

Report of	Meeting	Date
Director of Public Protection, Streetscene and Community	Licensing and Public Safety Committee	18/11/15

## **SAFEGUARDING, SUITABILITY AND CONVICTIONS POLICY FOR TAXI LICENSING**

### **PURPOSE OF REPORT**

1. For the Licensing and Public Safety Committee to consider the draft of the Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing and decide on the proposed content for acceptance or rejection as the updated policy.

### **RECOMMENDATION(S)**

2. That the Licensing and Public Safety Committee determine to either accept the proposed policy, reject the proposed policy and retain the existing policy or accept the proposed policy with amendments agreed by members following discussion. If the proposed policy is approved delegated power is granted to the Director of Public Protection Streetscene and Community to make minor amendments from time to time.

### **EXECUTIVE SUMMARY OF REPORT**

3. The draft Safeguarding, Suitability and Convictions Statement of Policy for Taxi Licensing (APPENDIX 1) updates the current Convictions Policy and Guidelines including recommendations made by the Casey Report to have broader consideration for complaints and allegations that have yet to be determined by a court or have not resulted in conviction.

<b>Confidential report</b> Please bold as appropriate	Yes	<b>No</b>
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### **CORPORATE PRIORITIES**

4. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	X

### **BACKGROUND**

5. The existing Convictions Policy and Guidelines titled '*Statement of Policy Concerning the Relevance of Criminal Convictions Relating to the Determination of Application or Renewal for a Hackney Carriage or Private Hire Vehicle Driver's Licence and The Operators and Proprietors of those Vehicles*' was adopted by the Licensing and Public Safety Committee in 2008.

6. It is incumbent on the Council to review all policies on a regular basis.
7. In February 2015, the Casey Report investigating Taxi Licensing in Rotherham and the convictions of licensed drivers for Child Sexual Exploitation raised a number of questions in relation to Council policies and made recommendations with regard to the consideration of complaints, allegations, investigations, arrests and charges, where no conviction was secured.
8. Rotherham were reliant on a record of convictions before any action was taken, a stance that was severely criticised by the Casey report as not sending a strong message on acceptable behaviour and failing to adequately protect or provide reassurance for the public.
9. Licensing Committees were reminded that they do not need the same burden of proof as required to secure a criminal conviction to suspend, revoke or refuse a licence. They do not have to prove an allegation or complaint beyond reasonable doubt, or await a conviction.
10. It is clear that a robust and more extensive policy and guidelines are required to not only protect the public and potential victims but also to protect other fit and proper drivers that may be tainted by association.

### IMPLICATIONS OF REPORT

11. This report has implications in the following areas and the relevant Directors' comments are included:

Finance	X	Customer Services	X
Human Resources		Equality and Diversity	
Legal	X	Integrated Impact Assessment required?	
No significant implications in this area		Policy and Communications	

### COMMENTS OF THE MONITORING OFFICER

12. The Council must only grant private hire driver licences, hackney carriage driver licences and private hire operator licences to persons who are fit and proper. The fit and proper test includes amongst other matters (e.g. knowledge test and medical status) an assessment of a driver or applicant's character demonstrated by previous convictions or cautions or other behaviour not subject of judicial or police sanction.
13. When hearing an appeal against the refusal, suspension or revocation of a licence the magistrates' court must stand in the shoes of the Council and follow its policies unless there is a good reason to depart from them. Putting in place a robust but fair policy will help in making council decisions consistent and also more likely to be upheld on appeal.

### COMMENTS OF THE FINANCE OFFICER

14. No Comments, there are no financial implications in relation to this report.

JAMIE CARSON

DIRECTOR OF PUBLIC PROTECTION, STREETSCENE AND COMMUNITY

There are no background papers to this report.

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