

Licensing Sub-Committee of the Regulatory Committee

9.30am, Monday, 9 December 2024

Application for Private Hire Driver's Licence – Dariusz Wachulak

Executive/routine

Wards

All

Council Commitments

Executive Summary

An application for a new Private Hire Driver's Licence has been received by the Licensing Service.

The applicant has provided criminal convictions certificates from Poland in the required format, however the documentation details outstanding items and is therefore referred to the Committee to determine whether the application should be granted or refused.

Report

Application for Private Hire Driver's Licence - Dariusz Wachulak

1. Recommendations

- 1.1 After hearing from Council officers, the Police and the relevant licence holder, the committee will be required to decide:
 - 1.1.1 whether to grant or refuse the licence.

2. Background

- 2.1 Applicants for new Private Hire Driver's Licences who have resided outwith the UK are required to provide a criminal convictions check from the relevant country and to have the criminal convictions check certified.
- 2.2 While the existing policy does not usually allow an exemption from this requirement for new drivers, there are individual circumstances which Committee may wish to consider in determining if this new applicant should be exempted from the requirement to produce the required certified criminal convictions check.
- 2.3 The applicant meets DVLA group 2 medical standards and has passed the foundation skills training course for hire car drivers. There is no objection from Police Scotland to the grant of this licence.

3. Main report

- 3.1 When Mr Wachulak's application for a Private Hire Driver's Licence (Appendix 1) was received by the Licensing Service he provided a criminal conviction check from Poland in accordance with Council policy. The Polish Ministry of Justice has issued a criminal convictions certificate to the applicant (Appendix 2), which does not explicitly detail the offences of which the applicant was convicted. Mr Wachulak has provided a translation of the relevant text (Appendix 3).
- 3.2 The application is referred to the Committee for consideration of whether or not Mr Wachulak should be considered an exception to the policy and the licence granted.

4. Measures of success

- 4.1 Not relevant, as decisions on individual licences have to be considered on their own merits.

5. Financial impact

- 5.1 None, as the costs of these matters are recovered through taxi and private hire car vehicle and driver licence application fees.

6. Risk, policy, compliance and governance impact

- 6.1 The licence holder has a right of appeal against any decision made. The appeal lies to the Sheriff Court.

7. Equalities impact

- 7.1 There is no equalities impact arising from the contents of this report, as decisions on individual licences have to be considered on their own merits.

8. Sustainability impact

- 8.1 There is no environmental impact arising from the contents of this report.

9. Consultation and engagement

- 9.1 None.

10. Background reading/external references

- 10.1 [Production of Criminal Records and Evidence of Right to Work in the UK by Taxi and Private Hire Driver's Licence Applicants](#) to Regulatory Committee on 16 September 2016.
- 10.2 [Criminal Records Checks for Taxi and Private Hire Car Driver Licence Applicants Born or who have Resided Outwith the United Kingdom](#) to Regulatory Committee on 16 September 2023.

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11. Appendices

- 11.1 Appendix 1 – application
- 11.2 Appendix 2 – document from Polish Ministry of Justice
- 11.3 Appendix 3 – translation provided by applicant