

Central Bedfordshire Council

LICENSING COMMITTEE

Wednesday, 9 March 2016

Review of Criminal Conviction Policy

Advising Officers: Director of Community Services, Marcel Coiffait
marcel.coiffait@centralbedfordshire.gov.uk and Margaret James, Principal Public Protection Officer (Licensing)
margaret.james@centralbedfordshire.gov.uk,

Purpose of this report

1. To consider the Council's Criminal Conviction Policy following consultation with the trade, the public and other interested parties.

RECOMMENDATIONS

1. To seek a decision in relation to the Criminal Conviction Policy Members wish to adopt and subsequently apply with regards to Hackney Carriage and Private Hire matters.
2. Recommend that Full Council adopts these conditions.

Overview and Scrutiny Comments/Recommendations

1. Licensing matters do not fall within the O & S remit

Current Policies and Conditions.

2. The current Criminal Conviction Policy was adopted on 01 April 2010. The Policy was based on that used by the former South Bedfordshire District Council.

Options for consideration

The Consultation Process

3. Before a local authority can make a decision on matters affecting the hackney carriage and private hire trade, they must consider the views of all interested parties.
4. In December 2014, comments on the new proposals were invited from the trade, and other interested parties. However, the outcomes of the

consultation were not provided at that time, nor were any changes made as two matters rendered the consultation out of date before its outcomes could be implemented. Firstly we awaited the Deregulation Bill to ensure that any conditions issued by CBC aligned to the Bill and secondly, we had started discussions with our neighbouring Bedfordshire authorities with a view to taking a PAN Bedfordshire approach to the possible adoption of a single Criminal Convictions Policy. We also wished to explore a PAN Bedfordshire approach to the possible provision of a Child Sexual Exploitation (CSE) training course for licence holders. Discussion on these matters are ongoing and would be the subject of further consultation in the future. In the meantime, various hackney carriage and private hire matters still needed addressing and the consultation has now been carried out again. There are some changes to the last consultation but any comments made previously are still valid and are included in this report.

5. In December 2015, all hackney carriage and private hire proprietors, operators and drivers, together with other interested parties were informed of the consultation process and their comments invited. The consultation documents were also available to members of the public by accessing the council's website. A copy of our letter to the trade dated 23 December 2015 can be found at Appendix A. This letter is specific to all reports.
6. Various comments were received during the consultation process. The comments can be found at Appendix B. No specific comments were made with regard to the Criminal Conviction Policy..

Criminal Conviction Policy

7. An Authority may only grant a driver licence where it is satisfied that the applicants are 'fit and proper' people to hold such licence. Further powers exist to suspend, revoke or refuse to renew the licence of those who are no longer considered 'fit and proper'..
8. An Authority is entitled to consider both current convictions and those that would otherwise be considered as 'spent' under the Rehabilitation of Offender Act 1974.
9. The current policy only referred to drivers. The draft policy has been amended to include private hire operators.
10. The draft policy has also been updated to include various criminal matters not previously referred to.
11. Members may wish to note that officers are currently in discussion with other Bedfordshire authorities with a view to taking a PAN Bedfordshire approach to the possible adoption of a single Criminal Conviction Policy as stated in 5. above.
12. The draft Criminal Conviction Policy can be found at Appendix C. Any new proposals, changes to the current policy are shown in bold.
13. No comments on the draft policy have been received..

Council Priorities

The proposed action supports at least one of the Council's priorities, listed below.

- Enhancing the local community – creating jobs, managing growth, and enabling business to grow.
- Protecting the vulnerable – ensuring a safe and accessible licensed hackney carriage and private hire trade.

Legal Implications

14. Under the Local Government (Miscellaneous Provisions) Act 1976, the Local Authority is responsible for providing a licensed service to the community that is safe and accessible.
15. The hackney carriage and private hire trade have a right to expect a fair and reasonable licensing regime.

Financial and Risk Implications

16. Fees are payable for hackney carriage and private hire licences. The fees charged represent the cost of the council producing the licences.

Equalities Implications

Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability; gender reassignment; marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- In order to ensure the personal safety of all vulnerable groups wishing to use licensed vehicle, conditions attached to licences ensure that this duty is met.

Conclusion and next Steps

17. Full Council must approve any decision made by the Licensing Committee in these matters.
18. It is anticipated that the new Criminal Conviction Policy will take effect from 01 May 2016.

Appendices

The following Appendices are attached

19. Appendix A - Letter to the trade dated 23 December 2015.
20. Appendix B – Views of the trade and other interested parties – specific to all reports..
21. Appendix C – Draft Criminal Conviction Policy

Background Papers

None