

EAST HERTS COUNCIL

EXECUTIVE - 5 JANUARY 2016

REPORT BY EXECUTIVE MEMBER FOR ENVIRONMENT AND THE  
PUBLIC PLACE

---

REVISION OF THE TAXI LICENSING CONVICTION POLICY

WARD(S) AFFECTED: ALL

---

**Purpose/Summary of Report**

- The East Herts taxi Licensing conviction policy has been reviewed against the findings of the Report of Inspection of Rotherham Council 2015.
- The new policy ensures that we will meet the benchmark set following the Rotherham review.

**RECOMMENDATIONS FOR EXECUTIVE: That:**

<b>(A)</b>	<b>the Taxi Licensing Conviction Policy as now submitted, be approved in principle for the purposes of trade consultation; and</b>
<b>(B)</b>	<b>subject to consultation, the final version of the policy in (A) above be approved by the Director of Neighbourhood Services in consultation with the Executive Member for Environment and the Public Space for implementation without delay.</b>

1.0 Background

1.1 This policy has been reviewed against the background of learning from the investigation into child sexual abuse arising in Rotherham and Oxford. In these areas, Licensing Committees came under intense scrutiny and attracted much criticism.

1.2 It is a direct response to Louise Casey's 'Report of Inspection of Rotherham Metropolitan Borough Council' February 2015 and has

been based upon Rotherham's own new licensing convictions policy with advice from James Button, solicitor, the Chair of the Institute of Licensing and author of the practitioners handbook "Button on Taxis".

- 1.3 The Rotherham report states "Inspectors have found that Rotherham has not taken, and does not take, sufficient steps to ensure only fit and proper persons are permitted to hold a taxi licence. As a result, it cannot provide assurances that the public, including vulnerable people, are safe. The inspection uncovered serious weaknesses and concerns."

(p103, Report of Inspection into Rotherham Council)

## 2.0 Report

- 2.1 This policy update accompanies recent taxi licensing training for the Licensing Committee and is intended to ensure that the Council's standards are set at an appropriate level and will stand up to external scrutiny.

- 2.2 The policy (**Essential Reference Paper 'B'**) will need to be sent out for consultation before implementation.

- 2.3 In order that this policy is operational without delay, if the Executive approve the policy in principle the final version should be approved after the consultation process by the Director in consultation with the Executive Member for Environment and the Public Space.

- 2.4 In summary, the policy adopts a tiered approach. For an applicant with a criminal record, offending history, penalty points or similar relevant matters, the policy requires a passage of time between that matter and the date of application.

- 2.5 Matters which do not reach this minimum standard will normally be dealt with by delegation unless there are extraordinary circumstances. This will require the changes to delegated powers outlined within the Constitution.

- 2.6 The most serious offences will normally bar the person from ever becoming a licensed driver (murder, manslaughter, terrorism all sexual offences or matters of similar gravity).

- 2.7 The next level of seriousness requires a passage of 10 years before applications will normally be granted (Arson, Actual bodily

harm, Possession of firearm, Robbery or matters of similar gravity)

- 2.8 The next level of seriousness requires a passage of 5 years before applications will normally be granted (Obstruction, Criminal damage, Common assault or matters of similar gravity).
- 2.9 This policy will apply to existing licence holders from the time of licence renewal, or earlier should circumstances dictate.
- 3.0 Implications/Consultations
- 3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

#### Background Papers

None

Contact Member: Graham McAndrew – Executive Member for Environment and the Public Space  
[graham.mcandrew@eastherts.gov.uk](mailto:graham.mcandrew@eastherts.gov.uk)

Contact Officer: Brian Simmonds – Head of Community Safety and Health Services, tel 1498  
[brian.simmonds@eastherts.gov.uk](mailto:brian.simmonds@eastherts.gov.uk)