

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

Portfolio:	Community
Ward(s) Affected:	All

### Purpose

**To receive the results of the consultation process on the proposed new Convictions Policy for Hackney Carriage and Private Hire Drivers and Operators. To consider the responses and agree a new Policy document**

### Background

1. The subject of this report was considered by this Committee at the previous meeting on 15 March 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 draft policy relating to the relevance of previous convictions and other relevant information was approved for consultation by Committee on 15 March 2017 (Annex 1).
8. Public consultation took place for 6 weeks from 17 March to 28 April 2017. In addition to details of the consultation being sent to all licensed hackney carriage and private hire drivers and private hire operators, all Surrey Licensing Authorities and Surrey County Council Safeguarding Children were also consulted.
9. Details of the consultation were also placed on the Council’s website and advertised through the Council’s social media channels.

### Current Position

10. During the public consultation period no replies were received from any licensed driver, private hire operator or any other members of the public.

11. Comments from Surrey County Council and other Surrey Licensing Authorities and the Surrey Solicitors Group were collated by Officers from Guildford Borough Council on behalf of Councils throughout the County. These were generally administrative in nature however Officers from Surrey County Council have requested further detail regarding people who are banned from working with children or vulnerable adults.
12. Officers have noted the comment made by Surrey County Council and have given the point raised due consideration with the addition of the following paragraph;  
***People banned from working with children or vulnerable adults***  
*A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not normally be granted if an applicant is on the Protection of Children Act list or Protection of Vulnerable Adults List. Further detail can be seen in Appendix 1.*
13. Officers have incorporated the additional paragraph and administrative amendments into a revised draft Policy which is attached at Annex 2.
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 only additional resource implication arising from the consultation process was postage and stationary costs. The vast majority of the consultation letters were sent by electronic means. The total costs were met within the existing budget.

#### Options

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

#### Recommendations

17. That the Committee:
  - i) Note the comments received as a result of the consultation
  - ii) Approve the revised Convictions Policy for Hackney Carriage and Private Hire Drivers and Private Hire Operators, as set out at Annex 2 of the report.

Background Papers: None

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