



## Committee report

Committee	<b>LICENSING COMMITTEE</b>
Date	<b>16 FEBRUARY 2015</b>
Title	<b>POLICY RELATING TO THE RELEVANCE OF CONVICTIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS AND PLEASURE BOATMEN</b>
Report of	<b>HEAD OF PLANNING AND REGULATORY SERVICES</b>

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### EXECUTIVE SUMMARY

1. The policy will be referred to when an application is submitted to the council for either a hackney carriage/private hire drivers licence or a Boatman's licence when the applicant's criminal record disclosure reveals convictions which may be spent or unspent.
2. The policy provides assistance with considering the relevance of convictions and how such convictions can be or will be taken into account when determining whether the person is fit and proper to hold a licence.
3. This paper seeks to advise the Licensing Committee of a new proposed Policy Relating to the Relevance of Convictions for Hackney Carriage/Private Hire Drivers and Pleasure Boatmen and for the committee to consider recommending approval to the Executive Committee.

### BACKGROUND

4. The current Policy is outdated following amendments in 2014 to the Rehabilitation of Offenders Act 1974. In addition the policy is ambiguous in parts and therefore difficult to apply.
5. In the past when appeals have been made to the Magistrates' Court following refusal or revocation of a licence, this policy has been taken into consideration by the Magistrates in making their decision.

### STRATEGIC CONTEXT

6. The creation of this policy fits in with the council's priorities of 'Delivering statutory duties and achieving value for money' and 'Protecting the Public'.

## CONSULTATION

7. The draft Policy has not been the subject of a public consultation. The document has been produced by officers in consultation with the Council's Legal Department.
8. Officers believe there is no need to undertake a public consultation as the policy has been updated using legislative changes and a small number of anomalies just needed to be rectified.

## FINANCIAL / BUDGET IMPLICATIONS

9. Council expenditure on taxi related matters is balanced from income generated from fees. The fees are set by the council and represent the full costs of administering and the enforcement of matters relating to taxis.

## LEGAL IMPLICATIONS

10. The council is under a statutory duty to consider if applicants for hackney carriage and private hire driver licences are fit and proper to hold such a licence. In making this judgement the council should take into account any relevant conviction and to give such weight to any convictions as it sees fit and judge each case on its own merits. The council should however have a policy in place to promote consistency in determining each application to ensure that its decisions are reasonable and fair.
11. It is recognised that nearly all types of offences may be relevant to the determination of whether an applicant is fit and proper person to ensure it is able to properly protect the public.

## EQUALITY AND DIVERSITY

12. The council as a public body is subject to general and specific duties under equality and diversity legislation and as such has a duty to impact assess its service, policies/strategies and decisions with regards to diversity legislation and the nine protected characteristics (race, gender reassignment, disability, age, sex and sexual orientation, religion or belief, pregnancy and maternity, marriage and civil partnership). There are no direct implications for the council's duties under the terms of Equality Act 2010 arising from the recommendations in this paper.
13. There is no need to undertake an Equality Impact Assessment as each application is considered on its own merit and each person's human rights are taken in to account when determining the outcome of the application.

## 14. OPTIONS

- Option 1: To recommend approval to the Executive of the revised Policy Relating to the Relevance of Convictions for Hackney Carriage/Private Hire Drivers and Pleasure Boatmen attached as Appendix 1.
- Option 2: To amend and recommend approval to the Executive of the revised Convictions Policy attached as Appendix 1.

## RISK MANAGEMENT

15. The current Policy is out of date and includes incorrect information. It is important for an up to date policy to be implemented and followed to ensure consistency within the scope of the relevant legislation.
16. This Policy provides this and therefore reduces the potential for:
- Applications which will be refused;
  - Appeals to the Magistrates' Court; and
  - Judicial Reviews.

## EVALUATION

17. The content of the Policy is broadly in line with that adopted by other local authorities.
18. Officers are satisfied that the policy is fit for purpose and therefore presents a minimal risk if it is approved.

## 19. RECOMMENDATION

- Option 1: To recommend approval to the Executive of the revised Policy Relating to the Relevance of Convictions for Hackney Carriage/Private Hire Drivers and Pleasure Boatmen.

## APPENDICES ATTACHED

- [Appendix 1](#) Draft Policy Relating to the Relevance of Convictions for Hackney Carriage/Private Hire Drivers and Pleasure Boatmen.

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