

LICENSING AND APPEALS SUB-COMMITTEE

9th AUGUST 2022

Report of the Director of Regulatory Services

APPLICATION FOR TAXI/PRIVATE HIRE VEHICLE DRIVER'S LICENCE

PURPOSE OF REPORT

To determine an application received for a Combined Taxi/Private Hire Driver's Licence, which can be determined under powers delegated to Officers, as the Applicant has requested a deviation from the Policy and for the application to be referred to Committee, to be determined.

The legal issue to be determined by the Committee is whether **Applicant A** is a fit and proper person to hold a licence to drive Taxis (Hackney Carriages) and Private Hire Vehicles licensed by the District Council.

RECOMMENDATION

That the Committee determines whether **Applicant A** is a fit and proper person to hold a licence to drive a Private Hire Vehicle.

WARDS AFFECTED

All

STRATEGIC LINK

An effective licensing regime contributes towards the District Council's priority of a thriving district, particularly in relation to business growth and job creation. Effective enforcement of this regime contributes to our vision of a distinctive rural environment with towns and villages that offer a high quality of life.

1 BACKGROUND

1.1 The Application

An application has been received for a new Combined Hackney Carriage (Taxi)/Private Hire Vehicle Driver's Licence.

1.2 The application procedure is a 2-part process. Part 1 requires the applicant to sit the District Council's Driver's Knowledge Test and secure an 80% pass in each of the required sections. Applicants are required to answer questions about the Highway Code and Driving Standards; to be able to identify the locations of specific premises/businesses and points of interest in the Derbyshire Dales, and to be fully conversant with the requirements of the District Council's Taxi & Private Hire Licensing Policy.

1.4 The second part of the process requires that before an application can be determined, the Council must receive a completed application, a DVLA driver's record report, an enhanced criminal record check from the Disclosure and Barring Service (DBS), a satisfactory Medical Certificate and the relevant fees.

- 1.5 On 13 April 2022, **Applicant A** passed the Council’s Knowledge Test.
- 1.6 On 26th May 2022, **Applicant A** submitted a complete application for a licence to drive Hackney Carriages (Taxis)/Private Hire Vehicles, The appropriate checks were carried out with the Disclosure and Barring Service (DBS) and the DVLA. The DVLA check revealed points on **Applicant A’s** DVLA Driving Licence, which had been disclosed by the applicant in the application form. The DBS disclosed information regarding an offence which has also been disclosed by the applicant verbally at the time of the application for a taxi/PHV Licence.

1.7 The Council’s Policy regarding Breaches of Conditions and Convictions Scheme

Appendix F of the Taxi Licensing Policy provides details of the Council’s Breaches of Conditions and Convictions Scheme. This is an administrative system that provides a transparent and proportionate method generally used to determine the relevance of criminal convictions and breaches of conditions in relation to applications for hackney carriage and private hire vehicle driver’s licences. (See **APPENDIX 1** for a copy of Appendix F of the Policy – produced in full, for completeness and context).

1.8 Fit and Proper ‘Test’

There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

“Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver’s licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get into a vehicle with this person alone?”

- 1.9 If the answer to this question (or a similar test) is an unqualified ‘Yes’, then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a Hackney Carriage/Private Hire Vehicle driver’s licence.

2 **OPTIONS**

2.1 The Committee has the following options:

- To resolve that **Applicant A** is a fit and proper person to hold a Hackney Private Hire Driver’s Licence and grant a licence.
- To refuse to grant a licence on the grounds that **Applicant A** is not a fit and proper person to hold a Private Hire Driver’s Licence.

The applicant has the right of appeal to the Magistrates’ Court if not satisfied with the decision.

3 **PROCEDURE**

- 3.1 The procedure for the Committee is set out in **APPENDIX 2**.

4 RISK ASSESSMENT

4.1 Legal

The Committee must exercise their discretion reasonably.

Section 61(3) of the Local Government (Miscellaneous Provisions) Act 1976 states that any driver aggrieved by a decision of a district council to suspend or revoke his or her licence may appeal to a magistrates' court.

4.2 Financial

There are no financial risks arising from this report.

4.3 Corporate Risk

These decisions are one of the functions in which the Council acts in a quasi-judicial capacity. It is important that these decisions are robust to protect the reputation that the Council has for sound decision-making that stands up to scrutiny.

5 OTHER CONSIDERATIONS

In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

6 CONTACT INFORMATION

For further information contact:

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7 BACKGROUND PAPERS

Not applicable.

8 ATTACHMENTS

APPENDIX 1 – Appendix F of DDDC Taxi and Private Hire Licensing Policy

APPENDIX 2 - Committee Hearings Procedure