



Leicester  
City Council

**WARDS AFFECTED**  
**All**

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**  
**Licensing and Public Safety Committee**

**25 October 2016**

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**Guidance on convictions – hackney carriage and private hire vehicle drivers**

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**Report of the Director of Neighbourhood and Environmental Services**

**1. Purpose of Report**

- 1.1. To inform the Licensing and Public Safety Committee of changes to the guidance on convictions for hackney carriage and private hire vehicle drivers.

**2. Recommendations**

- 2.1. Members are asked to note the report.

**3. Background**

- 3.1 The council takes account of previous convictions when deciding whether or not an applicant is a fit and proper person to be a hackney carriage / private hire vehicle driver. The council works to pre-determined guidance on the relevance of such convictions.

**4 Changes to the guidance on convictions**

- 4.1 At a recent appeal, the court commented on some aspects of the guidance document that appeared to be inconsistent. The document has been reviewed, and officers have identified additional items that could be clarified.

- 4.2 The following changes will be made to the guidance:

- Illegal plying for hire will be listed as a specific offence;
- Dangerous driving will be in a more serious category, on a par with drink driving;
- No insurance was referred to by the court, but officers are of the opinion that it is in the correct category;
- Refusal to transport a passenger with a guide dog (section 170 of the Equalities Act 2010) will be listed as a specific offence;

- 4.3 The revised guidance document is attached at Appendix A for information.

## **5 Financial, Legal and Other Implications**

### **Financial Implications**

- 5.1 There are no significant financial implications arising from this report.

*Colin Sharpe, Head of Finance, ext. 37 4081*

### **Legal Implications**

- 5.2 The overriding consideration of the Council is to protect the safety of the public. The Council must be satisfied that the drivers are 'fit and proper persons'. It must also be satisfied that licence holders are suitable, safe drivers with good driving records and adequate experience. Drivers should also be courteous, honest, and both mentally and physically fit.
- 5.3 Section 51 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall on receipt of an application from any person to drive private hire vehicles, grant to that person a driver's licence unless they are satisfied that the applicant is not a fit and proper person to hold a driver's licence.
- 5.4 Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 states that the Council shall not grant a licence to drive a Hackney Carriage unless they are satisfied that the applicant is a fit and proper person to hold a driver's licence.
- 5.5 Section 61 states that the Council may suspend or revoke or (on application therefor 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:—
- (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.
- 5.6 Guidelines on convictions apply to applications for the grant and renewal of licences and to the suspension or revocation of a licence. Each case will be decided on its own merits.

*Katherine Jamieson, Solicitor – Legal Services*

**6 Other Implications**

<b>OTHER IMPLICATIONS</b>	<b>YES/ NO</b>	<b>Paragraph/References Within the Report</b>
Equal Opportunities	No	
Policy	Yes	The report refers to the council's policy on licensing drivers of hackney carriages and private hire vehicles.
Sustainable and Environmental	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

**7 Background Papers – Local Government Act 1972**

None

**8 Consultations**

None

**9 Report Author**

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