

## 8. AMENDMENT TO THE HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING CONVICTIONS POLICY

REPORT OF: Tom Clark, Head of Regulatory Services.  
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Wards Affected: All  
Key Decision No  
Report to Scrutiny Committee for Community, Housing and Planning  
27 June 2018

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### Purpose of Report

- 1 To seek the Committee's endorsement of changes to the Hackney Carriage and Private Hire Licensing Policy as detailed in Appendix 1 before it goes out to public consultation in July 2018. It is proposed that following consultation, if there are significant amendments required it will be reviewed by this Committee in November before it is formally adopted by Council in December 2018.

### Recommendations

- 2 **The Committee is recommended to endorse the changes to the Hackney Carriage and Private Hire Licensing Convictions Policy at Appendix 1 before it is issued for public consultation.**
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### Background

- 3 The Council adopted the existing Hackney Carriage and Private Hire Licensing Policy in 2011. The Policy states that it will be reviewed every five years. It was re adopted in 2017 following a review and consultation process.
- 4 The purpose of the Policy is to set out the terms and conditions that will apply to those seeking licences for the Hackney Carriage or Private hire trade, so as to protect the public and help ensure they receive a good service. The policy brings together all of the various different strands of the Council's existing conditions and practices.
- 5 Due to recent changes including recommendations from the Local Government Association regarding convictions policy, and a national consultation regarding Convictions Policies, this section of the Policy requires updating. In addition, the Licensing Section has seen an increase in certain types of offences appearing on applications that are not dealt with specifically in the current policy.
- 6 The Licensing Team has taken the opportunity to reword and update all sections of the convictions policy to provide clarity and consistency for all users. Appendix 1 to this report contains the full wording.

- 7 The main changes to the policy are:
- The new policy provides better guidelines for officers and committee members when making decisions
  - The policy includes a wider range of specified offences and how they will be treated.
  - It extends the relevant period of time that applicants are expected to remain conviction free for.
  - It clarifies that the policy will apply to existing drivers in addition to new applicants although it will not be applied retrospectively to those already licensed.
  - It confirms that the Licensing Authority will only depart from the policy in exceptional circumstances
  - It clarifies, for the benefit of applicants and decision-makers, that the Licensing Authority will deal with Cautions and other Sanctions in a similar way to convictions
  - It confirms that the Licensing Authority makes its decisions on a balance of probability and that consequently, information concerning offences that did not lead to prosecution may still render the applicant as not fit and proper
  - Members should also note that although the policy sets out the minimum requirements before an application will be considered. This does not mean that an applicant will automatically be suitable once the applicable period has elapsed. It merely confirms that their application will be considered and still refused if the Licensing Authority is not satisfied that they are fit and proper to hold a licence.
7. The amendments contained in Appendix 1 will be published for an 8 week consultation period in July 2018. The list of consultees include the following:
- Local Authorities that border Mid Sussex District Council
  - West Sussex County Council
  - Elected Members of the Council
  - The hackney carriage and private hire trade licensed by the Council
  - Parish and Town Councils
  - Sussex Police
  - The Members of Parliament for the District
  - Social Services Child Protection Office
  - Local Bus and Rail operators
  - Organisations representing local businesses
  - Members of the public via the Council's web site, the local libraries and help points
  - Age UK
  - Women's Institute
  - Fawcett Society
  - Local disability groups

## Policy Context

- 8 The Licensing Policy is produced pursuant to powers conferred by the Local Government (Miscellaneous Provisions) Act 1976 as amended, which places a duty on the Council to carry out its licensing functions in respect of hackney carriage and private hire vehicles.

### **Financial Implications**

- 9 None

### **Risk Management Implications**

- 10 In accordance with the Council's Risk Management Strategy, consideration has been given to the potential risks associated with the recommendations set out in this report. It is suggested that the main risk is that if the Council fails to revise the Licensing Policy it may be open to legal challenge.

### **Equality and customer service implications**

- 11 An equality impact assessment was carried out in the development of this policy and did not identify any negative impacts for customers and those protected by equalities legislation. The policy is intended to protect the public, including those who are vulnerable owing to their age or disability, and through our consultation with a range of stakeholders, including the police, we will seek to ensure we have got the balance right in this respect. Details of stakeholders with whom we will consult are included in the draft policy.

### **Background papers**

- 12 None