

Agenda Item No:	6	Report No:	239/07
Report Title:	Amendments to Hackney Carriage and Private Hire Driver's Licensing Policy		
Report To:	Licensing Committee	Date:	10 December 2007
Lead Councillor:	Cllr E N Collict		
Ward(s) Affected:	All		
Report By:	Director of Planning and Environmental Services		
Contact Officer(s):	Ian Kedge, Head of Environment & Health – 01273 484353 Ian.Kedge@lewes.gov.uk		

Purpose of Report:

To revise the Council's Policy relating to the relevance of convictions for Hackney Carriage and Private Hire Drivers licensed by Lewes District Council.

Officers Recommendation(s):

The Licensing Committee recommended to adopt the amendments to policy relating to the relevance of convictions for Hackney Carriage and Private Hire Drivers licensed by the Council as set out in para 2.

Reasons for Recommendations

As a result of recent changes in legislation and practice, it is now necessary to revise and update the conditions for Hackney Carriage and Private Hire Drivers.

Information

- 1 The current conditions for drivers of Hackney Carriage and Private Hire vehicles licensed by Lewes District Council were last updated 2003. As a result of recent changes in legislation and practice it is necessary to update our current conditions that are issued to all drivers by way of our booklet entitled 'Guidance for the Proprietors of Hackney Carriage and Private Hire Vehicles'. This booklet also contains Lewes District Council Bye Laws and the relevance of previous convictions.

Proposed Amendments to the Council's Policy relating to the relevance of Convictions for Hackney Carriage and Private Hire Drivers licensed by Lewes District Council.

2 The following amendments to the Policy are proposed:

i. Minor Traffic Offences

'Add' Where a licensed driver is disqualified at Court from driving for an offence or under the totting up system, his DVLA driving licence must be free from conviction for a minimum period of 12 months before a reapplication for a Hackney Carriage/Private Hire Driver's Licence is considered. Before re-licensing, the applicant must also pass the Driving Standards Agency Taxi Test and Assessment.

ii. Drunkenness with a Motor Vehicle

'Add' **(to include impairment through drugs)** to the heading.

'Amend' Section 1 – to read: 'An isolated incident should not debar an applicant provided that a minimum period of five years has elapsed since that date of the last conviction, but if a Licence is granted, a strict warning should be given as to future behaviour.'

'Amend' second paragraph to read: 'At least ten years from the date of the last conviction should elapse before an applicant is considered for a Hackney Carriage/Private Hire Vehicle Licence.'

iii. Drugs

Amend paragraph to read "An applicant with a conviction for a drug-related offence should be required to show a period of at least five years free of conviction before an application is entertained or after detoxification treatment if he/she was an addict.

iv. At present, ASBOs are increasingly being issued by the Courts and we have no guidelines in place to deal with them. It is therefore recommended that we introduce the above new heading and following guidelines:

'Add' Anti-Social Behaviour Orders (ASBOs)

An applicant who has an existing, or expired Anti-Social Behaviour Order, should be free of the Restraining Order for a period of at least three years before an application will be considered.

If a licensed driver receives an Anti-Social Behaviour Order during the period of his/her Hackney Carriage/Private Hire Licence it must be reported in writing to the Council (Licensing Officer) and depending on the circumstances and seriousness of the order may render that person liable to have his/her Driver's Licence suspended/revoked.

- v. Although a caution is not a conviction, before a person can be given an official police caution, they must have admitted their guilt for an offence. It is clear many more offenders are now receiving cautions for criminal offences which in the past would have resulted in a Court appearance and conviction. As we have no guidelines on the relevance of cautions in determining whether an applicant is a fit and proper person, I recommend the following:

'Add' Cautions

All cautions will be taken into account before a decision is taken to grant a Hackney Carriage or Private Hire Driver's Licence. In general terms, three years must have lapsed since the date of a caution before an application is entertained.

Any Hackney Carriage or Private Hire Driver who receives a caution during the period of their licence must report the fact in writing to the Council (Licensing Officer) and depending on the circumstances and type of offence for which the caution has been given, it may render that person liable to have their Hackney Carriage or Private Hire Driver's Licence suspended or revoked.'

Financial Appraisal

There are no financial implications to this report.

Environmental Implications

I have completed the checklist and there are no Environmental Implications to this report.

Risk Assessment

I have completed the Risk Management Checklist which has identified the following risks:

If the Policy is not amended to take into account the changes to the relevance of convictions some drivers' applications may not be considered against an up-to-date Council Policy resulting in poor decisions and possibly appeals.

Background Papers

Lewes District Council's Guidance for the Proprietor and Drivers' of Hackney Carriage of Private Hire Vehicles.

Appendices

There are no appendices to this report.