

TELFORD & WREKIN COUNCIL

LICENSING COMMITTEE – 17TH FEBRUARY 2011

**REVIEW PRIVATE HIRE VEHICLE AND HACKNEY CARRIAGE LICENCE
CONDITION**

**REPORT OF THE SERVICE DELIVERY MANAGER – PUBLIC
PROTECTION**

1. Purpose

- 1.1 For Members to review condition 1.1 attached to Private Hire Vehicle and Hackney Carriage Licences.

2. Recommendations

- 2.1 Having considered all relevant information, for Members to determine to remove the following condition number 1.1 from Private Hire Vehicle and Hackney Carriage Licences:

Throughout the currency of his/her licence the holder of a Private Hire/ Hackney Carriage Vehicle licence shall be a fit and proper person to hold such licence. New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to a check every three years.

3. Summary

- 3.1 Sections 48(2) and 47(1) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A 1976] allows licensing authorities to attach to the grant of Private Hire and Hackney Carriage Licences certain conditions that they consider reasonably necessary.
- 3.2 The Council has since received a representation from the Telford Private Hire Operators Association in relation to this condition of licence.

4. Previous Minutes

- 4.1 LC40 – Licensing Committee 1st December 2010.

5. Information

5.1 Background

- 5.1.1 Telford & Wrekin Council has responsibility for licensing Hackney Carriage and Private Hire Vehicles, Drivers and Operators within the borough of Telford & Wrekin.
- 5.1.2 The purpose of licensing Hackney Carriages and Private Hire Vehicles, Drivers and Operators is for the provision of a safe and accessible service to the public.
- 5.1.3 Section 47 (1) of the Local Government (Miscellaneous Provisions) Act 1976 [LG(MP)A 1976] allows licensing authorities to attach to the grant of Hackney Carriage licences conditions that it considers reasonably necessary.
- 5.1.4 Section 48(2) of LG(MP)A 1976 allows licensing authorities to attach to the grant of Private Hire Vehicle Licences certain conditions that they consider reasonably necessary.
- 5.1.5 Telford & Wrekin Council has traditionally, in accordance with the above, attached conditions to Hackney Carriage and Private Hire Licences.
- 5.1.6 The current condition in respect of Hackney Carriage Vehicles states that throughout the currency of his/her licence the holder of a Hackney Carriage Vehicle Licence shall be a fit and proper person to hold such licence. New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to a check every three years.
- 5.1.7 The current condition in respect of Private Hire Vehicles states that throughout the currency of his/her licence the holder of a Private Hire Vehicle Licence shall be a fit and proper person to hold such licence. New applicants will be subject to a satisfactory Criminal Records Bureau check and all licence holders will be subject to a check every three years. The Council's conditions of licence for Private Hire Vehicles and Hackney Carriages are attached at Appendix A.
- 5.1.8 The Council has now received representation from the Telford Private Hire Operators' Association in relation to this condition of licence.
- 5.1.9 The Exception Order 1975 to the Rehabilitation of Offenders Act 1974 sets out the exempted posts and positions for which a Criminal Record Disclosure may be obtained. A Private Hire Vehicle/Hackney Carriage Proprietor is not an exempted post.

5.1.10 Historically it was considered best practice to request criminal record disclosure in respect of these licences. However following recent discussions with the Criminal Records Bureau and in light of the proposed changes included in the Vetting and Barring Scheme it is no longer considered necessary for the Council to request criminal record disclosures for Private Hire Vehicle/Hackney Carriage Proprietors.

5.2 Equal Opportunities

5.2.1 This policy has taken into account the Telford & Wrekin Equality and Diversity Policy and the Equality Act nine protected characteristics; Age, Disability, Gender reassignment, Marriage and civil partnership, Race, Religion or belief, Sex, Sexual orientation, in its formulation.

5.3 Environmental Impact

5.3.1 There is no environmental impact arising from this report.

5.4 Legal Comment

The Exemption Order 1975 to the Rehabilitation of Offenders Act 1974 sets out the exempt posts and positions for which a Criminal Record Disclosure may be obtained. A Private Hire Vehicle/Hackney Carriage Proprietor is not an exempt post.

5.5 Links with Corporate Priorities

5.5.1 This report has links to a community that feels 'safe and protected'.

5.6 Opportunities and Risks

5.6.1 In proposing this action the Corporate Risk Management Methodology has been complied with. This approach is not intended to eliminate risks but to identify the risks and manage them. However not all risks can be managed all of the time and some risks may not have been identified.

5.6.2 The following key risks and opportunities associated with this action have been identified and assessed and arrangements will be put in place to manage them.

- (i) The Financial risks to the Council in the event of a Judicial Review application.

5.7 Financial Implications

5.7.1 [There are no financial implications arising from the recommendations within this report.](#)

6. Ward Implications

6.1.1 This report has implications for all wards in the District.

7. Background Papers

7.1.1 Local Government (Miscellaneous Provisions) Act 1976.

7.1.2 Town Police Clauses Act 1847

7.1.3 TWC Conditions of Licence for Hackney Carriage Vehicles.

7.1.4 TWC Conditions of Licence for Private Hire Vehicles

7.1.5 Human Rights Act 1998.

7.1.6 Exceptions Order 1975 to the Rehabilitation of Offenders Act 1974

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