

Amendment of Private Hire Driver, Hackney Carriage Driver and Private Hire Operator Conditions

SUMMARY

- 1.1 The condition relating to convictions with regard to private hire drivers, hackney carriage drivers and operators refers only to conviction and not; Criminal Convictions, Cautions, Reprimands and/or Warnings as detailed on the application/renewal forms.
- 1.2 This inconsistency has led to confusion within the trade as to what they need to report to the Licensing Team.
- 1.3 To clarify the situation and avoid any confusion or misunderstanding the wording on the conditions attached to any licence needs to reflect the wording on the application/renewal to ensure that officer/members have all the relevant information they need to determine if a driver or operator is 'fit and proper' to hold a licence.

RECOMMENDATION

- 2.1 To amend condition 19 of the Private Hire Driver Conditions and Hackney Carriage Driver Conditions to; Criminal Convictions, Cautions, Reprimands and/or Warnings - The driver shall, within 14 days of the date of receiving or having imposed on them any Criminal Convictions, Cautions, Reprimands and/or Warnings, disclose to the Council in writing, details of the Criminal Convictions, Cautions, Reprimands and/or warnings during the period of the licence.
- 2.2 To amend condition 25 of the Operators conditions to; Criminal Convictions, Cautions, Reprimands and/or Warnings – The Operator shall, within 14 days of the date of receiving or having imposed on them any Criminal Convictions, Cautions, Reprimands and/or Warnings, disclose to the Council in writing, details of the Criminal Convictions, Cautions, Reprimands and/or warnings during the period of the licence.

REASONS FOR RECOMMENDATION

- 3.1 To ensure that officers/members have all the relevant information they need to determine if a driver or operator is 'fit and proper' to hold a licence.

SUPPORTING INFORMATION

- 4.1 The condition relating to convictions with regard to private hire drivers, hackney carriage drivers and operators refers only to conviction and not; Criminal Convictions, Cautions, Reprimands and/or Warnings as detailed on the application/renewal forms.
- 4.2 This has led to confusion within the trade as to what they need to report to the Licensing Team.
- 4.3 Currently, application and renewal forms ask the following questions:

Criminal Convictions, Cautions, Reprimands and/or Warnings

Have you ever been convicted of any **criminal** offences or
received any cautions, reprimands and or warnings.

☐

Yes

☐

No

If **Yes**, please give details below:

Details of any criminal convictions, cautions, reprimands and/or warnings

Date	Court	Offence	Decision Of Court

All offences, including those which are 'spent' under the Rehabilitation of Offenders Act 1974, must be declared

- 4.4 Currently Condition 19 of the private hire driver conditions and hackney carriage driver conditions state: *Convictions - The driver shall, within 14 days of the date of any conviction, disclose to the Council in writing, details of the conviction/s imposed on them during the period of the licence.*

- 4.5 It is therefore proposed that condition 19 of both the private hire and hackney carriage driver conditions is changed to; Criminal Convictions, Cautions, Reprimands and/or Warnings - The driver shall, within 14 days of the date of receiving or having imposed on them any Criminal Convictions, Cautions, Reprimands and/or Warnings, disclose to the Council in writing, details of the Criminal Convictions, Cautions, Reprimands and/or warnings during the period of the licence.
- 4.6 Currently Condition 25 of the Operators Conditions state: *Convictions - The operator shall within 14 days disclose to the Council in writing details of convictions imposed on them during the period of their licence.*
- 4.7 It is therefore proposed that condition 25 of the Operators conditions is changed to; Criminal Convictions, Cautions, Reprimands and/or Warnings – The Operator shall, within 14 days of the date of receiving or having imposed on them any Criminal Convictions, Cautions, Reprimands and/or Warnings, disclose to the Council in writing, details of the Criminal Convictions, Cautions, Reprimands and/or warnings during the period of the licence.

OTHER OPTIONS CONSIDERED

- 5.1 Not applicable.

This report has been approved by the following officers:

Legal officer	n/a
Financial officer	n/a
Human Resources officer	n/a
Service Director(s)	n/a
Other(s)	Michael Kay

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Background papers:	None
List of Appendices:	Appendix 1 – Implications

IMPLICATIONS

Financial and Value for Money

1.1 None directly arising from this report.

Legal

2.1 None directly arising from this report.

Personnel

3.1 None directly arising from this report.

IT

4.1 None directly arising from this report.

Equalities Impact

5.1 None directly arising from this report.

Health and Safety

6.1 None directly arising from this report.

Environmental Sustainability

7.1 None directly arising from this report.

Property and Asset Management

8.1 None directly arising from this report.

Risk Management

9.1 None directly arising from this report.

Corporate objectives and priorities for change

- 10.1 The proposals set out in this report will **deliver better outcomes for our communities, more efficient and effective services and improved value for money for our customers.**