

WEST DUNBARTONSHIRE COUNCIL**Report by Chief Officer – Regulatory & Regeneration****Licensing Committee – 2 August 2023**

Subject: Requirement for a criminal record check

1 Purpose

- 1.1 Submit report by the Chief Officer - Regulatory and Regeneration to allow Members to consider whether to dispense with the requirement for a criminal record check from an applicant's country of origin.

2 Recommendations

- 2.1 It is recommended that Members note the terms of this report and determine whether to dispense with the requirement for a criminal record check from the applicant's country of origin owing to the particular personal circumstances of the applicant.

3 Background

- 3.1 The Council regulates the licensing of Taxi and Private Hire Cars and Taxi and Private Hire Cars in terms of sections 10 and 13 of the Civic Government (Scotland) Act 1982 ("the Act").
- 3.2 When determining applications the Council is required to make sure that a licence is not granted to a person who is not a "fit and proper" person so to give members of the public confidence that only suitable applicants are granted licences.
- 3.3 The Council consult with Police Scotland when processing an application for a Taxi and Private Hire Car Drivers Licence. Police Scotland will have regard to an applicant's criminal history when determining whether to make a representation or objection to an application. Police Scotland have no access to criminal records outwith the UK.
- 3.4 Having regard to the fact that Police Scotland are unable to comment on an applicants' criminal history outwith the UK, it is the Council's policy that:-

"any applicant who was born outside the UK or has been resident outside the UK for 6 months or more must produce documentation in relation to criminal record checks when submitting the application form."

3.5 This policy makes sure that all applicants, irrespective of their country of origin, are subject to a similar level of scrutiny in regards to their criminal history.

4 Main Issues

4.1 Mr Aimé-Thierry Filius Mugirente was born outwith the United Kingdom, however, he now resides here. Mr Filius has submitted an application for a Taxi and Private Hire Car Driver Licence.

4.2 This application cannot be processed as Mr Mugirente has not complied with the Council's policy as narrated at paragraph 3.4 of this Report as he has not provided a criminal record check from his country of origin. Mr Mugirente advises that he is unable to do so.

4.3 The Committee will need to consider whether to dispense with the forementioned policy so to allow Mr Mugirente's application to be considered.

4.4 If the Committee determine to grant a dispensation to the foregoing policy in these particular circumstances, then Mr Mugirente's application will be subject to the statutory application process.

5 Options Appraisal

5.1 No Options Appraisal is necessary for this report.

6 People Implications

6.1 There are personnel issues at this stage.

7 Financial and Procurement implications

7.1 There are no financial or procurement implications at this stage.

8 Equalities Impact Assessment (EIA)

8.1 No EIA is required.

9 Consultation

9.1 No consultation is required.

10 Strategic Assessment

10.1 Licensing plays a key role to make sure our communities are resilient and thriving.

Alan Douglas
Chief Officer – Regulatory and Regeneration
17 July 2023

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Appendices: None

Background Papers:

1. Application for grant of a Taxi/Private Hire Car Driver's Licence submitted by Mr Aimé Thierry Filius Mugirente, Flat 5, 30 Crown Avenue, Clydebank G81 3BW.
2. Letter to Mr. Mugirente dated 18 July 2023.

Wards affected: All

