

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Environmental Health Portfolio Holder/Licensing Committee 20 February 2007
AUTHOR/S: Corporate Manager Health & Environmental Services / Licensing Officer

PRIVATE HIRE/HACKNEY CARRIAGE DRIVER APPLICATION GUIDELINES

Purpose

1. A recommendation by the Environmental Health Portfolio Holder and the Licensing Committee to Cabinet for the adoption of guidelines for assessing applications for licensing of Hackney Carriage and Private Hire drivers.

Background

2. The Local Government (Miscellaneous Provisions) Act 1976 Part II and the Town Police Clauses Act 1847 creates a statutory duty for Local Authorities to licence Private Hire and Hackney Carriage drivers. In carrying out this function the Licensing Authority has a duty to ensure that public safety is paramount whether it is to prevent direct danger to the passenger from the driver of the vehicle or danger to the passenger and other members of society from the vehicle itself.
3. Under current legislation the licensing Authority must not grant a Private Hire or Hackney Carriage drivers licence unless they are satisfied the applicant is fit and proper to hold such a licence. In ascertaining this, the Local Authority has the powers to ask the applicant to submit information, as it considers reasonable.
4. At present this information includes a Driver and Vehicle License Authority (D.V.L.A) check to ascertain the history of the applicants driving licence. A Criminal Records Bureau check (C.R.B), a full medical examination and if adopted by members a driving test (this item is subject to a separate report).

Considerations

5. As part of an overall review of the Taxi and Private Hire licensing requirements for drivers, a set of guidelines to be followed by officers when determining the fitness of an applicant has been drawn up. These guidelines are designed to assist officers and members in achieving consistency when considering an application whilst still allowing for each application to be considered on its individual merits. They do not form any conditions of licensing.
6. Should members agree the guidelines, as laid out in **Appendix A**, they will apply to all applications for Private Hire and Hackney Carriage driver applications. By adopting a clear set of guidelines, applicants can have confidence in clearly knowing the normally expected standards of the Authority before submitting an application.
7. The guidelines are drawn from the Governments circular 13/92 on guidelines for applicants for Hackney Carriages and Private Hire Drivers licences, the Department of Transports best practise document issued in October 2006 and similar guidelines from neighbouring Authorities.

8. It is important that somebody using a Taxi or PHV late at night should be confident that the driver does not have an inappropriate criminal record and that the vehicle is safe. On the other hand if the supply of Taxis or PHV's has been unduly constrained by onerous licensing requirements, then that persons safety might be put at risk by having to wait for a Taxi or PHV to arrive; he or she might even be tempted to use an unlicensed vehicle with an unlicensed driver illegally plying for hire. It is felt that the guidelines proposed do strike a correct balance.
9. Any applicant that is refused a licence by the Corporate Manager – Health and Environmental Services on the grounds that they do not meet the criteria laid out in the guidelines and is therefore considered not to be fit and proper to hold a licence will still have a right of appeal to Members of the Licensing Committee and Magistrates Court.

Options

10. Members may adopt the following options
- (a) Agree the proposed guidelines as recommended at Appendix A
 - (b) Reject the proposed guidelines as recommended at Appendix A
 - (c) Amend the guidelines attached as Appendix A

Implications

11. Financial	None arising from this report
Legal	As referred to in this report. Any applicant for a Private Hire Vehicle or Hackney Carriage driving licence has a right of appeal to Members of the Licensing Committee and a Magistrates Court if the application is refused on the grounds that the applicant is not a fit and proper person.
Staffing	There are no staffing implications resulting from this report
Risk Management	N/A
Equal Opportunities	The licensing regime promotes equal opportunity

Consultations

12. These guidelines form part of the application procedures and do not directly affect anyone currently licensed or constitute any licensing conditions for drivers. Legal Services has been consulted on these guidelines and had no adverse comments to make. Operating companies were also consulted and one response was received, as at **Appendix B** this response was in favour of the proposed guidelines and indicated that they should be stricter.
13. The proposed guidelines follow those of Peterborough City Council and the Governments circular 13/92 guidelines for applicants for Hackney Carriage and private Hire driver applications. Other neighbouring Authorities have no formal guidelines to assess applications from.

Effect on Annual Priorities and Corporate Objectives

14. Affordable Homes	Not applicable
Customer Service	The improvements in standards will benefit the general public
Northstowe and other growth areas	Not applicable

Quality, Accessible Services	As referred to in paragraph 5
Village Life	
Sustainability	
Partnership	Enforcement of conditions is regularly carried out as a partnership working with Police and Vehicle inspectorate

Conclusions/Summary

15. Drivers of Hackney Carriages and Private Hire vehicles are placed in a position of trust and often are expected to drive persons who are vulnerable. In addition they regularly collect people who may be going on holiday and therefore are privy to information about when properties may be empty. With this in mind it is imperative that those drivers that are licensed by the Authority are of the highest standard. The adoption of the guidelines would as far as is practicable ensure consistency of approach and that applicants achieve a high standard before being considered as fit and proper to undertake such work.

Recommendations

16. The Environmental Health Portfolio Holder and Licensing Committee are requested to recommend to Cabinet the adoption of the guidelines as attached in Appendix A.

Background Papers: the following background papers were used in the preparation of this report: Local Government (Miscellaneous provisions) Act 1976
Application procedure documents – Peterborough City Council
Government circular 13/92 guidelines for applicants of Hackney Carriage and Private Hire drivers licences

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