



Walsall Council

REPORT OF THE HEAD OF PUBLIC SAFETY
TO A MEETING OF THE TAXI LIAISON GROUP
WEDNESDAY 28TH JULY 2010 @ 6.00PM

GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS

1.0 PURPOSE OF REPORT

- 1.1 For members of the group to consider the report, which details a new proposed guideline policy in respect of the relevance of convictions for new applicants and existing licensed drivers.

2.0 RECOMMENDATION

- 2.1 The group is asked to consider the report, and if agreed, recommend approval to the Licensing and Safety Committee.

3.0 BACKGROUND

- 3.1 Following a Freedom of Information request and a subsequent much well publicised T.V documentary programme in January 2010 it was felt that the current guidelines which are referred to when considering applications from applicants with criminal or motoring convictions be reviewed. The policy in respect of existing licensed drivers therefore needed to be reviewed also. Current guidelines given as **Appendix 1**.
- 3.2 Consequently a new set of guidelines has been developed. This not only provides greater clarity for officers, members serving on the taxi committees and the licensed trade, but also offers more detailed advice for potential applicants. Draft revised policy given as **Appendix 2**
- 3.3 The previous guidelines were issued by the Department of Transport in 1992; a revision of these guidelines also enables the policy to be brought up to the modern day.

- 3.4 This new policy further expands/amends existing guidelines e.g. in respect of motoring offences and sexual offences and provides additional guidance in respect of insurance offences, possession of a weapon, complaints against current licensed drivers and medical fitness.
- 3.5 It should be noted that the Local Government Regulation Body is currently formulating a policy in respect of convictions. This is being developed with the assistance of there Taxi and Private Hire Working Group, the Institute of Licensing and the National Association of Licensing and Enforcement Officers. This body is hopeful that the majority of local authorities will adopt any new revised policy for consistency purposes. Consequently, it maybe pertinent at a future date to revise any conviction guidelines in light of further information.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The cost of any appeal to a Magistrates Court by any person aggrieved by the refusal of the Council to grant a drivers licence, or any conditions attached to the grant of a drivers licence will be met from within existing budgetary provision.

5.0 POLICY IMPLICATIONS

- 5.1 Any changes made to the current convictions guidelines will need to be amended accordingly.

6.0 LEGAL IMPLICATIONS

- 6.1 Legal Services have been consulted.
- 6.2 Section 51 (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 drive Private Hire vehicles, grant to that person a driver's licence:-

Provided that a district council shall not grant a licence.

- (a) unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence or
- (b) to any person who has not for at least twelve months been authorised to drive a motor car, or is not at the date of the application for a driver's licence so authorised.
- 6.3 Section 61 of the 1976 Act states "Notwithstanding anything in the Act of 1847 or in this Part of this Act, a district council may suspend or revoke or (on application therefore under section 46 of the Act of 1847 or section 51 of this Act, as the case may be) refuse to

renew the licence of a driver of a hackney carriage or a private hire vehicle on any of the following grounds”:-

- (1)
 - (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; or
 - (b) Any other reasonable cause.

6.4 Any person aggrieved by a decision of the council has right of appeal to magistrates court.

5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 None.

6.0 ENVIRONMENTAL IMPACT

6.1 None.

7.0 WARD(S) AFFECTED

7.1 None.

8.0 CONSULTEES

8.1 None.

9.0 CONTACT OFFICER

9.1. Steven Knapper – Principal Licensing Officer. Ext. 2221