LICENSING AND PROTECTION APPLICATIONS SUB GROUP

18th January 2010

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – EXISTING LICENCE HOLDER

(Report by the Head of Democratic and Central Services)

1. INTRODUCTION

1.1 The District Council is required to ensure that once licensed, holders of hackney carriage and private hire driver's licences continue to be fit and proper persons to hold such licences. Several matters have arisen concerning two of our licensed drivers, which need to be brought to the attention of the Sub-Group.

2. SUPPORTING INFORMATION

2.1 Details of the drivers and information on the matters of concern are contained in Appendices B and C. Both drivers have been advised that they will be required to attend the meeting and that the Sub Group could take appropriate action if they failed to attend. They have also been advised that they can be legally represented if they so wish.

2.2 A copy of the Council's policy relating to convictions or cautions is attached at Appendix A.

3. RECOMMENDATION

3.1 The Panel is recommended to consider the information presented and to determine whether any action needs to be taken.

Background Documents

File's on Driver's concerned are held in the office of the Director of Central Services.

Contact Officer - J Frampton (01480) 388209

APPENDIX A

HUNTINGDONSHIRE DISTRICT COUNCIL

DECLARATION OF RELEVANT CONVICTIONS

1. When submitting an application for a licence to drive a hackney carriage and/or private hire vehicle you are requested to declare any convictions or cautions you may have, unless they are regarded as "spent" under the Rehabilitation of Offenders Act 1974 (see below). The information you give will be treated in confidence and will only be used when considering your application.

2. You should be aware that the District Council is empowered in law to check with the police for the existence and content of any criminal record held in the name of an applicant. Information received from the police will be kept in strict confidence while the licensing process takes its course and will be retained for no longer than is necessary.

3. The disclosure of a criminal record or other information will not stop you from gaining a licence unless the District Council's Licensing Panel considers that the conviction(s) renders you not a "fit and proper person" under the Licensing legislation. In making this decision the District Council will consider the nature of the offence, how long ago and what age you were when it was committed and any other factors which may be relevant. Should you be refused a driver's licence on the grounds that you are not a fit and proper person to hold such a licence you will have a right of appeal to a Magistrates' Court.

4. If you would like to discuss this matter please telephone Mr G Peck, Licensing Officer, on (01480) 388010, in confidence, for advice.

Spent Convictions, as defined below, need not be included -

Sentence:	**Becomes Spent After:**
Imprisonment of between 6 months and 2 $^1/_2$ years:	10 years
Imprisonment of up to 6 months:	7 years
Borstal Training:	7 years
A fine or other sentence not otherwise covered in this table:	5 years
Absolute discharge	6 months
Probation Order, conditional discharge to bind over:	1 year (or until order expires, whichever is the longer)
Detention Centre Order:	3 years
Remand home, attendance centre or approved school order:	The period of the order and a further 2 years after it expires
Cashiering, discharge with ignominy or dismissal with disgrace from the Armed Forces:	10 years
Dismissal from Armed Forces:	7 years
Detention:	5 years

NOTE: (i) A sentence of more than 2 $^1/_2$ years imprisonment can never become spent.

(ii) If you were under 17 years of age on the date of conviction, please halve the period shown in the right-hand column.