

REPORT TO: LICENSING COMMITTEE

DATE: 12 SEPTEMBER 2017

TITLE: GUIDANCE ON CRIMINAL CONVICTIONS & MOTORING OFFENCES IN TAXI AND PRIVATE HIRE LICENSING

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RECOMMENDED that:

- A The adoption of the Harlow Council Taxi and PHV Licensing Criminal Convictions Policy proposed at Appendix 2 to the report, in place of existing guidance shown at Appendix 1, be recommended to Full Council.**

BACKGROUND

1. Licensing Sub-Committees have regard to Guidance on Criminal Convictions and Motoring Offences in Taxi and Private Hire Vehicle Licensing, adopted in January 2013 and attached as Appendix 1 to this report, in determining applications for, and renewal and review of, licences to drive Hackney Carriages and to drive and to operate Private Hire vehicles.
2. The Guidance also allows prospective applicants with relevant matters in their history to assess their likelihood of success, and may thus reduce the cost and time involved in making and processing applications that are unlikely to succeed.
3. A number of significant changes to law and statutory guidance have been introduced since the Guidance was adopted; the Local Government Association [LGA] has issued a revised version of the model document on which the Council's Guidance was based; and the Council has gained experience of working with existing guidance. These factors make the adoption of amended guidance appear appropriate.

PROPOSALS

4. It is proposed that the Taxi and PHV Licensing Criminal Convictions Policy based on the LGA's revised model as set out at Appendix 2 to this report, be adopted to replace existing Guidance shown at Appendix 1. Significant

changes would include the following:

- References to the 'Notifiable Occupations Scheme' have been changed following closure of the scheme and its replacement with 'Common Law disclosure' procedures.
- the requirements of the Immigration Act 2016 have been incorporated.
- The section on DBS disclosures and how these affect the issue of a licence has been updated.
- References to crimes relating to domestic violence have been added.

IMPLICATIONS

Place (includes Sustainability)

As set out in the report

Author: **Graeme Bloomer, Head of Place**

Finance (Includes ICT)

None specific.

Author: **Simon Freeman, Head of Finance**

Housing

None specific.

Author: **Andrew Murray, Head of Housing**

Community Wellbeing (includes Equalities and Social Inclusion)

It is important to ensure that only the 'fit and proper' persons are granted a Licence. Failure to do so could influence or have implications for the wellbeing and safety of the community.

Author: **Jane Greer, Head of Community Wellbeing**

Governance (includes HR)

The updated criminal convictions policy will provide clarity to the Council, licensed drivers, operators and the public as to the standards the Council will apply to ensure that new applicants or existing licence holders are fit and proper persons to be licensed by the Council.

Author: **Dimple Roopchand Assistant Solicitor for Brian Keane, Head of Governance**

Background Papers:

None.