

LICENSING COMMITTEE	AGENDA ITEM No. 5
18 SEPTEMBER 2014	PUBLIC REPORT

Cabinet Member(s) responsible:	Cllr Nigel North	
Contact Officer(s):	Licensing Manager Adrian Day Strategic Regulatory Services Manager Peter Gell	Tel. 454437 Tel. 453429

**GUIDELINES RELATING TO THE RELEVANCE OF CONVICTIONS / CAUTIONS
TAXI LICENSING**

RECOMMENDATIONS	
FROM : The Licensing Team Licensing Manager Adrian Day	Deadline date :
1. For the committee to adopt the updated draft guidance as the council's "Guidance Relating to the Relevance of Convictions / Cautions Taxi Licensing" (Appendix 1).	

1. ORIGIN OF REPORT

- 1.1 This report is the result of the need to review all policies on a regular basis.
- 1.2 There is a need for officers to review the Hackney Carriage and Private Hire Licensing Policy in order to ensure that it remains appropriate and fit for purpose.

2. PURPOSE AND REASON FOR REPORT

- 2.1 It is essential that all policies are current and fit for purpose in order for any regulation to be effective. Therefore it is good practice to review policies on a regular basis in order for the policy to be appropriate and up to date and fit for purpose.
- 2.2 The Guidance Relating to the Relevance of Convictions / Cautions for Taxi Licensing had not been reviewed for some time and therefore it was deemed appropriate for the guidance to be reviewed.
- 2.3 Following the committee's decision the outcome will form part of the Peterborough City Council's Taxi and Private Hire Licensing Policy and Guidance document.

3. TIMESCALE

Is this a Major Policy Item /Statutory Plan?	No
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4. BACKGROUND INFORMATION

- 4.1 All councils have different policies in relation to Hackney Carriage and Private Hire Vehicles in order to regulate the service in accordance with local requirements. A policy which is deemed appropriate in one locality may not meet the requirements or expectations within another locality.

- 4.2 It is good practice to review all policies from time to time in order to ensure that the policy adopted remains fit for purpose, takes in to account any changes in legislation, or to consider any other factors that may have an affect on the service to which the policy relates.
- 4.3 The City Council as the Taxi Licensing Authority, has the responsibility to ensure all drivers of taxis that are available for hire to the public, are 'fit and proper' persons to hold the relevant drivers' licences. The taxi Licensing Authority will take such measures as appropriate in order to protect members of the public, other road users and the drivers themselves.
- 4.4 There is no definition or general test that determines whether or not a driver is deemed 'fit and proper' to hold a licence. It is a matter of judgment for the Licensing Authority in order to assess any risks or concerns, taking into consideration such matters as the applicant's integrity, honesty and previous character. Previous convictions and cautions are taken into account as well as other information.
- 4.5 Convictions and cautions do not necessarily mean that an application will be refused, or a licence will be revoked. Also, where an applicant does not have any convictions or cautions, the applicant must still be deemed 'fit and proper' by the Licensing authority. Each case is treated on its own merits.
- 4.6 The assessment is ongoing and drivers have a duty to disclose any convictions or cautions which might affect their suitability to hold a private hire or hackney carriage driver's licence.
- 4.7 These guidelines will be referred to by officers exercising their powers of delegation, under the Council's Scheme of Delegations in determining whether or not a person is 'fit and proper' to hold a driver's licence.

5. CONSIDERATIONS

The committee should consider the implications, risks and consequences of amending the Guidance Relating to the Relevance of Convictions / Cautions for Taxi Licensing, in particular any related to safety.

6. RISKS

There have been no risks identified within the recommendation of this report.

7. ANTICIPATED OUTCOMES

The Licensing Committee to make decision and this will form part of the Taxi and Private Hire Licensing Policy / Guidance document.

8. REASONS FOR RECOMMENDATIONS

- To comply with statutory requirements regarding the regular review of licensing policies.
- To ensure that the policies and procedures continue to be fit for purpose.

9. ALTERNATIVE OPTIONS CONSIDERED

- Retain the status quo.

10. IMPLICATIONS

Corporate Resources

Financial – There are costs associated with undertaking a review of a policy, however there are also costs associated where a policy is challenged due to it not being fit for purpose.

Legal – Legal support has been provided by the council’s legal team regarding the provision of advice and guidance on taxi licensing matters and the requirements of the consultation.

Corporate Priorities: Environment Capital
Crime and Disorder / Community Safety
Discrimination and Equality – none arising from this report
Human Resources – none arising from this report
ICT – none arising from this report
Property – none arising from this report
Procurement – none arising from this report

Risk Assessment

Risks associated with policy changes will be assessed, and remedial actions identified where necessary. None identified.

An equality impact assessment was undertaken prior to submitting policy changes for adoption.

Policy changes will not have a disproportionate effect on any of the members of the equality groups.

BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985)
The Local Government (Miscellaneous Provisions) Act 1976
The Town and Police Clauses Act 1847
Equality Act 2010

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