

Meeting: GENERAL PURPOSES

Portfolio Area: Environmental Health & Licensing

Date: 3rd June 2013

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

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1 PURPOSE

- 1.1 That Members approve the revised policy on convictions for the provisions of Hackney Carriage and Private Hire licensing and agree to a period of consultation on the proposed policy.

2 RECOMMENDATIONS

- 2.1 That Members agree to the proposed changes in the revised policy on convictions for Hackney Carriage and Private Hire Licensing.
- 2.2 That a formal consultation regarding the proposed policy on convictions for Hackney Carriage and Private Hire licensing matters is commenced for a period of 12 weeks, commencing on the 24th June 2013.

3 BACKGROUND

- 3.1 The Council administers a statutory scheme for the licensing of Hackney Carriage and Private Hire vehicles, drivers and operators. Part of this process is to assess whether individuals are fit and proper persons to hold such licences.
- 3.2 This assessment is undertaken by officers, and in the event of there being any concerns, an application for the grant, or renewal of an existing licence can be referred to this Committee for determination.
- 3.3 Licensing had its first policy on convictions approved in October 2006.
- 3.4 Since its inception, there have been many changes in terms of offences against vulnerable adults and children through the introduction of the Disclosure and Barring Service (DBS), which our existing policy does not accurately reflect. It was therefore felt necessary to review its overall effectiveness. This review was completed using a template from the Local Government Regulation Office (LGR), and consultation with partners from Safeguarding at Stevenage Borough Council.

4 DISCUSSION

- 4.1 Whilst each case will continue to be considered on its merits, this Council is looking to update its guidance to assist both officers and members in making decisions about how convictions, cautions and other offences can be determined for both existing licence holders and new applicants.
- 4.2 The current policy was put in place in October 2006, and now requires updating in the light of changes in the procedures for criminal records and the legislation involving safeguarding for vulnerable children and adults.
- 4.3 It is considered that this process should be as transparent as possible and for that purpose this report proposed revised policy guidance to address matters such as;
 - 4.3.1 The severity of offences;
 - 4.3.2 The relevance of offences; and
 - 4.3.3 The time period for which a suspension or even revocation say of a drives licence may be appropriate.
- 4.4 This policy has been derived from the template provided by the Local Government Regulation Office (LGR), and includes references to auto-bar offences as described by the DBS (formerly the Criminal Records Bureau and the Independent Safeguarding Authority).
- 4.5 Having a clear and transparent policy in respect of these issues forms part of our obligations under the Central and Local Government Concordat of Good Enforcement.
- 4.6 It is proposed that Licensing formerly consult with our current hackney carriage and private hire licence holders, and other respective organisations and partners such as the Police in respect of this matter and to further bring a report back to Members once the consultation process has been concluded, for approval to be given for the policy to then be recommended to Full Council for adoption.

5 REASONS FOR RECOMMENDED COURSE OF ACTION AND OTHER OPTIONS

- 5.1 To consider the changes to the current policy and conditions for licensing, and to allow for these to be consulted upon; or
- 5.2 To make amendments to the proposed changes and to allow for these to be consulted upon; or
- 5.3 To reject the proposed changes and to leave the current policy and conditions for Hackney Carriage and Private Hire licensing as is, denoting that a review took place on the 3rd June 2013.

6. IMPLICATIONS

6.1 Financial Implications

- 6.1.1 There are no resource implications arising from the content of this report
- 6.1.2 All existing licence holders will be advised of the consultation period, if permitted, by way of a letter, and will be encouraged to provide feedback via on-line questionnaires or in writing to the Licensing Department.

6.2 Legal Implications

- 6.2.1 Stevenage Borough Council has adopted the provisions of the Local Government (Miscellaneous Provisions) Act 1976 which provides the mechanism for taxi, private hire and operator licensing. Any person aggrieved by the refusal to grant a licence, or to the suspension or revocation of an existing licence has a right of appeal to the Magistrates Court.
- 6.2.2 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.

6.3 Policy Implications

- 6.3.1 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.

6.4 Community Safety Implications

- 6.4.1 The policy and conditions, if approved for consultation, will aid with improving the quality and safety not only for the licensed trade, but the public within Stevenage also.

APPENDICES

Appendix 1 Draft Policy on Convictions document

BACKGROUND DOCUMENTS

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