

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Guidelines Relating to the Relevance and Treatment of Convictions – Hackney Carriage and Private Hire Drivers

Meeting/Date: Licensing & Protection Panel – 24 March 2015

Executive Portfolio: Councillor T D Sanderson

Report by: Head of Community

Ward(s) affected: All

Executive Summary:

To request approval from the panel for proposed amendments to the policy guidelines relating to the relevance and treatment of convictions for both initial applicants and existing licence holders

Financial Implications

There are no financial implications arising from this report.

Recommendation(s):

It is recommended:

That the Panel approves of the proposed amendments to the Guidelines relating to the Relevance and Treatment of Convictions.

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1. WHAT IS THIS REPORT ABOUT?

- 1.1 This report requests approval from the Panel to amend and update the existing policy, addressing current legislation and providing greater clarity within the guidelines on the treatment of convictions received by existing drivers.

2. BACKGROUND

- 2.1 The Council has a duty to ensure that the grant of a new driver/ operator's licence and the renewal of an existing driver/operators licence is made to a person who is considered to be 'fit and proper'. It is customary for local authorities to set guidelines to help inform the treatment of such decisions and to ensure a consistency of practice in the Council's approach.
- 2.2 The current guidelines, were approved by the Licensing and Protection Panel on 9 June 2011 and have been successfully implemented since that date.
- 2.3 A recent increase in the number of existing drivers gaining convictions has highlighted the fact that there are areas of the policy which provide guidance for the grant of a new licence, but remain silent on the treatment of existing licence holders. The amendments proposed seek to address this imbalance.
- 2.4 There have also been legislative changes arising from the Legal Aid, Sentencing and Punishment of Offenders Act 2012, which amended the Rehabilitation of Offenders Act 1974 and the treatment of offences, with effect from March 2014. Three new drug driving offences came into effect on 2 March 2015.
- 2.5 To address the matters indicated above, the guidelines have now been re-drafted and are attached as Appendix A, annotated to show the amendments made.

3. ANALYSIS

- 3.1 Disclosure and Barring Service checks are sought upon initial application for a driver's licence and every three years thereafter for existing licence holders. A disclosure, in addition to listing any convictions or cautions, may also contain information relevant to the application supplied by the Chief Officer of Police. Existing drivers are obliged to report all new convictions, cautions or warnings. Should a conviction occur, then the relevance of conviction guidelines are used to assess whether the licence holder can continue to be seen as being 'fit and proper' to be licensed or whether the licence should be suspended or revoked.

4. KEY IMPACTS/RISKS HOW WILL THEY BE ADDRESSED?

- 4.1 The overriding aim of the Licensing Authority is to protect the safety of the public by ensuring that drivers are fit and proper persons, that they do not pose a threat to the public, that the public are safeguarded from dishonest persons, that there is safeguarding of children, young persons and vulnerable adults and that the public have confidence in their use of licensed vehicles. The guidelines provide a means of addressing these matters and a consistency of practice within the district.

5. LEGAL IMPLICATIONS

- 5.1 The existence of clear guidelines enabling the Council to provide a consistency of practice will serve to mitigate the likelihood of legal challenge. New applicants whose licences are refused and existing licence holders whose licenses are suspended or revoked have a right of appeal to the Magistrates' Court.

6. RESOURCE IMPLICATIONS

- 6.1 There are no resource implications arising from the amendments to the guidelines.

7. OTHER IMPLICATIONS

- 7.1 There are no other implications arising from the amendments to the guidelines.

8. REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 Updating the Council's Guidelines on the Relevance and Treatment of Convictions will allow greater clarity on the treatment of existing drivers and provides the opportunity to update other areas to reflect changes in legislation.

9. LIST OF APPENDICES INCLUDED

- 9.1 Appendix A - Draft amended Guidelines to the Relevance and Treatment of Convictions

BACKGROUND PAPERS

File F/Licensing/ PH& Taxi licensing held in the office of the Head of Community

Department of Transport Circular 2/92 and Home Office Circular 13/92. Disclosure of Criminal Records Applicants for Hackney Carriage and Private Hire Drivers licences.

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