

REPORT TO: Executive Board

DATE: 15 October 2020

REPORTING OFFICER: Strategic Director Enterprise, Community and Resources

PORTFOLIO: Resources

SUBJECT: Policy changes relating to Taxi Licensing
Conditions

WARDS: Boroughwide

1. PURPOSE OF REPORT

To receive a report from the Regulatory Committee (2 September 2020) recommending that the Executive Board

(1) Adopt, as Council Policy in respect of the Councils taxi and private hire jurisdiction, the Assessment of Previous Convictions provisions in the Statutory Taxi and Private Hire Vehicle Standards (July 2020) and

(2) Revoke all existing Relevance of Convictions Policies.

2. RECOMMENDED:

2.1 The Assessment of Previous Convictions provisions in the Statutory Taxi and Private Hire Vehicle Standards (July 2020) be adopted as Council policy in respect of Taxi and Private Hire jurisdiction and

2.2 All existing Relevance of Convictions policies be revoked.

3. SUPPORTING INFORMATION

3.1 In February 2019 the Department for Transport issued a consultation draft version of a document entitled 'Taxi and Private Hire Licensing: Protecting Users'. The final version of the document was issued in July 2020 and was entitled 'Statutory Taxi & Private Hire Standards'.

3.2 The 2020 Standards have been issued under section 177 Policing and Crime Act 2017. This means that the Council is required to have regard to the document when exercising its taxi and private hire licensing functions.

3.3 Part of the document issued in July 2020 contained an Annex regarding Assessment of Previous Convictions. This document is shown as Appendix A to

this item (which was shown as Appendix 2 to the Regulatory Committee agenda dated 2 September 2020).

3.4 A draft version of the July 2020 document was issued in February 2019 and since that time the Regulatory Committee have been applying the Assessment of Previous Convictions on a case by case basis. It is now appropriate to formalise this position by creating a formal policy.

3.5 Previously the Council has used the Relevance of Convictions Policy which was set out in the Home office Circular 13 of 1992 and the Department for Transport Circular 2 of 1992. This policy has now been superseded.

3.6 The proposed new 'Assessment of Previous Convictions' appears to be clearer than the previous Relevance of Convictions Policy and places passenger safety as a priority whilst enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

4. ISSUES FOR THE COUNCIL TO DETERMINE

4.1 The Assessment of Previous Convictions document is exactly as set out as recommended by the Department for Transport. The document should be adopted as Council policy unless material considerations dictate otherwise. No such consideration have been identified.

5. POLICY IMPLICATIONS

5.1 The subject matter of this report is to adopt policy changes

6 OTHER IMPLICATIONS

6.1 There are no other implications

7 IMPLICATIONS FOR THE COUNCILS PRIORITIES

7.1 Children and Young People in Halton

N/A

7.2 Employment Learning and Skills in Halton

N/A

7.3 A healthy Halton

N/A

7.4 A Safer Halton

N/A

7.5 Halton's Urban Renewal

N/A

8 RISK ANALYSIS

N/A

9 EQUALITY AND DIVERSITY ISSUES

N/A

10. LIST OF BACKGROUND PAPERS UNDER SECTION 100D LOCAL GOVERNMENT ACT 1972

APPENDIX A

APPENDIX 2

Annex – Assessment of Previous Convictions

Legislation specifically identifies offences involving dishonesty, indecency or violence as a concern when assessing whether an individual is 'fit and proper' to hold a taxi or private hire vehicle licence. The following recommendations to licensing authorities on previous convictions reflect this.

Authorities must consider each case on its own merits, and applicants/licenseses are entitled to a fair and impartial consideration of their application. Where a period is given below, it should be taken to be a minimum in considering whether a licence should be granted or renewed in most cases. The Department's view is that this places passenger safety as the priority while enabling past offenders to sufficiently evidence that they have been successfully rehabilitated so that they might obtain or retain a licence.

Crimes resulting in death

Where an applicant or licensee has been convicted of a crime which resulted in the death of another person or was intended to cause the death or serious injury of another person **they will not be licensed.**

Exploitation

Where an applicant or licensee has been convicted of a crime involving, related to, or has any connection with abuse, exploitation, use or treatment of another individual irrespective of whether the victim or victims were adults or children, **they will not be licensed.** This includes slavery, child sexual abuse, exploitation, grooming, psychological, emotional or financial abuse, but this is not an exhaustive list.

Offences involving violence against the person

Where an applicant has a conviction for an offence of violence against the person, or connected with any offence of violence, a licence will not be granted **until at least 10 years** have elapsed since the completion of any sentence imposed.

Possession of a weapon

Where an applicant has a conviction for possession of a weapon or any other weapon related offence, a licence will not be granted until at **least seven years** have elapsed since the completion of any sentence imposed.

Sexual offences

Where an applicant has a conviction for any offence involving or connected with illegal sexual activity, **a licence will not be granted**.

In addition to the above, the licensing authority will not grant a licence to any applicant who is currently on the Sex Offenders Register or on any barred list.

Dishonesty

Where an applicant has a conviction for any offence where dishonesty is an element of the offence, a licence will not be granted until at **least seven years** have elapsed since the completion of any sentence imposed.

Drugs

Where an applicant has any conviction for, or related to, the supply of drugs, or possession with intent to supply or connected with possession with intent to supply, a licence will not be granted until at **least 10 years** have elapsed since the completion of any sentence imposed.

Where an applicant has a conviction for possession of drugs, or related to the possession of drugs, a licence will not be granted until **at least five years** have elapsed since the completion of any sentence imposed. In these circumstances, any applicant may also have to undergo drugs testing for a period at their own expense to demonstrate that they are not using controlled drugs.

Discrimination

Where an applicant has a conviction involving or connected with discrimination in any form, a licence will not be granted until **at least seven years** have elapsed since the completion of any sentence imposed.

Motoring convictions

Hackney carriage and private hire drivers are professional drivers charged with the responsibility of carrying the public. It is accepted that offences can be committed unintentionally, and a single occurrence of a minor traffic offence would not prohibit the granting of a licence. However, applicants with multiple motoring convictions may indicate that an applicant does not exhibit the behaviours of a safe road user and one that is suitable to drive professionally.

Any motoring conviction while a licensed driver demonstrates that the licensee may not take their professional responsibilities seriously. However, it is accepted that offences can

be committed unintentionally, and a single occurrence of a minor traffic offence may not necessitate the revocation of a taxi or private hire vehicle driver licence providing the authority considers that the licensee remains a fit and proper person to retain a licence.

Drink driving/driving under the influence of drugs

Where an applicant has a conviction for drink driving or driving under the influence of drugs, a licence will not be granted until **at least seven years** have elapsed since the completion of any sentence or driving ban imposed. In the case of driving under the influence of drugs, any applicant may also have to undergo drugs testing at their own expense to demonstrate that they are not using controlled drugs.

Using a hand-held device whilst driving

Where an applicant has a conviction for using a held-hand mobile telephone or a hand-held device whilst driving, a licence will not be granted until **at least five years** have elapsed since the conviction or completion of any sentence or driving ban imposed, whichever is the later.