

If you would like any further information or have any special requirements in respect of this Meeting, please contact Lynda Eastwood, Democratic Services Officer (01507) 613422

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Date: Thursday, 7 November 2024

Dear Councillor,

General Licensing Committee

You are invited to attend a Meeting of the **General Licensing Committee** to be held at **the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH** on **Monday, 18th November, 2024** at **2.00pm**, for the transaction of the business set out in the attached Agenda.

The public and press may access the meeting via the following link <https://bit.ly/ELDCYT> where a livestream and subsequent recording of the meeting will be available or by attending the meeting.

Yours sincerely



Robert Barlow
Chief Executive

Conservative

Councillors Neil Jones (Vice-Chairman), Richard Avison, Stephen Evans, Carl Macey and Terry Taylor

District Independent/Liberal Democrat

Councillor Sandra Campbell-Wardman (Chairman)

Labour

Councillor Graham Cullen

East Lindsey Independent Group

Councillors Darren Hobson, George Horton and Andrew Leonard



Skegness Urban District Society (SUDS)

Jimmy Brookes

GENERAL LICENSING COMMITTEE AGENDA

Monday, 18 November 2024

Item	Subject	Page No.
1.	APOLOGIES FOR ABSENCE:	
2.	DISCLOSURE OF INTERESTS (IF ANY):	
3.	MINUTES: To confirm the Open and Exempt Minutes of the General Licensing Meeting held on 30 September 2024.	1 - 8
4.	EXCLUSION OF PUBLIC AND PRESS: That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items on the grounds that, if they were present, there could be disclosed exempt information as defined at paragraphs 1, 2 and 7 of Part 1 of the Schedule 12A of the Act (as Amended).	
5.	HACKNEY CARRIAGE & PRIVATE HIRE DRIVER - RAPID RESPONSE PROCEDURE: Open report of the Group Manager Public Protection Confidential Appendix 1.	9 - 18
6.	REVIEW OF PRIVATE HIRE VEHICLE DRIVER LICENCE: Confidential report of the Group Manager Public Protection.	19 - 32
7.	DATE OF NEXT MEETING: The programmed date for the next Meeting of this Committee will be 27 January 2025.	

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Minutes of a Meeting of the General Licensing Committee held in the Hub, Mareham Road, Horncastle, Lincolnshire LN9 6PH on Monday, 30th September, 2024 at 2.00pm.

PRESENT

Councillor Sandra Campbell-Wardman (Chairman)
Councillor Neil Jones (Vice-Chairman)

Councillors Richard Avison, Stephen Evans, Darren Hobson,
Andrew Leonard, Carl Macey and Terry Taylor.

OFFICERS IN ATTENDANCE:

Donna Hall	- Group Manager Public Protection
Neil Brooks	- Licensing Compliance Officer
Kia McKenna	- Licensing Officer
Kim Robertson	- Legal Advisor
Lynda Eastwood	- Democratic Services Officer

20. APOLOGIES FOR ABSENCE:

Apologies for absence were received from Councillors Billy Brookes, Graham Cullen and George Horton.

21. DISCLOSURE OF INTERESTS (IF ANY):

At this point in the meeting, Members were asked to disclose any relevant interests. The following interests were disclosed:

- Councillor Andrew Leonard asked it be noted that he was a personal licence holder and a Magistrate.
- Councillor Carl Macey asked it be noted that he was a personal licence holder.
- Councillor Terry Taylor asked it be noted that with regards to Item 7 the licence holder lived in his Ward.

22. MINUTES:

The Open and Exempt Minutes of the General Licensing Meeting held on 15 July 2024 were agreed as a correct record.

23. ANNUAL REVIEW OF THE MAXIMUM HACKNEY CARRIAGE FARE STRUCTURE:

Donna Hall, Group Manager Public Protection, presented Members with an open report which enabled them to undertake an annual review of the Maximum Hackney Carriage Fare Structure. It was noted that the last variation of the hackney carriage fare structure took place in September 2023.

The Council had received separate submissions from the Skegness Taxi Owners Association (STOA) and the Skegness & District Taxi Drivers Association (SDTDAs) regarding the fare structure review. Members were referred to the submissions set out in Appendix 2, page 23 of the report refers.

Both associations were asking for the daytime flag fall to increase from £4.00 to £5.00. In addition, the STOA were asking for the booking fee / call out charge to be increased from 75p for each mile to £1.00 for each mile. Members were referred to the current fare structure as set out in Appendix 1, page 21 of the report refers.

Officer advice was that the Committee should always be persuaded of the need to vary the fare structure before embarking on such a course of action. In reviewing the fare structure, the Committee should look to ensure customers received a fair deal whilst ensuring that hackney carriage vehicle drivers were able to make a living working in the trade.

A discussion ensued, and the following points were raised:

A Member commented that considering the current climate, it was a reasonable request and would be happy to support the proposed increases. A further comment was made with regards to prices rising more than inflation.

Another Member opposed the proposal and suggested that the current pricing structure remained.

The Group Manager Public Protection advised Members that, having reviewed the proposal, Committee could defer its decision until the following year, once the budget had been announced. A further review could take place early in 2025 in-line with the usual annual review cycle. Further to a brief discussion, the majority of Members agreed with that way forward.

No further comments or questions were received.

Following which, it was

RESOLVED

That further to consideration from the General Licensing Committee, the annual review of the maximum hackney carriage fare structure be deferred to a future meeting of the Committee.

24. DATE OF NEXT MEETING:

The date of the next meeting was confirmed as 18 November 2024.

25. EXCLUSION OF PUBLIC AND PRESS:

It was proposed and seconded that the public and press be excluded from the meeting.

RESOLVED

That under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items on the grounds that, if they were present, there could be disclosed exempt information as defined at paragraphs 1, 2 and 7 of Part 1 of the Schedule 12A of the Act (as Amended).

26. APPLICATION FOR HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVER LICENCES:

Donna Hall, Group Manager Public Protection, presented Members with an exempt report relating to an application for hackney carriage and private hire vehicle driver licences.

Following which, it was

RESOLVED

That the licence application be granted, as set out in the Exempt Minute.

27. REVIEW OF HACKNEY CARRIAGE & PRIVATE HIRE VEHICLE DRIVER LICENCES:

Donna Hall, Group Manager Public Protection, presented Members with an exempt report relating to a review of hackney carriage and private hire vehicle driver licences.

Following which, it was

RESOLVED:

That the decision contained within the Exempt Minute be approved.

The Meeting closed at 2.50 pm.

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 3

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Report To:	General Licensing Committee
Date:	18 November 2024
Subject:	Hackney Carriage and Private Hire Vehicle Driver – Rapid Response Procedure.
Purpose:	To advise the Committee of a licence review recently undertaken under the Council’s hackney carriage and private hire driver rapid response procedure.
Key Decision:	Not Applicable.
Report Of:	Donna Hall - Group Manager Public Protection.
Report Author:	Adrian Twiddy – Ast. Licensing Officer
Ward(s) Affected:	All Wards
Exempt Report:	NO - However, the Appendix to this Report is exempt by virtue of Paragraphs 1, 2 & 7 of Schedule 12A of the Local Government Act 1972 because it contains confidential and sensitive information relating to an individual.

The Appendix to this Report contains information regarding an individual, which is of a confidential and sensitive nature. The information must be stored securely and not disclosed to any person outside the decision-making process. The Report Appendix must not be kept any longer than is necessary and copies must be confidentially and securely destroyed.

Summary

This Authority has adopted a rapid response procedure which enables the urgent review of hackney carriage / private hire driver licences where information is received of a serious nature that may affect public safety. The procedure requires that a summary of each decision, made under the rapid response procedure, should be reported to the next available meeting of the Council’s General Licensing Committee.

This Report (and its Confidential Appendix) provides that summary of a recent decision taken under the procedure.

Recommendations

That the Committee note the confidential summary set out at the **Confidential Appendix 1** of this Report.

Reasons for Recommendations

The Council has a mandatory obligation to licence those persons who seek to drive hackney carriages or private hire vehicles and to ensure that those drivers are fit and proper persons to do so. The prime focus for the Council is to ensure public safety, as well as providing an efficient and effective licensing service.

Other Options Considered

Not Applicable.

1. Background

- 1.1 The primary role of the Council in relation to hackney carriage and private hire licensing is the protection, safety and wellbeing of the public. Hackney carriage and private hire vehicle hirings will often involve the placing of a vulnerable person in the company of a stranger.
- 1.2 This Authority has adopted a rapid response procedure which enables the urgent review of hackney carriage / private hire driver licences where information is received of a serious nature that may affect public safety.
- 1.3 All details pertaining to a licence review, under the rapid response procedure, will be excluded from the public domain, and any review hearing will be held in confidential session, as the matter may be subject to formal legal procedures at a later stage.

2. Report

- 2.1 Under the Council's licensing policy licensed drivers whose suitability is called into question are normally referred to a General Licensing Committee hearing where Members determine suitability and can suspend or revoke licences. This system works well in general but there are occasions where urgent action may be required which in the interest of public safety cannot be delayed until the next available General Licensing Committee hearing. With this in mind this Authority has adopted an emergency procedure where swift action can be taken in limited and very serious circumstances.
- 2.2 The procedure, subject of this Report, enables determination by Officers acting under delegated powers.

- 2.3 In order to protect public safety, the procedure enables swift action to be taken when serious issues regarding the fitness of licensed drivers of hackney carriages and private hire vehicles are notified to the Authority.
- 2.4 The Council must be satisfied that individuals are “fit and proper” persons to hold a hackney carriage or private hire vehicle driver’s licence. The Council may take into account any relevant information when considering the status of a licence holder.
- 2.5 The procedure requires that a summary of each decision, made under the rapid response procedure, should be reported to the next available meeting of the Council’s General Licensing Committee. This Report (and its Confidential Appendix) provides that summary of a recent decision taken under the procedure.
- 2.6 The Local Government Association (LGA) Taxi and Private Hire Vehicle Licensing Councillor’s handbook advises that if allegations of a serious nature are received then the Council should have in place procedures which allow for a rapid response. The handbook is of the view that in serious cases it is not appropriate to wait for a Licensing Committee hearing to be convened.
- 2.7 The Statutory Taxi & Private Hire Vehicle Standards, issued by the Department for Transport in July 2020, state that all Licensing Authorities should consider arrangements for dealing with serious matters that may require the immediate revocation of a licence.

3. Conclusion

- 3.1. The Council has a duty to ensure that any person to whom it grants a hackney carriage or private hire vehicle driver’s licence is a fit and proper person to be a licence holder.
- 3.2. When dealing with matters of public safety the impact on the livelihood of the driver of the suspension or revocation of a driver’s licence is not normally a relevant factor. However, the suspension or revocation of a licence should not be taken lightly.
- 3.3. The overriding purpose of hackney carriage and private hire licensing is public safety and where there is a risk to public safety, action should be taken as soon as possible to minimise that risk.

Implications

South and East Lincolnshire Councils Partnership

None.

Corporate Priorities

The licensing and compliance role of the Council is important in improving the health, safety, security and welfare of the District's residents, visitors and business community.

Staffing

None.

Workforce Capacity Implications

None.

Constitutional and Legal Implications

1. The Council must be satisfied that individuals are “fit and proper” persons to hold a hackney carriage or private hire vehicle driver’s licence (Sections 51 and 59, Local Government (Miscellaneous Provisions Act 1976).
2. The Council can suspend or revoke a driver licence on the grounds of any reasonable cause (Section 61, Local Government (Miscellaneous Provisions Act 1976). However, when considering the possible suspension or revocation of a driver licence the onus is on the Licensing Authority to show why the individual is no longer a fit and proper person to hold a licence.
3. There is a right of appeal to the Magistrates Court regarding the refusal, suspension or revocation of a licence.
4. The Licensing Authority should not normally make a decision to revoke, suspend or refuse to renew a licence without giving the individual concerned an opportunity for a hearing – that hearing can be before a delegated Officer(s) rather than the Licensing Committee.
5. If an existing licence holder no longer meets the Council’s licensing requirements it is for this Authority to give suitable reasons as to why it no longer views that person as fit and proper to hold a licence. In other words, why, has the Council refused to renew a licence or decided to suspend or revoke an existing licence?
6. Section 52 of the Road Safety Act 2006 (which amended Section 61 of the Local Government (Miscellaneous Provisions) Act 1976) gives Licensing Authorities the power to immediately suspend or revoke a driver’s licence where they are of the opinion (which must be recorded) that the interests of public safety require such a course of action. The driver has no right to act as a licensed driver if his/her licence has been suspended or revoked and in the interests of public safety the immediate suspension or revocation powers have been invoked.

Data Protection

The Appendix to this Report contains information regarding an individual, which is of a confidential and sensitive nature.

Financial

As with all licence decisions it is possible that if a Licensing Authority decision is appealed to the Courts and the appeal is upheld, costs may be awarded against the Council. However, the judgement of the Courts is that costs should not normally be awarded against the Local Authority provided the Authority has acted properly and reasonably.

Risk Management

There is a theoretical risk of civil action against the Council if they are found not to have exercised due diligence in licensing matters.

Stakeholder / Consultation / Timescales

Not Applicable.

Reputation

Having a robust licensing scheme protects public safety and commands the confidence of the public.

Contracts

None.

Crime and Disorder

All Local Authorities must fulfil their obligations under Section 17 of the Crime and Disorder Act 1981 when carrying out their functions as Licensing Authorities. Section 17 places a duty on Local Authorities to do all they reasonably can to prevent crime and disorder in their area.

Equality and Diversity / Human Rights / Safeguarding

Equality & Diversity: The Council's rapid response procedure does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), or sexual orientation.

Human Rights: The Licensing Authority must ensure that its decisions can withstand scrutiny by reference to the principle of proportionality, i.e. is the decision / action proportionate to what it wishes to achieve, or, colloquially does the end justify the means.

Safeguarding: Councils must consider the need to protect children and vulnerable adults from harm when undertaking licensing functions. Care must be taken by the Council to ensure that individuals are not placed in an environment where they can be a source of danger or harm to children or vulnerable adults.

Health and Wellbeing

None.

Climate Change and Environmental Implications

None.

Acronyms

DfT – Department for Transport

DBS – Disclosure & Barring Service

Appendices

Appendices are listed below and attached to the back of the report:

Appendix 1 Summary of a recent decision taken under the rapid response procedure.

Background Papers

Background papers used in the production of this report are listed below: -

Document title **Where the document can be viewed.**

The Department for Transport (DfT) Statutory Taxi and Private Hire Vehicle Standards (issued by the DfT in July 2020):

<https://www.gov.uk/government/publications/statutory-taxi-and-private-hire-vehicle-standards>

Chronological History of this Report

A report on this item has not been previously considered by a Council body.

Report Approval

Report author: Mr Adrian Twiddy (Ast. Licensing Officer)
Email: adrian.twiddy@e-lindsey.gov.uk

Signed off by: Donna Hall (Group Manager Public Protection)
Email: donna.hall@sholland.gov.uk

Approved for publication: Not Required.

By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 5

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By virtue of paragraph(s) 1, 2, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Agenda Item 6

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APPENDIX 1**Relevant Extracts from the Council's Taxi & Private Hire Licensing Policy.****1. Introduction**

1.1.1 East Lindsey District (the Licensing Authority) is responsible for the licensing of hackney carriage vehicles (taxis) and hackney carriage drivers, and private hire vehicles, private hire drivers and private hire vehicle operators.

1.1.2 This document sets out the policy that this Licensing Authority will apply when making decisions about new driver licence applications, licence renewal applications, and driver licences currently in force. It provides prospective licence applicants with clarity and a consistency of approach in the decision-making process.

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1.1.8 When issuing driver licences the Council's overriding concern is the protection and promotion of public safety. This involves a number of important aims and objectives including:

- Protecting vulnerable persons and children from harm, sexual abuse and trafficking.
- Ensuring the safety and health of customers, other road users and licensed drivers.
- Protecting customers from financial harm.
- Ensuring that licence holders are fit and proper persons to hold a licence.
- Ensuring that licence holders do not pose a threat to customers or members of the public.
- Ensuring that the public are safeguarded from dishonest persons.
- Making decisions about licence applications, and licences in force, in a consistent and fair way.

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1.2. Fit and Proper

1.2.1 The Council must not grant a driver licence unless it is satisfied that the applicant is a fit and proper person to hold a driver's licence. This document contains guidance for Council Officers and the Council's Licensing Committee on the way in which a driver licence applicant's fitness should be considered. However, it is important to note that every licence application must be treated on its own merits, and the contents of this policy document do not bind the Council, its Officers or the Licensing Committee. Decisions may be made that depart from the guidance herein, if the circumstances of the application warrant doing so. Any decision will be accompanied by full reasons for that decision.

1.2.2 It is noted that no attempt is made within the legislation to define the term "fit and proper person", and this policy document likewise makes no attempt to formulate such a definition. The Council may consider any relevant issue when making its determination on this point, and these guidelines should be regarded as examples of issues that may lead to the Council not being satisfied that an applicant is fit and proper, rather than an exhaustive list of the issues that may be taken into consideration.

1.2.3 The Council may fail to be satisfied that a person is a fit and proper person to hold a driver's licence for any good reason. If adequate evidence of good character is not available or if there is good reason to question or doubt the evidence produced, then that in itself could amount to good reason to refuse a licence application.

1.2.4 A licence applicant who does not satisfy these guidelines will not necessarily be barred from obtaining a licence. The Council will consider each case on its own merits, taking into account any relevant circumstances or mitigating factors. Regard will be had when making a determination to any positive comments and references evidenced with the licence application.

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1.2.6 The overriding consideration in compiling and interpreting these guidelines is the safety of the public. The Council has a duty to ensure that those licensed to drive hackney carriages and private hire vehicles are suitable persons to do so, and will wish to satisfy itself that applicants and licensed drivers are safe drivers with good driving records and adequate experience, sober, courteous, mentally and physically fit, honest and not persons who would take advantage of their employment to abuse, assault or take advantage of passengers.

1.2.7 These policy guidelines may be taken into account by the Council when dealing with any of the following matters:

- an application for a new hackney carriage driver's licence (Section 46, Town Police Clauses Act 1847 and Section 59, Local Government (Miscellaneous Provisions) Act 1976)
- an application for a new private hire driver's licence (Section 51, LG(MP)A 1976)
- an application to renew a private hire or hackney carriage driver's licence (Sections 51, 59 and 61, LG(MP)A 1976)
- a proposal to suspend or revoke a hackney carriage or private hire driver's licence (Section 61, LG(MP)A 1976)

1.2.8 Although Section 61 of the 1976 Act does not contain the same reference to a "fit and proper person", the fact that such action may be taken due to "any other reasonable cause" will generally lead the Council to include similar guidelines in its considerations under that section. Any references in this document to the refusal of an application should therefore be read to include suspension or revocation of a licence.

1.2.9 Any person refused a driver's licence on the grounds that the Council is not satisfied that they are not a fit and proper person to hold a licence (or where a licence was suspended or revoked, as the case may be) has a right of appeal to the Magistrates' Court within 21 days of receiving notice of the decision.

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1.2.11 This policy document has been drawn up with regard to the Department of Transport's Taxi and Private Hire Vehicle Licensing: Best Practice Guidance (March 2010), and in accordance with Government advice contained in Department of Transport Circular 2/92 and Home Office Circular 13/92 and the Statutory Minimum Licensing Standards for Hackney Carriages and Private Hire Vehicles (published by the Department for Transport in July 2020).

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2.7 Cautions - Adult cautions are not regarded as convictions, but being admissions of guilt, may be taken into consideration by the Licensing Authority.

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3.4 Licensee Self-Reporting - Licence holders are required by this Authority to notify the Licensing Team within 48 hours of an arrest and release, charge or conviction of any sexual offence, any

offence involving dishonesty or violence and any motoring offence. An arrest for any of the offences within this scope (with the exception of one-off minor traffic offences) will result in a review by this Authority as to whether the licence holder is fit to continue to hold a licence. This will not however be seen as a direction that a licence should be withdrawn; it is for the Licensing Authority to consider what, if any, action in terms of the licence should be taken based on the balance of probabilities.

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7. Offences Involving Violence or Resulting in Death

7.1 Licensed drivers have close regular contact with the public. A firm line will be taken with those who have convictions for offences involving violence. Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person they will not be licensed.

7.2 Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.

7.3. Given the wide range of the offences that involve violence, consideration will be given to the nature and type of the conviction.

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7.7 A licence will not normally be granted where the applicant has a conviction for an offence below (or similar offence(s) which replace the below offences) or any offence of attempting, conspiring to commit, aiding and abetting or procuring such offence and the conviction is less than 3 years prior to the date of application:

- Common assault
- Assault occasioning actual bodily harm
- Affray
- S5 Public Order Act 1986 offence (harassment, alarm or distress)
- S.4 Public Order Act 1986 offence (fear of provocation of violence)
- S4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- Obstruction
- Criminal damage
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

A hackney carriage or private hire driver found guilty of any of the offences (detailed in this paragraph 7.7 of the policy) should expect to have his/her licence revoked immediately and not be considered for the grant of a licence until a minimum period of 5 years has elapsed.

7.8 A licence will not normally be granted if an applicant has more than one conviction in the last 10 years for an offence of a violent nature.

7.9 In the event of a licence being granted, a strict warning both verbally and in writing will be administered.

14. Suspension and Revocation of Driver Licences – New Evidence

14.1 With regard to the suspension or revocation of driver licences - this Authority recognises that new evidence may be produced at an appeal hearing, that may result in the Court reaching a different decision to that reached by the Council. The Authority also recognises that an appeal may

be settled by agreement between the Licensing Authority and the driver on terms which, in the light of new evidence, becomes the appropriate course of action. For example, if the allegations against a driver are subsequently, on the balance of probability, considered to be unfounded, a suspension can be lifted or, if the licence has been revoked, an expedited re-licensing process can be used.

14.2 In each case, approval to use a driver expedited re-licensing process will be considered by Council Licensing Officers in conjunction with the Council's Legal Department and the Chair and Vice Chair of the Licensing Committee. This expedited re-licensing system is to be used only in exceptional and compelling circumstances.

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23. Non-Conviction Information

23.1 If an applicant has, on more than one occasion, been arrested or charged, but not convicted, for a serious offence which suggests he/she could be a danger to the public, consideration will be given to refusing the application.

23.2 In assessing the action to take, the safety of the travelling public will be the paramount concern.

24. Once a Licence Has Been Granted

24.1 If a licence holder's conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence. 24.2 All of the preceding contents of this policy document apply equally to current hackney carriage and private hire vehicle drivers as they do to licence applicants (unless otherwise stated).

26. Conclusion

26.1 To conclude, a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed. As the preceding paragraphs indicate, in most cases, an applicant will be expected to remain free from conviction for 3 to 10 years, according to circumstances, before an application can be considered.

26.2 While it is possible that an applicant may have a number of convictions that, individually, would not prevent him/her being licensed, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Obviously some discretion may be afforded if an offence is isolated and there are mitigating circumstances, but the overriding consideration is the protection of the public. This consideration is vital because taxi and private hire licence holders have unprecedented access to the public and are in a position to exercise control over an individual (including children and vulnerable adults).

26.3 A man or woman who has committed an offence and has to wait a period of time before being accepted as a hackney carriage or private hire vehicle driver (or operator) is more likely to value his/her licence and act accordingly.

APPENDIX 2

Relevant Extracts from the DfT Statutory Taxi and Private Hire Vehicle Standards.

Suspension and revocation of driver licences

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 provides a licensing authority with the ability to suspend or revoke a driver’s licence on 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 this Act;
- (aa) that he has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty; or
- (b) any other reasonable cause

Licensing authorities have the option to suspend or revoke a licence should information be received that causes concern over whether a driver is a fit and proper person.

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Before any decision is made, the licensing authority must give full consideration to the available evidence and the driver should be given the opportunity to state his or her case. If a period of suspension is imposed, it cannot be extended or changed to revocation at a later date.

A decision to revoke a licence does not however prevent the reissuing of a licence should further information be received that alters the balance of probability of a decision previously made. The decision to suspend or revoke was based on the evidence available at the time the determination was made. New evidence may, of course, become available later.

New evidence may be produced at an appeal hearing that may result in the court reaching a different decision to that reached by the council or an appeal may be settled by agreement between the licensing authority and the driver on terms which, in the light of new evidence, becomes the appropriate course. If, for example, the allegations against a driver were now, on the balance of probability, considered to be unfounded, a suspension could be lifted or, if the licence was revoked, an expedited re-licensing process used.

A suspension may still be appropriate if it is believed that a minor issue can be addressed through additional training. In this instance the licence would be returned to the driver once the training has been completed without further consideration. This approach is clearly not appropriate where the licensing authority believes that, based on the information available at that time, on the balance of probability it is considered that the driver presents a risk to public safety.

Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is ‘fit and proper’ to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licensees are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

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Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted until at least 10 years have elapsed since the completion of any sentence imposed.