LICENSING AND PROTECTION APPLICATIONS SUB-GROUP

18th January 2010

HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING – NEW APPLICANTS WHO FAILED TO ATTEND PREVIOUS MEETING

(Report by the Head Democratic Services)

1. INTRODUCTION

1.1 The District Council is required to ensure that applicants for Hackney Carriage and Private Hire drivers licences are fit and proper persons to hold such licences. Two applications for drivers' licences from applicant's who have previous convictions was originally submitted to the Panel at there last meeting on 10th November 2009 but the applicant's failed to attend and members decided to defer a decision in order for the applicants to attend the Panels next meeting. These applications are once again submitted for determination by the Panel. The applicant's has been advised that if they do not attend this meeting then their applications will be determined in their absence

2. SUPPORTING INFORMATION

2.1 Details of the applications are contained in Appendices B and C. The applicant's has been invited to attend the meeting to support their applications and have been advised that they can be legally represented.

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

3. RECOMMENDATION

3.1 The Panel is recommended to consider the applications for the grant of Hackney Carriage and Private Hire drivers licences in light of the information presented to them.

BACKGROUND PAPERS

File CSENS/JIF/DRIVERS LICENCES contained in the office of the Director of Central Services.

Contact Officer – Mr JI Frampton on (01480) 3882009.

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.