

Meeting: Council
Portfolio Area: Environment and E Government
Date: 4th October 2006

POLICY STATEMENT ON CONVICTIONS IN RESPECT OF HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE DRIVERS

(Environmental Health and Licensing Service Delivery Unit)

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1 PURPOSE

To approve a policy on convictions in respect of Hackney Carriage and Private Hire Vehicle drivers, following consideration by the General Purposes Committee.

2 RECOMMENDATIONS

That the Policy Statement on convictions in respect of Hackney Carriage and Private Hire Vehicle drivers is approved.

That the Head of Environmental Health and Licensing is authorised to make minor changes to this policy in consultation with the Chair of the General Purposes Committee.

3 BACKGROUND

The Council administers a Statutory Scheme for the Licensing of Hackney Carriage and Private Hire Vehicle drivers and part of this process is to assess whether individuals are fit and proper persons to hold such licences.

Section 61 of the Local Government (Miscellaneous Provisions) Act 1976 gives the Local Authority the power to suspend or revoke Private Hire or Hackney Carriage Driver's Licences on any of the following grounds:

that he has since the grant of the licence –

- i) been convicted of an offence involving dishonesty, indecency or violence; or
- ii) been convicted of an offence under or has failed to comply with the provisions of the Act of 1847 or of this Part of this Act; or
- iii) any other reasonable cause.

This report proposes a Policy Statement on Convictions that can be used to determine possible action in respect of issues described in paragraphs (i) and (ii) above. It should be noted that the Licensing Authority can also take in to account other matters not covered by this statement, such as additional information shown on a CRB form, the medical condition of the applicant or any other reasonable cause. (paragraph (iii)).

4 DISCUSSION

This Council does not currently have any policy guidelines to assist Members and officers in making decisions about how prosecutions or cautions of either new applicants or existing drivers should be treated. It is considered that this process should be as transparent as possible and for that purpose this report proposes policy guidance to address issues such as:-

- The severity of offences.
- The relevance of offences.
- The time period after conviction, during which it may be inappropriate to consider issuing a license to a driver.

This policy has been derived from an original document issued by the Metropolitan Police and with reference to policies used by other local authorities. Having a transparent policy in respect of these issues forms part of our obligations under the Central and Government Local Concordat on Good Enforcement.

Following consideration of a draft statement by the General Purposes Committee a public consultation exercise was undertaken that included the local Taxi Forum. The feedback received from the trade indicated that they were very supportive of this new policy statement.

At its meeting on the 16th August, the General Purposes Committee resolved to refer the Policy Statement on Convictions to Council for approval. Once adopted this policy statement will be used by both officers and Members in reaching decisions about convictions. Irrespective of this policy, each case will continue to be determined on its own merits.

5 IMPLICATIONS

5.1 Financial Implications

There are no financial implications arising from this report.

5.2 Legal Implications

This policy is in accordance with the Human Rights Act.

5.3 Policy Implications

This policy is reflective of existing enforcement policies and to requirements of the Central and Local Government Concordat on Enforcement Best Practice.

BACKGROUND DOCUMENTS

- Central and Local Government Concordat on Good Enforcement

APPENDICES

Policy Statement on Convictions - Licensing of Hackney Carriage and Private Hire Vehicle Drivers.