

Subject:	Revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions	Status:	For Publication
Report to:	Licensing Committee	Date:	Tuesday 11 th March 2014
Report of:	Director of Business	Portfolio Holder:	Customers, Legal and Licensing
Key Decision:	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/>	General Exception	<input type="checkbox"/> Special Urgency <input type="checkbox"/>
Equality Impact Assessment:	Required: Yes	Attached:	Yes
Biodiversity Impact Assessment	Required: No	Attached:	N/A
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1.	RECOMMENDATION(S)		
1.1	That the Committee resolves to recommend Council adopt the Revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions		
1.2	All future minor amendments to the policy to be delegated to the <i>Director for Business</i> in consultation with the Portfolio Holder.		

2. PURPOSE OF REPORT

- 2.1 To propose a revised policy that will guide the Licensing Committee when it considers an application for a hackney carriage or private hire driver licence when an applicant falls within the scope of the policy.

3. CORPORATE PRIORITIES

- 3.1 The matters discussed in this report impact directly on the following corporate priorities:
- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
 - **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
 - **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

- 4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:
- The absence of a policy to guide applicants and members when an application for a hackney carriage or private hire driver licence is being considered is detrimental to applicants, members and residents.

5. BACKGROUND AND OPTIONS

- 5.1 A Local Authority must not grant a licence to a hackney carriage or private hire driver unless they are satisfied that the applicant is a fit and proper person, Local Government (Miscellaneous Provisions) Act 1976, Section 59 (1).
- 5.2 A Local Authority may refuse an application, refuse to renew an application or suspend a hackney carriage or private hire driver licence if:

- Since the grant of the licence, the applicant has been convicted of an offence involving dishonesty, indecency or violence.
- Since the grant of the licence, the applicant has been convicted of an offence under that Act or failed to comply with the Act or any conditions of the license or,
- There is any other reasonable cause.

Local Government (Miscellaneous Provisions) Act 1976, Section 61 (1).

- 5.3 When determining applications, members are advised, that each case must be considered on its own merits, and in determining this application, they sit in a quasi-judicial capacity.
- 5.4 Members currently show regard to the guidelines relating to the relevance of convictions including the statement of policy about relevant convictions in respect of hackney carriage and private hire driver licence applications as approved by the Cabinet of the Council on the 21st March 2007.
- 5.5 It is the view of Rossendale Borough Council that this statement of policy and guidelines to convictions are compatible with the rights and freedom under the European Convention on Human Rights.
- 5.6 Members should consider that the hackney carriage and private hire system is an important part of the public transport infrastructure of the country, and the purpose of a licensing regime is to ensure that the service to the public is accessible and safe, and seen to be so both hackney carriage and private hire drivers are persons of trust and maintain contact with the public.
- 5.7 In any case, since March 2002 all convictions, irrespective of age, remain “live” for the purpose, of a hackney carriage or private hire driver’s licence, these occupations being added to the exemptions list from that time- Rehabilitation of Offenders Act 1974 (Exemptions) Order 1975.
- 5.8 Members should ask themselves whether on the balance of probabilities this is a “fit and proper person” to be licensed as a hackney carriage or private hire driver when determining applications. There is a legitimate public expectation that hackney carriage and private hire drivers will be fit and proper persons to hold a position of trust, often transporting vulnerable people such as lone females, younger people, the disabled and the elderly. This review of this policy seeks to ensure robust measures are in place to enable this.
- 5.9 The current policy statement on guidelines to convictions including the statement of policy about relevant convictions in respect of hackney carriage and private hire driver licence applications was approved by the Cabinet of the Council on the 21st March 2007. This Policy is relied upon by the taxi trade and guides them on the view the Licensing Sub-Committee is likely to take when determining applications for those applicants falling within the scope of the policy.
- 5.10 It is now appropriate that a policy is revised to give an updated view of the way, and the considerations, that the Licensing Committee will view an application for a hackney carriage or private hire driver licence when an applicant falls within the scope of the policy.
- 5.11 The draft policy and summary of changes were published and circulated for consultation between Thursday 17th October and Wednesday 13th November 2013 and there were no representations made.
- 5.12 During February 2014, following a briefing with the Chair of the Licensing Committee, Portfolio Holder and Legal Services, the section relating to violent offences was re-drafted.
- 5.13 An Equality Impact Assessment has been undertaken as part of the review of this policy,

which is set out in Appendix C. The outcome has identified that there are no adverse or disproportionate impact has been identified for any particular protected equality group as a result of adopting the amended proposed policy.

It should be noted that there is a wider positive impact for both the community at large and those groups that might be considered more vulnerable as a result of ensuring the policy and safeguarding measures within it are fit for purpose

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 There are no specific financial implications.

7. MONITORING OFFICER

7.1 The Council must make a decision based on all relevant information and following consideration of all relevant Council policies.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 Consultation:-

- Legal Services
- Licensing & Enforcement Unit
- Executive Management Team to be considered 25/11/13
- All Councillors – consultation period 17/10/13 to 13/11/13
- Lancashire Constabulary – consultation period 17/10/13 to 13/11/13
- The Taxi Liaison Group to be considered 18/11/13
- Licensing Committee to be considered 11/03/14
- Overview & Scrutiny to be considered 17/03/14
- Online public consultation – consultation period 17/10/13 to 13/11/13

9. CONCLUSION

9.1 That the Committee resolves to recommend Council adopt the revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions

Appendices

Document	Appendix Number
Revised Policy Statement on Guidelines to Convictions including Statement of Policy about Relevant Convictions	Appendix A
Policy Briefing - Summary of changes (convictions policy)	Appendix B
Equality Impact Assessment	Appendix C