

23 March 2016		ITEM: 12
Council		
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: Cllr Mike Stone, Chair Licensing Committee		
Accountable Head of Service: Lucy Magill – Head of Resident Services		
Accountable Director: Steve Cox – Corporate Director of Environment and Place		
This report is: Public		

Executive Summary

This report requests that Council agrees the recommendation made by the Licensing Committee on the 28 January 2016 to adopt the revised policy relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters to that it requires holders and applicants for Hackney Carriage and Private Hire Drivers to meet.

1. Recommendation(s)

1.1 That Council adopts the revised Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters, as attached as Appendix A, as recommended by the Licensing Committee, and the policy shall have effect from the 1 April 2016.

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 policy is now dated and requires reviewing to ensure that it remains fit for purpose.
- 2.5 The proposed changes have been developed from the experience of the Licensing Department and suggestions from licence holders.

3. Issues, Options and Analysis of Options

- 3.1 At the Licensing Committee on the 28th January the revised Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters as attached as Appendix A, was agreed following consultation with relevant stake holders.
- 3.2 The recommendation of the Licensing Committee was for the revised policy to be adopted by Council.
- 3.3 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.

3.4 It is intended that the policy will have effect from the 1 April 2016.

4. Reasons for Recommendation

4.1 Following the consultation the policy has been considered by the Licensing Committee. Policy cannot be adopted by the Licensing Committee, and adoption is a Council Function.

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

5.1 All local stakeholders were written to asking for comments. Local stakeholders include all Thurrock Council Hackney Carriage and Private Hire Driver Licence holders, all Private Hire Operators.

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

This adoption of the revised policy is a Council function.

7.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

An Equality Impact Assessment has been undertaken and there are no negative impacts of this policy.

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 - Revised Statement of Policy and Guidelines relating to the relevance of Convictions, Formal / Simple Cautions, Complaints and/or other matters

Report Author:

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Principal Licensing Officer