

| Report of                        | Meeting                               | Date        |
|----------------------------------|---------------------------------------|-------------|
| Corporate Director of Governance | Licensing and Public Safety Committee | 4 June 2008 |

## **REVIEW OF GUIDELINES ON THE RELEVANCE OF CONVICTIONS AND POLICE CAUTIONS FOR USE IN DETERMINING APPLICATIONS FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS LICENCES AND THE OPERATORS AND PROPRIETORS OF THOSE VEHICLES**

### **PURPOSE OF REPORT**

1. To enable Members to consider the adoption of a Statement of Policy and Revised guidelines on the relevance of convictions and police cautions for use in determining applications for Hackney Carriage and Private Hire drivers licences.

### **RECOMMENDATION(S)**

2. Members are recommended to approve the draft policy and revised guidelines as attached at Appendix A to this report.

### **EXECUTIVE SUMMARY OF REPORT**

3. Members are reminded that at a meeting of the Licensing and Safety Committee held on 2 April 2008. It was resolved that agenda item no 30 "that the draft policy and revised guidelines as set out in the attached appendix to the report be approved and that as part of the consultation, the section regarding 'Dishonesty' relating to the concealment of convictions be strengthened and be considered a serious matter".
4. Following the decision of that meeting and in consultation with the Council's Legal Department the following guidance has now been included as part F4 of that document:  
 "When an applicant has concealed any offence or caution at any time during the making of an application for the purposes of obtaining a Hackney Carriage or Private Hire Drivers Licence, the Council shall view such an omission in a serious light and expect that a period of at least three to five years free of convictions will be required before entertaining an application. In the instance where such a circumstance relates to an existing licence holder, or a person fails to inform the Licensing Authority of any convictions or cautions in accordance with the Council's conditions at the time of the period of validity of a drivers licence, or has been reported for any offence then this regard shall be viewed together with the guidance given at F3 above and may result in the revocation of the licence."

## CORPORATE PRIORITIES

5. This report relates to the following Strategic Objectives:

|  |  |   |   |
|--|--|---|---|
| Put Chorley at the heart of regional economic development in the Central Lancashire sub-region |  | Develop local solutions to climate change.                        |   |
| Improving equality of opportunity and life chances   |  | Develop the Character and feel of Chorley as a good place to live | √ |
| Involving people in their communities  |  | Ensure Chorley Borough Council is a performing organization       | √ |

## BACKGROUND

6. Following the decision of that meeting the document was forwarded to the following organisations for consultation:

Lancashire Constabulary  
Lancashire County Council Child Protection Unit  
Lancashire County Council Social Services  
who were asked to respond by no later than 14 May 2008.

7. In response to the consultation one reply has been received from Lancashire Constabulary who have stated that in reviewing the document at divisional level, that further consultation should be given to its contents at regional level within the Constabulary's Policy Unit. No further responses were received.
8. In the absence of any other representations to the stated document. It is the opinion of the Licensing Manager and the Corporate Director of Governance that Members should now consider adopting the revised guidance. Should any relevant representations be received in the future from Lancashire Constabulary's Divisional Policy Unit, this may be brought to the attention of the Licensing and Public Safety Committee at that time.
9. Members are recommended to adopt the draft Statement of Policy and revised guidelines on the relevance of convictions and police cautions as shown in Appendix A to this report. For use in determining all future applications for hackney carriage and private hire drivers licences, and to be used in consideration of existing hackney carriage and private hire drivers where convictions and police cautions become evidence during the validity of hackney carriage and private hire drivers licences.

## IMPLICATIONS OF REPORT

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

|                 |   |  |  |
|-----------------|---|--|--|
| Finance         |   | Customer Services                        |  |
| Human Resources |   | Equality and Diversity                   |  |
| Legal           | √ | No significant implications in this area |  |

ANDREW DOCHERTY  
CORPORATE DIRECTOR OF GOVERNANCE

There are no background papers to this report.

| <b>Report Author</b> | <b>Ext</b> | <b>Date</b> | <b>Doc ID</b>  |
|----------------------|------------|-------------|----------------|
| Stephen Culleton     | 5665       | 21 May 2008 | LEGREP/2105LM1 |