

EAST HERTS COUNCIL

LICENSING COMMITTEE – 14 MARCH 2013

REPORT BY DIRECTOR OF NEIGHBOURHOOD SERVICES

6. TAXI LICENSING POLICY: RECOMMENDATIONS FROM
COMMUNITY SCRUTINY COMMITTEE

WARD(S) AFFECTED: ALL

Purpose/Summary of Report:

- This report presents the findings of Scrutiny Committee and recommendations for amendment of taxi licensing policy.

RECOMMENDATIONS FOR LICENSING COMMITTEE: That:

(A)	The recommendations of Community Scrutiny Committee , as detailed in Essential Reference Paper ‘B’, be considered for incorporation into the Taxi Licensing Policy, subject to consultation with the licensed taxi trade and further consideration of consultation responses; and
(B)	Officers’ proposals, as detailed in Essential Reference Paper ‘C’, be considered as further amendments of the Taxi Licensing Policy, subject to consultation with the licensed taxi trade and further consideration of consultation responses.

1.0 Background

1.1 The Leader of the Council made a commitment to a review of taxi licensing services in a press briefing following a series of articles in the Mercury newspaper looking at criminal convictions among taxi licence holders

1.2 On 12 June 2012 Community Scrutiny Committee agreed to set up a Task and Finish Group to undertake a review of Taxi Licensing in East Herts.

1.3 A task and finish group was convened and asked to report to Community Scrutiny Committee on 20 November 2012.

- 1.4 The task and finish group comprised of Councillors R Beeching, K Crofton, Mrs D Hollebon, M Pope and M Wood, with Councillor Mrs R Cheswright attending as an invited observer.
- 1.5 The task and finish group considered on 6 September 2012 whether the process is effective, looking at convictions, standards and compliance, and complaints.
- 1.6 On 24 September 2012 the group considered whether the processes are efficient, and considered evidence from taxi driver representatives in person.
- 1.7 On 18 October the group considered whether the process is economic, considering the process costs and evidence from Members and Officers from Development Control.
- 1.8 Community Scrutiny Committee met on 20 November 2012 and endorsed the approach and findings of the task and finish group, and resolved to recommend to licensing Committee that a robust Convictions Policy be introduced, with some powers delegated to Officers.
- 2.0 Report
- 2.1 Community Scrutiny Committee reported on 20 November 2012 and resolved to recommend the matters and actions listed on **Essential Reference Paper 'B'** to the Licensing Committee.
- 2.2 In accordance with the work of Taxi task and Finish Group and Community Scrutiny Committee's recommendations, Officers have produced a 'convictions grid' as the proposed basis of a convictions policy.
- 2.3 Licensing Committee is invited to consider whether types of conviction should be moved up to a more serious category, or down to a less serious category, and whether the length of time specified before an application should be refused by Officers under delegated powers, or decided by Licensing Sub-Committee, should be increased or reduced. Licensing Committee are also invited to consider whether to change the 'starting point' for Licensing Sub-Committee consideration of applications.
- 2.4 Following the report, Officers encountered a further situation that was not picked up during the scrutiny process, relating to taxi

controllers that work for licensed operators. Controllers are not licensed by the council, and are not required to be subject to any level of criminal record check. Most operators are single self employed people and are also licensed taxi drivers, and these operators are subjected to the same checks as other taxi drivers.

- 2.5 Officers propose that operators that employ controllers that are not themselves licensed taxi drivers, should be required to have their own criminal convictions policy for approval as part of the Operator's Licence application, and that ensures controllers are subject to at least a basic disclosure check of their criminal record by the employer. Officers further propose that a model Operator's employee convictions policy is produced to assist applicants for Operator's Licences, and to indicate the policy standards that will be acceptable.
- 2.6 Officers have kept the Taxi Licensing Policy under ongoing review outside of the Community Scrutiny Process, and suggest that any consultation with the licensed taxi trade on changes to the Taxi licensing policy should also include the matters listed on **Essential Reference Paper 'C'**. The 2011 Taxi Licensing Policy is attached as **Essential Reference Paper 'D'**.
- 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'**.
- 3.2 The licensed taxi trade will be consulted on proposals arising from this report, and consultation responses will be reported to Licensing Committee in August 2013.

Background Papers

None.

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