

## 7. 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 Council

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### Purpose of Report

- 1 Following the endorsement by the Scrutiny Committee for Community, Housing and Planning on the 27<sup>th</sup> June 2018 and an eight week public consultation to seek Council's approval of amendments to the Hackney Carriage and Private Hire Licensing Convictions Policy at Appendix 1.

### Summary

- 2 The existing Hackney Carriage and Private Hire Licensing Conviction Policy was adopted in 2015. Since then recent recommendations from the Local Government Association and a national consultation regarding Convictions Policies have highlighted the need to update our Conviction policy.

### Recommendations

- 3 **The Council is recommended to approve amendments to the Hackney Carriage and Private Hire Licensing Conviction Policy at Appendix 1 to take effect on 1st December 2018.**
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### Background

- 4 The Council adopted the existing Hackney Carriage and Private Hire Licensing Convictions Policy in 2015.
- 5 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 different strands of the Council's existing conditions and practices.
- 6 The current Hackney Carriage and Private Hire Licensing Policy deals with the grounds for refusal to issue or renew or to suspend or revoke Hackney Carriage/Private Hire Drivers Licences. This section contains guidelines about the relevance of criminal convictions in this process. Recent recommendations from the Local Government Association and a national consultation regarding Convictions Policies have highlighted the need to update our policy.

- 7 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.
- 8 Following consideration by the Scrutiny Committee for Leisure and Community on the 27<sup>th</sup> June 2018 the amendments were published for an eight week public consultation. The list of consultees included 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
  - Local disability groups
- 9 The Licensing Authority received responses from East Grinstead Town Council and Haywards Heath Town Council, who supported the changes.

### **Policy Context**

- 10 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**

- 11 None

### **Risk Management Implications**

- 12 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 Conviction Policy it may be open to legal challenge.

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

- 13 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.

## **Background papers**

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