

30 September 2015		ITEM: 6
Licensing Committee		
Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters – Taxi Licensing.		
Wards and communities affected: All	Key Decision: Key	
Report of: Paul Adams – Principal Licensing Officer		
Accountable Head of Service: Gavin Dennett – Head of Public Protection		
Accountable Director: David Bull – Director of Planning and Transportation		
This report is: Public		

Executive Summary

Local Authorities have a power to set policy that it requires holders and applicants for Hackney Carriage and Private Hire Drivers; and to meet. This report sets out the proposals for changes to the current Statement of Policy and Guidelines relating to the relevance of Convictions and other matters, seeking views of Members of the Licensing Committee on the proposals before the revised documents go out for public consultation.

1. Recommendation(s)

- 1.1 That the Licensing Committee considers the proposed recommendations for changes to the Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters, and approves the policy as in Appendix 2 for public consultation; or**
- 1.2 Suggests amendments and or inclusions to the policy for inclusion before public consultation.**

2. Introduction and Background

- 2.1 Licences for drivers of hackney carriages and private hire vehicles may only be granted where the Council is satisfied that the individual is a fit and proper person to hold such a licence.
- 2.2 Since March 2002 hackney carriage and private hire drivers have been exempt from the Rehabilitation of Offenders Act 1974. Which means that all convictions, irrespective of age, sentence imposed or offence committed, remain live for the consideration in line with a hackney carriage or private hire drivers licence, where they are relevant to the application.
- 2.3 Local Authorities have the ability to set policy in relation to who it considers to be a fit and proper person, or who it considers not to be a fit and proper person, for persons driving hackney carriages and private hire vehicles licensed by them.
- 2.4 The current Relevance of Conviction Policy is attached as Appendix 1.
- 2.5 The current policy is now dated and requires reviewing to ensure that it remains fit for purpose.
- 2.6 The proposed changes have been developed from the experience of the Licensing Department and suggestions from licence holders, this report seeks the views of Members before the document goes out for public consultation with the trade and other interested parties.

3. Issues, Options and Analysis of Options

- 3.1 The revised policy is attached as Appendix 2
- 3.2 The following points are a summary of the proposed changes to the policy:
 - Includes a particular reference to the failure to disclose/notify convictions, cautions or other relevant matters on application or during duration of licence, and that failure to do so may be treated as deception and could give rise to the refusal, revocation, or suspension for that reason alone.
 - Makes clear that Cautions issued by any authority will be included, not just the police.
 - Inclusion of Restorative Justice, Restorative justice gives victims the chance to meet or communicate with their offenders to explain the real impact of the crime, for any kind of communication to take place, the offender must have admitted to the crime, and both victim and offender

must be willing to participate. Restorative justice can be used for any type of crime and at any stage of the criminal justice system, including alongside a prison sentence.

- There is now an enhanced definition of the categorisation of offences with additional examples given.
- References to racially or religiously aggravated offences have been included, with the timescale for rehabilitation reflecting the seriousness of these Hate Crimes.
- The inclusion of Counter terrorism offences.
- Splits Motoring Convictions into three Categories:
 1. Major,
 2. Intermediate,
 3. Minor,

and gives detailed examples of the type of offences under each category.

- Revised time periods for inclusion of motoring offences.
- Inclusion of reference to drivers repeatedly using unfit vehicles.
- Includes guidance on complaints received by the licensing department and other offences under the taxi legislation.

4. Reasons for Recommendation

- 4.1 This policy will require public consultation. The recommendation allows for the Policy to start the public consultation as written, or it allows for revisions or additions to be recommended for inclusion before the public consultation begins.

5. Consultation (including Overview and Scrutiny, if applicable)

- 5.1 No formal consultation has been undertaken so far, following any comments made by the Licensing Committee; this policy will be placed for public consultation on the Councils website, with all local stakeholders written to asking for comments. Local stakeholders will include all Thurrock Council Hackney Carriage and Private Hire Driver Licence holders, all Private Hire Operators, or any local trade representative groups that are active.
- 5.2 A final proposal will be presented to the Licensing Committee at the next meeting for progression to adoption.

6. Impact on corporate policies, priorities, performance and community impact

6.1 None

7. Implications

7.1 Financial

Implications verified by: **Mike Jones**
Management Accountant

There are no financial implications in relation to this report.

7.2 Legal

Implications verified by: **Chris Pickering**
Principal Solicitor - Litigation & Employment

Following public consultation the revised policy will have to be brought back to this committee for approval before being referred to Full Council for adoption.

7.3 Diversity and Equality

Implications verified by: **Becky Price**
Community Development Officer

Comments from all persons consulted should be carefully considered at the next stage. An Equality Impact Assessment will accompany the final Version.

7.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

- None

8. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- None

9. Appendices to the report

- Appendix 1 – Existing Convictions Policy.
- Appendix 2 – Revised Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters

Report Author:

Paul Adams

Principal Licensing Officer

Licensing Team, Public Protection