

**CONSIDERATION OF AN APPENDIX TO THE
HACKNEY CARRIAGE AND PRIVATE HIRE POLICY
PROVIDING GUIDANCE ON THE RELEVANCE OF
CONVICTIONS. THE LOCAL GOVERNMENT
(MISCELLANEOUS PROVISIONS) ACT 1976, TOWN
POLICE CLAUSES ACT 1847**

**REPORT BY: Head of Environmental Health and Trading
Standards**

Purpose

1. That the Committee consider the guidelines to the relevance of convictions with respect to licensing dual drivers as an appendix to the Taxi and Private Hire Policy.

Legal Background – Relevance of Offences

2. Under the terms of the Local Government (Miscellaneous Provisions) Act 1976 s 51 It is a requirement of local authorities that no licence should be granted to someone unless they are “fit and proper” person.
3. The Local Authority is entitled to adopt policies in relation to hackney carriage and private hire licensing. This was established in the case of *Stringer V minister of Housing and Local Government*.

Background

4. The licensing Committee requested that a report be brought to the Committee regarding the relevance of convictions with respect to issuing and retaining dual drivers licences. A report was submitted on the 20th November 2007, the decision was deferred for the Mr Hardy from the legal team to make his amendments.
5. As part of the application process for dual driver’s licences, all applicants must undertake an enhanced criminal records bureau (CRB) check at the time of application. This check must be repeated at least every three years.
6. The guidance in Appendix 1 is the draft guidance submitted in November 2007, and was based upon advice from the DOT Circular 2/92, HO Circular 123/92 and CRB guidance. It is evident that some of the wording is open to interpretation, but this is to enable the licensing authority to exercise the necessary discretion when assessing individual cases.
7. Mr Hardy has submitted revised guidance at Appendix 2.
8. Under the Local Government (Miscellaneous Provisions) Act 1976, should a licence application be refused or a licence be suspended or revoked for any reason, the applicant has the right to appeal the decision to Magistrate’s Court within twenty-one days of receiving notice of the intention to refuse/suspend/revoke the licence. During

the period allowed for an appeal to be lodged, and up to the time the appeal is determined, a licensee has a statutory right to continue working as a dual driver. This is due to change in January 2007 when this right is removed and any refusal, suspension or revocation will be take immediate effect.

RECOMMENDATION

That the Committee gives consideration to the guidelines outlined at Appendix 1 and advises officers whether it wishes to adopt the guidance or amend them as is felt to be necessary, and to provide guidance on any amendments.