

LICENSING REGULATORY COMMITTEE

Hackney Carriage and Private Hire Licensing – Convictions Policy Update 2nd June 2016

Report of Licensing Manager

PURPOSE OF REPORT

The report seeks Members' approval of the adoption of the attached updated Draft Convictions Policy.

This report is public.

RECOMMENDATIONS

That the attached Draft updated Convictions Policy for private hire and hackney carriage licensing be approved.

1.0 Introduction

- 1.1. Section 59 of the Local Government (Miscellaneous Provisions) Act 1976 (the Act) provides that a district council shall not grant a licence to drive a hackney carriage unless they are satisfied that the applicant is a fit and proper person. Section 51 of the Act sets out the same provision in relation to private hire drivers.
- 1.2 The Council has a duty to ensure so far as possible that drivers and operators are fit and proper persons to hold licences. One aspect of that is the extent to which previous convictions, including but not limited to convictions for offences against children and young persons, dishonesty, sexual offences, traffic offences, violence and drugs indicate that a person is not a fit and proper person, and would not take advantage of passengers or abuse or assault them.
- 1.3 One of the checks that is in place to enable the Council to determine whether a person is a fit and proper person to be granted a licence is the requirement to carry out an enhanced criminal record check, now known as a Disclosure and Barring Check (DBS Check)
- 1.4 In order that decisions can be transparent and consistent, whilst still considering all applications on their individual merit, it is best practice for all Councils to have a Convictions Policy which sets out to all applicants what parameters the Council works within.
- 1.5 The current Convictions Policy was introduced in January 2007. A copy of that policy is attached at appendix 1 to this report.

1.6 Following the serious case review in Rotherham the Local Government Association have advised that all Local Authorities review and update their Convictions Policies to ensure that they are fit for purpose.

1.7 An updated draft Convictions Policy has been prepared for members' comments and approval. The policy is intended to provide transparency and consistency in accordance with the principles of good enforcement and relevant Regulatory Compliance Codes. A copy of the policy is attached at appendix 2 to this report.

2.0 Conclusion

2.1. Members are recommended to approve the proposed updated Convictions Policy in relation to hackney carriage and private hire licensing.

CONCLUSION OF IMPACT ASSESSMENT

(including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

The proposed policy does not have the potential to cause negative impact or discriminate against different groups in the community based on age, disability, gender, race/ethnicity, religion or religious belief (faith), sexual orientation, or rural isolation.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

LEGAL IMPLICATIONS

Legal Services have been consulted and have no further comments.

BACKGROUND PAPERS

None

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