

EAST HERTS COUNCIL

LICENSING COMMITTEE – 21 AUGUST 2019

REPORT BY HEAD OF HOUSING AND HEALTH

CONSIDERATION OF CONSULTATION RESPONSE TO THE DRAFT
SUITABILITY POLICY IN RELATION TO HACKNEY CARRIAGE AND
PRIVATE HIRE LICENSING

WARD(S) AFFECTED: ALL

Purpose/Summary of Report

- In August 2016 East Herts Council implemented a convictions policy to be applied to applicants and existing licence holders in the hackney carriage and private hire trade.
- This policy has now been reviewed and amended in light of lessons learned, case law, best practice and updated guidance.
- Members endorsed the wording of the revised Draft ‘Suitability policy’ for an 8 week public consultation which has now closed.

RECOMMENDATION FOR LICENSING COMMITTEE:

That

(A)	The final wording of the ‘Suitability Policy’, as amended, be endorsed; and
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(B)	Members recommend adoption of the revised policy by Full Council on 23rd October 2019, to take effect from 1st November 2019.
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1.0 Background

1.1 East Herts, as an authority that licenses hackney carriage and private hire drivers, vehicle proprietors and operators, can set

its own criteria to ensure that applicants are 'fit and proper' to hold a licence.

- 1.2 Since March 2002, Hackney Carriage and Private Hire drivers have been included within the Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975. The consequence of this is that all convictions, irrespective of age, sentence imposed or offence committed, remain live for an applicant for a Hackney Carriage or Private Hire drivers licence and will be recorded on an enhanced criminal record check.
- 1.3 East Herts introduced the current convictions policy in August 2016 and decisions regarding revocations have been made referencing the policy. A number of these decisions have been challenged in court by way of appeal at both Magistrates and Crown court, and the authority has successfully defended each of these appeals.
- 1.4 Since that time many authorities dealing with the issuing of hackney carriage and private hire licences have implemented similar policies.
- 1.5 As part of trying to promote County wide standards in taxi licensing a working party was set up to create a joint Suitability Policy based on East Herts current policy. Initially East Herts, Stevenage, Watford, Broxbourne and Three Rivers were represented in this group. All five local authorities have had the opportunity to feed ideas into the proposed draft document being put before Members today.

2.0 Report

- 2.1 The during the consultation period for the revised draft policy only 3 responses were received. **Essential Reference Paper B** contains the 3 responses and the authority's replies.
- 2.2 Only **Response 1** proposed any amendments to the policy. This response was received from the holders of an operator's

licence and on behalf of 4 individual holders of Dual Drivers licences.

2.3 As a result of **Response 1** the following amendments have been made to the original draft revised policy for Members consideration:

1. The original contents of paragraphs 3.13 and 3.14 which related to drug and alcohol dependency have been moved to section 10 of the policy (Non-conviction information). The phrase “any suggestion” and the word “suspicion” have been removed as they are unnecessary in the reworded points.
2. The wording in the first box of the table at 4.3 has been amended for clarity. The offence code prefixes (CU, MS, MW, etc.) for what is considered a “Minor traffic offence” has been added to 4.4. A footnote has been added to aid people reading the policy to find which offences come under each of the categories detailed if they wish.
3. The wording in the table at 5.2 relating to “Outstanding charge or summons” has been amended to clarify that the seriousness of any outstanding charge or summons will be decided with reference to the Suitability policy.
4. The wording of section 8 (Discrimination offences) and section 9 (Exploitation offences) has been tabulated to reflect the format of earlier sections of the policy and clarity.

2.4 As part of this response other amendments were suggested but these have not been made. The reasoning for these decisions can be found in the response to the consultee which is included in **Essential Reference Paper ‘B’**.

2.5 **Response 2** was received from the holder of a Dual Drivers licence and offered no comments or suggestions regarding the draft policy. A number of other issues were raised which received a full response from the authority. The respondent was reminded any comments they wished to make about the

draft policy would be welcomed whether they were positive or negative but no further correspondence was received.

- 2.6 No amendments to the draft policy were made as a result of **Response 2.**
- 2.7 Response 3 was received from a member of the public and simply stated that they felt that the policy is fair and provides appropriate safeguards for users of the service.
- 2.8 The consultee was thanked for their response. No amendments to the draft policy were made as a result of **Response 3.**
- 2.9 The suggested final wording of the Suitability Policy, as amended, can be found at **Essential Reference Paper 'C'**.
- 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

Licensing Committee report and minutes from the meeting on 19 March 2019

<http://democracy.eastherts.gov.uk/ieListDocuments.aspx?CId=120&MId=3584&Ver=4&j=3>

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