

REPORT TO: LICENSING COMMITTEE

DATE: 22 NOVEMBER 2016

TITLE: STANDARD DRIVER LICENSING
CONDITIONS REGARDING OFFENCES ETC.

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RECOMMENDED that:

- A** the Licensing Committee recommends to Full Council approval of the revised standard licence condition set out at Appendix 2 to the report, clarifying the Private Hire driver's obligation to report to the Council details of accidents, criminal investigations and convictions.

BACKGROUND

- 1 Licensed drivers hold a position of trust and responsibility in society. It is important, therefore, that the driver is of good character. The Council has a legal duty not to issue a licence unless the applicant is a 'fit and proper' person to hold it. The Council may revoke, suspend or take other action in relation to an existing licence where it has information to satisfy it that on the balance of probabilities such a course of action is justified.
- 2 In accord with accepted licensing practice the Council requires that an applicant provides a satisfactory Disclosure and Barring Service (DBS) certificate before being licensed for the first time, and periodically thereafter. This will disclose recorded offences which the Council will take into account. However, there will inevitably be a delay between an offence being committed and the information concerning that offence appearing on a DBS certificate presented to the Council. The Council therefore requires licensed drivers to volunteer information about offences to allow assessment of whether the licensed driver continues to be a fit and proper person. The standard condition that current applies to Private Hire Drivers' licences is set out at Appendix 1.

ISSUES

3. The Council's current conditions are not clear about what the Council expects

of drivers. In some protracted cases, there may be an extended length of time between the start of an investigation and the licensee being charged. To take an informed view as to whether the person continues to be a 'fit and proper' person and whether any action is required in the interest of public safety at the earliest reasonable opportunity, the Council should require drivers to report the facts as soon any investigation by a law enforcement agency reaches an appropriate definitive stage.

PROPOSALS

4. The Licensing Committee recommends to Full Council the adoption of the revised standard driver licence condition set out at Appendix 2.

IMPLICATIONS

Place (includes Sustainability)

As set out in the report.

Author: **Graeme Bloomer, Head of Place**

Finance (Includes ICT)

None specific.

Author: **Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

None specific.

Author: **Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

The current condition is ambiguous and compliance with this condition is subject to interpretation. The amended condition proposed will provide clarity to the Council and licensed drivers as to what should be reported to the Council and in what time frame.

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