

- 2.2 In addition to this policy the Borough Council in common with all other Hampshire authorities, has required Hackney Carriage and Private Hire Vehicle Drivers to undergo an enhanced criminal records disclosure, firstly upon initial application and then every three years thereafter. The purpose of the criminal records check is identify if the driver has been convicted of any criminal offence which would make them unsuitable to be licensed as a driver. It is over three years since Mr Johnson last underwent a disclosure. In addition, as he is now 50 he was asked to submit a medical report. Despite being sent reminders and being given some months to remedy the situation, he has failed to do so. It is understood that he may no longer be driving but as a precaution Mr Johnson has now had his licence suspended
- 2.3 The legislation regarding the licensing of drivers allows the Borough Council to seek additional information and specifically refers to a medical test. The policy of Test Valley Borough Council, along with the majority of licensing authorities in England and Wales, is that drivers meet the Group 2 medical standards set by the Driver and Vehicle Licensing Agency (DVLA) which is the standard applied to coach, lorry and bus drivers. With respect to criminal convictions, the policy of Test Valley Borough Council, along with virtually every other licensing authority in England and Wales, is that drivers undergo an enhanced level criminal records disclosure undertaken by the Disclosure and Barring Service. Without satisfactory disclosure and medical reports, the Borough Council cannot meet the requirement laid down in the legislation of being “satisfied that the applicant is a fit and proper person to hold a driver’s licence”.

3 Corporate Objectives and Priorities

- 3.1 None; the licensing of Hackney Carriage and Private Hire Vehicle Drivers is a statutory function of the Borough Council. In deciding whether to grant a licence, the overriding consideration will be the protection of the public. As Hackney Carriage and Private Hire Vehicle Drivers are employed in a position of trust and may often carry unaccompanied passengers, the Council’s policy is that applicants meet a number of requirements including provision of a satisfactory medical report to DVLA Group 2 standards and provision of a satisfactory criminal records disclosure at an enhanced level.

4 Consultations/Communications

- 4.1 None, other than communications to the drivers concerned.

5 Options

- 5.1 There are no alternative options as the Council’s licensing policy states that drivers are required to meet the DVLA Group 2 medical standards and undergo an enhanced criminal records disclosure.

6 Resource Implications

- 6.1 There are no resource implications as a result of this report.

7 Legal Implications

- 7.1 In accordance with the legislation, the driver had the right of appeal against the Head of Legal and Democratic’s decision which should have been lodged with the Magistrates Court within 21 days of the driver being informed by the Council. No appeal was lodged

8 Equality Issues

- 8.1 An Equalities Impact Assessment was undertaken when the policies mentioned above was first adopted in 2007.

9 Other Issues

- 9.1 Community Safety – see 3.1 above.
- 9.2 Environmental Health/Sustainability Issues – none.
- 9.3 Property Issues – none.
- 9.4 Wards/Communities Affected – none specific although potentially the whole Borough.

10 Conclusion

- 10.1 The matter is reported to the Committee for information only so that members can be made aware that the Head of Legal and Democratic has used his delegated powers.

<u>Background Papers (Local Government Act 1972 Section 100D)</u>			
Reports to Licensing Committee 24 September 2007 and 11 October 2011			
Test Valley Borough Council Hackney Carriage and Private Hire Vehicle Licensing Guidelines.			
<u>Confidentiality</u>			
It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
No of Annexes:	0		
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