

Meeting: GENERAL PURPOSES

Portfolio Area: Safer and Stronger

Date: 22 October 2013

POLICY ON CONVICTIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING - CONSULTATION

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1 PURPOSE

- 1.1 That Members are made aware of the results of the recent consultation on the Council's draft Policy on Convictions for Hackney Carriage and Private Hire licensing, the process having been commenced by the General Purposes Committee on the 3 June 2013.

2 RECOMMENDATIONS

- 2.1 Subject to any amendments recommended by the Committee, that the Policy on Convictions for Hackney Carriage and Private Hire licensing (attached at appendix A) be approved.

3 BACKGROUND

- 3.1 The existing Policy on Convictions was last approved by the Council in October 2006.
- 3.2 In line with the template as provided by the Local Government Regulation Office (LGR), officers have completed a review of the existing policy on convictions.
- 3.3 In line with guidance from the Cabinet Office, we have completed a period of public consultation. This consultation took place during the 24 June to 16 September 2013.
- 3.4 Following the consultation, the Licensing Authority received no comments from those with whom they consulted with. Therefore no further amendments have been made to the proposed policy.
- 3.5 One query has arisen internally as to the provisions as to suspension and revocations provisions, following the recent decision of R (Singh) v Cardiff City Council (2012) EWHC 1852 (admin) to this policy. The provisions of the Road Safety Act 2006 have not been repealed as a result of this decision, and the Council will continue to apply the provisions of suspension, with or without immediate effect, or revocation, with or without immediate effect as necessary on a case by case basis.
- 3.6 The revised draft of the policy therefore remains as that presented to the General Purposes Committee in June 2013, as is attached as appendix A to this report.

3.7 The original report as presented to the Committee on the 3 June 2013 is attached as appendix B to this report.

4 REASON FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS.

4.1 That, subject to any amendments as recommended by the General Purposes Committee, that the Policy on Convictions be approved, and put forward to Full Council on the 4th December 2013 for ratification and adoption, in order that the revised policy can take effect from the 2nd January 2014.

5 IMPLICATIONS

5.1 Financial Implications

5.1.1 As most of the applications are dealt with administratively, there is not expected to be a large increase in workload as a result of this policy being revised and published.

5.2 Legal Implications

5.2.1 As most of the applications are dealt with administratively, there is not expected to be a large number of applications being referred to the General Purposes Committee as a result of this policy being revised and published.

5.2.2 This policy has been drafted taking into account the Human Rights Act, and allows for persons who may have previous relevant convictions to make a presentation to the Licensing Authority when determining, or reviewing and application for a licence.

5.3 Policy Implications

5.3.1 Should revisions be made following consultation to the policy and conditions for hackney carriage and private hire licensing these would only further improve the quality and safety of the licensed trade within Stevenage.

5.4 Equalities and Diversity Implications

5.4.1 An equalities impact assessment has been undertaken as part of this policy review, and there have been no significant impact identified to any individuals as a result of this policy review being undertaken.

APPENDICES

Appendix A Draft Policy on Convictions document

Appendix B Committee Report (3 June 2013)

BACKGROUND DOCUMENTS

- DBS relevant offences factsheet (December 2012)
- LGR Template: Taxi and PHV Licensing Criminal Convictions Policy (September 2010)
- Policy on Convictions (October 2006)