

REPORT OF THE EXECUTIVE DIRECTOR OF ECONOMY AND PLACE

REGULATORY COMMITTEE – 12 DECEMBER 2017

LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

THE LICENSING OF PERSONS AS HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

1.0 PURPOSE OF THE REPORT

- 1.1 The purpose of the report is to seek the agreement of the Committee with regard to procedures for the licensing as hackney carriage or private hire vehicle drivers of persons who have (since the age of criminal responsibility i.e. ten years old) spent more than six continuous months outside the United Kingdom.

2.0 DESCRIPTION OF DECISION (RECOMMENDATIONS)

- 2.1 The Committee are recommended to agree that applicants for a licence to drive either hackney carriages or private hire vehicles who have spent more than six consecutive months living outside the United Kingdom are required to provide documentary evidence of their criminal record history equivalent to that provided by the Disclosure and Barring Service (DBS) from an agency of the country(s) where they have resided for more than the specified period.

3.0 INTRODUCTION/BACKGROUND

- 3.1 It is the responsibility of the Council to license as hackney carriage or private hire vehicle drivers only those persons considered fit and proper.
- 3.2 From 1 March 2002, as part of the licensing process, the Council has obtained information on previous convictions pertaining to applicants for licences to drive hackney carriages and private hire vehicles from the DBS. In order to apply for a disclosure from the DBS a person must reside in the United Kingdom (UK). The information supplied by the DBS will only cover the length of time that the applicant has resided in the UK.
- 3.3 From 7 January 2008 the Committee agreed that persons from other EU countries may be licensed as hackney carriage and/or private hire vehicle drivers without the requirement to provide an enhanced disclosure from the DBS subject to the Council obtaining documentary evidence of their equivalent criminal record history from an agency of the applicant's home nation and being satisfied that the applicant is a fit and proper person.
- 3.4 In recent years the Council has received applications from both UK and non-EU nationals who have not been able to provide a full record of their criminal records history.

4.0 CURRENT POSITION

- 4.1 It is proposed that all applicants are required to produce evidence in the English language of their criminal records history sourced from their home nation and, where

relevant, the other nation(s) in which they have resided for a period(s) of more than six continuous months. Licensing Officers will then seek to verify these records with a relevant agency of the relevant nation(s), e.g. that nation's UK embassy.

4.2 This policy would equally apply to UK citizens who have lived abroad for such a period other than while in the service of HM Armed Forces.

4.3 Where a non-UK applicant has resided in the UK for a period greater than three months, in addition to the checks proposed in paragraph 4.1 above, a DBS disclosure will also be sought.

4.4 This policy would replace the policy outlined in paragraph 3.3 above.

5.0 REASONS FOR THE DECISION

5.1 The Local Government (Miscellaneous Provisions) Act 1976 states that a district council shall on the receipt of an application from any person for the grant of a licence to drive hackney carriages or private hire vehicles, grant to that person a driver's licence provided they are satisfied that the applicant is a fit and proper person to hold a driver's licence.

6.0 ALTERNATIVE OPTIONS

6.1 None submitted.

7.0 RELEVANT CONSIDERATIONS/CONSULTATION

7.1 There are no other relevant considerations that require the consideration of the Committee.

8.0 GLOSSARY

8.1 European Union - EU
Disclosure and Barring Service - DBS

9.0 LIST OF APPENDICES

9.1 None

10.0 BACKGROUND PAPERS

10.1 None