) are used to provide the Council with a written framework which allows employees and Councillors to make fair and consistent decisions when assessing the suitability of applicants for hackney carriage or private hire licences. The Guidelines also cover existing drivers, proprietors and operators when they breach conditions, are convicted/cautioned for relevant offences or behave in a manner that is inconsistent with that expected from a licence holder.
- 2.3 The Guidelines are reviewed on a periodic basis to ensure that they take into account revised and current legislation along with local and national licensing proprieties and technological advancements. The last review of these guidelines was undertaken in 2012 and revisions were agreed by Licensing Committee on 25 July 2012.

3.0 Consultation

3.1 A consultation exercise was undertaken and included:

- Responsible Authorities Forum
- Private Hire Trade Working Group
- Hackney Carriage Trade Working Group

3.2 The consultation document was posted on the Council's website.

3.3 The overall closing date for written comments in respect of the proposed amendments was noon on 10 April 2017.

3.4 No written comments received. Verbal discussions came from the Trade Working Group and have been incorporated into the Guidance.

4.0 **Financial implications**

4.1 There are no financial implications arising from the recommendations in this report.
[SR/19042017/L]

5.0 **Legal implications**

5.1 Although there are no legal requirements to review the guidelines relating to the relevance of convictions and breaches of licence conditions relating to Hackney Carriage and Private Hire Vehicle proprietors and Drivers and Private Hire Vehicle operators it is good practice to so particularly when there have been changes in legislation.

5.2 The legislation detailed below governs the licensing of hackney carriage and private hire vehicle proprietors, driver and private hire operators:

5.3 Section 51(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall on receipt of an application from any person for the grant to that person of a licence to drive private hire vehicles, grant to that person a driver's licence.

'Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.'

5.4 Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 states that a council, before granting a hackney carriage driver's licence must be satisfied that an applicant is a fit and proper person to hold such a licence and that the applicant has for at least 12 months prior to the date of the application, been authorised to drive a motor car.

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

- That since the grant of the licence he/she has been convicted of an offence involving dishonesty, indecency or violence; or
- That since the grant of the licence he/she has been convicted of an offence under, or has failed to comply with the provisions of the Town, Police Clauses Act 1847 or this part of the Act; or
- Any other reasonable cause

5.6 Section 55(1) of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall, on receipt of an application from any person for the grant to that person of a licence to operate private hire vehicles grant to that person an operator's licence:

'Provided that a district council shall not grant a licence unless they are satisfied that the applicant is a fit and proper person to hold an operator's licence.'

5.7 Section 60 of the Local Government (Miscellaneous Provisions) Act 1976 states that a district council may suspend or revoke or refuse to renew a vehicle if:

- the hackney carriage or private hire vehicle is unfit for use as a hackney carriage or private hire vehicle;
- an offence has been committed under the Town, Police Clauses Act 1847 of the Local Government (Miscellaneous Provisions) Act 1976;
- any other reasonable cause. [SH/19042017/S]

6.0 Equalities implications

6.1 The amendments to the hackney carriage/private hire Guidelines improve the controls available for the monitoring and enforcement of the "taxi trade". The controls will be applied equally and consistently to private hire drivers, operators and proprietors, as well as hackney carriage drivers and proprietors from all ethnic groups.

6.2 Application of the Guidelines will ensure that the service provided by private hire and hackney carriage drivers is fair and consistent with all users of the service.

7.0 Environmental implications

7.1 There are no environmental implications to this function.

8.0 Human resources implications

8.1 There are no Human Resource implications to this function.

9.0 Corporate landlord implications

9.1 There are no corporate landlord implications to this function.

10.0 Schedule of background papers

10.1 Previous report to Licensing Committee (2 November 2016).