

Convictions Policy for Hackney Carriage and Private Hire Drivers and Private Hire Operators

Portfolio:	Community
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Ward(s) Affected:	All
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Purpose

To review the previous convictions policy for licensed Hackney Carriage and Private Hire Drivers and Private Hire Operators

Background

1. The subject of this report was considered by this Committee at previous meetings on 15 March 2017 and 28 June 2017.
2. It is a matter of good practice to keep Council Policies under review and where necessary update them so as to better reflect the present need within the local area and national agenda.
3. The overriding aim of the licensing authority is to protect the safety of the public. The licensing authority is concerned to ensure:
 - that a person is a fit and proper person.
 - that the person does not pose a threat to the public.
 - that the public are safeguarded from dishonest persons.
 - the safeguarding of children and young persons.
4. The Council requires applicants and licenced drivers to provide information in respect of their health, driving record and criminal record. In addition to this, they must also undertake tests on their knowledge of the relevant law and the local area. All these elements are considered within the “fit and proper” test.
5. The Local Government (Miscellaneous Provision) Act 1976 requires that a Licensing Authority must be satisfied that the applicant is a fit and proper person to hold a licence.
6. The Local Government Association (LGA) has provided a template policy which has been used by Officers throughout Surrey.
7. A policy relating to the relevance of previous convictions and other relevant information was approved for publication by Committee on 28 June 2017. This is copied at Annex 1.

Current Position

8. A further Countywide Public Consultation took place for 6 weeks from 23 October to 04 December 2017. This was hosted by Reigate and Banstead Borough Council on behalf of all 11 Surrey Districts.
9. The following organisations below were also invited to respond to the consultation:
 - Institute of Licensing
 - Transport for London
 - Local Government Association
 - National Association of Licensing and Enforcement Officers
 - All District and Borough Councils in the South East of England
 - Surrey Police

10. Details of the consultation were also placed on the Council's website and Social Media.
11. The 393 consultation responses received have been analysed collectively, these are shown in Annex 2. Responses from the taxi and private hire trade and those who live, work or visit the County are presented separately for comparison purposes.
12. Comments from across the County and further comment from Surrey Solicitors Group were collated by Officers from Guildford Borough Council on behalf of Councils. These were mainly administrative in nature.
13. Officers have incorporated amendments into a revised draft Policy which is attached at Annex 3.
14. Following approval of the revised draft Policy by the Licensing Committee, the final version may then be adopted by the Council.

Resource Implications

15. The costs of the County consultation process were met by other Surrey Licensing Authorities. The vast majority of the consultation letters were sent by electronic means. The total costs to Surrey Heath were within the existing budget.

Options

16. Any amendments to the existing Policy are made at the discretion of the Council, but due weight will have to be given to any representations made as a result of the consultation process.

Recommendation

17. The Committee is invited to make comments on the proposed revisions and to consider the Policy, attached as Annex 3, relating to the relevance of convictions and other related information for adoption by the Council.

Background Papers: None

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