

*average could earn, charging the basic tariff, the average of the median salaries of Guildford residents and workers. The Claimant has not shown that that expectation was unreasonable on the basis of the evidence that the Borough Council had. If the Borough Council's estimates of the costs that such a driver incurs were wrong, the Claimant, the other members of his Association and other operators of hackney carriages in Guildford have only themselves to blame for not submitting sufficient reliable evidence on such costs in the two consultations that the Borough Council conducted. . . .*

*In my judgment it may also reasonably be concluded from the evidence submitted by the Borough Council in respect of the particular matters in issue that the maximum fares selected were reasonable and that the table of fares adopted preserves a fair balance between the public interest and the interests of drivers.*

This is an extremely useful and important judgment, and local authorities involved in taxi licensing need to consider the approach taken by Guildford when next setting their hackney carriage fares.

Beyond that, we remain in legislative and quasi-legislative limbo. By the time you read this, it is hoped that the Ministerial Working Party report will have been published, thereby allowing progress to be made by the Department for Transport on producing the drafts of the revised *Best Practice Guidance* and the s 177 Guidance for consultation. It remains to be seen whether the arrival in January of a new Minister, Nusrat Ghani as the replacement for John Hayes, will assist or hinder the process.

In this spirit of fiddling while Rome burns, any prospect of new taxi legislation for England seems as far away as ever, but let us hope that my (increasing) cynicism is misplaced.

### **Guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trades**

As readers will be aware by now, during February the Institute consulted on our Guidelines on suitability for taxi drivers. By the time you read this, the consultation will have finished and we will be close to launching the final version at the Taxi Conference on 26 April. This may lead you to wonder what the purpose of this element of this article is?

Well, the answer is: to give you some background. For many years there has been concern about the widespread variation in standards applied by local authorities when considering applications for new drivers' licences, and renewals from existing licensees. In 1992, when the law was changed to

enable local authorities to consult the police (subsequently repealed when the Criminal Records Bureau came into effect), the Home Office and Department of Transport issued guidance on the suggested approach to the use of previous convictions for drivers in the form of Annex D to a Joint Circular. Whilst this has gone through various reincarnations by local government regulation and the Local Government Association, these have been based firmly on those original guidelines.

It is now clear from the research undertaken by Hannah Jones which underpins the "Offenders and Offending - an Overview" section of the Guidelines that there is no hard evidence to explain what time period must elapse before a person can be considered to be no longer at a risk of reoffending. As the provisions of the Rehabilitation of Offenders Act 1974 (and the rehabilitation periods therein) do not apply to taxi drivers, and spent convictions can be taken into account for other hackney carriage and private hire licences, it is clear that longer periods of time must be considered.

Our Guidelines are significantly more stringent than many councils' existing policies, and deliberately so. As previously outlined in my articles, taxi drivers are in a unique position of power and control over passengers, whilst operators and proprietors are also persons with significant power in relation to information and the use of vehicles. It is therefore completely correct that society as a whole, which includes our most vulnerable members who are heavy users of taxi services, is protected as far as possible from unsuitable persons. It is hoped these Guidelines are widely accepted, and then rigorously applied. Councillors and officers let their citizens down when unsuitable and unsafe persons are licensed.

The vast majority of those involved in the hackney carriage and private hire trades are decent, law-abiding, hard-working and caring individuals, who provide levels of service ranging from good to outstanding. Every unsafe or unsuitable person who is licensed undermines that reputation, so for the good of the trades, as well as society, it is imperative that standards are not only raised but then maintained. These Guidelines will go a long way to achieving that.

There is still one fundamental question which society needs to address: considering the role of a taxi driver, why do we accept any level of criminality? That question cannot be answered by the Institute, but we can and should ask it, and see what the response is.

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