



Walsall Council

TAXI LIAISON GROUP

16th MARCH 2011

REPORT OF THE HEAD OF PUBLIC SAFETY

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 guidelines 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 of a new convictions guidelines policy to the Licensing and Safety Committee.
- 2.2 If the group recommends approval to the Licensing and Safety Committee, these guidelines not to come into force until the 1st July 2011, this will allow time for the guidelines to be circulated to agents, solicitors representing licensed drivers/applicants and for Members to familiarise themselves with this new criteria.

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 On the 28th July 2010 the group was provided with a new set of proposed guidelines that had been developed by officers. This not only provided greater clarity for officers, members serving on the taxi committees and the licensed trade, but also offered more detailed advice for potential applicants. These new guidelines were accepted by

the group along with recommendation that they be approved by the Licensing and Safety Committee

- 3.3 The previous guidelines were issued by the Department of Transport in 1992; a revision of these guidelines enabled the policy to be brought up to the modern day.
- 3.4 However, on the 27th September 2010 the Local Government Regulation Body published a new policy in respect of convictions. This was developed with the assistance of the 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.
- 3.5 On the 18th November 2010 and 10th February 2011 a revised convictions policy was placed before the liaison group, this took into account the policy detailed in 3.4 of the report and subsequent minor amendments made by the group.
- 3.6 Following a further meeting with legal services, additional changes have been made to provide even greater clarity. The group is now asked to consider a new final revised criminal/motoring convictions policy. Revised policy given as **Appendix 2**
- 3.7 . These guidelines will not be applied retrospectively, but existing licence holders will then be bound by these guidelines from the date of approval by the Licensing and Safety Committee. Each case will always be determined on the individual merits of the case.
- 3.8 If the policy is adopted as by recommendation, any applications submitted prior to the 1st July 2011 will be determined under the existing criteria (Appendix 1).
- 3.9 Existing licensed drivers will be bound by the existing policy (Appendix !) until the 1st July 2011.

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 Legal Services.

9.0 CONTACT OFFICER

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